

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA**

JOSEPH MICHAEL ARPAIO, an individual  
Fountain Hills, AZ

Plaintiff,

v.

MICHELLE COTTLE, an individual  
c/o New York Times  
1627 I Street NW, #700  
Washington, DC 20006

And

THE NEW YORK TIMES  
1627 I Street NW, #700  
Washington, DC 20006

Defendants.

Case No.:

**COMPLAINT**

**I. INTRODUCTION**

Plaintiff Sheriff Joseph Michael Arpaio (“Plaintiff Arpaio”) brings this Complaint for defamations against Michelle Cottle (“Cottle”) and The New York Times (“NYT”).

**II. JURISDICTION AND VENUE**

1. This Court has diversity jurisdiction over this case pursuant to 28 U.S.C. § 1332, as the parties are completely diverse in citizenship and the amount in controversy exceeds \$75,000.

2. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) in that a substantial part of the events or omissions giving rise to the claim occurred in this judicial district.

**III. PARTIES**

3. Plaintiff Arpaio is an individual, natural person who is a citizen of the state of Arizona.

4. Defendant Cottle is an individual, natural person who is, on information and belief, a citizen of New York.

5. Defendant NYT is a nationwide news publication that published as set forth herein in this judicial district and with a major news bureau in this judicial district.

#### **IV. STANDING**

6. Plaintiff Arpaio has standing to bring this action because he has been directly affected by the unlawful conduct complained herein. Their injuries are proximately related to the conduct of Defendants Cottle and NYT.

#### **V. FACTS**

##### **Background Facts**

7. Plaintiff Arpaio is a long-time member of the law enforcement community who served as a Washington, D.C. and Las Vegas police officer following his honorable army discharge in 1953.

8. In November of 1957, Plaintiff Arpaio was appointed as a special agent with the Federal Bureau of Narcotics, which later became part of the Drug Enforcement Agency (“DEA”), which is headquartered in Washington, D.C.

9. Following his career with the DEA, Plaintiff Arpaio was elected as sheriff of Maricopa County, Arizona in 1993. He held that position for almost 25 years or until January 1, 2017.

10. In January of 2018, Plaintiff Arpaio announced that he would run for U.S. Senate in Arizona. He was defeated in the August 28, 2018 Republican primary.

11. Plaintiff Arpaio intends to run for U.S. Senate again in 2020 for the seat vacated by the late senator John McCain, which is currently held by John Kyl, a placeholder until the 2020 special election can take place.

**Facts Pertaining to the Defamatory Publication**

12. On August 29, 2018, Defendant NYT published an article titled “Well, at Least Sheriff Joe Isn’t Going to Congress- Arpaio’s Loss in Arizona’s Senate Republican Primary is a Fitting End to the Public Life of a Truly Sadistic Man.” (the “Defamatory Article”) written by Defendant Michelle Cottle. Exhibit 1.

13. While the Defamatory Article is strategically titled as an opinion piece, it contains several false, defamatory factual assertions concerning Plaintiff Arpaio.

14. These false factual assertions are carefully and maliciously calculated to damage and injure Plaintiff Arpaio both in the law enforcement community - which is centered in this judicial district – as well as with Republican establishment and donors, which is also centered in this judicial district, in order to prevent him from successfully run for U.S. Senate in 2020 or another public office as a Republican.

15. The false and defamatory factual representations and statements contained in the Defamatory Article include but are not limited to:

His 24-year reign of terror was medieval in its brutality. In addition to conducting racial profiling on a mass scale and terrorizing immigrant neighborhoods with gratuitous raids and traffic stops and detentions, he oversaw a jail where mistreatment of inmates was the stuff of legend. Abuses ranged from the humiliating to the lethal. He brought back chain gangs. He forced prisoners to wear pink underwear. He set up an outdoor “tent city,” which he once referred to as a “concentration camp,” to hold the overflow of prisoners. Inmates were beaten, fed rancid food, denied medical care (this included pregnant women) and, in at least one case, left battered on the floor to die.

The number of inmates who hanged themselves in his facilities was far higher than in jails elsewhere in the country. More disturbing still, nearly half of all inmate deaths on his watch were never explained.

At the same time, Mr. Arpaio's department could not be bothered to uphold the laws in which it had little interest. From 2005 through 2007, the sheriff and his deputies failed to properly investigate, or in some cases to investigate at all, more than 400 sex-crime cases, including those involving the rape of young children.

A copy of this Defamatory Article is attached as Exhibit 1 and its contents are wholly incorporated herein by reference.

16. The Defamatory Article further publically places Plaintiff in a false light that is offensive to any reasonable person using false statements, representations, or imputations.

17. In addition to the statements set forth in Paragraph 15, the Defamatory Article includes, but is not limited to the following statements that portray Plaintiff Arpaio in a false light as well as the totality of the article taken as a whole:

Joe Arpaio, the former sheriff of Maricopa County, Ariz., who so robustly devoted himself to terrorizing immigrants that he was eventually convicted of contempt of court and would have lived out his twilight years with a well-deserved criminal record if President Trump, a staunch admirer of Mr. Arpaio's bare-knuckle approach to law enforcement, had not granted him a pardon.

Cast aside and left to wallow in the knowledge that his moment has passed, he has a fitting end to the public life of a true American villain.

It was no secret that Mr. Arpaio's methods often crossed the line into the not-so-legal

For nearly a quarter-century, Sheriff Joe Arpaio was a disgrace to law enforcement, a sadist masquerading as a public servant. In a just system, we would not see his like again.

18. The false and fraudulent statements including outright lies in the form of false or misleading facts or false and misleading mixed opinion and fact, in the Defamatory Article, which were widely published in this judicial district, nationally and internationally and have severely harmed Plaintiff Arpaio's reputation and caused him financial damage.

19. Plaintiff Arpaio's distinguished 55-year law enforcement and political career has been severely harmed, as his reputation has been severely damaged among and with the Republican establishment, which is centered in the District of Columbia.

20. Plaintiff Arpaio's chances and prospects of election to the U.S. Senate in 2020 have been severely harmed by the publication of false and fraudulent facts in the Defamatory Article. This also harms Plaintiff financially, as his chances of obtaining funding from the Republican establishment and donors for the 2020 election have been damaged by the publication of false and fraudulent representations in the Defamatory Article.

21. Plaintiff Arpaio's reputation has also been severely harmed in the law enforcement community, which is centered in this judicial district, and includes the DEA, where he served for 26 years as an agent and top official.

**FIRST CAUSE OF ACTION**  
***Defamation Per Se***

22. Plaintiff Arpaio repeats and re-alleges all of the previous allegations of the entirety of this Complaint with the same force and effect, as if fully set forth herein again at length.

23. Defendants made and published false and defamatory statements concerning Plaintiff Arpaio by calling, representing and publishing within this district, the nation and the world, with malice, that Plaintiff Arpaio was directly responsible for numerous inmate deaths during his time as sheriff of Maricopa County.

24. Defendants made and published false and defamatory statements concerning Plaintiff Arpaio by calling, representing and publishing within this district, the nation and the world, with malice, that Plaintiff Arpaio was directly responsible for numerous abused, assaulted, and battered inmates during his time as sheriff of Maricopa County.

25. The statements at issue for this cause of action are contained in ¶ 15 of this Complaint. They include, but are not limited to:

His 24-year reign of terror was medieval in its brutality. In addition to conducting racial profiling on a mass scale and terrorizing immigrant neighborhoods with gratuitous raids and traffic stops and detentions, he oversaw a jail where mistreatment of inmates was the stuff of legend. Abuses ranged from the humiliating to the lethal. He brought back chain gangs. He forced prisoners to wear pink underwear. He set up an outdoor “tent city,” which he once referred to as a “concentration camp,” to hold the overflow of prisoners. Inmates were beaten, fed rancid food, denied medical care (this included pregnant women) and, in at least one case, left battered on the floor to die.

The number of inmates who hanged themselves in his facilities was far higher than in jails elsewhere in the country. More disturbing still, nearly half of all inmate deaths on his watch were never explained.

At the same time, Mr. Arpaio’s department could not be bothered to uphold the laws in which it had little interest. From 2005 through 2007, the sheriff and his deputies failed to properly investigate, or in some cases to investigate at all, more than 400 sex-crime cases, including those involving the rape of young children.

26. These statements are defamatory per se because they falsely accuse Plaintiff Arpaio of committing a serious crime, which amounts to a crime of moral turpitude. As defamation per se, damage to Plaintiff Arpaio is presumed as a matter of law.

27. Defendants acted in concert and are therefore jointly and severely liable as joint tortfeasors. The statements were made by Defendant Cottle and then published and/or broadcast in this district, nationwide and throughout the world by Defendant NYT.

28. Defendants acted with actual malice insofar as they knew that the statements made against Plaintiff Arpaio were false and/or recklessly disregarded their falsity.

29. Defendants’ statements and the publishing/broadcasting thereof were made without any privilege.

30. As a direct and proximate result of Defendants and their agents’ extreme, outrageous and malicious defamatory conduct set forth above, Plaintiff Arpaio has been the

subject of widespread ridicule and humiliation and has suffered severe loss of reputation, which has in turn also caused him pain and financial damage.

**SECOND CAUSE OF ACTION**  
***Tortious Interference with Prospective Business Relations***

31. Plaintiff Arpaio repeats and re-alleges all of the previous allegations of the entirety of this Complaint, including with the same force and effect, as if fully set forth herein again at length.

32. Plaintiff Arpaio has a prospective business relationship with the Republican National Committee (“RNC”), and its National Republican Senate Campaign Committee (“NRSC”) which is headquartered in Washington D.C., as well as their affiliated political action committees and entities and persons, including donors.

33. The RNC and its RNCC, in conjunction with affiliated political action committees and entities and donors routinely provide funding to Republican political candidates for their campaigns. Plaintiff Arpaio ran for U.S. Senate in 2018 as a Republican, and intends to run again for a U.S. Senate seat or other public office in 2020 as a Republican and ardent supporter of President Donald J. Trump and his administration.

34. Defendants are aware of these prospective business relationships and thus, given their malice and leftist enmity of Arpaio sought to destroy them with the publication of the subject Defamatory Article.

35. Defendants published the Defamatory Article to influence the RNC, the RNCC and affiliated political action committee and persons, and other donors, to withhold funding for Plaintiff Arpaio’s 2020 political campaign by smearing and destroying his reputation and standing in his law enforcement, government and political community.

36. Plaintiff Arpaio has been harmed as to his reputation as “America’s Toughest Sheriff” and financially by the publication of the Defamatory Article.

**THIRD CAUSE OF ACTION**

***False Light***

37. Plaintiff Arpaio repeats and re-alleges all of the previous allegations of the entirety of this Complaint, including with the same force and effect, as if fully set forth herein again at length.

38. The Defamatory Article falsely and very publically portrayed Plaintiff Arpaio in a negative, false light.

39. The Defamatory Article contained false statements, representations, or imputations understood to be of and concerning Plaintiff Arpaio.

40. The statements at issue are found in ¶¶ 15-17 of this Complaint, and include but are not limited to:

His 24-year reign of terror was medieval in its brutality. In addition to conducting racial profiling on a mass scale and terrorizing immigrant neighborhoods with gratuitous raids and traffic stops and detentions, he oversaw a jail where mistreatment of inmates was the stuff of legend. Abuses ranged from the humiliating to the lethal. He brought back chain gangs. He forced prisoners to wear pink underwear. He set up an outdoor “tent city,” which he once referred to as a “concentration camp,” to hold the overflow of prisoners. Inmates were beaten, fed rancid food, denied medical care (this included pregnant women) and, in at least one case, left battered on the floor to die.

The number of inmates who hanged themselves in his facilities was far higher than in jails elsewhere in the country. More disturbing still, nearly half of all inmate deaths on his watch were never explained.

At the same time, Mr. Arpaio’s department could not be bothered to uphold the laws in which it had little interest. From 2005 through 2007, the sheriff and his deputies failed to properly investigate, or in some cases to investigate at all, more than 400 sex-crime cases, including those involving the rape of young children.

Joe Arpaio, the former sheriff of Maricopa County, Ariz., who so robustly devoted himself to terrorizing immigrants that he was eventually convicted of contempt of court and would have lived out his twilight years with a well-

deserved criminal record if President Trump, a staunch admirer of Mr. Arpaio's bare-knuckle approach to law enforcement, had not granted him a pardon.

Cast aside and left to wallow in the knowledge that his moment has passed, he has a fitting end to the public life of a true American villain.

It was no secret that Mr. Arpaio's methods often crossed the line into the not-so-legal

For nearly a quarter-century, Sheriff Joe Arpaio was a disgrace to law enforcement, a sadist masquerading as a public servant. In a just system, we would not see his like again.

41. These statements are misleading and false.

42. These statements, made with malice, place Plaintiff in a false light that would be offensive to a reasonable person.

43. As a direct and proximate result of Defendants and their agents' extreme, outrageous and malicious defamatory conduct set forth above, Plaintiff Arpaio has been the subject of widespread ridicule and humiliation and has suffered severe loss of reputation, which has in turn also caused him pain and financial damage.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray for relief and judgment against each Defendant, jointly and severally, as joint tortfeasors as follows: actual, compensatory, and punitive damages in excess of \$147,500,000 USD, as well as attorneys' fees and costs, and any other relief that this Court may deem just and proper.

#### **DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury on all counts, as to all issues so triable.

DATED: October 16, 2018

Respectfully submitted,

/s/ Larry Klayman

Larry Klayman, Esq.

Chairman and General Counsel  
FREEDOM WATCH, INC.  
2020 Pennsylvania Ave NW Suite 345  
Washington, DC, 20006  
Email: [leklayman@gmail.com](mailto:leklayman@gmail.com)  
Tel: 310-595-0800  
*Counsel for Plaintiff*