

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

BRAD BAUMAN
c/o Bailey Glasser LLP
1054 31st Street NW, Suite 230
Washington, DC 20007

Plaintiff,

v.

Civil Action No. 1:18-cv- 1191

EDWARD BUTOWSKY
2200 Bradbury Court
Plano, Texas 75093

JURY TRIAL DEMANDED

MATTHEW COUCH
2300 West Ash Street
Rogers, Arkansas 72758

AMERICA FIRST MEDIA
2300 West Ash Street
Rogers, Arkansas 72758

HOWARD GARY HEAVIN
2030 FM 1829
Gatesville, Texas 76528

Defendants.

COMPLAINT

Plaintiff Brad Bauman alleges as follows:¹

I. Nature of the Action

1. This action arises out of Defendants' unrelenting campaign to defame Brad Bauman, who volunteered to be the Rich family's unpaid spokesman after

¹ Plaintiff's allegations herein that are based on plaintiffs' information and belief are based on plaintiff's investigation and belief that substantial evidentiary support will exist after a reasonable opportunity for further investigation and discovery.

Seth Rich was brutally murdered on July 10, 2016. As a result of volunteering, Brad has been the target of a sustained defamatory campaign that has harmed his professional reputation and caused him severe emotional distress and exacerbated pre-existing conditions that have, in turn, manifested in ways that have directly impacted his physical health.

2. In the aftermath of Seth Rich's murder, in large part because he worked for the Democratic National Committee ("DNC"), conspiracy theorists rushed in to link his tragic murder to the leak of certain DNC emails during the 2016 campaign. Since the murder, law enforcement has repeatedly stated that Seth Rich's murder was the result of a botched robbery attempt.²

3. On August 10, 2016, in response to a firestorm of conspiratorial theories surrounding Seth Rich's murder, WikiLeaks released a statement noting its policy of neither confirming nor denying a source of information "should not be taken to imply that Seth Rich was a source to WikiLeaks or to imply that that (sic) his murder is connected to our publications. We hope our efforts will contribute to the family's calls for information and to the separate reward issued by police."³

² Faith Karimi, *Seth Rich and the Myth Behind the Unsolved Murder Case*, CNN (Aug. 2, 2017), <https://www.cnn.com/2017/05/24/us/seth-rich-dnc-wikileaks-theories/index.html> (last visited May 19, 2018).

³ WikiLeaks (@wikileaks), TWITTER (Aug. 10, 2016, 7:41 PM), <https://twitter.com/wikileaks/status/763565863861616640?lang=en> (last visited May 19, 2018). On August 11, 2016, Wikileaks tweeted that "Seth Rich's new 'family spokesman' is Brad Bauman a professional Democrat crisis PR consultant with the Pastorum Group." WikiLeaks (@wikileaks), TWITTER (Aug. 10, 2016, 2:38 PM), <https://twitter.com/wikileaks/status/763852003093217280> (last visited May 19, 2018).



4. During this frenzied period, Defendants ginned up a public campaign to slander and defame Brad by creating a false narrative that: (a) Seth Rich leaked Democratic National Committee (“DNC”) emails to WikiLeaks because he had uncovered criminal activity at the highest echelons of the DNC and had been murdered as a result; (b) Brad was a DNC “hitman,” “cleaner,” or “crisis fixer,” depending on the day, who was “assigned” by the DNC to the Rich Family in order to execute the DNC’s plan to cover up Seth Rich’s murder; and that (c) Brad manipulated Aaron Rich and Seth’s parents, Mary and Joel Rich, and orchestrated a scheme to obstruct and hinder law enforcement’s investigation into Seth’s murder.

To support this false narrative, Defendants constructed a web of falsehoods, defamatory statements, and intimidation tactics that included “doxing” Brad.⁴ Defendants have continued to actively press their conspiracy theory and some have used it to drive “clicks” to their internet sites and raise money to continue their “investigation.”

5. Defendants made and continue to make these defamatory statements that have resulted in harm to Brad (a) *after* WikiLeaks had issued its statement concerning Seth Rich; (b) *after* the Rich Family issued a statement that had “seen no evidence . . . that Seth’s murder had any connection to his job at the Democratic National Committee or his life in politics,”⁵ and, most importantly, (c) *after* Fox News publicly and fully retracted its May 16, 2017 report that “[t]here is tangible evidence on the laptop of a former DNC staffer that confirms he was talking to WikiLeaks prior to his murder.”⁶

⁴ TECHOPEDIA, Doxing (“Doxing is the process of retrieving, hacking and publishing other people’s information such as names, addresses, phone numbers and credit card details. Doxing may be targeted toward a specific person or an organization. There are many reasons for doxing, but one of the most popular is coercion.”), <https://www.techopedia.com/definition/29025/doxing> (last visited May 19, 2018).

⁵ Mary Rich & Joel Rich, *We’re Seth’s Rich’s Parents. Stop Politicizing our Son’s Murder.*, WASH. POST (May 23, 2017), https://www.washingtonpost.com/opinions/were-seth-richs-parents-stop-politicizing-our-sons-murder/2017/05/23/164cf4dc-3fee-11e7-9869-bac8b446820a_story.html?utm_term=.7a3daa7bb4d3 (last visited May 19, 2018).

⁶ *Slain DNC Staffer had Contact with WikiLeaks, Investigator Says*, FOX NEWS (May 16, 2017), <https://web.archive.org/web/20170516061131/http://www.foxnews.com/politics/2017/05/16/slain-dnc-staffer-had-contact-with-wikileaks-investigator-says.html> (last visited May 19, 2018).

6. On May 22, 2017, for example, CNN published a story headlined “Fox News staffers ‘disgusted’ at network’s promotion of Seth Rich conspiracy theory.”⁷

The article stated:

The Daily Beast additionally reported on Monday that Fox News staffers were “embarrassed” by Hannity’s promotion of the conspiracy theory.

Brad Bauman, spokesman for the Rich family, told CNN last week that “anyone who continues to push this fake news story after it was so thoroughly debunked is proving to the world they have a transparent political agenda or are a sociopath.”

Bauman told CNN on Monday that Hannity had not reached out to the family. Hannity has, however, reached out to invite Kim Dotcom, the Megaupload founder, who is currently in New Zealand fighting extradition to the U.S., where he is wanted on charges of copyright infringement and money laundering, on to his show. Dotcom has claimed to have evidence Rich leaked documents to Wikileaks, though he has not provided such evidence to the public. He did not respond to an email CNN sent him seeking comment on Monday. . . .

WTTG-TV later walked back its story, noting that Wheeler conceded he had no evidence Rich was in contact with Wikileaks.

Fox News, however, has still not retracted its story. Requests for comment made to the outlet on Monday were not returned.

7. The next day, on May 23, 2018, Fox News fully retracted its May 16 story, on the grounds “[t]he article was not initially subjected to the high degree of

⁷ Oliver Darcy, *Fox News Staffers ‘Disgusted’ at Network’s Promotion of Seth Rich Conspiracy Theory*, CNN (May 22, 2017, 10:39 PM), <http://money.cnn.com/2017/05/22/media/fox-news-staffers-seth-rich-dnc-sean-hannity/index.html> (last visited May 19, 2018).

editorial scrutiny we require for all reporting. Upon appropriate review, the article was found not to meet those standards and has since been removed.”⁸

8. The same day, the Washington Post published an open letter from Mary and Joel Rich where they stated they had “seen no evidence, by any person at any time, that Seth’s murder had any connection to his job at the Democratic National Committee or his life in politics. Anyone who claims to have such evidence is either concealing it from us or lying.”⁹



⁸ *Statement on Coverage of Seth Rich Murder Investigation*, FOX NEWS (May 23, 2017), <http://www.foxnews.com/politics/2017/05/23/statement-on-coverage-seth-rich-murder-investigation.html> (last visited May 19, 2018).

⁹ Mary Rich & Joel Rich, *We're Seth's Rich's Parents. Stop Politicizing our Son's Murder.*, WASH. POST (May 23, 2017), https://www.washingtonpost.com/opinions/were-seth-richs-parents-stop-politicizing-our-sons-murder/2017/05/23/164cf4dc-3fee-11e7-9869-bac8b446820a_story.html?utm_term=.7a3daa7bb4d3 (last visited May 19, 2018).

9. Despite these high-profile and widely-publicized disclosures, Defendants have continued their campaign of defamation and conspiracy-mongering as part of an effort to fundraise for their media companies or otherwise score political points from Seth Rich's tragic death.

10. Leading up this sequence of events, in early 2017, Defendant Edward Butowsky reportedly contacted the Rich Family and offered to fund the hiring of a former D.C. police investigator to lead a D.C.-based private investigation into the murder of Seth Rich. Defendant Butowsky hired Rod Wheeler, a "private investigator"¹⁰ in Washington, DC and a Fox News commentator, to serve as the investigator. The retracted Fox News story contained several statements attributed directly to by Butowsky, that Mr. Wheeler subsequently denied ever having made

11. Rod Wheeler thereafter distanced himself from Defendant Butowsky and the statements Butowsky had attributed to Mr. Wheeler, which purportedly formed the basis for Butowsky's false assertions about Brad. Not only did he publicly distance himself from Defendant Butowsky, Mr. Wheeler sued Twenty-First Century Fox, Inc., Fox News Network LLC, Malia Zimmerman, and Ed Butowsky for defamation. *See Wheeler v. Twenty-First Century Fox, Inc., et al.*, No. 1:17-cv-05807, Compl., ECF No. 1 (Aug. 1, 2017) ("Wheeler Lawsuit"). The matter is still pending.

¹⁰ Jim McElhatton, *Now-Notorious 'Private Investigator' in Seth Rich Case is Unlicensed in D.C.*, WASH. CITY PAPER (May 31, 2017), <https://www.washingtoncitypaper.com/news/city-desk/article/20863214/nownotorious-private-investigator-in-seth-rich-case-is-unlicensed-in-dc> (last visited May 19, 2018).

12. Seth Rich's parents and brother have also filed actions that name several of the Defendants here for, among other things, intentional infliction of emotional distress and defamation *per se*. See *Rich v. Butkowsky, et al.*, No. 1:18-cv-00681-RJL, Compl. (ECF No. 3) (Mar. 26, 20218) (D.D.C.) ("Aaron Rich Lawsuit"); *Rich, et al. v. Fox News Network, LLC, et al.*, NO. 1:18-cv-02223, Compl. (ECF No. 1) (Mar. 13, 2018) (S.D.N.Y) ("Rich Family Lawsuit"). Both of these matters remain pending.

13. Defendants have continued to attack and defame Brad, who selflessly, and without expectation of remuneration, volunteered as the family's spokesman in the aftermath of their son's and brother's murder. This action arises out of Defendants' repeated defamatory statements and the resulting harm Brad has experienced.

II. Parties

14. Plaintiff Brad Bauman is a resident and citizen of the District of Columbia.

15. Defendant Edward Butowsky is a resident and citizen of the state of Texas. Defendant Butowsky is a frequent guest on a number of televised cable news programs.

16. Defendant Matthew Couch is a resident and citizen of Arkansas. He is the Founder and Host of the America First Media Group, Inc. ("AFM").

17. Defendant AFM is registered as a nonprofit organization in Arkansas and was founded by Defendant Couch, who is listed as its registered agent and incorporator/director. The group's first Website (www.americafirstmg.com)

identified the following individuals (and their Twitter handles) as members of AFM: Flynn (@FITE4THEUSERS); Eddie Graham (@egraham_cracker); Truth or TIG (@TruthinGovernment2016); ThinBlueLR (@ThinBlueLR); Bill Pierce (@therealbp65), Josh Flippo (@jflippo1327), Hannibal Moot (@HannibalMoot); and Matt Couch (@realmattcouch).¹¹

18. Defendant Howard Gary Heavin is a resident and citizen of the state of Texas. Defendant Heavin is a frequent guest of InfoWars and other internet-based news and entertainment programs accessible in the District of Columbia.

III. Jurisdiction & Venue

19. The Court has subject matter jurisdiction over this action under 28 U.S.C. § 1332 because there is diversity of citizenship among the parties, and the amount in controversy exceeds \$75,000 exclusive of interest and costs.

20. The Court has personal jurisdiction over Defendant Butowsky pursuant to D.C. Code § 13-423(a)(4) because he committed acts outside the District of Columbia that caused tortious injury to Plaintiff within the District of Columbia and he has engaged in a persistent course of conduct inside the District of Columbia. For the reasons discussed herein, Brad has suffered tortious injury in the District of Columbia and Defendant additionally satisfies § 13-423(a)(4)'s additional requirement because he has engaged in a persistent course of conduct in the District of Columbia by, among other things, (a) helping fund the "investigation" of

¹¹ Matt Couch, *Meet the America First Media Team*, AMERICA FIRST MEDIA (Aug. 6, 2017), <https://www.americafirstmg.com/single-post/2017/08/06/Meet-The-America-First-Media-Team> (last visited May 19, 2018).

the murder of Seth Rich by Defendants Couch and AFM in the District of Columbia; (b) repeatedly made defamatory comments about Brad that have appeared in D.C.-based publications or that have appeared in nationally-distributed publications that have aired or been published in the District of Columbia; and (c) hiring Mr. Wheeler to conduct a purported investigation in D.C., and attributing statements to Mr. Wheeler purportedly conveyed by him to Defendants Butowsky as information collected in the course of the D.C. investigation.

21. This Court has personal jurisdiction over Defendants Couch and AFM pursuant to D.C. Code § 13-423(a)(1) because Plaintiff's claims arise out of business that Defendants have transacted in the District of Columbia and their continuous business contacts with the District. Defendant AFM and its members, including Defendant Couch, have traveled to D.C., where they claim to have met with "sources" and from which they posted social media content for the purposes of raising funds and advancing their D.C.-centric narrative about the Plaintiff and his family. They regularly solicit donations to support taking their supposed "investigation" to D.C., and they target their message to the D.C. market, including to local law enforcement in an effort to influence their D.C.-based investigation. As detailed in the factual allegations *infra*, Defendants Couch and AFM regularly solicit funds, including from individuals in D.C., to assist in their efforts to defame Brad (among others), including by soliciting funds to travel to D.C. They encourage residents of Washington, D.C. and the surrounding suburbs to reach out and provide "information" to their team. In fact, on May 18, 2018, Defendants Couch

and AFM posted an article stated “we have turned over substantial evidence including testimony from witnesses in the form of depositions to certain individuals in the Rayburn Building in DC.”¹²

22. Alternatively, this Court has personal jurisdiction pursuant to D.C. Code § 13-423(a)(3) because Defendants Couch and AFM committed acts in the District of Columbia that caused tortious injury to Plaintiff within the District of Columbia. The publication of defamatory conduct within D.C. constitutes overt acts that furthered the Defendants’ common scheme. Brad suffered tortious injury in the District of Columbia by virtue of the publication of defamatory content in D.C. Furthermore, he has suffered harm to his reputation in D.C. as a direct and proximate result of the Defendants’ tortious acts. Brad’s professional opportunities and reputation depend upon the favorable opinions of and relationship with individuals located in D.C. He is employed by a company headquartered in Washington, DC. Many of the clients for whom he works and who decide whether to permit him to do so are located in D.C.

23. Alternatively, this Court has personal jurisdiction over the Defendants Couch and AFM pursuant to D.C. Code § 13-423(a)(4) because Defendants committed acts outside the District of Columbia that caused tortious injury to Plaintiff within the District of Columbia. For the reasons discussed herein, Brad has suffered tortious injury in the District of Columbia and Defendants also satisfy

¹² The Seth Rich Investigation by Hannibal Moot, AMERICA FIRST MEDIA GROUP (May 18, 2018), <https://af-mg.com/2018/05/18/the-seth-rich-investigation-by-hannibal-moot/> (last visited May 19, 2018).

§ 13-423(a)(4)'s additional factors because they (a) have regularly done or solicited business in the District of Columbia; (b) Defendants have engaged in a persistent course of conduct in the District of Columbia; or (c) Defendants derive substantial revenue from goods used or consumed, or services rendered in the District of Columbia, either of which is sufficient to satisfy the jurisdictional requirements.

24. This Court has personal jurisdiction over Defendant Heavin under D.C. Code 13-423(a)(4) because his actions have caused tortious injury in the District of Columbia and he has engaged in a persistent course of conduct to defame Brad Bauman. For the reasons discussed herein, Brad has suffered tortious injury in the District of Columbia and Defendant additionally satisfies § 13-423(a)(4)'s additional requirement because he has engaged in a persistent course of conduct in the District of Columbia. For example, Defendant Heavin has, among other things, repeatedly made defamatory comments about Brad that have appeared in nationally-distributed publications that have aired and been published and continue to be aired and published in the District of Columbia.

25. Venue is proper in this district under 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to these claims occurred in this district.

IV. Factual Allegations

26. On July 10, 2016, at approximately 2:30 a.m., Seth Rich was murdered in the Bloomingdale neighborhood of Washington, DC.

27. Shortly after the homicide, Brad Bauman was referred to the Rich Family by some of Seth's friends and former co-workers. Brad agreed assist the Rich family as a spokesperson on a voluntary basis.

28. Brad was *neither hired nor assigned* by the DNC to assist the Rich Family. Brad has *never* worked for the DNC. Brad has *never* been paid by the DNC. Likewise, Brad was not paid by the Rich Family. Rather, Brad volunteered to act as the family's spokesperson. Moreover, Brad *is not or has never* been a DNC "hitman." Brad *is not or has never* been a DNC "cleaner." And Brad *is not or has never* been a DNC "crisis fixer." In fact, Brad has *never* been hired or paid by the DNC for any work. Anyone with a modicum of diligence or concern for the truth could easily have confirmed these facts.

29. Law enforcement's investigation into the circumstances surrounding Seth Rich's tragic murder continues to this day. The law enforcement community in D.C. has consistently said that Seth was murdered during an attempted robbery. But Defendants aren't interested in the truth because it does not fit their false narrative.

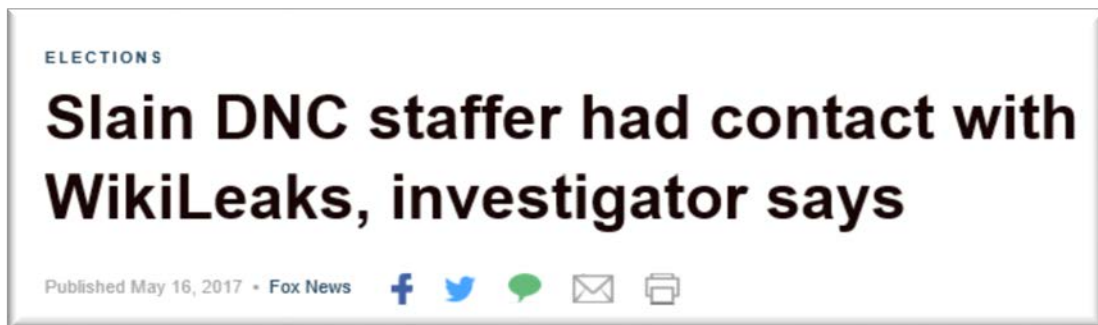
A. Defendant Butowsky inserted himself into the Rich Family's tragedy in order to serve his own agenda.

30. Based on Plaintiff's investigation and personal knowledge, Defendant Butowsky contacted the Rich Family in early 2017 and offered to fund the hiring of a former D.C. police investigator to lead a D.C.-based private investigation into the murder of Seth Rich.

31. Defendant Butowsky was reportedly simultaneously pressing Fox News to run with a story that there was proof that Seth Rich had leaked DNC documents to Wikileaks.

32. As noted above, on August 10, 2016, Wikileaks released a statement noting its policy of neither confirming nor denying a source of information “should not be taken to imply that Seth Rich was a source to Wikileaks or to imply that that (sic) his murder is connected to our publications. We hope our efforts will contribute to the family’s calls for information and to the separate reward issued by police.”¹³

33. On May 16, 2017, Fox News published an article titled Seth Rich, “Slain DNC Staffer, Had Contact With Wikileaks, investigator says”:¹⁴



34. The Fox News Article stated unequivocally that “[t]here is tangible evidence on the laptop of a former DNC staffer that confirms he was talking to WikiLeaks prior to his murder, a private investigator suggested Monday.”¹⁵

¹³ WikiLeaks (@wikileaks), TWITTER (Aug. 10, 2016, 7:41 PM), <https://twitter.com/wikileaks/status/763565863861616640?lang=en> (last visited May 19, 2018).

¹⁴ *Slain DNC Staffer had Contact with WikiLeaks, Investigator Says*, FOX NEWS (May 16, 2017), <https://web.archive.org/web/20170516061131/http://www.foxnews.com/politics/2017/05/16/slain-dnc-staffer-had-contact-with-wikileaks-investigator-says.html> (last visited May 19, 2018).

35. The Fox News Article attributed to Mr. Wheeler a statement that his investigation had revealed that law enforcement was actively covering up the murder of Seth Rich:

Seth Rich was killed last July in what authorities have called a robbery gone awry.

But Rod Wheeler, a former D.C. homicide detective and Fox News contributor, is leading a parallel investigation into Rich's murder.

Wheeler told Fox 5 DC that *he believes there is a cover up* and the police department may have been told to back down from the investigation.

"The police department nor the FBI have been forthcoming," Wheeler told the station. "They haven't been cooperating at all. I believe that the answer to solving his death lies on [Seth Rich's] computer, which I believe is either at the police department or either at the FBI. I have been told both."

Wheeler added that a source in the D.C. police department "looked him in the eye" and told him that investigators were told to stand down in the case.¹⁶

36. That same day, BuzzFeed published an article concerning the conspiracy theories relating to Seth Rich's murder ("Buzzfeed Article").¹⁷

¹⁵ *Slain DNC Staffer had Contact with WikiLeaks, Investigator Says*, FOX NEWS (May 16, 2017), <https://web.archive.org/web/20170516061131/http://www.foxnews.com/politics/2017/05/16/slain-dnc-staffer-had-contact-with-wikileaks-investigator-says.html> (last visited May 19, 2018).

¹⁶ *Slain DNC Staffer had Contact with WikiLeaks, Investigator Says*, FOX NEWS (May 16, 2017), <https://web.archive.org/web/20170516061131/http://www.foxnews.com/politics/2017/05/16/slain-dnc-staffer-had-contact-with-wikileaks-investigator-says.html> (emphasis added) (last visited May 19, 2018). See also Fox News, Report: Slain DNC staffer was in contact with WikiLeaks, <http://video.foxnews.com/v/5436001644001/?#sp=show-clips> (last visited May 19, 2018).

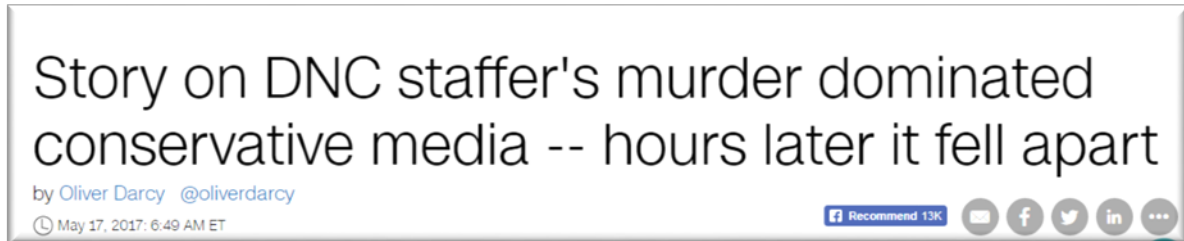


37. The BuzzFeed Article provided two independent bases for debunking the conspiracy theory that the DNC was involved with Seth Rich's murder: (i) a statement from Seth Rich's family putting the world on notice that the family believed the DNC allegation to be false and offensive; and (ii) a direct on-the-record statement from Wheeler, who denied the factual premise for the earlier Fox News report on Seth Rich.¹⁸

¹⁷ Alex Campbell, *The Family of a Murdered DNC Staffer has Rejected a Report Linking his Death to WikiLeaks*, BuzzFeed News, https://www.buzzfeed.com/alexcampbell/seth-rich-family-refutes-report?utm_term=.1xPOrDKGkX&utm_term=.teN6mnj8r#.kyp5pDmRK (last visited May 19, 2018) (emphasis added) (last visited May 19, 2018).

¹⁸ Alex Campbell, *The Family of a Murdered DNC Staffer has Rejected a Report Linking his Death to Wikileaks*, BuzzFeed News, https://www.buzzfeed.com/alexcampbell/seth-rich-family-refutes-report?utm_term=.1xPOrDKGkX&utm_term=.teN6mnj8r#.kyp5pDmRK (emphasis added) (last visited May 19, 2018).

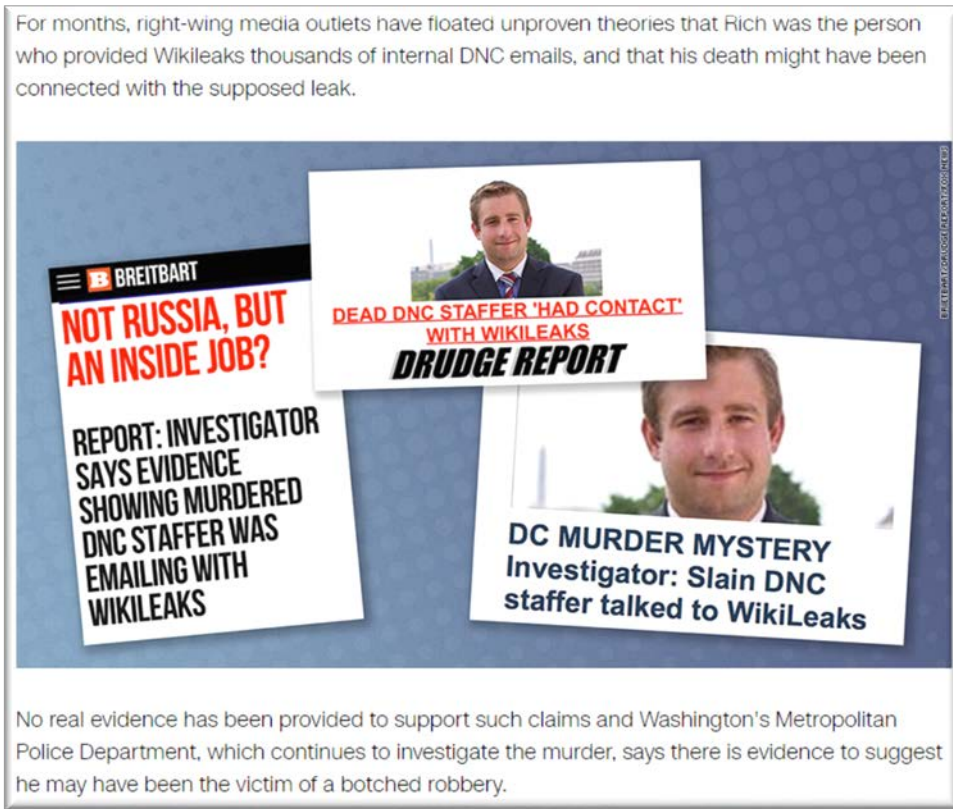
38. Shortly thereafter, Mr. Wheeler publicly stated that he did not personally have any evidence substantiating this comment and only had received that information from others:¹⁹



39. The May 17, 2017 CNN article discussing Mr. Wheeler's knowledge of the matters presented in the Fox News Article noted:²⁰

¹⁹ See, e.g., Oliver Darcy, *Story on DNC Staffer's Murder Dominated Conservative Media -- Hours Later it Fell Apart*, CNN (May 17, 2017, 6:49 AM), <http://money.cnn.com/2017/05/16/media/seth-rich-family-response-claims-of-wikileaks-contact/index.html> (last visited May 19, 2018).

²⁰ *Id.*



40. The May 17, 2017 CNN article further noted:

A Fox News spokesperson did not respond to a request for comment by the time of publication.

Earlier Tuesday, Brad Bauman, a spokesman for the Rich family, released a statement in which he said the family had “seen no evidence” to suggest Seth Rich had been in contact with Wikileaks.

Bauman told CNN the outlets that had run with the story “have shown over and over again that they are willing to lie and manipulate the facts” to further “their own political end.”

“I think it’s important for everyone at Fox News to be careful with this information and how this story breaks because using the legacy of a murder victim in such an overtly political way is morally reprehensible,” he said.

Bauman also said the Rich family was reviewing possible legal action against Wheeler for speaking about the case publicly. A contract between Wheeler and the Rich family prohibited Wheeler from speaking to the media about his ongoing investigation, Bauman said.

“It is possible that this private investigator is in breach of a non disclosure contract,” Bauman told CNN, adding that the private investigator’s public comments have “seriously impeded the ability of the Metropolitan Police Department to investigate.”

Asked whether he was in breach of a contract, Wheeler said, “I don’t know, it’s hard to say.”

“I think that’s something I will have to work out with [the family],” he added.

Wheeler was put in touch with the Rich family through Dallas businessman Ed Butowsky, who told CNN he had offered to pay any bills associated with the investigation.²¹

41. On May 21, 2017, Brad was “doxed” by Flynn (@FITE4THEUSERS), who has been publicly-identified as an AFM team member. As a result of having an extensive listing of his private emails and phone numbers published, Brad has feared for his personal safety and suffered extreme emotional distress.

42. On May 22, 2017, CNN published a story headlined “Fox News staffers ‘disgusted’ at network’s promotion of Seth Rich conspiracy theory.”²²

43. On May 23, 2017, one week after first publishing its report, Fox News officially retracted its earlier reporting concerning the Seth Rich murder allegations in a press release titled, “Statement on coverage of Seth Rich murder investigation” (“Fox News Retraction”).²³

44. The Fox News Retraction succinctly stated:

²¹ *Id.*

²² Oliver Darcy, *Fox News Staffers ‘Disgusted’ at Network’s Promotion of Seth Rich Conspiracy Theory*, CNN (May 22, 2017, 10:39 PM), <http://money.cnn.com/2017/05/22/media/fox-news-staffers-seth-rich-dnc-sean-hannity/index.html> (last visited May 19, 2018).

²³ *Statement on Coverage of Seth Rich Murder Investigation*, FOX NEWS (May 23, 2017), <http://www.foxnews.com/politics/2017/05/23/statement-on-coverage-seth-rich-murder-investigation.html> (last visited May 19, 2018).

On May 16, a story was posted on the Fox News website on the investigation into the 2016 murder of DNC Staffer Seth Rich. *The article was not initially subjected to the high degree of editorial scrutiny we require for all our reporting.* Upon appropriate review, the article was found not to meet those standards and has since been removed.

We will continue to investigate this story and will provide updates as warranted.²⁴

45. Although Fox News indicated that it will “continue to investigate and will provide updates as warranted,” Plaintiff is unaware of any effort by Fox News to modify its complete retraction or otherwise attempt to resuscitate its “bombshell” Seth Rich-WikiLeaks story in any way.

46. On the same day, May 23, 2017, the Washington Post published an open letter from Seth Rich’s parents in which they stated they had “seen no evidence, by any person at any time, that Seth’s murder had any connection to his job at the Democratic National Committee or his life in politics. Anyone who claims to have such evidence is either concealing it from us or lying.”²⁵

47. The Riches further explained that they knew “that Seth’s personal email and his personal computer were both inspected by detectives early in the investigation and that the inspection revealed no evidence of any communications with anyone at WikiLeaks or anyone associated with WikiLeaks. Nor did that

²⁴ *Id.* (emphasis added).

²⁵ Mary Rich & Joel Rich, *We’re Seth’s Rich’s Parents. Stop Politicizing our Son’s Murder.*, WASH. POST (May 23, 2017), https://www.washingtonpost.com/opinions/were-seth-richs-parents-stop-politicizing-our-sons-murder/2017/05/23/164cf4dc-3fee-11e7-9869-bac8b446820a_story.html?utm_term=.7a3daa7bb4d3 (last visited May 19, 2018).

inspection reveal any evidence that Seth had leaked DNC emails to WikiLeaks or to anyone else.”²⁶

48. After publication of the Fox News Article, Defendant Butowsky’s relationship with Detective Wheeler soured to the point where Detective Wheeler brought a defamation *per se* action against several defendants, including Defendant Butowsky and Fox News Network. *See Wheeler v. Twenty-First Century Fox, Inc., at al.*, No. 1:17-cv-05807, Compl., ECF No. 1 (Aug. 1, 2017) (“Wheeler Lawsuit”). The Wheeler Lawsuit is pending.

49. As alleged in the Wheeler Lawsuit, filed on August 1, 2017, Defendant Butowsky agreed to “foot the bill” of Wheeler’s “investigation” into Seth Rich’s murder in an effort to “debunk reports the Russians were responsible for the DNC hacks.” Wheeler Lawsuit, Compl. ¶¶ 51, 53 (ECF No. 1) (Aug. 1, 2017). Mr. Wheeler further alleged that when he confronted Defendant Butowsky about the inaccuracy of the statements in the May 16, 2017 Fox News Article, Mr. Butowsky responded that “one day you’re going to win an award for having said those things you didn’t say.” *Id.* ¶ 90. With respect to the inaccuracy of the “degree of emails” statement, Mr. Wheeler alleges that Defendant Butowsky told him: “Well I know that’s not true . . . I’ve never heard you say that . . . If I’m under oath, I would say I never heard him say that.” *Id.*

²⁶ *Id.*

50. According to the Wheeler Lawsuit, in early 2017, Defendant Butowsky was coordinating meetings in D.C. leading up to the publication of the May 16, 2017 Fox News Article that was ultimately retracted a mere one week later. *Id.* ¶¶ 66, 69.

B. Defendants’ conducted a sustained misinformation campaign despite the Fox News Retraction and the statements from the law enforcement community and the Rich Family.

51. After the Fox News Retraction on May 23, 2017, as well as the Rich Family’s public letter the same day, Defendants continued their sustained public campaign to defame Brad by asserting that, among other things, (a) he was “assigned” or “hired” by the DNC to act as a spokesman for the Rich family; (b) he was alternately a DNC “hitman,” “cleaner,” and “crisis fixer”; and (c) he has manipulated the Rich Family in an effort to impede and obstruct law enforcement’s investigation into Seth Rich’s murder. Although none of these assertions is true, they have negatively affected Brad’s professional reputation and ability to attract new clients as, among other things, an on-the-records spokesperson, and further limited the scope of responsibilities and on-the-record duties he has been able to continue or undertake for existing clients, as well as caused him severe emotional distress.

52. On May 23, 2017, on information and belief after the Fox News Retraction was published, Defendant Butowsky defamed Brad in an on-the-record statement published by World Net Daily on its website:



53. Undeterred by the Fox News Retraction, in this “WND EXCLUSIVE,” Defendant Butowsky claimed:²⁷

Despite Bauman’s statement to the contrary, a Texas businessman who hired a private eye to look into Rich’s murder told WND that the *DNC “assigned” Bauman to represent the Rich family.*

Ed Butowsky, a wealth management and financial adviser, said the Rich family asked him for assistance in stopping top D.C. lobbyist Jack Burkman from representing himself to media as their spokesman. . . . Joel Rich, Seth’s father, allegedly asked Butowsky to push back against Burkman’s interference.

“The third time I talked to Mr. [Joel] Rich (Seth’s father), he said, ‘Ed, there is a guy named Burkman who keeps saying he represents us. I am going to give you his phone number. Please tell him to stop doing that. We have a man who was assigned to us by the DNC,’” Butowsky explained to WND.

According to Butowsky, Joel Rich added: “We were assigned a guy named Brad Bauman. I don’t know why we were assigned him. I have no idea why I need somebody to speak for me, but please tell Burkman, because he is not listening to me, to go away and stop acting like he speaks for us.”

²⁷ Alicia Powe, *“That’s Patently False!” Seth Rich Family Spokesman Denies DNC Is Paying Him*, WORLD NET DAILY (May 23, 2017, 9:20 PM), <http://www.wnd.com/2017/05/thats-patently-false-seth-rich-family-spokesman-denies-dnc-is-paying-him> (emphasis added) (last visited May 19, 2018).

“Joel Rich’s exact words were ‘the DNC assigned [Bauman] to us,’” Butowsky said. ... In an interview with WND on May 16, Bauman explained that he was put in touch with Rich’s family by two of Rich’s friends – both of whom worked for the DNC – and that the family requested help because they had more media requests than they could handle.

Bauman also claimed the Rich family is “devastated” that a private eye, former D.C. police homicide detective Rod Wheeler, hasn’t ruled out the possibility that Rich had ties to WikiLeaks.

The Rich family was not upset about Wheeler’s progress in the investigation, Butowski told WND Tuesday. In fact, the family commended detective Wheeler for uncovering new information related to Rich’s murder just hours before the story went viral in the news media, he said.

Suddenly their tone changed – after Bauman intervened – Butowsky said.

“They had heard [Rich was possibly linked to WikiLeaks] for almost eight months. There is nothing outrageous here,” he said.

The night before the story broke about Rich’s involvement with WikiLeaks on May 15, “not only did Mr. Rich say he appreciated what Rod had done and the new information that he got, but asked to add to the story,” Butowsky continued. *“Nine hours later, the only thing that changed was Brad Bauman, Democrat crisis management person – that’s all that happened.” ...*

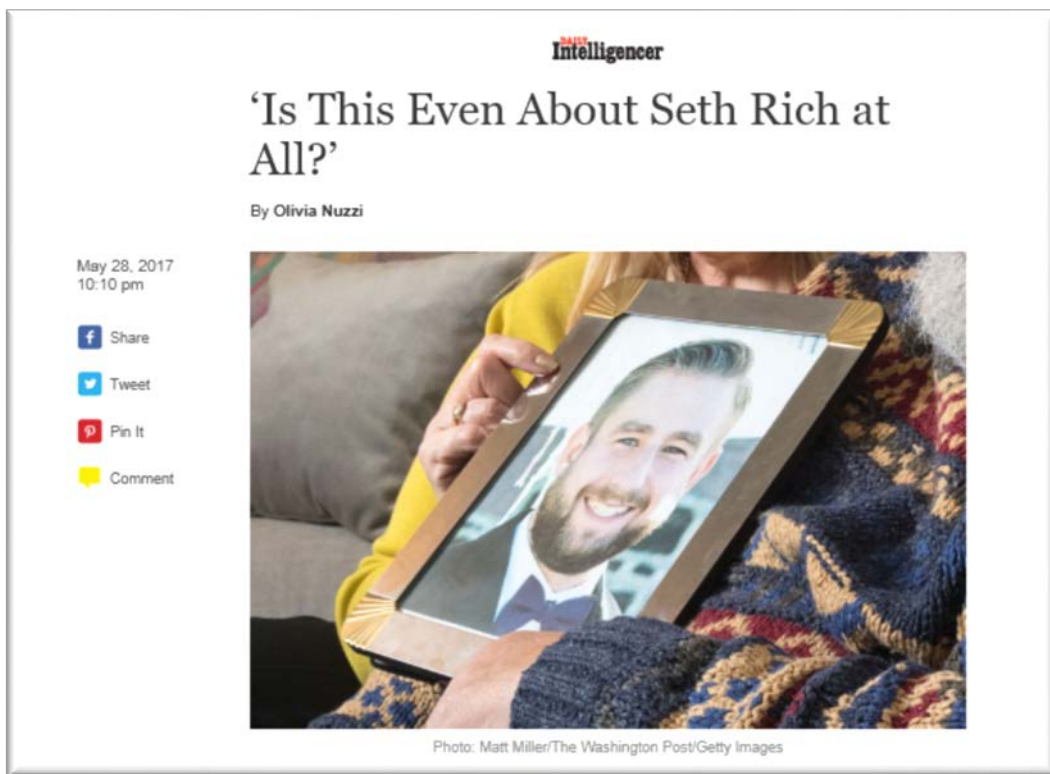
Butowsky said he finds Bauman’s involvement with the family extremely suspicious, and he is calling on the family to expose the DNC’s involvement and what he believes is obstruction of the murder investigation.

“Mr. Rich is a good man, but if Mr. Rich doesn’t stand up and tell the truth, he is complicit in this,” he said. “It’s really sad that Mr. Rich lost his son. But it’s really sad that Mr. Rich is complicit in keeping this Russian lie, apparently, alive.”²⁸

²⁸ *Id.*

54. On May 25, 2017, an InfoWars writer named Paul Joseph Watson tweeted an image of the same defamatory statements made by Defendant Butowsky to WND.com two days earlier.²⁹

55. On May 28, 2017, in an on-the-record interview with New York Magazine's Daily Intelligencer, Defendant Butowsky continued his defamatory campaign against Brad:



56. The Daily Intelligencer article noted:

Butowsky claims that, following a recommendation, he floated the idea of hiring Rod Wheeler, a PI and Fox News contributor, to help the Rich family, and that they responded positively because they'd seen him on TV. But Brad Bauman, a spokesman for the family, said Butowsky's characterization of this exchange was false. Bauman has himself been

²⁹ Paul Joseph Watson (@PrisonPlanet), TWITTER (May 25, 2017, 2:32 AM), <https://twitter.com/prisonplanet/status/867674830505742337> (last visited May 19, 2018).

a subject of scrutiny for those who believe the Democratic Establishment *is concealing the truth about Rich's murder, since he's a Democratic communications professional*. He began helping the Rich family deal with media relations after Seth's brother emailed a mutual friend to ask for guidance (I reviewed this email, and corroborated Bauman's account with the friend). *Bauman said he's not being paid by the Rich family, and he's denied speculation that he's being paid by the DNC*.

*Butowsky, for his part, told me it seemed like Bauman's "job is just to discredit and try to go after people."*³⁰

57. On May 28, 2017, Defendant Heavin appeared on the Dave Hodge, The Common Sense Show and claims that Brad was a "DNC hitman":

*The (Rich) family is being represented, represented [sic] by . . . uhh . . . a DNC . . . uhh . . . uhh . . . propaganda specialist. He's a guy named Bauman who, who [sic] comes in . . . uhh . . . when the DNC has issues and provides . . . uhh . . . he's kind of the cleaner . . . uhh . . . uhh . . . and so now the family wants us to not talk about it, because it's dishonoring them, but they hire the DNC cleaner to come in and propagandize this thing and to protect them. And, by the way, who is paying him because they said they had no money. So, as an American, you know, I feel bad for the family, but this isn't just about the family. And, the family when they hired the DNC guy . . . uhh . . . to represent them and sort of another publicist that maybe was neutral, they contributed to the need to pursue the truth, regardless of how they're feeling. I mean, they're the ones who who [sic] put somebody in place that would lie, cheat, and steal to to [sic] avoid the truth . . . uhh . . . uhh . . . because they work for the DNC. So, they have made this the story that it needs to become and . . . and . . . I think that's a very important point that has been missed. This Bauman guy is a DNC hitman and they're, he's [sic] the guy they've hired to represent the family.*³¹

³⁰ Olivia Nuzzi, *'Is this Even About Seth Rich at All?'*, DAILY INTELLIGENCER (May 28, 2017, 10:10 PM), <http://nymag.com/daily/intelligencer/2017/05/is-this-even-about-seth-rich-at-all.html> (emphasis added) (last visited May 19, 2018).

³¹ Dave Hodges, *Blockbuster Revelations from a Very Prominent American Regarding the Seth Rich Murder and Who's Behind it*, THE COMMON SENSE SHOW, at 12:08-13:29 (May 28, 2017), <http://www.thecommonsenseshow.com/blockbuster-revelations-from-a-very-prominent-american-regarding-the-seth-rich-murder-and-whos-behind-it> (emphasis added) (last visited May 19, 2018).

58. On June 19, 2017, Defendant AFM posted “[i]t’s becoming more and more apparent than (sic) there is no Russian Collusion. Seth Rich caught the DNC in criminal activity, and knew he was in too deep”:³²



59. Defendants have flatly and improperly accused Brad of (a) working in concert with the DNC to cover up criminal activity and (b) actively impeding law enforcement’s investigation covering into the purported “criminal activity” that Defendants assert Seth Rich was caught up in and was, as a result, murdered. As a

³² Josh Flippo, *We Found the Russian Hacker . . .*, AMERICA FIRST MEDIA (Jun. 19, 2017), <https://www.americafirstmg.com/single-post/2017/05/25/We-found-the-Russian-Hacker> (last visited May 19, 2018).

result of these scurrilous accusations, Brad has suffered damages to his professional reputation and his physical and emotional health.

60. On June 20, 2017, Defendants AFM and Couch posted “[w]hat many want you to believe was a routine botched Robbery has turned into a Nationwide investigation”:³³



61. On June 21, 2017, InfoWars’ flagship program, The Alex Jones Show, featured an approximately 21-minute segment titled “DNC Political Hitman

³³ Matt Couch, *America First Media Investigating Seth Rich Murder*, AMERICA FIRST MEDIA (Jun. 20, 2017), <https://www.americafirstmg.com/single-post/2014/06/01/Demonstrations-throughout-Europe-get-more-violent> (last visited May 19, 2018).

Continues Seth Rich Murder Cover Up” and subtitled: “Gary Heavin and Joe Biggs join David Knight and Owen Shroyer live in studio to discuss the ongoing cover up of Seth Rich’s murder by the DNC as Brad Bauman does their dirty work” (hereinafter, “June 21, 2017 Alex Jones Episode”), which on information and belief was broadcast at the time across InfoWars’ multi-media platforms, including but not limited to, The Alex Jones Channel on YouTube:³⁴



³⁴ InfoWars: The Alex Jones Show, *DNC Political Hitman Continues Seth Rich Murder Cover Up*, YOUTUBE (Jun. 21, 2017), <https://www.youtube.com/watch?v=eQHxExRxtKI> (emphasis added) (last visited May 19, 2018). Pictured from left to right: Joe Biggs, David Knight, Defendant Gary Heavin, and Owen Shroyer.

62. During the June 21, 2017 Alex Jones Episode,³⁵ host Shroyer, and Defendant Heavin said Bauman was involved in a conspiracy with the DNC to obstruct the investigation of Seth Rich's murder, drawing an analogy to a prior alleged political murder carried out by the Clintons:

BIGGS: There's a Clinton Body Count. I think she's a serial killer.

SHROYER: Stop it! The Clinton Body Count – that's just a coincidence.

HEAVIN: Here, let me finish with one more quick point: uhh... uhh... the the [sic] *Brad Bauman who was hired by the the [sic] Seth Rich family is a Democratic hitman who goes out and covers [up] messes. Now they don't want us talking about this because it's not sensitive to the Rich family. Well, guys, I'm sorry, this is OUR COUNTRY we're talking about.*³⁶

SHROYER: Welcome back to The Alex Jones Show, Owen Shroyer filling in. Gary Heavin, David Knight, Joe Biggs alongside, and *we were just talking about a lot of the red flags that are going up around the DNC, the Democrat Party, Seth Rich, and the murder investigation, and Gary [Heavin] you were just breaking down the Brad Bauman angle.*

HEAVIN: *Yeah, you know, the media's not covering Seth Rich and they're actually shaming people like you guys that are covering it. They're saying it's insensitive to the family. But why did the family, uhh ... who by the way claims they have no money to hire a private investigator - somebody paid for that private investigator by the way - uhh... uhh... but they also have a spokesperson. And Brad Bauman is their spokesperson and if you Google him you'll find that he has run a . . . uhh . . . Democratic . . . uhh . . . uhh . . . kind of a hitman to to [sic] cover up media issues around the Democratic Party. Of all people to hire as a spokesperson, why would you go to the DNC hitman? And that's very very suspicious. And, without being insensitive to the Seth Rich family, uhh... uhh... I would say, look, if if [sic] you're gonna hire a professional DNC hitman, then you need to prepare to to [sic] have people take a closer look at this. And and [sic] uhh . . . I'm sorry about*

³⁵ In the image above, the speakers are, from left to right, Joe Biggs, David Knight, Gary Heavin, and Owen Shroyer.

³⁶ *Id.* at 9:25 (emphasis added). Heavin exclaimed "Our Country" in a loud voice distinct from his tone during the rest of this passage.

*the loss of your son, in fact ... uhh ... uhh ... I feel great sympathy because I think he [i.e., Seth Rich] was a truth-seeker ... uhh ... and ... and ... it ... who had means, motive, and opportunity?*³⁷

63. During the June 21, 2017 Alex Jones Episode, Shroyer, and Heavin further stated:

SHROYER: You know and there was another lady, I can't think of her name, but she had, her son I think it was, what she believes her son was murdered for walking into a cocaine drug deal in Arkansas that she thinks Bill Clinton's people had something to do with, and she reached out to the Seth Rich family because she was in a similar place. She thought that her son was witness to something bigger and that's why they had to kill her son but all the sudden there was waves of people saying we're gonna help you, waves of people saying we'll handle this for you, waves of people; they trusted them and they thought that they were in it for the right reasons. *Well, she quickly realized that wasn't the case and she reached out to the Rich family and said, look, I know that there's a bunch of people coming at you saying they're gonna help. I know that you're in a very vulnerable situation. I realize that you need all the help you can get, but do not trust these people. They do not have your best interests in mind. And I think that you're saying that Brad Bauman is the exact type of person she was talking about.*

HEAVIN: *Yeah and unfortunately they've ... uhh ... signed him up as as [sic] the family spokesperson.*³⁸ *And of course what he's doing is saying this is insensitive, and uhh ... you shouldn't be subjecting the family to this, you know, let the police handle it. Well, the the [sic] problem with that is, first of all, who he is. uhhh. I have no intention of trusting his his [sic] wisdom. Uhh... You know we don't want to speculate on why the family complied and took him on, whether it was fear, or whatever, maybe they have convinced them of something. Maybe they hadn't said anything. He's been given the opportunity to use that as a strategy to shut the media reports down.*

³⁷ *Id.* at 8:58-10:54 (emphasis added).

³⁸ *Id.* at 12:10 (emphasis added). For the remainder of this quote, images from a “5 Things” article about Brad Bauman on Heavy.com are flashed, includes images of Brad Bauman himself, articles about his political history, and an image of Seth Rich near the end.

UNIDENTIFIED SPEAKER: *He's like the Harvey Keitel, the guy that, like, the Sopranos use, Hey I got this . . . uhh . . . we got a body, I need you to come in and clean it up.*³⁹

64. During the June 21, 2017 Alex Jones Episode, Defendant Heavin had the following exchange with Shroyer and David Knight:

KNIGHT: *Will this intimidation shut people down because its gonna hurt the feelings of the family if the family . . . uhh . . . I can't believe that a family would not want to know who killed their son.*

SHROYER: *Unless somebody like Brad Bauman is telling them to say that.*

KNIGHT: *Yeah. Exactly. Exactly.*

HEAVIN: *And you know, uhh . . . with with [sic] them hiring Brad Bauman, I think it gives us permission to to [sic] go to the truth... [KNIGHT interjects "Yeah"] . . . in spite of the family's feelings, and I think we have to do this. You know . . . uhh . . . uhh . . . something that was missed in the media was a few weeks ago when the . . . uhh . . . uhh . . . Seth Rich story and his connection to WikiLeaks came out, uhh . . . that was also the day that they went . . . uhh . . . full bore on the Comey story, and they, it was the wag-the-dog week. Uhh . . . We didn't see any [sic] anybody bother to cover the Seth Rich [sic] which not many mainstream medias [sic] are willing to do . . . uhh . . . uhh . . . had an had an [sic] option to go with the Comey story, which was all nonsense about the Russian collusion, so we saw a real wag-the-dog moment. And . . . uhh . . . uhh . . . uhh . . . that week was I think an important week, I started to call you guys because we needed to talk about it.*⁴⁰

65. During the June 21, 2017 Alex Jones Episode, Defendant Heavin had the following exchange with InfoWars agent Shroyer in which they directly accused the DNC of being complicit with murder and characterized their joint Seth Rich murder conspiracy theory as "the biggest story of the year":

³⁹ *Id.* at 11:15-12:55 (emphasis added).

⁴⁰ *Id.* at 15:58-17:03 (emphasis added).

HEAVIN: *So the biggest story of the week -- perhaps the biggest story of the year -- was that means, motive, and opportunity. The DNC very likely killed one of their own ... uhh... to punish him and we looked at the Podesta email where they said 'we gotta punish this guy', you know, whoever the leaker is, right?*

SHROYER: Yup.

HEAVIN: And he shows up dead a week later. *So the biggest story of the year gets buried by this nonsense Comey and Russia collusion and now if you mention it you're ridiculed and we should be talking about it.*

SHROYER: *But look at this, that's what I'm saying, the biggest story of the year . . .*⁴¹

66. According to statistics compiled by Social Blade, The Alex Jones Channel received approximately more than one million Daily Video Views on the date the June 21, 2017 Alex Jones Episode aired, as well in the days immediately thereafter.⁴²

67. On June 21, 2017, InfoWars also tweeted the June 21, 2017 Alex Jones Episode story under the banner “DNC Political Hitman Continues Seth Rich Murder Cover Up” to its Twitter followers along with split-screen images of Seth Rich and Brad. InfoWars describes the segment as “Gary Heavin and Joe Biggs join

⁴¹ *Id.* at 17:28-18:04 (emphasis added).

⁴² *The Alex Jones Channel*, SOCIALBLADE, <https://socialblade.com/youtube/user/thealexjoneschannel> (1.35 million views on June 21, 2017 and 1.17 million views on June 23, 2017 (no data available for June 22), online at <https://socialblade.com/youtube/user/thealexjoneschannel> (last visited May 19, 2018).

David Knight and Owen Shroyer live in studio to discuss the *ongoing cover up of Seth Rich's murder by the DNC as Brad Bauman does their dirty work.*"⁴³



68. On June 21, 2017, InfoWars posted a link to the June 21, 2017 Alex Jones Episode on its Facebook page stating “DNC Political Hitman Continues Seth Rich Murder Cover Up” with the same side-by-side images of Seth Rich and Brad and again noting “Gary Heavin and Joe Biggs join David Knight and Owen Shroyer

⁴³ InfoWars (@infowars), TWITTER (Jun. 21, 2017, 8:30 PM), <https://twitter.com/infowars/status/877730367943221248> (emphasis added) (last visited May 19, 2018).

live in studio to discuss the ongoing cover up of Seth Rich's murder by the DNC as Brad Bauman does their dirty work."⁴⁴



69. InfoWars' *The Alex Jones Show* is also published on InfoWars.Com,⁴⁵ and a wide array of Internet radio platforms, including but not limited to:

⁴⁴ InfoWars, *DNC Political Hitman Continues Seth Rich Murder Cover Up*, FACEBOOK (Jun. 21, 2017), <https://www.facebook.com/80256732576/videos/10155494986417577> (last visited May 19, 2018).

⁴⁵ See *Listen*, INFOWARS, <https://www.infowars.com/listen> (last visited May 19, 2018); see also *The Alex Jones' Show: InfoWars*, RADIO.NET, <http://infowars.radio.net> (last visited May 19, 2018).

(i) iHeartRadio.com⁴⁶; (ii) iTunes, via Alex Jones Radio (available in the Apple iTunes App Store)⁴⁷; (iii) TuneIn.com⁴⁸; and (iv) Streema.⁴⁹

70. These defamatory statements by Defendant Heavin that have been published and repeated across InfoWars' various outlets about Brad being a "professional DNC hitman" and "cleaner" have directly impacted his professional reputation and have caused severe emotional distress. These intentional misrepresentations are extreme and outrageous.

71. On August 1, 2017, Detective Wheeler filed his federal lawsuit against Defendant Butowsky. *See Wheeler v. Twenty-First Century Fox, Inc., et al.*, No. 1:17-cv-05807, Compl., ECF No. 1 (Aug. 1, 2017) ("Wheeler Lawsuit"). The lawsuit is currently pending and defendants' motions to dismiss are *sub judice* at the time of this filing.

72. Defendant Butowsky acted as an "anonymous source" for an August 1, 2017 article entitled "Brother of Seth Rich Works for Government Contractor That Provides Cyber Defense" that appeared on the website Big League Politics. In this piece, Defendant Butowsky anonymously asserted that Seth Rich's brother, Aaron

⁴⁶ *See The Alex Jones Show*, IHEARTRADIO, <https://www.iheart.com/podcast/228-The-Alex-Jones-Show-Infowa-27019969> (last visited May 19, 2018).

⁴⁷ *See Alex Jones Radio*, ITUNES, <https://www.iheart.com/podcast/228-The-Alex-Jones-Show-Infowa-27019969> (last visited May 19, 2018).

⁴⁸ *See The Alex Jones Show*, TUNEIN, <https://tunein.com/radio/Alex-Jones-Show-s54699> (last visited May 19, 2018).

⁴⁹ *See Infowars – Austin, TX*, STREEMA, <https://streema.com/radios/The-Alex-Jones-Show> (last visited May 19, 2018).

Rich, was “actively attempting to shut down anyone looking into the WikiLeaks connection according to Rod Wheeler.”⁵⁰

73. On August 2, 2017, Defendant Butowsky defamed Brad in an on-the-record interview with CNN:



74. During his CNN interview, Defendant Butowsky stated:

Bauman said the conspiracy theory is making it difficult for the Metropolitan Police Department to investigate the death of Rich.

⁵⁰ Cassandra Fairbanks, *Brother of Seth Rich Works for Government Contractor that Provides Cyber Defense*, BIG LEAGUE POLITICS (Aug. 1, 2017), <https://bigleaguepolitics.com/brother-seth-rich-works-government-contractor-provides-cyber-defense> (last visited May 19, 2018).

“All these folks want is to find the murderer or murderers that did this,” he said, referring to the Rich family. “They are perplexed by the fact that anybody would use the murder of their son.”

Bauman also chastised Butowsky for standing by the conspiracy in an interview that Butowsky gave to CNN on Tuesday, the day he was sued.

“Ed Butowsky had an opportunity to look the American people in the eye and the Seth Rich family in the eye and say, you know what, six months after I reached out to you, knowing what I know now, I cannot believe I put you in this position, and I am so, so sorry.” said Bauman.

CNNMoney reached out to Butowsky about the interview, but he said that he hadn’t seen it.

“Bauman, he’ll say whatever he wants. Bauman is simply a hired guy who will say anything.”

Butowsky said that there’s “absolutely no reason” for him to apologize to the Rich family because, “I haven’t done anything to the Rich family. Quite frankly, Brad Bauman should apologize to the country for crafting a lie.”⁵¹

75. Defendant Butowsky’s public statement stating that Brad should “apologize to the country for crafting a lie” is extreme and outrageous insofar as it suggests that Brad has masterminded an effort to cover-up criminal activity and hinder a law enforcement investigation. This, and the other intentional misrepresentations and have been designed to cause, and have in fact caused, severe emotional suffering.

76. On August 16, 2017, Defendant Couch appeared on a YouTube video called Personalities and Evidence in the Seth Rich Murder for a show called

⁵¹ Aaron Smith, *Seth Rich Family Just Wants Murder Conspiracy ‘to go away’*, CNN (Aug. 2, 2017, 11:21 AM), <http://money.cnn.com/2017/08/02/media/seth-rich-brad-bauman/index.html> (emphasis added) (last visited May 19, 2018).

Crowdsourcing the Truth hosted by Jason Goodman to discuss his investigation and relationship with and reliance on Defendant Butowsky.⁵²

77. On November 4, 2017, Defendant Couch sent the following tweet to his followers again improperly linking Brad Bauman to the DNC and referring to him as a DNC “Crisis Fixer”:⁵³



78. On November 18, 2017, Defendant Couch sent the following tweet to his followers with the phrase “COVER-UP” emblazoned across an array of photographs of Brad:⁵⁴

⁵² Crowdsourcing the Truth, Jason Goodman, *Personalities and Evidence in the Seth Rich Murder Case*, YOUTUBE (Aug. 16, 2017)

<https://www.youtube.com/watch?v=yZXKzyCT9KY> (last visited May 20, 2018).

⁵³ Matt Couch (@RealMattCouch), TWITTER (Nov. 4, 2017, 6:00 PM),

<https://twitter.com/realmattcouch/status/926977411190845440> (last visited May 19, 2018).



79. In accusing Brad of participating in a “cover-up” of the Seth Rich murder and impeding law enforcement’s investigation of it, Defendants have committed defamation per se because accused obstruction of justice is a crime. These false accusations have injured Brad’s professional reputation and prospects. This intentionally false statement, along with the numerous other false statements that have been repeated numerous times, are extreme and outrageous and have been designed to, and have in fact, caused damage to Brad’s professional reputation and have further caused severe emotional suffering.

⁵⁴ Matt Couch (@RealMattCouch), TWITTER (Nov. 18, 2017, 7:40 PM), <https://twitter.com/realmattcouch/status/932091073899450368> (last visited May 19, 2018).

80. On November 28, 2017, Defendant Couch sent the following tweet to his followers asserting that Brad has the Rich Family “under Siege” and that Defendant AFM “has learned that the email account of Joel Rich is being monitored and used by the DNC Crisis Fixer Brad Bauman”:⁵⁵



81. There is no basis in fact for the statement that Brad has controlled the email account of Joel Rich. Brad has never had access to the email account of Joel Rich, let alone control of it.

82. On November 28, 2017, Defendant Couch sent the following tweet to his followers asserting that Brad “is doing NOTHING to help solve the murder of

⁵⁵ Matt Couch (@RealMattCouch), TWITTER (Nov. 28, 2017, 4:29 AM), <https://twitter.com/realmattcouch/status/935485715663728640> (last visited May 19, 2018).

Seth Rich. Except to tell anyone and everyone not to talk about the murder, the emails, etc.” The tweet included a picture of Brad next to the statement “DNC Assigned Brad Bauman to Seth’s Family”:⁵⁶



⁵⁶ Matt Couch (@RealMattCouch), TWITTER (Nov. 28, 2017, 4:21 AM), <https://twitter.com/realmattcouch/status/935483806576005120> (last visited May 19, 2018).

83. On November 28, 2017, Defendant Couch sent the following tweet to his followers indicating that he intentionally sets aside time to continue his defamatory campaign against Brad:⁵⁷



84. On December 12, 2017, Defendant Couch sent the following tweet to his followers again unequivocally stating the “DNC assigned Crisis Fixer Brad Bauman to the Rich Family. He now speaks for the family, and they are not allowed to speak”:⁵⁸

⁵⁷ Matt Couch (@RealMattCouch), TWITTER (Nov. 28, 2017, 6:47 PM), <https://twitter.com/realmattcouch/status/935701601460858881> (last visited May 19, 2018).

⁵⁸ Matt Couch (@RealMattCouch), TWITTER (Dec. 9, 2017, 2:45 PM), <https://twitter.com/realmattcouch/status/939626982228324352> (last visited May 19, 2018).



85. On December 12, 2017, Defendant Couch sent the following tweet to his followers stating “another source” is “confident Joel Rich’s personal emails are being monitored and used by Brad Bauman and the Pastorum Group”:⁵⁹



⁵⁹ Matt Couch (@RealMattCouch), TWITTER (Dec. 12, 2017, 7:58 AM), <https://twitter.com/realmattcouch/status/940611742719270912> (last visited May 19, 2018).

86. As noted above, there is no factual basis for the statement that Brad has controlled Joel Rich's email account. Brad has never had access to the email account of Joel Rich, let alone control of it.

87. On December 14, 2017, Defendant Couch sent the following tweet to his followers stating definitively that the DNC assigned "Political Crisis Fixer Brad Bauman of the Pastorum Group to the Rich Family . . . [b]ecause it's not a Botched Robbery":⁶⁰



88. On December 19, 2017, Defendant Couch sent the following tweet to his followers stating that "Brad Bauman [was] assigned to the Rich Family after Wikileaks Founder Julian Assange mentioned the name Seth Rich 30 days after his murder":⁶¹

⁶⁰ Matt Couch (@RealMattCouch), TWITTER (Dec. 14, 2017, 12:53 PM), <https://twitter.com/realmattcouch/status/941410778384601089> (last visited May 19, 2018).

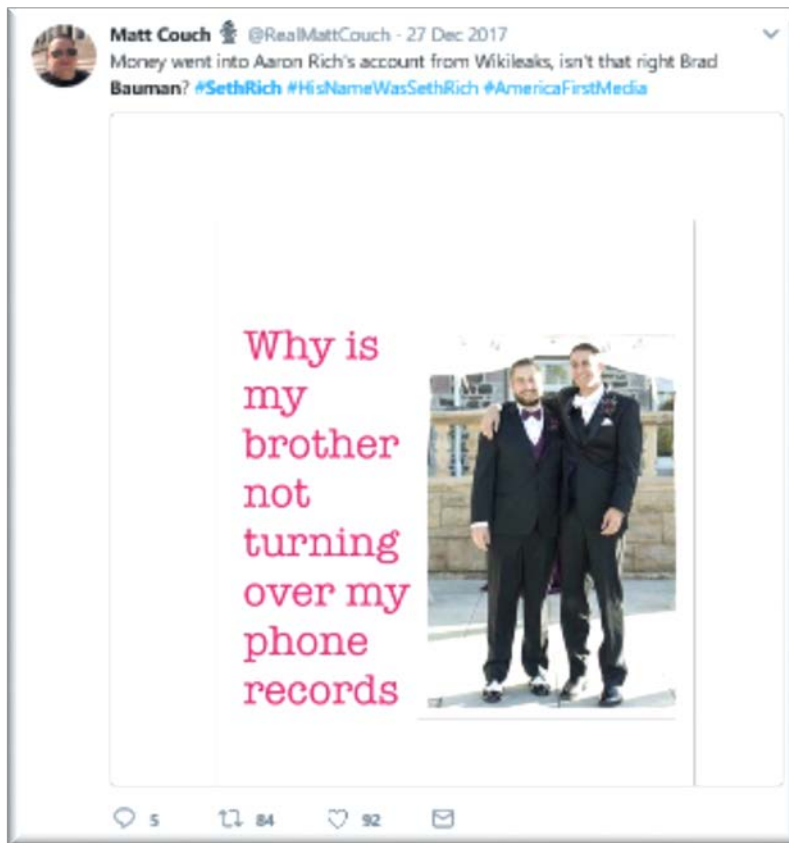
⁶¹ Matt Couch (@RealMattCouch), TWITTER (Dec. 19, 2017, 9:00 PM), <https://twitter.com/realmattcouch/status/943345263527256066> (last visited May 19, 2018).



89. In his December 19, 2017 tweet, Defendant Couch intentionally used a Brad Bauman Twitter hashtag (*i.e.*, #BradBauman) to intentionally bring Brad further unwarranted attention for his role as the Rich Family's spokesperson, an assignment he took on a voluntary basis.

90. On December 27, 2017, Defendant Couch sent the following tweet to his followers stating "[m]oney went into Aaron Rich's account from Wikileaks, isn't that right Brad Bauman?":⁶²

⁶² Matt Couch (@RealMattCouch), TWITTER (Dec. 27, 2017, 4:15 PM), <https://twitter.com/realmattcouch/status/946172611486240771> (last visited May 19, 2018).



91. On December 27, 2017, Defendant Couch sent the following tweet to his followers asserting Brad was being “paid” to impede the investigation of Seth Rich’s murder along with a close-up head shot of Brad:⁶³

⁶³ Matt Couch (@RealMattCouch), TWITTER (Dec. 27, 2017, 9:45 PM), <https://twitter.com/realmattcouch/status/946255654733385728> (last visited May 19, 2018).



92. On January 1, 2018, more than six months after the Fox News Retraction, Defendant Couch sent the following tweet to his followers boasting that one of his “Top 100 Goals for 2018” was to continue his campaign against Brad and “be the reason Brad Bauman buys stock in Tums,” a reference to the iconic antacid brand associated with treating heartburn symptoms, which are purportedly caused by, among other things, “[s]tress and/or anxiety.”⁶⁴

⁶⁴ Matt Couch (@RealMattCouch), TWITTER (Jan. 1, 2018, 11:35 AM), <https://twitter.com/realmattcouch/status/947914091066200064> (last visited May 19, 2018). *See also* Tums, <https://www.tums.com/about-heartburn/causes/heartburn-causes-checklist/> (last visited May 20, 2018).



93. On January 6, 2018, Defendant Couch sent the following tweet to his followers asking “[w]hy would the DNC assign a Professional Crisis Fixer to the Rich Family if it was just a botched robbery” and including fundraising links. Defendant Couch further state “Brad Bauman, we know what you’ve done” and included a “smiley face”:⁶⁵

⁶⁵ Matt Couch (@RealMattCouch), TWITTER (Jan. 6, 2018, 5:00 PM), <https://twitter.com/realmattcouch/status/949807843938578432> (last visited May 19, 2018).



94. On January 6, 2018, Defendant Couch sent the following tweet to his followers:⁶⁶

⁶⁶ Matt Couch (@RealMattCouch), TWITTER (Jan. 6, 2018, 3:30 PM), <https://twitter.com/realmattcouch/status/949785174702804995> (last visited May 19, 2018).



95. In posing the question “Who killed Seth Rich?”, and directly implying that Brad knows and is withholding the answer to this question, Defendant Couch has publicly defamed Brad by accursing him of covering up the murder investigation of Seth Rich.

96. On January 13, 2018, Defendant Couch sent the following tweet to his followers referring to Brad Bauman as “the DNC Crisis Fixer assigned to the Family by the DNC” and claiming Brad “was assigned 24 hours after Wikileaks

founder Julian Assange mentioned Rich unprompted on a Dutch TV Program 30 days after the murder of Seth Rich”:⁶⁷



97. On January 18, 2018, Defendant Couch sent the following tweet to his followers directly linking Brad to Aaron Rich, who Defendant Couch has accused of a broad effort to cover up the murder of his brother:⁶⁸

⁶⁷ Matt Couch (@RealMattCouch), TWITTER (Jan. 13, 2018, 3:12 PM), <https://twitter.com/realmattcouch/status/952317540675608578> (last visited May 19, 2018).

⁶⁸ Matt Couch (@RealMattCouch), TWITTER (Jan. 18, 2018, 12:56 PM), <https://twitter.com/realmattcouch/status/954095211336126469> (last visited May 19, 2018).



98. Defendant Couch has publicly accused Aaron Rich of participating in an active cover-up of the murder investigation related to his brother's murder and by implying that Brad directly controlled Aaron Rich, he is implying that Brad is leading the efforts to hinder a law enforcement investigation.

99. On January 19, 2018, Defendant Couch sent the following tweet to his followers again stating "the *DNC assigned* Crisis Fixer from the Pastorum Group Brad Bauman to speak on behalf of the Family. Joel Rich has told several people he doesn't know why Bauman was assigned to them":⁶⁹

⁶⁹ Matt Couch (@RealMattCouch), TWITTER (Jan. 19, 2018, 5:45 PM), <https://twitter.com/realmattcouch/status/954530182798479365> (emphasis added) (last visited May 19, 2018).



100. On February 6, 2018, Defendant Couch sent the following tweet to his followers stating “[t]he DNC went into overdrive and *hired* Professional Political Crisis Fixer Brad Bauman” after Julian Assange reportedly mentioned Seth Rich’s name:⁷⁰



⁷⁰ Matt Couch (@RealMattCouch), TWITTER (Feb. 6, 2018, 8:33 PM), <https://twitter.com/realmattcouch/status/961095578267652097> (emphasis added) (last visited May 19, 2018).

101. Here, again with no basis in fact, Defendant Couch directly linked Brad to a purported DNC cover-up that caused to go into “overdrive” to hire a “Professional Political Crisis Fixer.” These baseless statements directly linking Brad to the DNC – which defendants have accused of essentially being a criminal enterprise engaging in a cover-up of Seth Rich’s murder – have directly caused harm to Brad and kept him in the public eye in a negative light, have caused damage to his professional reputation, as well as severe emotional distress.

102. On February 6, 2018, Defendant Couch sent the following tweet to his followers again alleging the “DNC hired professional crisis fixer Brad Bauman to represent the Rich Family”:⁷¹



103. By again directly stating that the “DNC hired professional crisis fixer Brad Bauman to represent the Rich Family,” and including #AmericaFirstMedia,” Defendant Couch again publicly implied that Brad was doing the DNC’s bidding to

⁷¹ Matt Couch (@RealMattCouch), TWITTER (Mar. 1, 2018, 11:02 PM), <https://twitter.com/realmattcouch/status/969468073785864192> (last visited May 19, 2018).

cover-up it's purported role in the murder of Seth Rich and did so as a means to drive internet traffic of his social media by including #AmericaFirstMedia.

104. On March 3, 2018, Defendant Couch publicly confirmed that March 1 Washington Times' article "was put out to help vindicate our team."⁷² Defendant Couch claimed to have found out that the purpose of the article was vindication that very morning "from some phone calls" and separately explained that he had spoken to Defendant Butowsky three times the morning of March 3, 2018. *Id.* During this session, he specifically notes he "has people on the ground in D.C." *Id.* He also claims everything that he and Defendant AFM "have talked about [we] can prove." *Id.*

105. On March 6, 2018, Defendant Couch sent the following tweet to his followers again making the baseless claim that "Brad Bauman was assigned to the Rich Family less then (sic) 24 hours after the Julian Assange mentioned the name Seth Rich":⁷³

⁷² Matt Couch, *America First Media LIVE #SethRich #Mueller #KimDotCom #EdButowsky*, PERISCOPE (Mar. 3, 2018), <https://www.pscp.tv/RealMattCouch/1mrGmRDaYXDJy> (last visited May 19, 2018).

⁷³ Matt Couch (@RealMattCouch), TWITTER (Mar. 6, 2018, 5:42 PM), <https://twitter.com/realmattcouch/status/971199490253361152> (last visited May 19, 2018).



106. On March 8, 2018, Defendant Couch posted a tweet noting the return of @ThinBlueLR and noting directly to Brad that “this is very very bad for you stud... :-).”⁷⁴

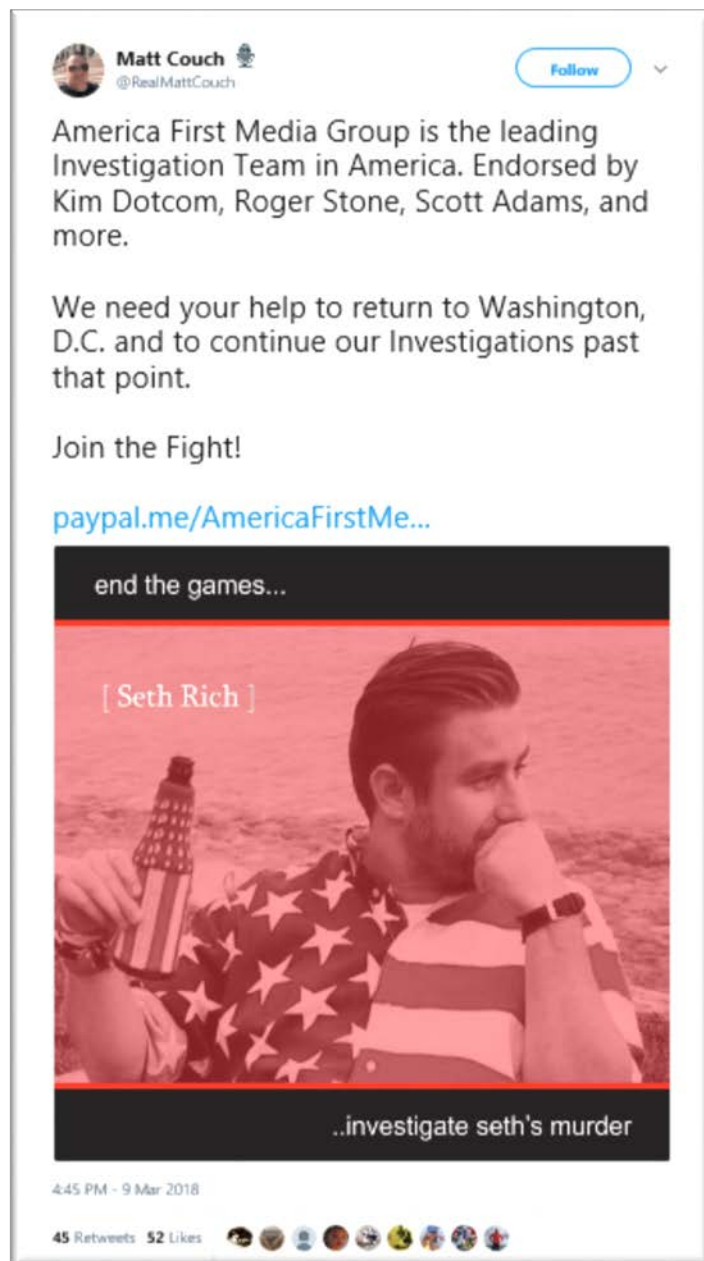
107. On March 9, 2018, Defendant Couch sent the following tweet to his followers again asking, “Why Did the DNC assign professional Crisis Fixer Brad Bauman to the Family 24 hours after Wikileaks Founder Julian Assange mentioned Seth Rich?”:

⁷⁴ Matt Couch (@RealMattCouch), TWITTER (Mar. 8, 2018, 6:14 PM), <https://twitter.com/RealMattCouch/status/971932236785291264> (last visited May 19, 2018).



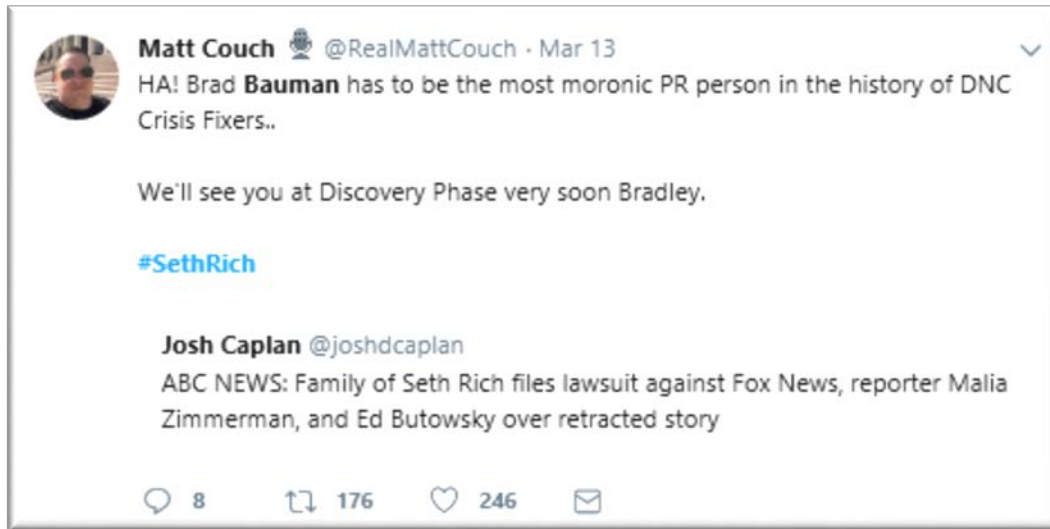
108. On March 9, 2018, Defendant Couch sent out a plea to his followers stating Defendant AFM “need[s] your help to return to Washington, D.C. to continue our investigations past that point. Join the Fight!” The tweet contained a link to America First Media’s PayPal account.⁷⁵

⁷⁵ Matt Couch (@RealMattCouch), TWITTER (Mar. 9, 2018, 4:45 PM), <https://twitter.com/realmattcouch/status/972272087846019072> (last visited May 19, 2018).



109. On March 13, 2018, Defendant Couch sent the following tweet to his followers stating “Brad Bauman has to be the most moronic PR person in the history of DNC Crisis Fixers. We’ll see you at Discovery Phase very soon Bradley”:⁷⁶

⁷⁶ Matt Couch (@RealMattCouch), TWITTER (Mar. 13, 2018, 7:00 PM), <https://twitter.com/RealMattCouch/status/973740688331419649> (last visited May 19, 2018).



110. On March 14, 2018, Defendant Couch tweeted a video tagged with #SethRich and #EdButowsky where here stated, among other things, the retracted Fox News Article has not been “debunked, by the way.”⁷⁷

111. On May 18, 2018, Defendants Couch and AFM posted an article stated “we have turned over substantial evidence including testimony from witnesses in the form of depositions to certain individuals in the Rayburn Building in DC.”⁷⁸

112. Defendant Couch and AFM have broadcast live from D.C.

C. Defendants have actively used the Seth Rich murder to raise funds.

113. Defendant Couch has directed his social media followers to his various fundraising platforms to directly raise money and with constant pleas to share and like his various videos and posting surrounding the Seth Rich murder has

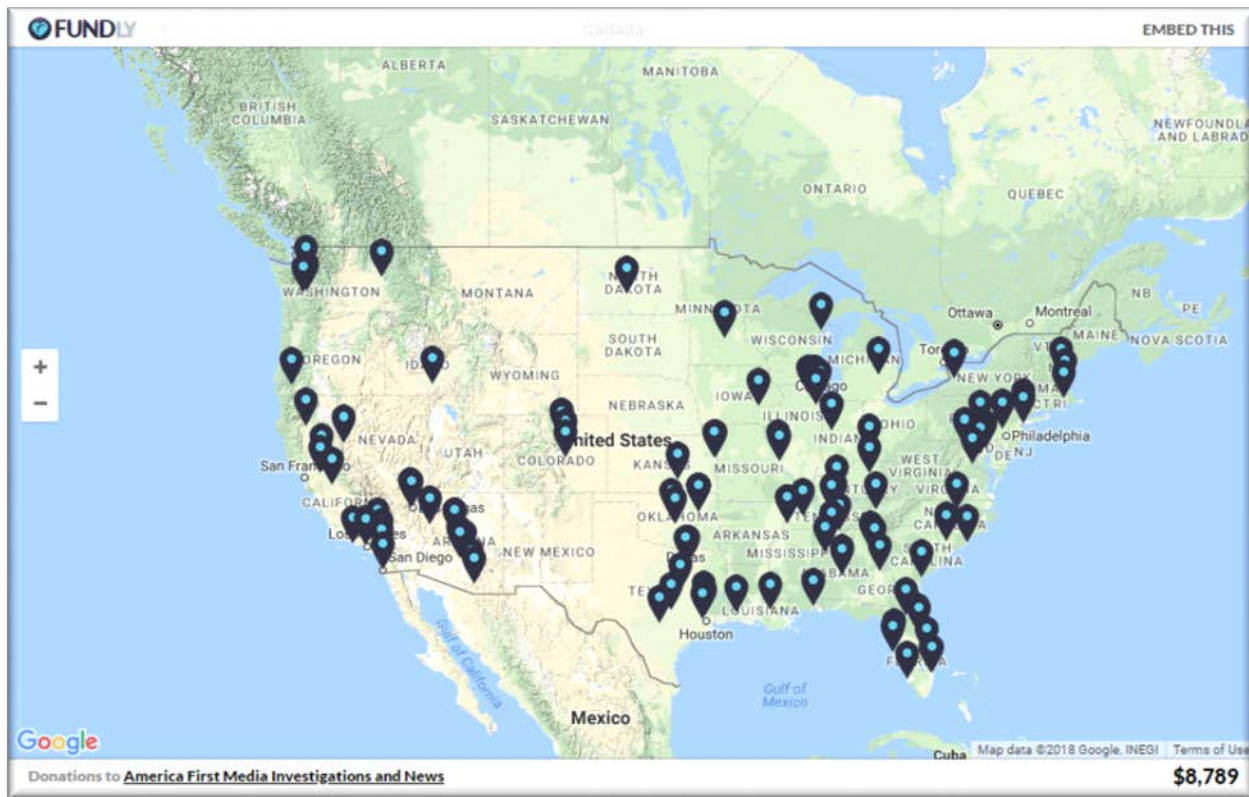
⁷⁷ Matt Couch (@RealMattCouch), TWITTER (May 18, 2018, 7:49 AM), <https://twitter.com/RealMattCouch/status/973934059494637568> (last visited May 19, 2018).

⁷⁸ The Seth Rich Investigation by Hannibal Moot, AMERICA FIRST MEDIA GROUP (May 18, 2018), <https://af-mg.com/2018/05/18/the-seth-rich-investigation-by-hannibal-moot/> (last visited May 19, 2018).

attempted to further monetize his crusade by adding followers and driving “clicks” to increase advertising revenue.

114. For example, Defendants Couch and AFM directly solicit and collect these donations through various internet-based fundraising platforms, including through PayPal (<https://www.paypal.me/AmericaFirstMedia>), labeled “Donations,” on the AFM website, two separate Fundly campaigns (<https://fundly.com/returntowashington> and <https://fundly.com/america-first-media>), GoFundMe, and Patreon (<https://www.patreon.com/AmericaFirst>).

115. To date, Defendants Couch and AFM have used their sustained campaign of misinformation about the Seth Rich murder and Brad to raise tens of thousands of dollars through these fundraising platforms. Upon information and belief based on plaintiffs’ investigation, they raised more than \$20,000 via the AFM Go Fund Me page, which has since been removed, with the professed purpose “to Retain our Matt Couch, Josh Flippo, and Bill Pierce’s Travel to and from Washington DC, Website, Data Collection, and Helping to find who murdered Seth Rich.” Moreover, Defendants Couch and AFM have raised money throughout the United States with via Fundly:



116. At the time of this filing, Defendants Couch and AFM have an active fundraising effort that shows a goal of \$25,000:⁷⁹

⁷⁹ *America First Media Investigations and News*, FUNDLY, <https://fundly.com/americafirstmedia> (last visited May 21, 2018).

America First Media Investigations and News



DONATE NOW



SHARE ON FACEBOOK

144

DONORS



\$9,269

RAISED (USD)

Goal: \$25,000

Days Left: 32



From **Matt Couch**  

America First Media is fighting for the Truth in American News and Politics. We Investigate cases others will not. Join the Fight with our Team reporting the Truth.



SHARE



TWEET



EMAIL



Matt Couch

Contact



Rogers, AR



VOTE

Politics & Public Office



fundly.com/americafirstmedia




Support this campaign

Subscribe to follow campaign updates!

117. Defendant AFM maintains a Fundly page⁸⁰ where it continues to raise money from the Seth Rich murder. For example, AFM's website contains periodic updates where pushes fundraising so it can return to Washington, DC to investigate the murder of Seth Rich:⁸¹

⁸⁰ *Id.*

⁸¹ *America First Media Investigations and News*, FUNDLY, <https://fundly.com/americafirstmedia#updates> (last visited May 19, 2018).





Matt Couch posted a new update:2 months ago

Update #11

We're still pushing hard in our Weekend Long Fund A Thon!


Thanks to all of you that have donated and are helping us towards our goals of returning to Washington D.C. Please donate this weekend, anything helps. \$5, \$10, \$25, anything helps our cause to get Justice for Seth Rich!


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Join the Conversation

Sign in with your Facebook account or [email](#).

 **SIGN IN WITH FACEBOOK**





Matt Couch posted a new update:3 months ago

Update #8

We're 15% to our Goal for Washington D.C. Thanks to those who've donated to our Investigations


#SethRich
#AmericaFirstMedia


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Matt Couch posted a new update: 4 months ago


Update #5


We're about 10% to our Goal to return to Washington D.C. Thanks to those of you who've donated and supported this Team. We have a ways to go, but we know we'll get there. #SethRich

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Matt Couch posted a new update: 4 months ago


Update #4

Good Morning Everyone,


Thanks so much for your continued support. We're about 15% to our goal of returning to Washington D.C. Thanks to those who've contributed so far!

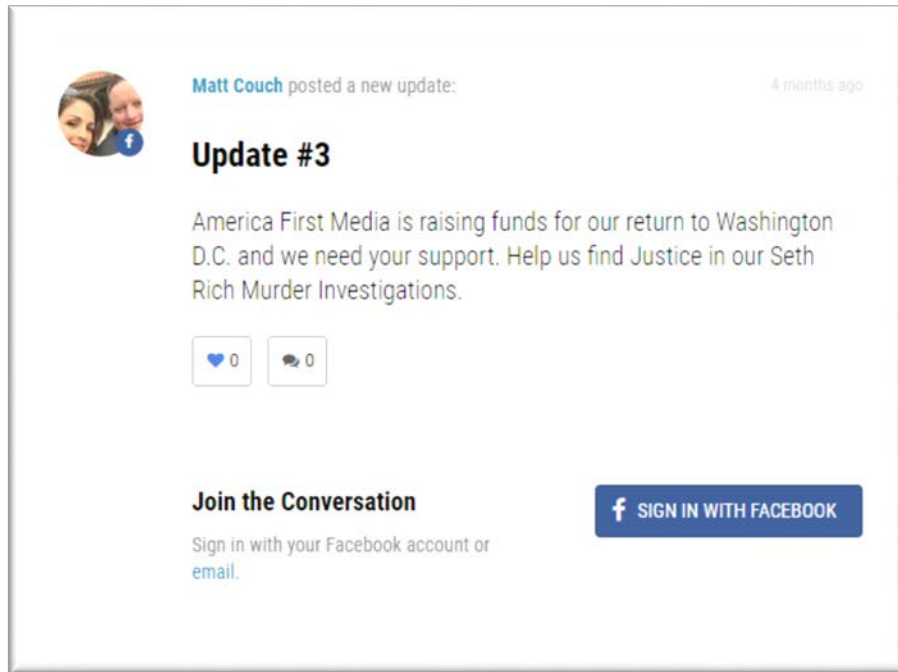
#SethRich
#AmericaFirstMedia

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Join the Conversation
Sign in with your Facebook account or email.

 SIGN IN WITH FACEBOOK

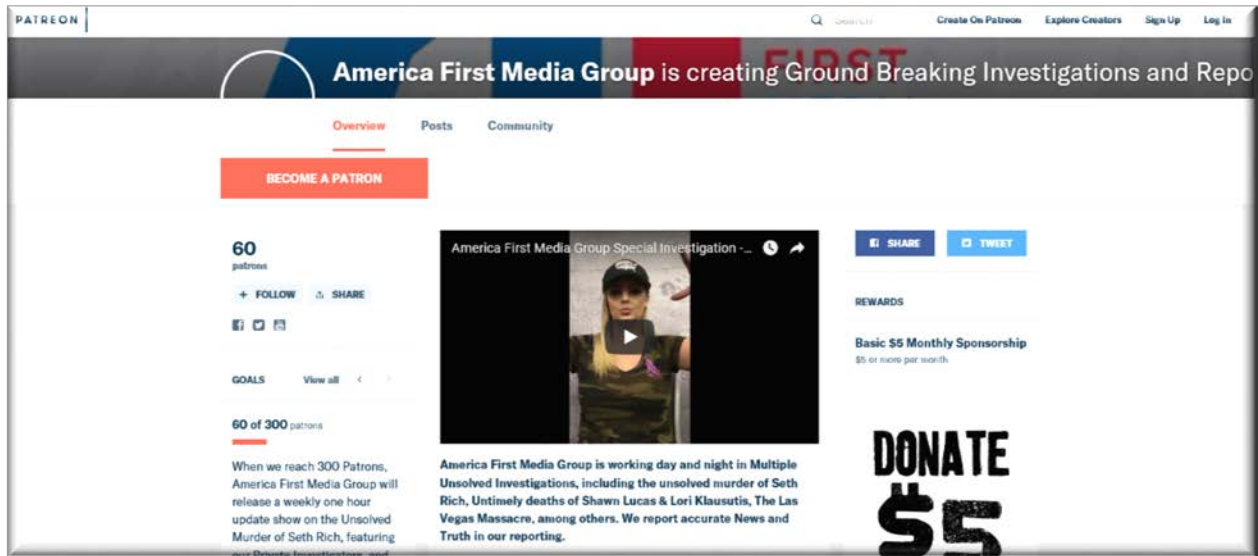


118. Defendant Ed Butowsky is among Defendant AFM's Fundly supporters.⁸²

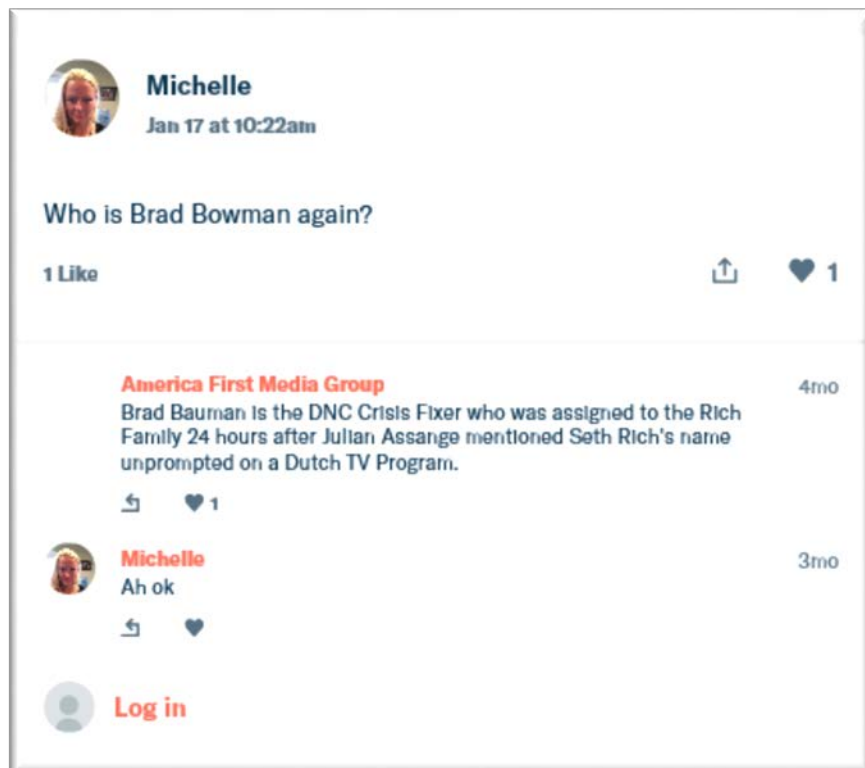
119. Defendant AFM maintains a Patreon page⁸³ to raise funds for its investigations and specifically notes it is "working day and night in Multiple Unsolved Investigations, including the unsolved murder of Seth Rich":

⁸² *America First Media Investigations and News*, FUNDLY, <https://fundly.com/americafirstmedia#supporters> (last accessed May 15, 2018) (last visited May 19, 2018).

⁸³ *America First Media Group Is Creating Ground Breaking Investigations and Reporting*, PATREON, <https://www.patreon.com/AmericaFirst> (last accessed May 15, 2018) (last visited May 19, 2018).



120. On his Patreon channel, Defendant Couch has referred to Brad as the “DNC Fixer who was assigned to the Rich Family 24 hours after Julian Assange mentioned Seth Rich’s name unprompted on a Dutch TV program”:



121. On July 7, 2017, Defendant Couch posted a link to the America First Go Fund Me with a plea stating “[w]e need your help to continue our Investigation please Donate Today!”:⁸⁴



122. On July 12, 2017, Defendant Couch again posted a link to America First’s Go Fund Me page stating “[w]e need your support and help to continue our Seth Rich Murder Investigation”:⁸⁵

⁸⁴ Matt Couch (@RealMattCouch), TWITTER (Jul. 7, 2017, 2:51 PM), <https://twitter.com/realmattcouch/status/883443348949934080> (last visited May 19, 2018).

⁸⁵ Matt Couch (@RealMattCouch), TWITTER (Jul. 12, 2017, 7:00 PM), <https://twitter.com/realmattcouch/status/885317927175585793> (last visited May 19, 2018).



123. On December 16, 2017, Defendant Couch attached a link to America First's Fundly page stating "America First Media has set up this Fundly Account for our return Investigation to Washington D.C. on Seth Rich . . . We need your help to continue to keep the heat and pressure on this case":⁸⁶



124. On February 1, 2018, Defendant Couch sent a link to America First's PayPal account stating "Please help us in our return to Washington D.C. in the

⁸⁶ Matt Couch (@RealMattCouch), TWITTER (Dec. 16, 2017, 2:05 PM), <https://twitter.com/realmattcouch/status/942153629359837185> (last visited May 19, 2018).

Seth Rich Murder Investigation. . . . need your support America to continue our efforts”:⁸⁷

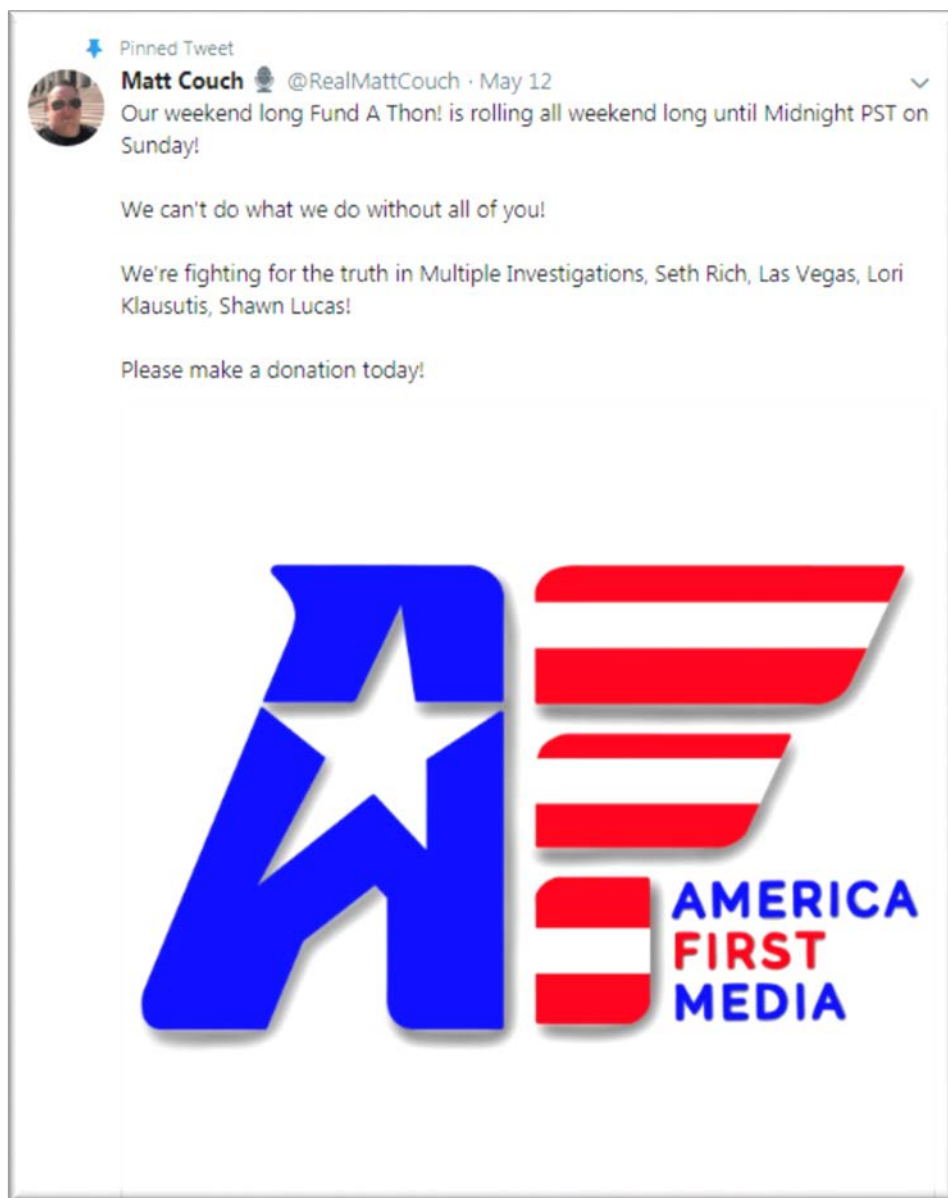


125. On March 6, 2018, published a tweet using, among others, the hashtag #BradBauman to update his followers about the status of his investigation and pleading with the viewers to help fund it by directing them to this various fundraising platforms.⁸⁸

⁸⁷ Matt Couch (@RealMattCouch), TWITTER (Feb. 1, 2018, 10:14 AM), <https://twitter.com/realmattcouch/status/959127778925989889> (last visited May 19, 2018).

⁸⁸ Matt Couch (@RealMattCouch), TWITTER (Mar. 6, 2018, 7:39 PM), <https://twitter.com/RealMattCouch/status/971228732001153024> (last visited May 19, 2018). Defendant Couch has often used #BradBauman for this tweets. *See, e.g.*, Matt Couch (@RealMattCouch), TWITTER (Mar. 4, 2018, 9:26 PM), <https://twitter.com/RealMattCouch/status/970530996742447104> (last visited May 19, 2018); Matt Couch (@RealMattCouch), TWITTER (Feb. 6, 2018, 8:42 PM), <https://twitter.com/RealMattCouch/status/961097712111423489> (last visited May 19, 2018); Matt Couch (@RealMattCouch), TWITTER (Jan. 17, 2018, 9:30 PM), <https://twitter.com/RealMattCouch/status/953862037708464128> (last visited May 19, 2018).

126. On May 12, 2018, Defendant Matt Couch “Pinned” a tweet noting he and Defendant AFM are “fighting for the truth in Multiple Investigations,” including Seth Rich:⁸⁹



⁸⁹ Matt Couch (@RealMattCouch), TWITTER (May 12, 2018, 2:01 PM), <https://twitter.com/RealMattCouch/status/995408666508582913> (last visited May 19, 2018).

127. Defendants Couch and AFM also generate revenue from their sustained misinformation campaign through the sale t-shirts to support “the fearless efforts of Matt Couch and the rest of the America First Media group.”⁹⁰

**FIRST CAUSE OF ACTION:
DEFAMATION
(against all Defendants)**

128. Plaintiff incorporates by reference the allegations in ¶¶ 1-127 *supra* as though fully set forth herein.

129. Defendants published multiple written and verbal defamatory statements of fact, or statements that implied knowledge of verifiable defamatory facts about Plaintiff. Those false statements included, but are not limited to, statements that the Plaintiff:

- a. Worked for the DNC and was installed by the DNC to cover up the DNC’s purported criminal activity related to the Seth Rich murder (*e.g.*, Butowsky);
- b. Was hired or assigned and paid by the DNC to serve as the Rich family spokesperson so that he could obstruct the investigation into Seth Rich’s murder (*e.g.*, Butowsky, Couch, AFM, Heavin);
- c. Is a DNC “Political Hitman” (*e.g.*, Heavin), “Political Cleaner” (*e.g.*, Heavin) or “Crisis Fixer” (*e.g.*, Couch, AFM) covering up Seth Rich’s murder;

⁹⁰ *America First Media Group*, GREAT AMERICAN ERA, <https://greatamericanera.com/products/america-first-media-group> (last visited May 19, 2018).

- d. Is telling the Rich family to push back against the criminal investigation to cover up the murder of Seth Rich (*e.g.*, Butowsky);
- e. Is crafting a lie (*e.g.*, Butowsky); and
- f. Is being paid to obstruct the criminal investigation of Seth Rich's murder (*e.g.*, Butowsky; Couch, AFM).

130. Defendants published the statements, without privilege, as widely as practicable to multiple third parties, using the most effective means of distribution available to them including but not limited to, the Internet, newspaper publications, television broadcasts, radio broadcasts, and events open to the public.

131. In publishing the statements, Defendants acted with knowledge of the falsity of their statements, or with reckless disregard for the truth of their statements. At minimum, the Defendants acted negligently-that is, without an ordinary degree of care in assessing or investigating the truth of the statement prior to publication.

132. Defendants knew or were aware that it was highly probable that the defamatory statements were false at the time they were published, or at minimum exhibited purposeful avoidance of the truth and uttered statements so inherently improbable that only a reckless person would have published them. Further, Defendants continued to make defamatory statements even after they had actual knowledge of the falsity of their narrative.

133. Defendants' statements have had, and continue to have, an injurious and defamatory effect on Brad's emotional health, professional reputation, and finances.

134. Defendants cooperated among themselves to publish the false and defamatory statements by, among other acts, republishing and adopting the defamations of their codefendants. Each Defendant is jointly and severally liable for the torts of the other Defendants.

135. As a direct and proximate cause of Defendants' defamatory statements, Brad has suffered and continues to suffer compensable and pecuniary damages.

**SECOND CAUSE OF ACTION:
DEFAMATION PER SE
(against Defendants Butowsky, Couch, & AFM)**

136. Plaintiff incorporates by reference the allegations in ¶¶ 1-127 *supra* as though fully set forth herein.

137. Many of Defendants' statements about Brad constitute defamation *per se* because they falsely asserted, or implied, that Brad has committed crimes for which he could be criminally indicted and convicted.

138. Defendants made and published statements of fact, or statements that implied knowledge of verifiable defamatory facts about Brad. Specifically, Defendants Butowsky, Couch, and AFM accused Brad of multiple federal and state crimes, including by accusing him of conspiring with or acting for the DNC, which allegedly caused the murder of Seth Rich, by obstructing justice and interfering with the efforts of law enforcement investigators to solve Seth's murder.

139. Defendants published the statements as widely as practicable, using the most effective means of distribution available to them. In many cases Defendants' statements were consumed by viewers, readers, or listeners hundreds or thousands of times.

140. Defendants knew at the time the defamatory statements were published that the statements were false, or at minimum entertained subjective doubts about the veracity of the allegations. Further, Defendants failed to cease making defamatory statements even after they had actual knowledge of the lack of evidentiary support for the narrative.

141. Defendants' statements have had, and continue to have, an injurious and defamatory effect on Brad's emotional health and well-being, professional reputation, and finances.

142. Defendants cooperated among themselves to publish the false and defamatory statements by, among other acts, republishing and adopting the defamations of their codefendants. Each Defendant is jointly and severally liable for the torts of the other Defendants.

143. As a direct and proximate cause of Defendants' defamatory statements, Plaintiff has suffered and continues to suffer compensable and pecuniary damages.

**THIRD CAUSE OF ACTION:
DEFAMATION PER SE
(against Defendant Heavin)**

144. Plaintiff incorporates by reference the allegations in ¶¶ 1-127 *supra* as though fully set forth herein.

145. Many of Defendant's statements about Brad constitute defamation *per se* because they falsely asserted, or implied, that Brad has committed crimes for which he could be criminally indicted and convicted.

146. Defendant made and published statements of fact, or statements that implied knowledge of verifiable defamatory facts about Brad. Specifically, Defendant Heavin stated, among other things, *e.g.*, (a) Brad was a "DNC Hitman"; (b) Brad was a "DNC Cleaner"; and (c) Brad was somebody who would "lie, cheat, and steal to avoid the truth" surrounding the Seth Rich murder investigation.

147. Defendants made these statements knowing they would be published as widely as practicable, using the most effective means of distribution available to them. In many cases Defendant's statements were consumed by viewers, readers, or listeners hundreds or thousands of times.

148. Defendant knew at the time the defamatory statements were published that the statements were false, or at minimum entertained subjective doubts about the veracity of the allegations. Further, Defendants failed to cease making defamatory statements even after they had actual knowledge of the lack of evidentiary support for the narrative.

149. Defendant's statements have had, and continue to have, an injurious and defamatory effect on Brad's emotional health and well-being, professional reputation, and finances.

150. As a direct and proximate cause of Defendant's defamatory statements, Plaintiff has suffered and continues to suffer compensable and pecuniary damages.

**FOURTH CAUSE OF ACTION:
FALSE LIGHT
(against all Defendants)**

151. Plaintiff incorporates by reference the allegations in ¶¶ 1-127 *supra* as though fully set forth herein.

152. Defendants publicized false statements of and concerning Brad that placed him in a false light by falsely attributing to him all of the conduct recited *supra*.

153. Defendants knew that the facts, representations, or imputations publicized about Brad, were false, or at a minimum, the Defendant published them with reckless disregard for the truth of those facts.

154. The repeated and continuous publication of false facts, imputations, and representations about Brad placed him in a false light that would be highly offense to a reasonable person.

155. As a direct and proximate cause of Defendants' defamatory statements, Brad has suffered reputational and emotional harm.

**FIFTH CAUSE OF ACTION:
PUBLICATION OF PRIVATE FACTS
(against Defendants Couch & AFM)**

156. Plaintiff incorporates by reference the allegations in ¶¶ 1-128 *supra* as though fully set forth herein.

157. Through the publication of Brad's current and previous residential and professional addresses and phone numbers, Defendants Couch and AFM (through

its agent Flynn (@FITE4THEUSERS)) published private facts that were not generally known.

158. The publication of such an extensive list of contact information, including at the time was a current residential address and phone number, would be offensive to a reasonable person of ordinary sensibilities.

159. The information Defendants published, specifically Brad's addresses and phone numbers, is not newsworthy.

160. As a result of having such an extensive list of contact information published, Brad has suffered from continuous mental anguish, anxiety, and fear for his professional, personal, and physical security.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief against all Defendants, jointly and severally, as follows:

- a) An award against all Defendants to compensate for all economic damages sustained as a result of their tortious conduct;
- b) An award against all Defendants to compensate for all presumed and actual reputational damages;
- c) An award against all Defendants to compensate for all presumed and actual damages resulting from mental anguish and emotional distress;
- d) An award against all Defendants of punitive damages;
- e) Attorney's fees and costs;

f) Injunctive relief, including but not limited to the removal of the false and defamatory materials from any websites over which Defendants have control.

g) Any and all other relief that the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial on all issues so triable.

Dated at District of Columbia, this 21st day of May, 2018.

Respectfully submitted,

Gregory Y. Porter

Gregory Y. Porter (DC 458603)

Michael L. Murphy (DC 480163)

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