

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
Austin Division

LARA LOGAN)	
)	
Plaintiff,)	
)	
v.)	<u>Civil Action No.</u>
)	
)	TRIAL BY JURY
JOE HAGAN)	IS DEMANDED
NEW YORK MEDIA, LLC)	
)	
Defendants.)	
_____)	

COMPLAINT

Plaintiff, Lara Logan, by counsel, files the following Complaint against defendants, Joe Hagan (“Hagan”) and New York Media, LLC (“NY Media”), jointly and severally.

Plaintiff seeks (a) compensatory damages and punitive damages in the sum of **\$25,000,000.00**, (b) prejudgment interest on the principal sum awarded by the Jury at the rate of nine percent (9%) per year from May 2, 2014 until the date of Judgment, (c) reasonable attorneys’ fees, and (d) costs incurred – arising out of the Defendants’ defamation and business disparagement.

In support of her claims, Plaintiff states the following facts:

I. INTRODUCTION

1. Lara Logan (“Logan”) is one of the most experienced and accomplished correspondents in history. Her honesty, bravery and heroics are legendary. Her investigative skills and reporting are exemplary. She is the born reporter.

2. For nearly fifteen (15) years, Logan covered the most important and dangerous assignments for *60 Minutes* correspondents and crews: the seemingly endless cycle of violence in the Middle East, Central Asia and beyond. She was in Mosul in 2016, during the successful campaign to retake the Iraqi city from ISIS. [<https://www.cbsnews.com/news/50-years-of-60-minutes-1/>].

3. Hagan and NY Media knowingly and recklessly injured Logan’s reputation with a scandalous article foreseeably republished by third parties in 2018 and 2019 – an article (a) that made light of the egregious rape and horrific sexual assaults Logan endured in Egypt in February 2011,¹ (b) that viciously disparaged Logan and severely impugned her skills as an investigative journalist, and (c) that caused Logan to be ostracized by colleagues and friends, by her employer, CBS News, Inc., and by its parent, CBS Corporation, resulting in her vilification in the press and on social media.

¹ On February 11, 2011, Logan endured multiple horrific assaults in Cairo’s Tahrir Square while on assignment for *60 Minutes*. She was brutally gang-raped by a mob of men. The devastating sexual assaults and the severe injuries Logan suffered were matters of public record. [<https://www.cbsnews.com/news/lara-logan-breaks-silence-on-cairo-assault/>]. Hagan and NY Media recklessly minimalized what happened in Tahrir Square. In the article at issue in this action, Hagan and NY Media claimed that the mob ripped off Logan’s clothes “and **groped** her”. <http://nymag.com/news/features/lara-logan-cbs-news-2014-5/> (emphasis added). Hagan and NY Media intentionally under-stated the severity of the crimes perpetrated upon Logan in Egypt. Their conduct is an affront to Logan and all survivors of rape and sexual assault. They maliciously distorted the truth and published lies about Logan in order to destroy Logan’s reputation and cause her severe emotional distress.

4. In this case, Logan seeks money damages for the extreme insult, pain, embarrassment, humiliation, mental suffering, anguish, destruction of her good name and professional reputation, and financial loss caused by the Defendants' defamation and business disparagement.

5. The Defendants' published disgraceful, click-bait, sensationalist, egregious misstatements simply to sell magazines. They had an axe to grind against CBS and its former Chairman and CEO, Leslie Moonves ("Moonves"), and wrote a hit piece about Logan in order to accomplish a nefarious purpose. Defendants' misconduct exemplifies the very worst of modern "journalism". They should be punished for their unlawful actions and a very strong message needs to be sent to other so-called "journalists" to prevent them from acting in a similar way.

II. PARTIES

6. Logan is a citizen of Texas. She is 48 years old. She lives with her husband, Joe Burkett, and children in Fredericksburg, Texas, within the Austin Division of the United States District Court for the Western District of Texas. Logan was born in Durban, South Africa. She graduated from the city's University of Natal in 1992 with a degree in commerce. She also holds a diploma in French language, culture and history from the Universite de L'Alliance Francaise in Paris. Logan began her career as a general news reporter for the *Daily News* (1990-1992) and the *Sunday Tribune* (1988-1989), both located in Durban. She got her start in broadcast journalism in Africa as a senior producer for Reuters Television (1992-1996). She was a freelance correspondent for ITN, Fox/Sky and CNN. She served as a correspondent for GMTV, the weekday morning news program of Great Britain's ITV network (2000-2002).

[<https://www.imdb.com/name/nm1022561/>]. Logan joined CBS News in 2002. [<https://www.sho.com/60-minutes-sports/cast/lara-logan>]. Logan devoted her life to CBS. She lived in Baghdad for five (5) years, and in Afghanistan for over a year straight. She made absolutely no demands on CBS. She went without decent food, without the luxuries of everyday life, without a decent bed to sleep in or time for herself. She worked seven (7) day a week for months and months at a time. Other correspondents stayed for a couple of weeks. Over her distinguished career, Logan has won multiple Emmy Awards, several Murrow Awards, an Overseas Press Club Award, the Daniel Pearl Award, Glamour Woman of the Year, and five American Women in Radio and Television Gracie Awards, to name a few; in 2008 for Outstanding Feature-Hard News for the Iraqi orphans story; in 2004 for Individual Achievement for Best Reporter/Correspondent; in 2003 for Best News Story for her CBS Evening News report on the attempted assassination of Afghan President Hamid Karzai; in 2002 for Best News Story for her CBS News Radio coverage of the war in Afghanistan; and in 2000 for Best News Story for her CBS News Radio coverage of the Israeli-Palestinian conflict. In 2008, she received the David Bloom Award from the Radio & Television Correspondents Association for excellence in enterprise reporting and the 2007 Association of International Broadcasters' Best International News Story Award for her report on the Taliban. In 2012, she was awarded the prestigious DuPont-Columbia University Silver Baton – considered by most to be the Pulitzer Prize of broadcast journalism – for her harrowing reports from the frontlines of the war in Afghanistan. [See <https://www.unitedtalent.com/speaker/laralogan/>]. The high quality of Logan's reporting and her popularity among viewers helped CBS earn multiple awards and tens of millions of dollars in revenue.

7. Defendant, Hagan, is, upon information and belief, a citizen of New York. He is a special correspondent for *Vanity Fair*. Hagan has written for *New York*, *Rolling Stone*, *The Wall Street Journal*, and many other publications. [<https://www.joehagan.net/>; <https://twitter.com/joehagansays?lang=en>]. In September 2013, NY Media published a glowing, apologetic article by Hagan about Hillary Clinton. The article glossed over Mrs. Clinton's failures as Secretary of State to protect the U.S. consulate in Benghazi, Libya. It described Benghazi as a "go-to bludgeon for Republicans". It claimed that Mrs. Clinton was a "misstep away from being a target of partisan rage once again." [<http://nymag.com/news/features/hillary-clinton-2013-9/>]. The pro=Clinton bias exhibited by Hagan in *Hillary in Midair* bled through and corrupted his views about Logan.

8. Hagan wrote the hit piece at issue in this action for *New York* magazine.

9. Defendant, NY Media, is a Delaware corporation with offices in New York, Los Angeles, San Francisco, Chicago, Detroit, Atlanta, Canada and Milan, Italy. Bruce Wasserstein bought NY Media for \$55 million in 2004. The company is currently operated by his daughter, Pamela Wasserstein, who took over the role of CEO in 2016. [<http://nymag.com/press/2016/04/pamela-wasserstein-named-ceo-of-new-york-media.html>; <https://www.linkedin.com/in/pam-wasserstein-48a12a122/>]. NY Media publishes *New York* magazine, a rag that "covers, analyzes, and comments on the news, culture, and personalities that drive the world forward". *New York* magazine has a massive social media following, with, *inter alia*, 1,789,752 followers on Twitter, 3,375,785 followers on Facebook, and 1,574,924 Instagram followers. *New York* magazine has a total affluent readership of 1,160,000 and total magazine (print)

circulation of 378,757. *New York* magazine has a monthly digital audience of 15.3 Million unique visitors. The magazine experiences 29.6 Million monthly page views. [<http://mediakit.nymag.com/new-york/>]. NY Media also operates other online properties, including *The Cut*, a style magazine for women, [<http://mediakit.nymag.com/the-cut/>], *Grub & Street* [<http://mediakit.nymag.com/grub-street/>], a “tasty manual” for “dining in and dining out”, *Strategist* [<http://mediakit.nymag.com/the-strategist/>], an “obsessively researched online shopping and product discovery guide”, and *Vulture* [<http://mediakit.nymag.com/vulture/>], a “survey of America’s cultural landscape offering 24-hour coverage of film, television, art and more”. NY Media solicits business and advertising on its website. It distributes and sells thousands, perhaps millions, of print and digital magazines in Texas each year. Thousands of the specific issue of *New York* magazine that is the subject of this action were shipped to Texas, distributed in Texas, and sold in Texas to Texans who read the false and defamatory statements about Logan. Defendants’ defamation caused injury to Logan and to readers of the magazine in Texas.

10. “*60 Minutes*” is a weekly newsmagazine broadcast by CBS that premiered on September 24, 1968. *60 Minutes* is “the most successful American television broadcast in history” offering “hard-hitting investigative reports, interviews, feature segments and profiles of people in the news” *60 Minutes* makes Nielsen’s weekly Top 10 nearly every week and still averages nearly 11 million viewers – more than double the audience of its nearest network news magazine competitor and more than two million viewers ahead of the most-watched daily network evening news broadcast. [<https://www.cbsnews.com/60-minutes/about-us/>].

III. JURISDICTION AND VENUE

11. The United States District Court for the Western District of Texas has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332. The parties are citizens of different States and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest, costs and fees.

12. The Defendants are subject to general and specific personal jurisdiction in Texas. They transact substantial business in Texas and committed multiple acts of defamation in whole or part in Texas. They have minimum contacts with Texas such that the exercise of personal jurisdiction over them comports with traditional notions of fair play and substantial justice and is consistent with the Due Process clause of the United States Constitution. Defendants purposefully availed themselves of the privilege of doing business in Texas. Defendants' defamation was purposefully directed at Texas and was continuous and systematic. Logan's claims arise directly from and specifically relate to Defendants' publication of false and defamatory statements in Texas. *TV Azteca v. Ruiz*, 490 S.W.3d 29 (Tex. 2016) (citing *Keeton v. Hustler Magazine, Inc.*, 465 U.S. 770 (1984) and *Calder v. Jones*, 465 U.S. 783 (1984)).

13. Venue is proper in the Austin Division of the United States District Court for the Western District of Texas because Hagan and NY Media published defamatory statements to a wide audience that includes persons who reside within the Austin Division. Defendants' defamation caused substantial harm to Logan's personal and professional reputations in Texas. A substantial part of the events giving rise to the claims stated in this action occurred in the Western District of Texas.

14. Prior to filing this action, Logan fully complied with the Texas Defamation Mitigation Act (the “DMA”). *Tex. Civ. Prac. & Rem. Code § 73.051 et seq.* On September 23, 2019, Logan made timely and sufficient request for a correction, clarification, or retraction from the Defendants. The Defendants refused to retract the defamatory article.

III. STATEMENT OF THE FACTS

15. On September 11, 2012, heavily armed al Qaeda combatants attacked and overran the United States Special Mission Compound in Benghazi, Libya, resulting in the deaths of Ambassador Christopher Stevens and three other Americans. Stevens was the first U.S. Ambassador to be killed in more than half a century. It was only the sixth time in history that the United States had ever lost an ambassador to its enemies. Although the attack began at the Compound, al Qaeda struck on two fronts. The more organized (yet equally well-planned and executed) assault unfolded about a mile across the city at a top secret CIA facility known as the “Annex”. The attack lasted more than seven hours. Contrary to the Obama White House’s public statements, which were still being made a full week later, it is now well-established that the Americans were attacked and killed in Benghazi by al Qaeda in a well-planned assault.

16. The events of September 11, 2012 were quickly overshadowed by misinformation, confusion and intense partisanship. But for those who lived through it, there was nothing confusing about what happened.

17. *60 Minutes* decided to investigate and report on the Benghazi attack, including the profound frustration of many who said they saw it coming.

A. **The Benghazi Report**

18. Logan and her *60 Minutes* team, including producer Max McClellan (“McClellan”), spent a year exhaustively reporting the story. They interviewed dozens of people, reviewed primary source information, and traveled widely. Logan’s depth of experience and connections were invaluable assets. She was the first journalist to learn that there were two elite Delta Force operators present in Tripoli who had rushed to Benghazi on September 11, 2012 without receiving any orders to go – they collected money from Embassy staff in Tripoli, hired a plane, and flew down to Benghazi to help. The actions and bravery of the two Delta Force operators earned them the Distinguished Service Cross and Navy Cross, respectively – valor awards exceeded only by the Medal of Honor. [<https://www.military.com/daily-news/2019/05/13/untold-heroism-behind-marines-secret-navy-cross-benghazi.html>]. The two Delta Force operators worked with locals to recover Ambassador Stevens’ body and the bodies of two CIA contractors, Glenn Doherty and Tyrone Woods,² and helped to rescue everyone at the Annex. Many of Logan’s sources confirmed that without the Delta Force soldiers, Benghazi would have been “the worst American hostage crisis in history.”

19. Logan and McClellan investigated an account of the attack by a British security contractor, Dylan Davies (“Davies”). Davies was in charge of the Libyan guard force at the U.S. Special Mission Compound. His job was to train the unarmed guards who manned the compound’s gates. Davies, *inter alia*, told Logan and McClellan that he was at his apartment the night of the attack, when he got a frantic call from one of his Libyan guards, who reported that the Compound was under siege. Davies stated that he

² [See <https://www.cia.gov/news-information/featured-story-archive/2017-featured-story-archive/remembering-cia2019s-heroes-glen-doherty.html>].

received a second call from a State Department Regional Security Officer (“RSO”) named “Dave”. Davies indicated that he had become very close with the RSO, and had promised him that he (Davies) would come to help if an attack like this ever happened. “Dave” confirmed to Davies that they were “under attack” at the Special Mission Compound and were “going to die”. This is what Davies said motivated him to go down to the Compound that night. Davies’ description of the call with “Dave” was visceral and real. Davies told Logan that he left his apartment, went to the Compound, but was turned back. Davies said that he later returned,³ and scaled the 12-foot high wall of the Compound. Once inside, he said he encountered an enemy combatant. Davies stated that he hit the would-be attacker in the face with the butt of his rifle. Davies claimed he saw Ambassador Stevens’ body later that night in the hospital. It was the same story Davies’ recounted in his book, *The Embassy House*, published by Threshold Editions, an imprint of Simon & Schuster, which is part of CBS Corporation.⁴

³ No one ever disputed that Davies went to the Compound during the attack on September 11, 2012 and saw the attackers and the building in flames. This was critical to Logan because she saw emails between Davies and an FBI agent who flew over to the United Kingdom to meet with Davies specifically to show him photographs of suspects to see if Davies could identify them. The fact that the FBI wanted Davies to look at photographs demonstrates that the FBI did, in fact, believe Davies was at the Compound the night of the attacks and did see the faces of those who were there. Logan and McClellan did not call the FBI agent about Davies before the Benghazi Report aired because they were prohibited from doing so by a non-disclosure agreement approved by CBS counsel and, more importantly, because the emails were clear and compelling, and Davies shared them with Logan and McClellan to demonstrate the depth of the FBI involvement. Once the Benghazi Report aired in 2013, and questions were raised about Davies’ account, Logan did contact the FBI agent who had met with Davies in the U.K. The agent said he was “undercover” and told Logan and her team never to contact him again. Although Logan apologized profusely, the next morning the number 2 at *60 Minutes* got a call from the FBI complaining about harassment of their agent.

⁴ Logan and her *60 Minutes* team were never told that Threshold Editions was a part of Simon & Shuster (a subsidiary of CBS Corporation).

20. Logan and her *60 Minutes* team thoroughly researched Davies' story. Davies provided the *60 Minutes* team with communications he had had with U.S. government officials, as well as photos from the scene of the attack that he took the following morning. Davies personally showed McClellan a photo on Davies' cell phone of Ambassador Stevens's dead body lying on a hospital gurney. The photo was taken the night of September 11, 2012. It was graphic – deep black smoke all around Stevens' nose and mouth, eyes half-closed. McClellan also contacted Threshold, Davies' publisher, and was advised that Threshold had fact-checked “every word” in Davies' book. There was considerable substantiation and corroboration of Davies' account.

21. Importantly, Davies was not a key witness in Logan's report, and his account did not go to the substance of the story – which was about al Qaeda and their role and presence in Libya, as evidenced by the well-planned and executed attack on the U.S. Special Mission Compound. Indeed, Logan and her *60 Minutes* team were working on the story for more than six (6) months before CBS staffer, Vicki Gordon, brought Davies and his book to the attention of CBS executive editor, Bill Owens (“Owens”), who then brought the book to Logan's attention.

22. Far more important than Davies, Logan and her *60 Minutes* team interviewed United States Army Special Forces (Green Beret) Commander Andy Wood (“Wood”).⁵ Commander Wood was one of the top U.S. security officials in Libya. [<https://www.linkedin.com/in/andy-wood-4233071a/>]. Based in Tripoli, Wood met with

⁵ Wood retired from military service with over thirty-nine years of military experience with U.S. Army Special Forces, serving overseas on 3 deployments, Afghanistan, Southern Philippines, and Libya. He developed proficiency working on projects needed for counter-insurgency and irregular warfare, achieving the rank of Colonel.

Ambassador Stevens almost every day. The last time Wood went to Benghazi was in June 2012, just three months before the attack. While he was there, al Qaeda tried to assassinate the British Ambassador. To Wood, it came as no surprise because al Qaeda – using a familiar tactic – had stated their intent in an online posting, saying they would attack the Red Cross, the British, and then the Americans in Benghazi. Wood included his concerns about an attack on Americans in Benghazi in reports he sent to both the State Department and the Department of Defense. Wood told Ambassador Stevens point blank: “You are gonna get attacked. You are gonna get attacked in Benghazi. It’s gonna happen. You need to change your security profile.”

23. A full year before he was interviewed by Logan and her *60 Minutes* team, Wood testified before the House Oversight & Government Reform Committee on his efforts to improve diplomatic safety in Libya before the four people were killed in the September 11, 2012 attack on the Special Mission Compound in Benghazi. [<https://www.c-span.org/video/?308674-1/diplomatic-security-libya>]. Commander Wood’s professional assessment and opinion that security at the Benghazi consulate was “woefully inadequate” was 100% correct, and has stood the test of time. [<https://www.washingtontimes.com/news/2015/oct/19/benghazi-security-assessment-by-green-beret-stands/>] (“**Green Beret’s Benghazi security assessment stands test of time**”).⁶

⁶ On October 8, 2012, CBS published an interview with then Lt. Colonel Wood in which Wood chronicled the security deficiencies in Benghazi. [<https://www.youtube.com/watch?v=ilwM1frx9gk>] (“**Sharyl Attkisson Interview w/ Lt. Colonel Andrew Wood about Libyan Security**”).

24. Logan and her *60 Minutes* team also interviewed Greg Hicks (“Hicks”). Hicks enjoyed a 22-year career at the State Department. He had a distinguished record of foreign service in six overseas assignments in Bahrain, Afghanistan, Libya, Yemen, Syria, and The Gambia. In the course of his service, Hicks received six Meritorious Service Increases, three individual Meritorious Honor Awards, and four individual Superior Honor Awards. [http://iafsacoalition.com/bios_hicks.htm]. At the time of the attack in Benghazi, Hicks was Ambassador Stevens’ deputy based in Tripoli. Hicks had an impeccable reputation. On May 8, 2013, he testified before Congress about the attack in Benghazi. [<https://www.c-span.org/video/?312586-1/house-hearing-us-consulate-attack-benghazi-libya>; <https://www.c-span.org/video/?312586-2/us-consulate-attack-benghazi-libya-part-2>]. Hicks explained to Logan that the mission repeatedly asked for more security assets, but never got them. In the months prior to the attack, Ambassador Stevens approved a series of detailed cables to Washington, specifically mentioning, among other things, “the al Qaeda flag has been spotted several times flying over government buildings”. Hicks confirmed to Logan that an hour into the attack on September 11, 2012, he spoke with the defense attaché and was informed that no military assets were on the way to defend the compound. Hicks felt lost. He just couldn’t believe the answer. He then made the call to the CIA Annex chief, and told him, “Listen, you’ve gotta tell those guys, there may not be any help coming.”

25. Logan’s primary sources confirmed that the Obama Administration and Secretary of State Hillary Clinton ignored or grossly underestimated the imminent threat of an attack by al Qaeda on Americans in Benghazi.

26. Logan presented her report to CBS. CBS carefully vetted the story. The story was approved all the way to the top. It went through multiple layers of review before it went on the air. The report was screened and re-screened by the *60 Minutes* bosses, including legal standards, senior show producers, the executive editor, and finally CBS News' chairman and executive producer, Jeffrey B. Fager ("Fager").⁷ Fager did not do a screening with the Vice-President of Standards because he considered the VP of Standards to be useless and to contribute nothing to the stories.

27. CBS fully reviewed and approved Logan's report for publication on *60 Minutes*.

28. On October 27, 2013, *60 Minutes* aired the report, entitled "**Benghazi**":



⁷ Fager became the executive producer of *60 Minutes* in June 2004. He succeeded Don Hewitt, the long-time executive producer of the show. [<https://www.cbsnews.com/news/hewitt-sets-i60-minutes-i-transition/>].

<https://therightscoop.com/watch-the-full-60-minutes-piece-on-benghazi-were-here-to-kill-americans-not-libyans/> (the “Benghazi Report”)].⁸

29. *60 Minutes* was so confident in the Benghazi Report that it live-tweeted the broadcast to its million +/- followers on Twitter.

30. CBS independently tweeted the Benghazi Report to its six million + followers on Twitter. [<https://twitter.com/CBSNews/status/394631323882913792>].

31. Logan’s Q rating⁹ did not decrease after the Benghazi Report.

B. Questions Are Raised Concerning Part of Davies’ Account

32. On October 31, 2013, the *Washington Post* published an article, entitled “‘60 Minutes’ broadcast helps propel new round of back-and-forth on Benghazi”.

https://www.washingtonpost.com/world/national-security/60-minutes-broadcast-helps-propel-new-round-of-back-and-forth-on-benghazi/2013/10/31/fbfcad66-4258-11e3-a751-f032898f2dbc_story.html]. The *Post* claimed that three days after the Benghazi attack Davies provided to his employer a 2½ page “incident report” that indicated he had “spent most of that night at his Benghazi beach-side villa.” Although Davies attempted to get to the Compound on September 11, 2012, the *Post* maintained that Davies wrote in the

⁸ In the Benghazi Report, Logan and her *60 Minutes* team reported that “Sufian bin Qumu, a former Guantanamo Bay detainee and long-time al Qaeda operative, was one of the lead planners along with Faraj al-Chalabi, whose ties to Osama bin Laden go back more than 15 years. He’s believed to have carried documents from the compound to the head of al Qaeda in Pakistan.” When contacted, the FBI did not steer Logan and her *60 Minutes* team away from the reporting concerning Qumu or Chalabi. Logan’s reporting concerning Qumu was later verified by the State Department in a January 2014 Media Note. [<https://2009-2017.state.gov/r/pa/prs/ps/2014/01/219519.htm>].

⁹ A “Q rating” or “Q score” is a measurement of the familiarity and appeal of a brand, celebrity, company, or entertainment product (e.g., television show). The higher the Q rating, the more highly regarded the person is among those who are aware of her.

putative “incident report” that “we could not get anywhere near ... as roadblocks had been set up.” When the *Post* asked CBS News for comment, a spokesman for *60 Minutes* stated, “[w]e stand firmly by the story we broadcast last Sunday.” [See also <https://www.nytimes.com/2013/11/06/business/media/cbs-news-defends-its-60-minutes-benghazi-report.html>] (“CBS News ... aggressively defended the report’s accuracy on Tuesday”); https://www.huffpost.com/entry/60-minutes-benghazi-report_n_4226823 (“‘60 Minutes’ Executive Producer Jeff Fager said via email Wednesday that he’s ‘proud’ of the program’s reporting on Benghazi and ‘confident’ the sources appearing on the Oct. 27 broadcast ‘told accurate versions of what happened’”).

33. The “incident report”, which would have been “classified”, was leaked to the *Washington Post* and other reporters by anonymous “State Department” sources who were “friendly” to the Obama Administration and Secretary Clinton. The unauthenticated document was of questionable veracity. The document had a stamp on it which said, “US Embassy Benghazi”. Hicks laughed at that, since it was not factually or legally correct and he had never seen a stamp like that in all his time in Libya. The document was also dated two days after Davies had already returned to his home in Wales, but it was signed as if Davies was still in Benghazi. After Davies denied writing the document, he filed a police report about a death threat he received in person at his home. The *Post* never once questioned the veracity of the alleged “incident report”.

34. On November 2, 2013, the *Daily Beast* published a piece in which Davies denied that he wrote the “incident report” made public by the *Washington Post*. Consistent with his book and what he told Logan, Davies told the *Daily Beast* that the version of the events contained in the leaked “incident report” did match what he told his

supervisor. Davies said he lied to his supervisor about his actions on the night of September 11, 2012 because he did not want his supervisor to know he had disobeyed direct orders to stay at his villa. “He told me under no circumstances was I to go up there. I respected him so much I did not want him to know that I had not listened to him”. [<https://www.thedailybeast.com/exclusive-benghazi-whistleblower-says-he-was-smearred>].

35. On November 7, 2013, the *New York Times* reported that Davies “gave the F.B.I. an account of the night that terrorists attacked the mission on September 11, 2012, that contradicts a version of events he provided in a recently published book and in an interview with the CBS News program *60 Minutes*.” According to the *Times*, Davies “told the F.B.I. that he was not on the scene¹⁰ until the morning after the attack.” Two unidentified “senior government officials”¹¹ allegedly told the *Times* that the information Davies provided was “completely consistent with an incident report” by Davies’

¹⁰ The *Times* was very careful with its words. The undisputed truth was that Davies was *at* the scene on September 11, 2012. The first time Davies went to the Compound on September 11, 2012, the roads around the building were blocked by the terrorists themselves, who had set up military road blocks with pick-up trucks and armed terrorists. The fire was raging and Davies could not get close enough. Even though he did not get inside, he was outside the Compound that night while the building was going up in flames. Davies was, in fact, an eyewitness to the conflagration.

¹¹ The “senior government officials” have never been identified. Significantly, it is illegal for anyone outside the FBI to have access to an investigative “302” file. The two unidentified “senior government officials”, who briefed the *Times*, could not have seen the “incident report” and, at best, had only been briefed second hand by other unidentified sources on what the file supposedly said. The file itself was the only written record of what Davies actually told the FBI. The “senior government officials” knew no one would be able to access the “incident report” to confirm what it may or may not have contained. To this day, the FBI has never confirmed on the record to anyone that Davies provided “inconsistent” information. CBS never confirmed anything on the record with the FBI because all the FBI would say at the time was that it “could not comment on an ongoing investigation”.

employer. [<https://www.nytimes.com/2013/11/08/business/media/accounts-differ-to-fbi-and-cbs-on-benghazi.html>].

C. CBS Retracts The Benghazi Report

36. After publication of the *New York Times* article, CBS decided to retract the Benghazi Report. The decision to pull the story was driven by politics. The Benghazi Report contradicted the Obama narrative that al Qaeda was on the run.

37. On November 8, 2013, Fager walked back what he had told the *Huffington Post* on November 6, 2013. Fager told the *Hollywood Reporter* that Davies “deceived us”. Fager stated that the Benghazi Report was a “black eye” for *60 Minutes* and that the broadcast had made a “mistake”. [<https://www.hollywoodreporter.com/news/cbs-news-chief-faulty-benghazi-654688>].

38. On November 8, 2013, at Fager’s direction, Logan appeared on CBS *This Morning*. Fager told Logan to say Davies “lied” and to “own” the mistake. Logan followed Fager’s direction. Logan stated as follows:

“The most important thing to every person at '60 Minutes' is the truth, and today the truth is we made a mistake ... That’s very disappointing for any journalist, it’s very disappointing for me. Nobody likes to admit they made a mistake, but if you do, you have to stand up and take responsibility and you have to say that you are wrong. And in this case, we were wrong. We made a mistake.

And, how did this happen? Dylan Davies worked for the State Department in Libya. He was the manager of the local guard force at the Benghazi special mission compound, and he described for us his actions that night, saying that he had entered the compound and had a confrontation with one of the attackers and he also said that he had seen the body of Ambassador Chris Stevens in a local hospital. And after our report aired, questions were raised about whether his account was real after an incident report surfaced that told a different story about what he’d done that night ... He denied that report and he said that he told the FBI the same story he told us, but what we now know is that he told the FBI a different story to what he told us and you know, that was the moment, for us, when we realized that we no longer had confidence in our source and that we were wrong to put him on air and we apologize to our viewers.”

Asked why she was convinced Davies was a credible source and that the account he provided was accurate, Logan said:

“We verified and confirmed that he was who he said he was, that he was working for the State Department at the time, that he was in Benghazi at the special mission compound the night of the attack, and that he showed us, he gave us access to communications he had with U.S. government officials. We used U.S. government reports and congressional testimony to verify many of the details of his story and everything checked out. He also showed us photographs that he had taken at the special mission compound the following morning, and you know, we take the vetting of sources and stories very seriously at '60 Minutes' and we took it seriously in this case, but we were misled, and we were wrong and that's the important thing. That's what we have to say here, we have to set the record straight and take responsibility.”

[\[https://www.cbsnews.com/news/60-minutes-issues-apology-about-benghazi-report/;](https://www.cbsnews.com/news/60-minutes-issues-apology-about-benghazi-report/)

[https://www.cbsnews.com/news/60-minutes-apologizes-for-benghazi-report/;](https://www.cbsnews.com/news/60-minutes-apologizes-for-benghazi-report/)

<https://www.youtube.com/watch?v=1opgCQ59CS4>].

39. The central thesis of the Benghazi Report was correct. It was never challenged or discredited.

40. Except for part of Davies' account, none of the facts and sources in the Benghazi Report were ever proven to be false in any way – in fact, time has proved that Logan's story was absolutely accurate and ahead of the pack.

41. On November 27, 2013, CBS placed Logan and McClellan on a leave of absence. [\[https://www.cbsnews.com/news/cbs-asks-lara-logan-to-take-leave-after-flawed-benghazi-report/;](https://www.cbsnews.com/news/cbs-asks-lara-logan-to-take-leave-after-flawed-benghazi-report/) <https://twitter.com/CBSNews/status/405432512567980032>].

Fager insisted that the leave of absence was not a suspension. Fager explained to Logan that he did not want to do this, but he was not given any choice at all by Moonves.

42. CBS performed an “internal review” of the Benghazi Report, ostensibly authored by CBS executive director of standards and practices, Al Ortiz (“Ortiz”). Ortiz

claimed that “Logan’s report went to air without 60 Minutes knowing what Davies had told the FBI and the State Department about his own activities and location on the night of the attack.” Ortiz indicated that the fact that the FBI and the State Department had information that differed from the account Davies gave to *60 Minutes* “was knowable before the piece aired”. Actually, it was not.¹² Ortiz speculated that it was “possible that reporters and producers with better access to inside FBI sources could have found out that Davies had given varying and conflicting accounts of his story.” Ortiz concluded, without any evidence, that Logan and her reporting team “did not sufficiently vet Davies’ account of his own actions and whereabouts that night.” In truth, the report was fully vetted by CBS. Finally, Ortiz misrepresented that, in spite of “multiple sources and good reasons to have confidence in them,” Logan’s assertions that al Qaeda carried out the attack and controlled the hospital “were not adequately attributed in her report.” [\[https://www.washingtonpost.com/blogs/erik-wemple/wp/2013/11/26/review-of-60-minutes-benghazi-report-logan-takes-leave-of-absence/\]](https://www.washingtonpost.com/blogs/erik-wemple/wp/2013/11/26/review-of-60-minutes-benghazi-report-logan-takes-leave-of-absence/).

43. Significantly, CBS omitted from its “internal review” the reason that Logan and her *60 Minutes* team were prevented from independently verifying what Davies told them he did the night of the terrorist attack in Benghazi. CBS knew that Logan and her team had signed a legal non-disclosure agreement (NDA) with Threshold Editions that prevented Logan – by law – from disclosing Davies’ story to anyone. This NDA was approved by a CBS lawyer. Logan and McClellan were handcuffed, forced to keep quiet. Logan and McClellan’s hands were tied. They could not share the details of Davies’

¹² Logan’s *60 Minutes* team was in contact with the FBI for several months prior to air, sending weekly requests for on or off the record briefings on Benghazi. All requests were denied.

book with people like the State Department or the FBI. Outside of Davies' story that night – that could not be disclosed – everything that could be verified was verified – down to which security cameras on which walls were broken, when they were fixed and when they broke again, and whether Davies had been cleared by the State Department to work for the United States Government. Logan's team tracked down various State Department Regional Security Officers (RSOs), one of whom was based in Nigeria, and confirmed that they had worked with Davies and he did the job he said he did.

44. On January 15, 2014, consistent with the thesis of the Benghazi Report, the United States Senate Select Committee on Intelligence released a report that reviewed the terrorist attacks on the U.S. Special Mission Compound in Benghazi. Echoing Woods and Hicks, the 91-page Senate Report confirmed that the attack on the Compound was “likely preventable” based on known security shortfalls at the facility and prior warnings. The Senate Report concluded that those in decision-making positions in Washington failed to heed the concerns and wisdom of those on the front lines and failed to make proper resource and security decisions in light of available intelligence. [<https://www.intelligence.senate.gov/sites/default/files/publications/113134.pdf>; https://www.washingtonpost.com/world/national-security/senate-report-attack-on-us-compound-in-benghazi-could-have-been-prevented/2014/01/15/5e197224-7de9-11e3-95c6-0a7aa80874bc_story.html (“**Senate Report: Attacks on U.S. compounds in Benghazi could have been prevented**”)]. Speaker of the House John Boehner appointed Representative Trey Gowdy to head a select committee to investigate the State Department's handling of the 2012 attack on the U.S. diplomatic post.

[<https://www.washingtonpost.com/news/post-politics/wp/2014/05/05/boehner-taps-rep-trey-gowdy-to-lead-benghazi-select-committee/>].

45. As Benghazi continued to dominate headlines in the spring of 2014, a very disturbing thing happened. Logan learned from a close friend that Hagan was writing an article. Logan was told that it was going to be “a hatchet job” and that Logan should be “warned” because Hagan was only looking for “dirt”.

D. *The Hagan Hit Piece*

46. On May 2, 2014, NY Media published an article in *New York* magazine written by Hagan, entitled “**Benghazi and the Bombshell**”:



[<http://nymag.com/news/features/lara-logan-cbs-news-2014-5/>] (the “Hagan Hit Piece”).

47. The headline reference to “Bombshell” was both sexist, insulting and defamatory at the same time. The word was intended to portray Logan as a dangerous, untouchable and incendiary reporter.

48. The purpose of the Hagan Hit Piece was to smear Logan, embarrass Moonves and raise questions about both Moonves' judgment and Fager's performance as executive producer of *60 Minutes*. The Hagan Hit Piece suggested that Moonves was the one personally responsible for launching Logan's career. Quoting a "CBS staffer", the Hit Piece stated that Moonves enthusiastically "pushed Lara on Don [Hewitt]", the long-time executive producer of *60 Minutes* before Fager. The "CBS staffer" emphasized that Moonves "loved" Logan. The Hagan Hit Piece stated that Fager made Logan a permanent member of *60 Minutes* "partly out of corporate deference to Moonves's enthusiasm" for Logan. The Hit Piece called Logan "Moonves's asset".

49. The Hagan Hit Piece included a legion of false and defamatory statements about Logan, including:

- a. Logan spent "several months in Kabul during the invasion of Afghanistan ... heedlessly throwing herself into danger".
- b. the Benghazi Report was "deeply flawed".
- c. "Logan and *60 Minutes* had been searching for a new angle on the Benghazi story for the better part of a year, and finally one seemed to arrive".
- d. the Benghazi Report "fit broadly into the narrative the right had been trying for months to build of a White House and State Department oblivious to the dangers of Al Qaeda, feckless in their treatment of their soldiers and diplomats, then covering up their incompetence. It was soon revealed to be made up almost of whole cloth."
- e. Davies "invented the story to sell a book".

f. “For *60 Minutes* and Logan, it was a stunning error, of a sort that can quickly corrode the brand of a show like *60 Minutes*”.

g. The “scandal was an oddly precise echo of ‘Rathergate’”.

h. In the aftermath of the Benghazi Report, “the problems with its sourcing were glaring, the kind that should have raised red flags.. Logan’s interview subject happened to be selling a book on a politically conservative imprint owned by CBS News’s own parent company”.

i. “Inside *60 Minutes*, Logan’s flawed report is seen as the strongest evidence that the most celebrated news program in American TV history has lost its moorings under Fager, tarnished by the kind of partisanship the network has been at pains to avoid since Rather’s downfall”.

j. “In fact, one way of looking at Lara Logan’s rise at CBS is as an antidote to the network’s perceived bias”.

k. “As Logan rose ... Fager was left to manage the risk inherent in Moonves’s asset. Logan had a zealotness that could cross the line into recklessness, a confidence that could come off as arrogance”.¹³

l. “Logan’s star power blinded her superiors to her flaws”.

m. “the 2012 attack in Benghazi ... with the potential to bring down presidential front-runner Hillary Clinton ... was the kind of story a reporter like Lara Logan would take risks to get”.

n. Logan “fucked up ... It was inevitable. Everybody saw this coming”.

¹³ The headline described Logan as a “Bombshell”, a scandalous and reckless bimbo.

- o. Logan had an “insatiable stomach for risk”.
- p. Logan “was very fond of saying, ‘I could end your career with a phone call’”.
- q. Logan consorted “with a mysterious contractor who turned out to be a government propagandist”.
- r. “Logan said she was separated from her handlers and then assaulted by a mob of men who ripped off her clothes and groped her”.
- s. “Fager didn’t reprimand Logan” for her statements in October 2012 before the Better Government Association.
- t. “Fager himself had begun to realize that Logan was a risk to be managed”.
- u. “At the time of her speech in Chicago [in October 2012], she had already begun searching for an angle [for a story on Benghazi] ... Then, after months of Logan coming up empty, McClellan was offered an exclusive look at a book published by Threshold Editions, an imprint of Simon & Schuster”.
- v. “Though CBS has said the segment was a year in the making, the book, which Logan and McClellan had obtained in late spring 2013, would become the majority of the broadcast”.
- w. “Fager delegated the details of vetting the piece to Owens ... Because of the short deadline, and because it was a book by a sister company, *60 Minutes*’ usual fact-checking procedures were not followed. No calls were made to the State Department or the FBI specifically to vet Davies’s claims”.

x. “Logan’s own credulity, it seems, was the central pillar of the report. When asked why she found Davies’s account believable, Logan said that Davies was one of the ‘best guys you’ll ever meet’ and a few minutes with him would convince anyone of his candor”.

y. “Davies’s tale of heroic special-forces operators being let down by politicians and bureaucrats thousands of miles from the front made sense in the world in which Logan had been living for the better part of a decade”.

z. “while that narrative cast might have raised eyebrows at the old CBS News, the politics in the post-Rather era were more complicated—McClellan leans more conservative than has been traditional at the show”.

aa. “Here, then, was a convergence, the proverbial perfect storm: Fager had given Logan outsize power; Owens, Fager’s acolyte, didn’t ask the boss’s star the tough questions; and McClellan, a true-blue Logan loyalist, didn’t have the desire or the authority to bring Logan to heel”.

bb. “Logan was free to operate as she chose”.

cc. “Faced with overwhelming evidence that Davies had lied to Logan, Logan went on *CBS This Morning* and admitted, ‘We were wrong.’”

50. The qualities disparaged by Hagan and NY Media – Logan’s veracity, integrity, ethics, judgment and performance as an investigative journalist – are peculiarly valuable to Logan and are absolutely necessary in the practice and profession of any correspondent and investigative journalist. The Hagan Hit Piece ascribes to Logan conduct, characteristics and conditions, including bias, carelessness and recklessness, that

would adversely affect her fitness to be an investigative reporter and to conduct the business of investigative journalism.

51. Since Moonves had appointed Fager chairman of CBS News [<https://www.hollywoodreporter.com/news/cbs-news-jeff-fager-appointed-97346>], the Hagan Hit Piece was also a direct indictment of Moonves.

52. The Hagan Hit Piece represented that a “well-placed source at CBS suggests that he [Moonves] has soured on Logan.”

53. The Hagan Hit Piece was published in print, online, and multiple times by *New York* magazine via social media,¹⁴ *e.g.*:

<https://twitter.com/NYMag/status/463138435742838784>

(“Morley Safer demanded CBS News fire Lara Logan after her discredited report on Benghazi”);

<https://twitter.com/NYMag/status/463122979443183616>

(“Should Lara Logan be allowed back on 60 Minutes?”)

<https://twitter.com/NYMag/status/463519782130941953>

(“Can CBS afford to bring Lara Logan back to 60 Minutes?”);

<https://twitter.com/NYMag/status/463273207198650368>

(“Lara Logan was a controversial boon for 60 Minutes until her Libya story. Can the show afford to take her back?”).

54. The Hagan Hit Piece was also republished by third-parties millions of times on the Internet and social media, *e.g.*:

<https://www.washingtonpost.com/blogs/erik-wemple/wp/2014/05/05/the-disaster-of-the-60-minutes-benghazi-story/> (“The disaster of the ‘60 Minutes’ Benghazi story”);

https://twitter.com/jayrosen_nyu/status/463124727742341121

(“Here's the piece I have been awaiting. Benghazi and the Bombshell: Is Lara Logan too toxic to return to 60 Minutes?”);

¹⁴ @NYMag has 1.8 million Twitter followers.

<https://twitter.com/mlcalderone/status/463122861952344064>
("Here's the full NY Mag piece: 'Benghazi and the Bombshell'");

<https://twitter.com/allinwithchris/status/463372248708296704>
("Lindsey Graham and Lara Logan] met two or three times to talk about the Libya attack");

<https://twitter.com/HowardKurtz/status/463375607875645441>
("NY piece on Lara Logan is packed w/ info, hard on her, recognizes her bravery but light on crediting good journalism");

<https://twitter.com/AzmatZahra/status/463344675634827264>
("Would love to see Lara Logan respond to this damning story about her rise, fall and personal biases");

<https://twitter.com/fordm/status/463129388649693184>
("Oh man, this @nymag report on Lara Logan's botched Benghazi story and the decline of 60 Minutes is a hell of a read");

<https://twitter.com/MiriamElder/status/463434264496050176>
("This story kind of made me want to puke, from headline to last graf");

<https://twitter.com/KyleClark/status/463718054741151744>
("@NYMag's fascinating Lara Logan piece. Dangerous when journalists can leverage popularity to be 'above' fact checks");

<https://twitter.com/SCClemons/status/463329904902557697>
("Definitive profile of Lara Logan");

<https://twitter.com/onthedia/status/463361189695983617>
("Great @nymag feature on Lara Logan's future at CBS after the botched Benghazi report from last fall");

<https://twitter.com/TheRickWilson/status/463286480719605760>
("They certainly drilled down into the personal to a degree that overshot her transgressions");

<https://twitter.com/gabrielsherman/status/463143916049403904>
("Must read: @joehagansays on the 60 Minutes Benghazi debacle");

<https://twitter.com/blakehounshell/status/463319189365985280>
("Lara Logan: 'General David Petraeus had a picture of her in his office'");

<https://twitter.com/brianstelter/status/463110734944026625>
("the @nymag Lara Logan story I talked about on @CNNReliable").

55. On December 13, 2018, as a natural and probable consequence of the Defendants' original publication, the Hagan Hit Piece was republished by Jack Holmes, politics editor at *Esquire* magazine, to his 5,000+ Twitter followers:

Jack Holmes ✓
@jackholmes0

60 Minutes actually ran a story blasting the Obama administration for Benghazi that they had to retract because it was based on an almost entirely fabricated book nymag.com/news/features/...

Josh Marshall ✓ @joshtpm · Dec 13, 2018
Ari Fleischer: AMI/National Enquirer 'catch and kill' is like when CBS/60 Minutes covered up Benghazi for Obama.

FOX NEWS
0:43 78.2K views
PRESIDENT TRUMP: I DON'T THINK WE EVER MADE A PAYMENT TO THE TABLOID
FOX NEWS ALERT

2:43 PM · Dec 13, 2018 · [Twitter Web Client](#)

[\[https://twitter.com/jackholmes0/status/1073302469676023809\]](https://twitter.com/jackholmes0/status/1073302469676023809).

56. On February 19, 2019, as a natural and probable consequence of the Defendants' original publication, the Hagan Hit Piece was republished by "Michaleen":



[<https://twitter.com/michaleen/status/1097829828982697989>].

57. On February 19, 2019, as a natural and probable consequence of the Defendants' original publication, the Hagan Hit Piece was republished by Nolan Hicks, a reporter with the *New York Post*, to his 6,000+ Twitter followers:



[<https://twitter.com/ndhapple/status/1097862866512867329>].

58. The Hagan Hit piece embarrassed Moonves. He took it as a personal insult and affront. He blamed Logan. Thereafter, he made it known internally at CBS that Logan was “damaged goods”. After the Hagan Hit Piece, Logan was “dead” to Moonves. [See <https://www.hollywoodreporter.com/news/cbs-leslie-moonves-wall-street-734916> (“If you cross [Moonves], he doesn’t forget. You’re dead to him.”)].

59. Until publication of the Hagan Hit Piece, Moonves and Fager were solidly behind Logan's return to *60 Minutes*. In fact, they had devised a specific and detailed plan for her return to the show. Fager called Logan to tell her "they" had come up with a plan for Logan's return and this is how it was going to work – Logan was going to finish the Ben Stiller story she had done, and that would air first in May; then, Logan was to finish the piece on Jack Ma that was already shot and Fager would "open the show" in June specifically to air that one piece;¹⁵ CBS would also re-run specific reports by Logan during the summer of 2014 to ensure Logan had a presence on *60 Minutes* and was not absent from the air; additionally, Fager had a plan for another story of Logan's to air before the start of the season in October, and he felt that all this would get Logan back on the air, back on *60 Minutes*, and, specifically, it would ensure that Logan's return was not viewed as a "big deal". Moonves and Fager did not want to give the press something to write about that would obscure the substance of the work in the new season. The plan was designed to return Logan to CBS and *60 Minutes* and to demonstrate that the broadcast did not view Logan as "damaged goods".

60. The plan for Logan's return to *60 Minutes* was entirely and completely derailed after publication of the Hagan Hit Piece. Moonves had an extremely fragile ego. He did not like the way he was portrayed in the Hagan Hit Piece because it made both he and Fager sound like two lapdogs who allowed Logan to run wild because of her good looks. The Hagan Hit Piece made Moonves look like a misogynist. Moonves was furious and he let Fager know. CBS got an advance copy of the Hagan Hit Piece on the

¹⁵ The *60 Minutes* season usually ends in May and goes into re-runs. Fager did not like to open the show for any reason other than BIG breaking news. So, opening the show in June for an original piece of Logan's was not a small thing. It was a very deliberate decision to reinforce that CBS stood behind Logan's return.

Saturday before it came out. On that Saturday, Fager calmly discussed Hagan's article with Logan. By Wednesday, after he had spoken with Mooves, Fager was very upset. Fager informed Logan that the plan he had devised may have to be put on hold, and that Logan would have to deal with David Rhodes, the newly-appointed chairman of CBS News ("Rhodes").

61. Rhodes met with Logan's agent at United Talent Agency ("UTA"), Carole Cooper ("Cooper"), in Fager's office. Rhodes ran the entire conversation. Fager sat at his desk, avoiding eye contact, as Rhodes disparaged and defamed Logan, belittled her personally, and attempted to destroy Logan both professionally and on a personal level.

62. Cooper called Logan after the meeting. Cooper was extremely emotional and at times tearful. Cooper told Logan that she had never had a meeting of that nature in her entire career as an agent, that Rhodes "eviscerated" Logan on every level, that the attack was breathtaking, that she (Cooper) was actually in shock, and that she could not believe Fager allowed Rhodes to disparage Logan and lie.

63. On May 30, 2014 – less than a month after publication of the Hagan Hit Piece – Fager informed Logan that she would return to *60 Minutes*, but in a drastically altered role.

D. Logan's Career After The Hagan Hit Piece

64. In June 2014, Logan returned to work at *60 Minutes* part-time as a "Chief Foreign Affairs Correspondent". [<https://money.cnn.com/2014/06/04/media/lara-logan-cbs/index.html>].¹⁶

¹⁶ When Hilary Clinton heard that Logan was going back to work, Clinton said, "I thought we buried that bitch".

65. The first story Logan worked on after her return to *60 Minutes* was about the Ebola epidemic in Liberia. On November 9, 2014, *60 Minutes* broadcast “**The Ebola Hot Zone**”. [<https://www.youtube.com/watch?v=mrADU-L65GI>].

66. On January 4, 2015, *60 Minutes* aired “**Ending Americas Longest War**”. Logan interviewed General John Campbell, the last four-star of the Afghanistan War:



[<https://www.cbsnews.com/news/afghanistan-war-60-minutes-lara-logan/>]. In a banner under the online transcript, CBS wrote the following words about Logan:

	<p>Lara Logan Lara Logan's bold, award-winning reporting from war zones has earned her a prominent spot among the world's best foreign correspondents. Logan began contributing to 60 Minutes in 2005.</p>
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67. Logan worked tirelessly for CBS and *60 Minutes*, as she had always done. In May 2015, *60 Minutes* aired “**Unknown America**”, a report by Logan about undersea adventurer, Robert Ballard [<https://www.cbsnews.com/news/exploring-america-with->

[robert-ballard-60-minutes/](#)] and “**Child Suicide Bombers**”, a report about recruitment of child suicide bombers in Afghanistan and Pakistan and one psychologist’s fight to rehabilitate youth trained by the Taliban. [<https://www.cbsnews.com/news/child-suicide-bombers-lara-logan-60-minutes/>].

68. In spite of Logan’s stellar performance, the Hagan Hit Piece had a dramatic effect on Logan’s career and reputation.

69. CBS went out of its way to undermine and disrespect Logan professionally and to interfere with her ability to create and report for *60 Minutes*. As Owens had foretold, CBS restricted Logan to working on one story at a time, something it had never done before. CBS failed to provide customary producer resources and Logan had to push to get an editor at times. Everything was made more difficult. CBS delayed and in one case failed to assign an in-season air date for Logan’s report. Logan had to beg for more work. In February 2015, she emailed Owens, “If you have any other stories that have not been assigned to a correspondent, I would really like to contribute more.” CBS refused to give her more stories. She was not invited to the 2015 White House Correspondents Dinner (“WHCD”),¹⁷ in spite of her prominent role at the dinner before. Rhodes and Fager treated Logan with utter contempt.

70. In February 2015, Logan and her agents at UTA, Cooper and Jay Sures (“Sures”), emailed Rhodes and explained some irrefutable facts:

¹⁷ Logan was not invited to the 2014 WHCD because of the Benghazi Report and the Hagan Hit Piece.

From: Jay Sures <Sures.J@unitedtalent.com>
Date: February 4, 2015 at 3:06:12 PM CST
To: "Rhodes, David" <RhodesD@cbsnews.com>
Subject: RE: Lara Logan

Hey I appreciate your thoughts. You clearly have a strong point of view on the situation. And I must appreciate your point of view even though I disagree with it.

Lara did report a story and had a source who lied to her. She did sign an NDA with an affiliated CBS owned company that prevented further fact checking on a book that you guys published. And CBS News had every right to do its own fact checking and editing. Which they did not do. All of this is unfortunate. More importantly, the impact from the collective mistake did not change the material point of view on the story. Let's not forget that. Also, as soon as the mistake was discovered, she went on air to talk about it while everyone else hid under the table. And last time I checked the ratings on 60 minutes, they haven't been impacted one bit as a result of the story.

Communication with her executive producer(s) is challenged right now for sure. I'm sure we can all figure why that is the case, but we have countless emails and conversations where the leadership of the show and the news division constantly praised her work for years upon years. It's funny how a New York Magazine article can cause long term relationships to be damaged as everyone places blame on one another.

And as for the number of stories that were filed – CBS News is solely to blame for that. You put her on leave and when she returned, you guys refused to give her the resources to do her job. Now you are going to blame her for her lack of productivity? That's a pretty low blow – but I get it when you are trying to create your own narrative. What I find interesting is how this narrative is taking shape without any previous notice or complaints about her work or work product.

But most importantly David, just look at the past and take a beat and reflect on what has happened. She has risked her life probably more than any correspondent in CBS News history. She has been raped while doing her job. She had an IED blow up in her face. She was quarantined for doing a story on Ebola that everyone else from 60 minutes refused to do. She traveled around the world pregnant numerous times to report the story for your company. She cares more about 60 Minutes than you will ever know.

71. Logan first signed a written contract with CBS in 2002. Her 2012 Staff Correspondent Agreement with CBS specified, *inter alia*, that she was to be employed as a “full-time Staff Correspondent” on *60 Minutes* for a term of five years “through and including August 29, 2015”. Her salary in 2012-2013 was \$1,900,000 per year. Her salary in 2013-2014 was \$2,050,000 per year. Her salary in 2014-2015 was \$2,150,000 per year.

72. But for the Hagan Hit Piece, Logan would have earned more than \$2,150,000 per year as a *60 Minutes* correspondent. She was young and extremely talented. She expected to work for CBS indefinitely. The Hagan Hit Piece soured CBS on Logan. It had a direct and substantial impact on her business and income.

73. Between February and July 2015, CBS and Logan negotiated a new contract.¹⁸ On July 15, 2015, Logan and CBS executed a Staff Correspondent Agreement (“Agreement”). The term of the Agreement commenced on August 30, 2015 and ended August 28, 2018. Under the Agreement, Logan was assigned as a Staff Correspondent on *60 Minutes*, no longer “full-time”. Her duties included brief reports, announcements, descriptions, and analysis of news and public events. Logan agreed to work exclusively for CBS during the term of the Agreement, and agreed to perform artistic and professional services for CBS when, where and as required and directed by CBS. Significantly, CBS cut Logan’s salary to \$750,000 per year, which represented payment for services on up to six (6) original segments on *60 Minutes*.

74. Logan’s performance continued to be spectacular. Logan covered the “**The Battle For Mosul**” for *60 Minutes*. Her report, produced by McClellan, aired on November 6, 2016. [<https://www.cbsnews.com/news/60-minutes-battle-for-mosul-iraq-lara-logan/>]. When Logan and her *60 Minutes* team arrived at their forward base in East Mosul, Iraqi Special Operations Brigade (Golden Division) had just begun their push into

¹⁸ While negotiating the contract, Logan continued to report for *60 Minutes*. On March 5, 2015, *60 Minutes* aired “**Iraq’s Christians**”, a story about the more than 125,000 Iraqi Christians who had been forced to flee the homeland they have lived in for nearly 2,000 years because of ISIS violence and threats. *60 Minutes* rebroadcast the report on September 13, 2015. [<https://www.cbsnews.com/news/iraq-christians-60-minutes-lara-logan/>]. Logan’s report garnered CBS a prestigious Edward R. Murrow Award. [[https://rtdna.org/content/2016_national_edward_r_murrow_award_winners](https://rtdna.org/content/2016_national_edward_r_murrow_award_winners;); <https://www.youtube.com/watch?v=6Qh-GU65pP8&feature=youtu.be>].

the city. Thirty minutes later an Iraqi soldier shouted, “It’s coming to us, It’s coming to us.” An ISIS suicide car bomber was racing toward them. Boom! Logan and her *60 Minutes* team were on the frontline of the battle:



The suicide bomber narrowly missed killing Logan and her team members. [\[https://www.youtube.com/watch?v=brqbg1CVs5E\]](https://www.youtube.com/watch?v=brqbg1CVs5E). After the story aired, Fager called only the field producer, to thank him for the segment. Logan’s entire crew noticed Fager’s patent contempt for her work, her sacrifice, and Fager’s deliberate effort to humiliate her.

75. The Hagan Hit Piece irreparably damaged Logan’s relationship with Fager. Between 2015 and 2017, CBS failed to assign Logan to stories for which she volunteered, including those stories that matched her experience and skills. For example, CBS refused to permit Logan to work on the Charlie Hebdo attack in Paris in January 2015, even though Logan speaks fluent French and has extensive connections with the French counter-terrorism police. Logan requested to work on the *60 Minutes* story concerning the terrorist attacks in Nice, France, in July 2016. During the Nice attack, an

American child, who was in Logan's daughter's class at school in Texas, died. As a result, Logan had unique knowledge and access that she shared with another CBS News correspondent. Logan wrote to Fager and to the *Evening News* team asking to help with the coverage. No one at CBS asked her to contribute. In fact, Fager regularly and systematically overlooked Logan even for stories that took place at her front door in Texas. For example, the devastating floods in Houston, Texas, and along the Gulf Coast in August 2017 occurred only a few hours from Logan's home. Her home fell on the evacuation route and some suggested that the storm could engulf the area. Fager still refused to assign coverage of the storm to Logan. On November 5, 2017, Logan found herself fewer than 30 minutes from the Sutherland Springs Church shooting. She called the news desk at CBS and also filed to record a story for CBS Radio. *60 Minutes*, once more, did not ask Logan to work on the segment. And in March 2018, *60 Minutes* failed to assign Logan to cover the explosions and bomb threats targeting the South by Southwest music festival, even though the festival took place in Austin, Texas. And, Logan was not simply ignored for national stories. When Syria became almost impenetrable for foreign journalists, and there was little to no foreign media presence there anymore, Logan negotiated with the United Nations to go with them as they took a food convoy into the northwest province of Idlib, where the people were starving and anyone trying to leave – including pregnant women and young children – were being killed. Reports coming out described bodies littering the exit routes and people in advanced starvation. Travelling with the UN was a safe way to cover one of the tragic realities of the war and a self-contained story that would have provided insight in to the reality of that war that no one was able to provide at the time. It was a perfectly valid

story. Instead of just saying no – Fager belittled Logan, saying that would be a “good story if I was a news correspondent in a bureau in the Middle East”. Fager questioned how Logan could think this worthy of *60 Minutes*. Fager’s tone was withering – the slight unmistakable. Although she had a contract that paid her for additional *60 Minutes* segments, Fager refused to approve additional stories. Logan was consistently treated as if she did not know what constitutes a *60 Minutes* story anymore.

76. On July 22, 2018, *60 Minutes* aired “**Saving Rhino With Helicopters**”, a story about a different way to help the endangered South African black rhino. <https://www.cbsnews.com/news/60-minutes-saving-rhino-with-helicopters/>]. “**Saving Rhino With Helicopter**” was Logan’s last report for *60 Minutes*.

77. In September 2018, CBS fired Fager. Cooper called Fager shortly before he was fired. Fager told Cooper that Logan’s contract would not be renewed.

COUNT I – DEFAMATION

78. Logan restates paragraphs 1 through 77 of this Complaint, and incorporates them herein by reference.

79. Hagan and NY Media made and published to third-parties, including, but not limited to, advertisers, subscribers, readers, viewers, followers, main stream media, and print media, numerous false factual statements of and concerning Logan. These statements are detailed verbatim above. Hagan and NY Media’s false and defamatory statements have been republished by third-parties within the past year without privilege, justification or legal excuse of any kind. In addition to the publications via Twitter, the Hagan Hit Piece is cited in books published in 2019. [See, e.g., Kimberly Meltzer, *From*

News to Talk: The Expansion of Opinion and Commentary in UD Journalism 229 (SUNY Press 2019)].

80. By publishing the Hagan Hit Piece in print magazines distributed in Texas and throughout the United States, on the Internet and via social media such as Twitter, Hagan and NY Media knew or should have known that their false and defamatory statements about Logan – a high-profile and well-known journalist – would be republished over and over by third-parties millions of times to Logan’s detriment and injury. By tweeting the Hagan Hit Piece themselves and by encouraging others to tweet, retweet and post the Hagan Hit piece to Twitter and Facebook, Hagan and NY Media created a unreasonable risk that the defamatory matter in the Hagan Hit Piece would be communicated by third-parties. Republication by print media, main stream media, and via social media in 2018 and 2019 was the natural, foreseeable, reasonably expected and probable consequence of Hagan and NY Media’s actions and was actually and/or presumptively authorized by Hagan and NY Media. Hagan and NY Media are liable for the republications of the false and defamatory statements by third-parties.

81. Hagan and NY Media’s false statements constitute defamation *per se* or defamation *per quod*. The statements impute to Logan an unfitness to perform the duties of an office or employment for profit, or the want of integrity in the discharge of the duties of such office or employment. Hagan and NY Media’s statements also prejudice Logan in her profession or trade as a correspondent and investigative journalist.

82. Hagan and NY Media’s statements caused Logan to suffer and incur both presumed and actual damages. Hagan and NY Media’s false statements caused Logan to suffer loss and injury to her business, loss of standing in her professional field, loss of

income and diminished future earning capacity, insult, pain, embarrassment, humiliation, and mental suffering, harm to her name and reputation, out-of-pocket loss and other actual damages.

83. Hagan and NY Media acted with actual malice and reckless disregard for the truth for the following reasons:

a. Hagan and NY Media and their editors and publishers violated their own code or standards of ethics and abandoned all journalistic standards in writing, editing and publishing the Hagan Hit Piece.

b. Hagan and NY Media conceived a story line in advance of any investigation and then consciously set out to make the evidence conform to the preconceived story. Hagan and NY Media pursued and regurgitated the preconceived narrative that they knew to be false.

c. Hagan and NY Media published the preconceived narrative out of a desire to embarrass Moonves, Fager and CBS.

d. Hagan and NY Media described the gang-rape and violent sexual assaults in Cairo's Tahrir Square as mere "groping". Hagan and NY Media's callous indifference evinces a palpable and heedless disregard of Logan's rights and interests and a desire to hurt Logan..

e. Hagan and NY Media knowingly presented half-truths and sensational statements in an effort to sell magazine and online subscriptions.

f. The Hagan Hit Piece was an intentional "hatchet job".

g. The Hagan Hit Piece evinces extreme bias, ill-will and a desire to hurt Logan. Hagan and NY Media chose to manufacture and publish false statements

about Logan and to use unnecessarily strong and violent language, disproportionate to the occasion. Hagan and NY Media did not act in good faith because, in the total absence of evidence, they could not have had an honest belief in the truth of their statements about Logan.

h. Hagan and NY Media published the false defamatory statements out of a desire to gain notoriety, increase advertising and other revenues for NY Media, with reckless disregard for the consequences.

i. Hagan and NY Media relied on sources, including anonymous and unnamed persons allegedly at CBS, who Hagan and NY Media knew were wholly unreliable and had an axe to grind against Logan.

84. Hagan and NY Media lacked reasonable grounds for any belief in the truth of their statements and acted negligently in failing to determine the true facts.

85. As a direct result of Hagan and NY Media's defamation, Logan suffered presumed damages and actual damages, including, but not limited to, pain and suffering, emotional distress and trauma, insult, anguish, stress and anxiety, public ridicule, humiliation, embarrassment, indignity, damage and injury to her personal and professional reputations, loss of business and income, diminished future earning capacity, costs, and other out-of-pocket expenses, in the sum of \$25,000,000.00 or such greater amount as is determined by the Jury.

COUNT II – BUSINESS DISPARAGEMENT

86. Logan restates paragraphs 1 through 85 of this Complaint, and incorporates them herein by reference.

87. Hagan and NY Media caused to be republished false and disparaging information about Logan, which is detailed verbatim above.

88. Hagan and NY Media knew their statements were false and acted with the specific intent to injure Logan.

89. None of Hagan and NY Media's statements are privileged. Hagan and NY Media had no right to publish false and disparaging information about Logan. Hagan and NY Media knew of the falsity of their statements and acted with wanton, intentional and reckless disregard concerning publication. Hagan and NY Media acted with ill-will and they intended to interfere with the economic interests of Logan in an unprivileged fashion.

90. Hagan and NY Media's statements and actions constitute business disparagement under Texas law.

91. Hagan and NY Media's business disparagement caused Logan to suffer and incur special damages, including loss of business and income, diminished earnings capacity, loss of standing in her profession, injury to professional name and reputation, and out-of-pocket expenses in the sum of \$25,000,000.00 or such greater amount as is determined by the Jury.

Logan alleges the foregoing based upon personal knowledge, public statements of others, and records in her possession. Logan believes that substantial additional evidentiary support, which is in the exclusive possession of Hagan and NY Media and their agents and other third-parties, will exist for the allegations and claims set forth above after a reasonable opportunity for discovery.

Logan reserves her right to amend this Complaint upon discovery of additional instances of the Defendants' wrongdoing.

CONCLUSION AND REQUEST FOR RELIEF

WHEREFORE, Plaintiff, Lara Logan, respectfully requests the Court to enter Judgment against Hagan and NY Media, jointly and severally, as follows:

- A. Compensatory damages in the amount of \$25,000,000.00 or such greater amount as is determined by the evidence;
- B. Punitive damages in the maximum amount allowed by Texas law;
- C. Prejudgment interest from May 2, 2014 until the date Judgment is entered at the maximum rate allowed by law;
- D. Postjudgment interest at the maximum rate allowed by law;
- E. Attorney's Fees and Costs;
- F. Such other relief as is just and proper.

TRIAL BY JURY IS DEMANDED

DATED: December 13, 2019

Signature of Counsel on Next Page

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Of Counsel for the Plaintiff

*(Application for Admission Pro Hac Vice
To be Filed)*