

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CASE NO:

RICHARD L. CAMPBELL,)
)
 Plaintiff,)
) COMPLAINT
 v.)
)
)
 SHIRLEY TETER, and SINCLAIR)
 COMMUNICATIONS, LLC,)
)
 Defendants.)

NOW COMES the plaintiff, by and through his counsel, and complains of the Defendants as follows:

PARTIES, VENUE AND JURISDICTION

1. That Plaintiff is a citizen and resident of Colleton County, South Carolina.
2. That Defendant Shirley Teter (hereinafter referred to as “Defendant Teter”) is a citizen and resident of Buncombe County, North Carolina.
3. That Defendant Sinclair Communications, LLC (hereinafter referred to as “Defendant Sinclair”) is a corporation organized under the laws of the state of Maryland and owns and operates approximately 154 television stations around the country, including a television broadcast station with designation “WLOS” physically located at 110 Technology Drive, Asheville, NC and broadcasting within western North Carolina and upstate South Carolina. WLOS broadcasts a daily news show titled “News 13”, on its station on a daily basis.
4. That Plaintiff further alleges the amount in controversy in this action exceeds Seventy-Five Thousand Dollars (\$75,000), exclusive of interest and costs, and this Court has original

jurisdiction of this action pursuant to 28 U.S.C. 1332, and the claims embodied within this Complaint exist between citizens of different states.

FACTUAL BACKGROUND

5. Plaintiff hereby incorporates by reference Paragraphs 1 through 4 of this Complaint, as if fully set out pursuant to Rule 10(c) of the Federal Rules of Civil Procedure.

6. In September, 2016, Plaintiff and his wife, Maxine Campbell, visited Buncombe County, N.C. to celebrate their fiftieth wedding anniversary and attend a local music festival.

7. On September 12, 2016, as part of their trip, Plaintiff and his wife attended a political rally organized by the Republican National Committee and the Donald Trump for President campaign (hereinafter referred to as “the Trump rally”) and held at the U.S. Cellular Center (hereinafter referred to as “the Civic Center”) located in Asheville, NC.

8. At the time of the rally, Defendant Teter attended a simultaneous protest opposing the Trump rally outside of the Civic Center along with approximately one hundred other protestors.

9. Defendant Teter had previously performed work for the Democratic Party including volunteering on previous presidential campaigns. Defendant Teter was, and continues to be, deeply committed to promoting the Democratic Party and particularly in defeating the Republican candidate for President. Defendant Teter was so committed and personally invested in seeing Republican candidate defeated that she described the Republican candidate for president as “*sickening to my heart*” and explained a Republican presidential victory was “*the last thing in the world I want to see*”.

10. Plaintiff and his wife peacefully attended the Trump rally at the Civic Center between approximately 6:00 p.m. and 7:00 p.m. on September 12, 2016.

11. After the Trump rally was complete, at about 7:00 p.m., Plaintiff and his wife attempted to exit the Civic Center with other Trump rally attendees.

12. Many protestors, including Defendant Teter, surrounded the exits of the Civic Center so that attendees exiting the Trump rally were forced to walk single file through the crowd of protestors. The protestors, many of whom were yelling profanities at the exiting Trump rally attendees, created a hostile environment and one which would reasonably create apprehension and fear.

13. Defendant Teter contributed to this hostile environment as she physically grabbed at rally attendees, screamed at attendees, and otherwise attempted to intimidate attendees.

14. Plaintiff and his wife exited the Civic Center and began walking through the crowd of protestors. Plaintiff and his wife were peaceful and simply were attempting to leave the Civic Center and return to their car.

15. After Plaintiff and his wife exited the Civic Center, Defendant Teter began to follow Plaintiff and his wife and trailed behind them for several yards unknown and unseen by Plaintiff.

16. Defendant Teter then suddenly, and without warning or any just cause, reached up toward Plaintiff with her left arm and grabbed Plaintiff by the left shoulder and began pulling him to the ground.

17. Plaintiff, in response to this sudden, unwanted, offensive, and unexpected physical assault by Defendant Teter, turned and attempted to free himself from Defendant Teter's grip. In the process of attempting to escape Defendant Teter's assault, Defendant Teter lost her grip and fell to the ground.

18. At no time did Plaintiff “punch”, “belt” or “cold cock” Defendant Teter and any contact with Defendant Teter, if any occurred, was in response to her physical assault on Plaintiff and inadvertent.

19. At no time prior to this contact did Plaintiff have any interaction, verbal or otherwise, with Defendant Teter.

20. Defendant Teter, after falling to the ground, then accused Plaintiff of wrongfully striking her and yelled for her fellow protestors to “*Get that son of a bitch!*”.

21. Protestors in the crowd then began to pursue Plaintiff and his wife, screaming insults and threats of physical violence and chased them until Plaintiff and his wife reached an Asheville police officer.

22. Plaintiff and his wife stood at the request of the Asheville police officer next to a patrol car and waited while officers investigated the incident.

23. When interviewed by the Asheville Police Department officers, Defendant Teter knowingly provided false information to officers and claimed that she had been “punched” in the face by Plaintiff without provocation.

24. Defendant Teter suffered a superficial abrasion to her left elbow as a result of her fall, but otherwise was unharmed and suffered no visible injury.

25. After interviewing Defendant Teter, Plaintiff, and other witness, the Asheville police officers elected to allow Plaintiff to leave as they lacked probable cause to substantiate Defendant Teter’s allegations.

26. After the police investigation was complete, Defendant Teter continued to protest with fellow protestors and was later photographed smiling and hugging another protestor with no apparent injury except for the superficial abrasion to her left elbow.

27. Several hours after her altercation with Plaintiff and in an attempt to bolster her story of being “*punched*”, Defendant Teter went to a local hospital, Mission Hospital, wherein she claimed she had suffered trauma to her face and ribs from being “*punched*” by Plaintiff and was in need of emergency medical care. Defendant Teter was examined and released that same night.

28. At no time after the Trump rally and her alleged altercation with Plaintiff did Defendant Teter have any physical indication to her body that she had been “punched in the face”. Specifically, Defendant Teter had no bruise, cut, or other mark of any kind to her face which would have evidenced trauma of the type she claimed to have suffered. This obvious lack of trauma was visible to all reasonable persons who photographed, videotaped, or otherwise interacted with Defendant Teter.

29. Following Defendant Teter’s seeking of medical attention, social media outlets, including Facebook, and news agencies, including WLOS, began to question and/ or criticize the Asheville Police Department’s decision to not issue an arrest warrant for Plaintiff. Following these inquiries and criticisms, the Asheville Police Department reversed itself and issued a warrant for Plaintiff’s arrest for the misdemeanor crime of “Assault on a Female”. Defendant Teter was listed as the victim of this alleged crime.

30. Defendant Sinclair is liable for the wrongful actions of the reporters, writers, and editors referenced herein through the theories of agency, respondent superior and master-servant. The newsroom personnel are, and were at all times alleged herein, employees and agents of WLOS and Defendant Sinclair and acting within the course and scope of their employment.

31. On September 13, 2016, Defendant Sinclair’s employee and reporter, Aaron Adelson, tweeted at 2:05 pm on September 13, 2016 the following: “*We’ve interviewed the 69*

year old who was punched in the face outside last night's Trump rally, her story at 6 @WLOS_13" to advertise WLOS's upcoming report regarding Ms. Teter's allegations. This "tweet" contained false statement, namely that Defendant Teter had been "*punched in the face*".

32. On September 13, 2016, at 2:50 p.m., Defendant Sinclair's employee and reporter, Aaron Adelson, again tweeted regarding his upcoming story: "*Police have a warrant out for Richard Campbell of SC for punching 69-year-old woman outside rally. Her story at 6 @WLOS 13*". Again, this tweet contained false statements in that Defendant Teter was never "*punched*".

33. On September 13, 2016, WLOS News 13 aired a story on their 6:00 p.m. and 11:00 p.m. news broadcasts regarding Defendant Teter's allegations and simultaneously published an article titled: "*Deplorable? 69 year old woman punched in face by Trump supporter outside NC rally*" on their website wlos.com. A true and accurate copy of the Article is attached as Exhibit A. These television news broadcasts and on-line article will hereinafter be referred to as "the WLOS September 13, 2016 news reports".

34. In the very headline of the September 13, 2016 news reports, WLOS News 13 refers to Plaintiff as a "*Deplorable*" person which is defamatory to Plaintiff on its face.

35. The WLOS September 13, 2016 news reports then continued and alleged that Ms. Teter was peacefully attending the Trump rally and peacefully protesting. This statement is false. Contrary to Defendant Teter and Defendant Sinclair's assertions, Defendant Teter was screaming and grabbing at rally attendees prior to her altercation with Plaintiff.

36. The WLOS September 13, 2016 news reports then states that "*After the rally, Teter experienced something she had never seen in all of her protests. Peace teetered over into something else. I said 'You better learn to speak Russian, and I said, 'The first two words are going to be ha ha.' He stopped in his tracks, and he turned around and just cold-cocked me,*"

Teter said. She was punched in the face.” These statements were also false. Plaintiff was peacefully exiting the Civic Center when Defendant Teter came up behind him and suddenly physically assaulted his person. Plaintiff responded to being physically assaulted by Defendant Teter and was not responding to any verbal insults from Defendant Teter. Further, Plaintiff never “*punched*” Teter in the face. Plaintiff attempted to free himself from Defendant Teter’s physical assault and in response, Defendant Teter fell to the ground. Any physical contact Plaintiff made with Defendant Teter, if any, was in response to her assault on his person and otherwise was inadvertent.

37. The WLOS September 13, 2016 news reports then continued and reported that Defendant Teter suffered serious physical injury in that she “*fell on her oxygen tank and has sore ribs, a sore jaw, and cut her elbow... she is thankful she did not break any bones*”. These statements are also false, as Defendant Teter never suffered any injury except a superficial abrasion to her left elbow which was treated at the scene. Defendant Teter continued to protest and was even photographed, after the alleged altercation with Plaintiff, smiling and hugging another protestor without any sign of injury.

38. The WLOS September 13, 2016 news reports also state that Defendant Teter contacted News 13 after her interview and requested that News 13 add “*add one more thing, a question. She asks if people find a Trump supporter punching her in the face deplorable*”. This statement was also false. Plaintiff never “*punched*” Defendant Teter in the face.

39. The WLOS September 13, 2016 news reports identified Plaintiff as the person who had “*punched*” Defendant Teter by his full name, age, and further provided his state and town of residence, allowing for the general public to easily identify Plaintiff.

40. In writing their WLOS September 13, 2016 news reports, the employees of Defendant Sinclair did not bother to interview other witnesses to the altercation other than Defendant Teter. Alternatively, if said employees did interview any other witnesses, they chose to omit any information from their news story which contradicted Defendant Teter's account of the altercation.

41. In writing their WLOS September 13, 2016 news reports, Defendant Sinclair and its employees never attempted to contact Plaintiff prior to publicizing their allegations despite the fact that they had ample time and opportunity to do so.

42. Further, in writing their WLOS September 13, 2016 news reports, Defendant Sinclair and its employees chose to ignore the obvious physical inconsistencies with Defendant Teter's allegations: namely that she had no bruise, scratch, cut, or mark of any kind whatsoever to her face despite her allegation that she was "*cold cocked*" and their allegation that Defendant Teter was "*punched in the face*". The lack of any physical evidence, in the exercise of reasonable care, should have alerted Defendant Sinclair and its employees that Defendant Teter was not credible. In their zeal to report a story that was sensational and would grab national headlines and increased advertising revenue, Defendant Sinclair and its employees chose to ignore this flagrant contradiction in their reported narrative.

43. In writing their WLOS September 13, 2016 news reports, Defendant Sinclair and its employees failed to request any documents which would verify Defendant Teter's claims. They failed to request any medical documents from Defendant Teter regarding her alleged injuries or any photograph or video of the scene from any witness, to the extent they interviewed any witness other than Defendant Teter.

44. WLOS also reported that Defendant Teter contacted the station after her interview to “*add one more thing, a question: She asks if people find a Trump supporter punching her in the face deplorable*”. Upon information and belief, this remark by Defendant Teter was an apparent reference to Democratic presidential candidate Hillary Clinton’s characterization of Trump supporters as “deplorables”. The obvious political motivation of Defendant Teter’s final statement, namely Defendant Teter’s attempt to connect candidate Donald Trump to her allegations of being “*punched*” was disregarded by Defendant Sinclair and its employees, although it should have raised additional concerns and suspicions regarding Defendant Teter’s credibility and motivations for making her allegations. Rather than investigate Defendant Teter’s allegations more thoroughly, Defendant Sinclair and its employees simply complied with Defendant Teter’s request to ask its viewers and readers regarding Plaintiff being “deplorable”.

45. Defendant Sinclair and its employees, including Aaron Adelson and WLOS News 13 editors, failed to exercise reasonable care prior to publishing the WLOS September 13, 2016 news reports to ascertain the truth of the statements which they publicized.

46. Defendant Sinclair then disseminated the WLOS September 13, 2016 news reports to many of its other television news stations and media outlets throughout the country. These stations and media outlets reported the WLOS September 13, 2016 news reports verbatim in their own television news broadcasts, on their own internet media sites, and/ or on their own Facebook pages. These stations include, but are not limited to: WPMI-TV of Mobile, Alabama; WEAR-TV of Mobile, AL and Pensacola, FL; KLEW-TV of Lewiston, ID; WJLA-TV of Washington, DC; WPEC of West Palm Beach, FL; WGXA of Macon, GA; KBOI of Boise, ID; WDKY-TV of Lexington, KY; WBFF of Baltimore, MD; WGME of Portland, ME; WEYI of Bay City, MI; KHGI-TV of Hastings, NE; WHAM-TV of Rochester, NY; WMYA-TV of

Asheville, NC; WKRC-TV of Cincinnati, OH; WSYX of Columbus, OH; KOKH of Tulsa, OK; KPIC of Eugene, OR; KMTR of Eugene, OR; KATU of Portland, OR; WJAC-TV of Johnston, PN; WHP-TV of Harrisburg, PA; WJAR of Providence, RI; WCIV of Charleston, SC; WPDE of Myrtle Beach, SC; WTVC of Chattanooga, TN; KEYE-TV of Austin, TX;KFDM of Port Arthur, TX; KUTV of Salt Lake City, UT; KOMO-TV of Seattle, WA; and KEPR TV of Yakima, WA. The cumulative effect of Defendant Sinclair's actions in disseminating the WLOS September 13, 2016 news reports was that their allegations and those of Defendant Teter were viewed and/or read by millions of persons.

47. In addition to the news and media outlets directly controlled by Defendant Sinclair, other news outlets relied upon Defendant Sinclair's WLOS September 13, 2016 news reports to further report and disseminate Defendant Teter's and Defendant Sinclair's allegations. These additional news and media outlets cited the WLOS September 13, 2016 news reports as a source and further publicized the allegations made by Defendant Teter and Defendant Sinclair. These additional news outlets include, but are not limited to: *The New York Times*, *The Truth Examiner*, *The Daily Beast*, *The Orlando Sentinel*, *US Weekly*, *The L.A. Times*, *The Washington Post*, *Newsmax*, *The Pittsburg Post-Gazette*, *The Huffington Post*, and many others on both the internet, television, and in print. The WLOS September 13, 2016 news reports were even used as a source to disseminate Defendant Sinclair's and Defendant Teter's allegations internationally, with news reports being printed and published in the United Kingdom's *The Telegraph*, and Canada's *The Toronto Star*.

48. Following her interview with WLOS, Defendant Teter continued to make false statements regarding the events which occurred outside the Civic Center to other media outlets.

49. On September 15, 2016, Defendant Teter appeared in an online video produced by Moveon.org and publicized on youtube.com and also on Rawstory.com. Moveon.org is a political action committee performing campaign activity for Democratic candidates, including for presidential candidate Hillary Clinton. In the Moveon.org video, Defendant Teter stated that Plaintiff “*belted me in the jaw*” and now expanded on her alleged injuries to claim that Plaintiff “*knocked me out*”. Defendant Teter then referenced the ongoing presidential campaign and claimed that presidential candidate Donald Trump “*incites*” people at his rally to become “*angry*”. Defendant Teter urged viewers to use her story as a reason to vote against Donald Trump. Defendant Teter’s statements were defamatory to Plaintiff and false. The video produced by Moveon.org was seen by thousands of persons across the internet. Defendant Teter’s statements were false and directly contradicted the actual events as they occurred outside the Civic Center, that Defendant Teter physically assaulted Plaintiff and that Defendant Teter fell when Plaintiff escaped from her physical assault. Defendant was never “*belted in the jaw*” and certainly never lost consciousness. Further, this video was easily discoverable to Defendant Sinclair and its employees through a simple “google” search and should have further raised suspicions regarding Defendant Teter’s motivations as well as Defendant Teter’s credibility as she now exaggerated her injuries to include a loss of consciousness. If Defendant Sinclair and its employees discovered this video, they chose to ignore its contents.

50. On September 15, 2016, a video (hereinafter referred to as “the Feisser video”) surfaced on Facebook posted by a protestor named William Feisser showing a portion of the altercation between Defendant Teter and Plaintiff. In the video, Plaintiff is seen peacefully walking past screaming protestors while holding his wife’s hand. Defendant Teter is then seen following Plaintiff for several yards. Defendant Teter is then seen reaching and physically

assaulting Plaintiff by grabbing Plaintiff by his left shoulder. In the video, Plaintiff's knees can be seen bending as Defendant Teter assaults and pulls at him. The video fails to capture Plaintiff freeing himself from Defendant Teter's assault, but shows him turning slightly to the right in an effort to break free from Defendant Teter.

51. On September 15, 2016, Defendant Sinclair and its employees at WLOS did a second story by their reporter Evan Donovan regarding Defendant Teter's allegations given the Feisser video contradicted Defendant Teter's original allegations. This second report was also broadcast on their WLOS television news channel as well as printed on their WLOS website. In the story, Defendant Teter continued to maintain she was "*punched*" in the face by Plaintiff. "*He certainly did. And that paper says contusion to the jaw as a final diagnosis... So I'm not making any of this up*". These statements were false. A true and accurate copy of the Article is attached as Exhibit B. These television news broadcasts and on-line article will hereinafter be referred to as "the WLOS September 15, 2016 news reports".

52. In spite of even more evidence directly contradicting Defendant Teter's allegations, Defendant Sinclair and its employees continued to report in its WLOS September 15, 2016 news reports Defendant Teter's allegations and further alleged that "*a handful of witnesses told News 13 earlier in the week that Campbell punched Teter*". Defendant Sinclair's employees failed to name any of these "*handful of witnesses*" nor provide any other verification of their allegation that Plaintiff "*punched*" Defendant Teter. The statements made by Defendant Sinclair and its employees and by Defendant Teter in the WLOS September 15, 2016 news reports were false, as Plaintiff never "*punched*" Defendant Teter and simply attempted to escape from Defendant Teter's assault on his person. Further, upon information and belief, neither Defendant Sinclair nor its employees had in fact spoken to a "*handful of witnesses*" who confirmed that Plaintiff

“punched” Defendant Teter. In its WLOS September 15, 2016 news reports, Defendant Sinclair and its employees again publicized Plaintiff’s name, age, state of residence and town of residence.

53. On October 19, 2016, Defendant Sinclair and its employees ran a third news story on WLOS on both its WLOS News 13 television broadcast and on its WLOS internet site (hereinafter referred to as “WLOS October 19, 2016 news reports”) by its reporter Evan Donovan. This third news story was made in response to an undercover video produced by Project Veritas entitled “Rigging the Election” which purported to show Defendant Teter was an operative of the Democratic National Committee and was paid to instigate an altercation at the Trump rally in Asheville, NC. A true and accurate copy of that news story is attached as Exhibit C. Defendant Sinclair and its employees once again interviewed Defendant Teter who again alleged that Plaintiff “*turned and hit her*”. No employee of Defendant Sinclair attempted to interview the Plaintiff or his representative for this third story other than to learn Plaintiff’s next court date. The WLOS October 19, 2016 news reports also alleged that “*what is not in dispute is that he (Plaintiff) turned and struck her*”. The WLOS October 19, 2016 news reports further alleged that “*witnesses have said he deliberately punched her*”. The statements made by Defendant Teter and Defendant Sinclair and its employees were false, as Plaintiff never “punched” Defendant Teter nor had WLOS’s reporters, upon information and belief, spoken to witnesses who stated that Plaintiff “*deliberately punched*” Defendant Teter. Defendant Sinclair and its employees again identified Plaintiff by name and town and state of residence.

54. In its WLOS October 19, 2016 news reports, Defendant Teter, who had previously maintained that Plaintiff “*belted*” her with his closed fist, now alleged that “*it’s possible that he could have struck her with his backhand*”. This change of story by Defendant Teter should have

further alerted Defendant Sinclair and its employees that Defendant Teter was not credible. However, rather than recognize this contradiction as yet another indication of the problems with Defendant Teter's credibility, Defendant Sinclair and its employees continued to publicize Defendant Teter's allegations that Plaintiff "*punched*" Defendant Teter.

55. On March 16, 2017, Defendant Sinclair and its employees at WLOS published a fourth news story (hereinafter referred to as "March 16, 2017 WLOS news report") on its WLOS internet site and in its television broadcast. A true and accurate copy of the March 16, 2017 WLOS news report is attached as Exhibit D. In this report, Defendant Sinclair and its employees report that Plaintiff's court case regarding the alleged assault on Defendant Teter has been continued. The March 16, 2017 WLOS news reports makes no mention of the contradictions in Defendant Teter's story, and refers readers to its original September 13, 2016 news reports for more information about the matter, further publicizing the multiple false claims in its original story.

56. On April 21, 2017, the Buncombe County District Attorney, after reviewing the evidence in the case, dismissed the charges against Plaintiff relating to the alleged altercation with Defendant Teter.

57. On April 22, 2017, WLOS again televised a news story during its News 13 broadcasts regarding Plaintiff and publicized the story on its WLOS website titled "Charges dropped in assault on 69-year-old woman at Trump rally" (hereinafter referred to as WLOS April 22, 2017 news reports). A true and accurate copy of this article is attached as Exhibit E. The title of the news story states that Defendant Teter was "*assaulted*", which is a false statement.

58. The WLOS April 22, 2017 news reports yet again repeated Defendant Teter's allegation that Plaintiff "*turned around and just cold-cocked me*". The WLOS online news story

again provided a link to its original WLOS September 13, 2016 news reports which made multiple false allegations against Plaintiff and stood uncorrected. The statements contained in the WLOS April 22, 2017 news reports were false in that they reported that Plaintiff “*punched*” Defendant Teter without provocation.

59. Defendant Sinclair and its employees, including Evan Donovan and Aaron Adelson, and their respective editors and producers at WLOS a) failed to perform due diligence to discover the truth of their own statements, b) failed to perform due diligence to discover the truth of the statements of Defendant Teter, c) failed to follow up with credible information contradicting their assertions and those of Defendant Teter, d) failed to follow standard reporting and ethics norms and procedures, e) unnecessarily rushed to publicize news stories before taking care to ascertain that the stories were true, f) upon information and belief, invented sources, including “a handful of witnesses” to bolster Defendant Teter’s and their own allegations, g) knowingly published false, misleading and contradicting statements, i) exhibited a reckless disregard for the truth or falsity of the statements made by Defendant Teter prior to publishing her allegations, j) made comments and statements inferring Plaintiff’s probable guilt regarding the criminal acts for which Plaintiff was charged, k) made statements regarding the criminal charges faced by Plaintiff which were not substantially accurate, and l) exhibited a reckless disregard for the truth or falsity of the statements they made in other ways to be established through discovery and at trial.

Plaintiff complies with N.C.G.S. Chapter 99

60. According to N.C.G.S § 99-1, a plaintiff must notify the potential defendants of its intent to bring an action against defendants at least five days prior to commencing the action.

61. Pursuant to N.C.G.S § 99-1, Plaintiff's counsel sent a demand letter to Defendant Sinclair on April 27, 2017, hereinafter referred to as "Demand Letter Sinclair" requesting a full retraction of all false and defamatory statements made regarding Plaintiff.

62. On May 4, 2017, in response to Plaintiff's Demand letter, Defendant Sinclair published on their WLOS internet, at beginning of each article regarding the Plaintiff, the following:

"UPDATE (May 4, 2017) Buncombe County court documents show the charge was dismissed April 21st through prosecutorial discretion, after consultation with the victim and review of the case. A lawyer for Richard Campbell tells News13 he did not do anything illegal or offensive and the victim's allegations were a hoax." On May 9, 2017, Defendant Sinclair added further language: *"Retraction: To the extent we ever reported, as fact, that Mr. Campbell punched or otherwise made illegal contact with the alleged victim, we retract such statements. We merely sought to report on his arrest and allegations made in connection therewith. We apologize for any confusion"*.

63. Aside from the statements above written on articles on its WLOS website, Defendant Sinclair refused to retract the false and defamatory statements in its news stories or on any other media site owned and/ or controlled by Defendant Sinclair. The WLOS news stories remain available to the public to read in their entirety on the WLOS website, WLOS Facebook page, and the websites and Facebook pages of other media and television stations owned by Defendant Sinclair. Further, Defendant Sinclair has not used its television broadcasts to communicate any retraction, correction, or other alteration of their original news stories.

64. On May 8, 2017, Plaintiff's counsel sent a demand letter to Defendant Teter, hereinafter referred to as "Demand Letter Teter" requesting a full retraction of all false and

defamatory statements made regarding Plaintiff pursuant to N.C.G.S. § 99-1. Defendant Teter failed to respond to this demand.

Damages

65. Plaintiff has suffered severe emotional distress, fear for his personal safety and the safety of his wife, mental anguish, humiliation, embarrassment, injury to moral character, and injury to reputation as a direct and proximate result of Defendant Teter's and Defendant Sinclair's wrongful actions. Plaintiff was forced to undergo arrest and processing at the Buncombe County jail. Plaintiff and his wife were forced to relinquish their Facebook accounts for fear of hostile strangers learning personal information about them. Plaintiff had to endure hundreds of horrible insults including "Nazi", "Coward" and more vulgar insults from strangers in online posts as well as online threats from strangers to harm him physically. Plaintiff received hate mail at his home address. Plaintiff feared going in public and stopped going to church, the store, or other places where he might be seen as he feared being recognized and confronted by angry strangers. Plaintiff has incurred legal fees and other out of pocket expenses and other damages as a result of the wrongful actions of Defendants. Plaintiff has not been able to return to the level comfort and security he had prior to the Defendants' wrongful actions and continues to live in fear for his safety and the safety of his wife.

66. As Defendant Teter's actions were committed intentionally, with a reckless disregard for Plaintiff's rights, and with actual malice, Plaintiff is entitled to an award of punitive damages as allowed by law as to Defendant Teter.

67. As Defendant Sinclair's actions were committed intentionally, with a reckless disregard for Plaintiff's rights, and with actual malice, Plaintiff is entitled to an award of punitive damages as allowed by law as to Defendant Sinclair.

FOR A FIRST CAUSE OF ACTION
(ASSAULT AND BATTERY BY DEFENDANT TETER)

68. Plaintiff hereby incorporates by reference Paragraphs 1 through 67 of this Complaint, as if fully set out pursuant to Rule 10(c) of the Federal Rules of Civil Procedure.

69. Defendant Teter intentionally caused bodily contact with Plaintiff by grabbing him on the left shoulder from behind as he exited the Civic Center.

70. The contact by Defendant Teter was offensive to Plaintiff in that it caused him to stumble and begin to fall and further offended Plaintiff's sense of personal dignity.

71. The contact by Defendant Teter was made without the consent of Plaintiff.

72. As a direct and proximate result of Defendant Teter's intentional and unwanted contact with Plaintiff, Plaintiff suffered a reasonable fear of violence and imminent bodily injury. Additionally, Plaintiff suffered physical injury in that he suffered personal indignity and other damages alleged as above. Plaintiff's compensatory damages are in an amount exceeding \$75,000.

73. Plaintiff is entitled to punitive damages as allowed by law.

FOR A SECOND CAUSE OF ACTION
(MALICIOUS PROSECUTION BY DEFENDANT TETER)

74. Plaintiff hereby incorporates by reference Paragraphs 1 through 73 of this Complaint, as if fully set out pursuant to Rule 10(c) of the Federal Rules of Civil Procedure.

75. Defendant Teter instituted and continued a criminal proceeding, *State v. Richard Campbell*, 16 CR 89417, Buncombe County, NC against Plaintiff without probable cause.

76. Defendant Teter initiated said criminal proceeding knowing that her statements to law enforcement were false. Further, Defendant Teter initiated and continued said criminal

proceeding against Plaintiff with malice and with the intention of obtaining personal gain and sympathy through media exposure as well as intending to assist her chosen political candidate in the 2016 U.S. presidential race.

77. The proceeding against Plaintiff ended in Plaintiff's favor after the Buncombe County District Attorney dismissed charges against Plaintiff.

78. As a direct and proximate result of Defendant Teter's malicious prosecution of Plaintiff, Plaintiff suffered economic loss, attorney fees, emotional distress and suffering, damage to his reputation, great embarrassment and other damages as alleged above. Plaintiff's compensatory damages are in an amount exceeding \$75,000.

79. Plaintiff is entitled to punitive damages as allowed by law.

FOR A THIRD CAUSE OF ACTION
(LIBEL AND SLANDER PER SE BY DEFENDANT TETER)

80. Plaintiff hereby incorporates by reference Paragraphs 1 through 79 of this Complaint, as if fully set out pursuant to Rule 10(c) of the Federal Rules of Civil Procedure.

81. Defendant Teter made statements to law enforcement, medical personnel, and representatives of the media multiple false statements, described herein, including to WLOS, Moveon.org, and other media outlets.

82. These statements were defamatory to Plaintiff.

83. The false and defamatory statements made by Plaintiff accused Plaintiff of a serious, notorious and immoral crime.

84. At the time Defendant Teter made these statements, she knew the statements were false and publicized the statements with actual malice.

85. The false and defamatory statements were of and considering the Plaintiff.

86. The statements published by Defendant Teter defamed, slandered, and libeled Plaintiff.

87. Plaintiff has suffered damages, proximately caused by Defendant Teter, as a result of her defamation of Plaintiff in an amount in excess of \$75,000.

88. Plaintiff is entitled to punitive damages as allowed by law.

89. Plaintiff has fulfilled his obligation to provide notice to Defendant Teter pursuant to N.C.G.S § 99-1.

FOR A FOURTH CAUSE OF ACTION
(LIBEL AND SLANDER PER QUOD BY DEFENDANT TETER)

90. Plaintiff hereby incorporates by reference Paragraphs 1 through 89 of this Complaint, as if fully set out pursuant to Rule 10(c) of the Federal Rules of Civil Procedure.

91. Defendant Teter made false and defamatory statements regarding Plaintiff to law enforcement, medical providers, and multiple representatives of the media.

92. The statements made by Defendant Teter accused Plaintiff of a serious, notorious and immoral crime.

93. At the time Defendant Teter made these statements, she knew the statements were false.

94. The statements made by Defendant Teter defamed, slandered and libeled Plaintiff.

95. The false statements are defamatory when considered in connection with innuendo, colloquium and the circumstances in which they were made.

96. Plaintiff has suffered damages, proximately caused by Defendant Teter, as a result of her defamation of Plaintiff in an amount in excess of \$75,000.

97. Plaintiff is entitled to punitive damages as allowed by law.

98. Plaintiff has fulfilled his obligation to provide notice to Defendant Teter pursuant to N.C.G.S § 99-1.

FOR A FIFTH CAUSE OF ACTION
(LIBEL AND SLANDER PER SE BY DEFENDANT SINCLAIR)

99. Plaintiff hereby incorporates by reference Paragraphs 1 through 98 of this Complaint, as if fully set out pursuant to Rule 10(c) of the Federal Rules of Civil Procedure.

100. Defendant Sinclair and its employees wrote, printed, and made verbal statements on television and on the internet in the form of its WLOS news reports described herein.

101. The statements in the WLOS news reports were false.

102. The statements in the WLOS news reports were defamatory.

103. The statements in the WLOS news reports accused Plaintiff of a serious, notorious and immoral crime.

104. The statements in the WLOS news reports were not substantially accurate and further commented upon and implied Plaintiff's probable guilt of the crime for which he was charged.

105. At the time of the publication of the various WLOS news reports, Defendant Sinclair and its employees knew the statements in the reports were false and/or Defendant Sinclair and its employees failed to exercise ordinary care in order to determine whether the statements were false.

106. Additionally, at the time of publication of the WLOS news reports, Defendant Sinclair and its employees either knew that the statements in the WLOS news reports were false or acted with reckless disregard of whether the statements were false. As such, Defendant Sinclair and its employees acted with actual malice.

107. The false, defamatory statements contained in the WLOS news reports defamed, slandered and libeled Plaintiff.

108. Plaintiff has suffered damages, proximately caused by Defendant Sinclair, as a result of its defamation of Plaintiff, in an amount in excess of \$75,000.

109. Plaintiff is entitled to punitive damages as allowed by law.

110. Plaintiff has fulfilled his obligation to provide notice to Defendant Sinclair pursuant to N.C.G.S § 99-1.

FOR A SIXTH CAUSE OF ACTION
(LIBEL AND SLANDER PER QUOD BY DEFENDANT SINCLAIR)

111. Plaintiff hereby incorporates by reference Paragraphs 1 through 110 of this Complaint, as if fully set out pursuant to Rule 10(c) of the Federal Rules of Civil Procedure.

112. Defendant Sinclair and its employees wrote, printed, and made verbal statements on television and internet in the form of its WLOS news reports described herein.

113. The statements in the WLOS news reports were false.

114. The statements in the WLOS news reports were defamatory.

115. The statements in the WLOS news reports accused Plaintiff of a serious, notorious and immoral crime.

116. The statements in the WLOS news reports were not substantially accurate and further commented upon and implied Plaintiff's probable guilt of the crime for which he was charged.

117. At the time of the publication of the various WLOS news reports, Defendant Sinclair and its employees knew the statements in the reports were false and/or failed to exercise ordinary care in order to determine whether the statements were false.

118. Additionally, at the time of publication of the WLOS news reports, Defendant Sinclair and its employees either knew that the statements in the WLOS news reports were false or acted with reckless disregard of whether the statements were false. As such, Defendant Sinclair and its employees acted with actual malice.

119. The false, defamatory statements contained in the WLOS news reports defamed, slandered and libeled Plaintiff.

120. The false statements are defamatory when considered in connection with innuendo, colloquium and the circumstances in which they were made, thus constituting libel per quod.

121. Plaintiff has suffered damages, proximately caused by Defendant Sinclair, as a result of its defamation of Plaintiff, in an amount in excess of \$75,000.

122. Plaintiff is entitled to punitive damages as allowed by law.

123. Plaintiff has fulfilled his obligation to provide notice to Defendant Sinclair pursuant to N.C.G.S § 99-1.

FOR A SEVENTH CAUSE OF ACTION
(NEGLIGENCE BY DEFENDANT SINCLAIAR).

124. Plaintiff hereby incorporates by reference Paragraphs 1 through 123 of this Complaint, as if fully set out pursuant to Rule 10(c) of the Federal Rules of Civil Procedure.

125. Defendant Sinclair and its employees, including Aaron Adelson and Evan Donovan, and their respective editors and producers at WLOS, were negligent in one or more of the following particulars in publishing their articles regarding Plaintiff:

- a) failed to perform due diligence to discover the truth of their own statements;
- b) failed to perform due diligence to discover the truth of the statements of Defendant Teter;
- c) failed to follow up with credible information contradicting their own assertions and those of Defendant Teter;
- d) failed to follow standard reporting and ethics norms and procedures;
- e) unnecessarily rushed to publicize news stories before taking care to ascertain that the stories were true;
- f) upon information and belief, invented sources, including “a handful of witnesses” to bolster Defendant Teter’s and their own allegations;
- g) in publishing false, misleading and contradicting statements;
- h) in exhibiting a reckless disregard for the truth or falsity of the statements made by Defendant Teter and their own reporters prior to publishing her allegations;
- i) in publishing identifying information regarding the Plaintiff to millions of persons which they knew, or in the exercise of reasonable care, should have known, would subject Plaintiff to harm;
- j) in continuing to promote and publish their original WLOS September 13, 2016 news reports after they became aware that Defendant Teter was not credible and her allegations were likely false;
- k) In publishing statements regarding Plaintiff’s criminal charges which were not substantially accurate and further commented upon and implied Plaintiff’s probable guilt of these charges;

l) in exhibiting a reckless disregard for the truth or falsity of the statements they made in other ways to be established through discovery and at trial;

m) in other ways not enumerated.

126. As a direct and proximate result of Defendant Sinclair's negligence, Plaintiff has suffered damages in an amount in excess of \$75,000.

127. Plaintiff is entitled to punitive damages as allowed by law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against the Defendants as follows:

1. That Plaintiff have and recover against Defendants all such monetary relief, injunctive relief and equitable relief to which Plaintiff may be entitled under the law, including, but not limited to compensation for mental anguish, emotional distress, injury to reputation, injury to moral character, humiliation, embarrassment, legal fees, and other out of pocket expenses in an amount in excess of \$75,000;

2. That Plaintiff have and recover punitive damages against Defendants;

3. To the extent allowable by law, that Defendants be held jointly and severally liable;

4. That judgment against Defendants bears interest from the institution of this action or earlier as provided by law;

5. That the costs of this action, including reasonable attorney's fees as allowed by law, be taxed against Defendants;

6. That Defendant Sinclair be ordered to issue a public retraction, apology, and removal of the false statements as contained herein;

7. That the Court grant a trial by jury on all issues so triable;

8. For such other and further relief as may be deemed appropriate by the Court.

This the 16th day of May, 2017.

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