

Filing # 89053451 E-Filed 05/06/2019 03:51:01 PM

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

LI JUAN YANG GONG, an individual
a/k/a CINDY YANG,
a/k/a LI YANG

CASE NO.:

CIVIL ACTION

Plaintiff,

v.

THE McCLATCHY COMPANY,
a/k/a THE MIAMI HERALD

Defendant.

ORIGINAL COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW, PLAINTIFF, LI JUAN YANG GONG, a/k/a CINDY YANG, a/k/a LI YANG (hereinafter, "YANG"), by and through undersigned counsel, hereby sues THE McCLATCHY COMPANY, a/k/a THE MIAMI HERALD (hereinafter, "MIAMI HERALD") for: Defamation Per Se; Defamation Per Quod; Defamation By Implication, and; Intentional Infliction of Emotional Distress. YANG hereby alleges:

PARTIES, JURISDICTION & VENUE

1. This is an action for damages in excess of \$15,000 exclusive of costs or attorney's fees.
2. YANG is an individual over the age of 18 who is sui juris and resided in Palm Beach County at the time of the insidious statements.
3. The MIAMI HERALD is a publication with circulation in Palm Beach County.

PALM BEACH LAW OFFICES

4. This events which gave rise to this Complaint have occurred in Palm Beach County and as such, Palm Beach County is proper venue for this action.

GENERAL ALLEGATIONS COMMON TO ALL COUNTS

5. On March 8, 2018, THE MIAMI HERALD published an article titled *"Trump Cheered Patriots to Super Bowl Victory with Founder of Spa where Kraft was Busted"*, (EXHIBIT A).

6. The article contained a series of untrue statements and misrepresentations, including but not limited to the following:

- a. *"When a female massage therapist started finding used condoms in the trash at one of Yang's Tokyo Day Spas, she became concerned that the parlor was not what it seemed."*
- b. *"The woman, who only spoke Mandarin, asked an English-speaking relative to call police after she heard the sounds of sex coming from several private massage rooms. Her tip led a police vice squad to begin surveilling the parlor from a van parked outside, the woman told the Miami Herald in an interview. Cops hidden in the vehicle took photographs of the people coming and going. The woman said she went undercover, snapping pictures of receipts when no one was looking. After the trash was taken outside, she would call her relative, who would then ring up the cops. 'There should be some condoms out back,' the relative would report."*
- c. *"The woman, who asked to remain anonymous for fear of retaliation, slept on a massage bed in a back room during her time at the spa. She cooked on a hotplate."*

- d. *"On one occasion, the former therapist was giving a customer a massage when he exposed himself and demanded oral sex. She said she ran from the room crying. A manager was angry that the customer has been treated 'badly', the woman said."*
- e. *"'You cannot hurt the customers feelings'. The manager later said at a staff meeting, according to the woman."*
- f. *"No charges appear to have been brought as a result of the investigation. The Herald reviewed documents related to the case but is not naming the police department in order to preserve the woman's anonymity."*

7. The untrue statements directly quoted from the publication as stipulated in Paragraph 6 above, states that Yang owned the day spa at the time of these horrific allegations; acts that promote prostitution is a felony in Florida. *See Florida Statute 796.04.*

8. The rest of the article is intentionally vilifying by conjecture, innuendo and xenophobia that, when considered together, paints a picture that President Trump is corrupt, and YANG is one of his cronies. The title and picture of the article falsely misleads the reader to assume that President Trump knows YANG and that they were enjoying time together watching the Super Bowl (even though there were ropes separating them). It then transitions to Patriot's owner Robert Kraft's incident at a massage parlor that YANG once owned seven years prior to the incident and connects the two by supposition that YANG's business, when owned by YANG, had a reputation for offering sexual favors. It then falsely suggests YANG engaged in human trafficking because, after all, she is Chinese, and that is what 'they' do. Through false insinuation, YANG is cast in a false light by reporting a comment written years after YANG owned the day spa with a completely inappropriate dysphemism "rub and tug", clearly meant to

offend the reader into supporting the incredibly disparaging false narrative. The false timeline for the events that YANG was accused of being involved in, implies that YANG owned a day spa that was part of an undercover investigation and that YANG promoted prostitution (see Paragraph 6). The article reads as if it is the playbook for the anti-President Trump manifesto.

9. YANG was a businesswoman who sold her companies years prior to the allegations against Robert Kraft and others, yet by fake news propaganda standards, YANG is guilty; it is akin to accusing someone of being involved in a bank robbery because she once owned the robber's getaway car.

10. A request for retraction per Florida Statute 777.01 specifically asked whether the statements in Paragraph 6 above occurred at the time YANG owned the spa, (EXHIBIT B).

COUNT I: DEFAMATION PER SE

11. YANG adopts and re-alleges paragraphs 1-10 as if fully set forth in this count.

12. YANG came to the United States in search of a better life. She realized the American dream through her entrepreneurial acumen. She created GY US Investments which provided access to the American business and political culture through her understanding of opportunity. GY US Investments was a travel package for Chinese businessmen and philanthropists to travel to America. She realized the premium attached to a picture and story that her clients would cherish, while at the same time, supporting charitable causes. She had an opportunity to share her understanding of the Palm Beach charity scene and events publicly promoted at Mar-a-Lago (amongst others). YANG's business model relied upon her reputation and relationships she had painstakingly established during her time spent in the Palm Beach County area.

13. The MIAMI HERALD alleged that YANG was involved in criminal activity. Among other defamatory statements, the MIAMI HERALD alleged that YANG ran a day spa that involved her promotion of prostitution.

14. Florida recognizes defamation (libel) per se when the statement made is about a person committing a felony. See *Miami Herald Pub. Co. v. Ane*, 423 So. 2d 376, 390 (Fla. Dist. Ct. App. 3d Dis. 1982).

WHEREFORE, YANG respectfully requests that this Court enter judgment in her favor for an amount in excess of \$15,000, costs, interest, damages and other relief this Court deems just and proper and reserves the right to make a claim for punitive damages in accordance with Florida law.

COUNT II: DEFAMATION PER QUOD

15. YANG adopts and re-alleges paragraphs 1-10 as if fully set forth in this count.

16. In the alternative, if the Court finds that any of the statements do not constitute Defamation Per Se, YANG re-alleges here that any and all such statements are Defamation Per Quod.

17. Florida recognizes defamatory per quod with proof that precipitated an injury. See *Johnson v. Finance Acceptable Co.*, 118 Fla. 397, 401 (Fla. 1935).

18. YANG is no longer able to maintain her current employment as a direct result of the defamatory statements, is no longer able to attend Mar-a-Lago, lost her role as an executive volunteer with the Republican Executive Committee, is undergoing psychiatric treatment to cope with the unconscionable fake allegations, suffers from significant headaches, cannot sleep and was forced to relocate as a direct result of the shame she has had to unnecessarily endure.

WHEREFORE, YANG respectfully requests that this Court enter judgment in her favor for an amount in excess of \$15,000, costs, interest, damages and other relief this Court deems just and proper and reserves the right to make a claim for punitive damages in accordance with Florida law.

COUNT III: DEFAMATION BY IMPLICATION

19. YANG adopts and re-alleges paragraphs 1-10 as if fully set forth in this count.

20. In the alternative, if the Court finds that any of the statements do not constitute Defamation Per Se or Defamation Per Quod, YANG re-alleges here that any and all such statements are Defamation by Implication.

21. Florida recognizes innuendos and statements needing proof of supporting evidence including the omission of certain facts to create a defamatory implication. See Jews for Jesus Inc. v. Rapp, 997 So. 2d 1098, 1108 (Fla. 2008).

22. YANG is no longer able to maintain her current employment as a direct result of the defamatory statements, is no longer able to attend Mar-a-Lago, lost her role as an executive volunteer with the Republican Executive Committee, is undergoing psychiatric treatment to cope with the unconscionable fake allegations, suffers from significant headaches, cannot sleep and was forced to relocate as a direct result of the shame she has had to unnecessarily endure.

WHEREFORE, YANG respectfully requests that this Court enter judgment in her favor for an amount in excess of \$15,000, costs, interest, damages and other relief this Court deems just and proper and reserves the right to make a claim for punitive damages in accordance with Florida law.

COUNT IV: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

23. YANG adopts and re-alleges paragraphs 1-9 as if fully set forth in this count.

24. These implications are so extreme and odious that normal people would find such implications and statements highly offensive.

25. These statements and implications were made intentionally.

26. YANG is no longer able to maintain her current employment as a direct result of the defamatory statements, is no longer able to attend Mar-a-Lago, lost her role as an executive volunteer with the Republican Executive Committee, is undergoing psychiatric treatment to cope with the unconscionable fake allegations, suffers from significant headaches, cannot sleep and was forced to relocate as a direct result of the shame she has had to unnecessarily endure.

WHEREFORE, YANG respectfully requests that this Court enter judgment in her favor for an amount in excess of \$15,000, costs, interest, damages and other relief this Court deems just and proper and reserves the right to make a claim for punitive damages in accordance with Florida law.

DEMAND FOR JURY TRIAL

YANG demands a trial by jury of all issues triable by right.

Respectfully submitted this sixth day of May, 2019 by Evan W. Turk, Esquire on behalf of Palm Beach Law Offices.

PALM BEACH LAW OFFICES
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By: /s/ Evan W. Turk, Esq.
Evan W. Turk, Esq.
Florida Bar No. 70930



POLITICS

Trump cheered Patriots to Super Bowl victory with founder of spa where Kraft was busted

BY SARAH BLASKEY, NICHOLAS NEHAMAS, AND CAITLIN OSTROFF

MARCH 08, 2019 07:38 AM, UPDATED APRIL 19, 2019 10:30 AM



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More from the series

Trump Tourism: Access for Sale

The Miami Herald is investigating how U.S. President Donald J. Trump has become a favorite target of a little-known Chinese industry peddling access to the rich and powerful. At the center of this "Trump Tourism" is Cindy Yang, a former Asian day spa owner, who sold access to Mar-a-Lago and the White House, raising concerns about national security. Read more:

EXPAND ALL ▼

Seated at a round table littered with party favors and the paper-cutout footballs that have become tradition at his annual Super Bowl Watch Party, President Donald Trump cheered the New England Patriots and his longtime friend, team owner Robert Kraft, to victory over the Los Angeles Rams on Feb. 3.

Sometime during the party at Trump's West Palm Beach country club, the president turned in his chair to look over his right shoulder, smiling for a photo with two women at a table behind him.

The woman who snapped the blurry Super Bowl selfie with the president was Li Yang, 45, a self-made entrepreneur from China who started a chain of Asian day spas in South Florida. Over the years, these establishments — many of which operate under the name Tokyo Day Spas — have gained a reputation for offering sexual services.

ADVERTISING

inRead invented by Teads

Nineteen days after Trump and Yang posed together while rooting for the Patriots, authorities would charge Kraft with soliciting prostitution at a spa in Jupiter that Yang had founded more than a decade earlier.

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POLITICS-GOVERNMENT

Massage parlor magnate helped steer Chinese to Trump NYC fundraiser, attendee says

MARCH 09, 2019 6:07 PM

Yang says she had long since sold Orchids of Asia Day Spa, the massage parlor where authorities say they caught Kraft on camera paying for oral sex the morning of the Jan. 20 AFC Championship game — his second visit in 24 hours. (Kraft has denied breaking the law.) Yang, who goes by Cindy, was not charged in the multi-agency anti-human-trafficking operation last month that shut down 10 Asian day spas in Florida, none of which are registered to have a sex-facility.

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The Kraft bust brought global attention to the proliferation of Asian day spas across the country, some of which are thinly disguised houses of prostitution — and experts say could be engaged in human trafficking to fill demand.



New England Patriots owner Robert Kraft was charged with two counts of soliciting prostitution at a spa in Jupiter, Fla. By Eric Garland

Yang's family still owns several South Florida spas. The family's Tokyo Day Spa branches have attracted the attention of at least two local police agencies over allegations of prostitution, and are discussed online as places where men can pay for sexual extras.

"If you're just wanting to get a 'rub and tug,' this might be one of the best places in West Palm Beach," one Internet commenter wrote about a Tokyo Day Spas' parlor. A massage therapist at a different location informed police in late 2016 that some employees at the parlor were selling sex and said management encouraged the behavior.



Cindy Yang

March 22, 2018

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Cindy Yang poses with President Donald Trump at a fundraiser at Mar-a-Lago on March 2, 2018. She received a signed photograph. A flier for the event advertised a "reception, photo and two seats for a dinner with President Trump" for a donation of \$50,000.

In a brief phone interview, Yang said she and her family have never broken the law, but did not answer questions about whether she knew of the allegations that therapists in her spas were offering sex. She added that she was out of the business, would soon be moving to Washington, D.C., and didn't want any negative press.

Before the 2016 general election, Yang offered no evidence of political engagement. She hadn't voted in 10 years, records showed. But she has now become a fixture at Republican political events up and down the East Coast. Her Facebook is covered in photos of herself standing with President Trump, his two sons, Eric and Donald Jr., Florida Gov. Ron DeSantis, Sen. Rick Scott, Sarah Palin, the president's campaign manager and an assortment of other high-level Republican operators she has met at charity events, political fundraisers and galas, many of which require hefty donations to attend. She sometimes carries a rhinestone encrusted MAGA clutch purse.



Woman's Charity Foundation
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With Cindy Yang.

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Future Florida governor Ron DeSantis, center, attended a pro-Israel gala at Mar-a-Lago on Feb. 25, 2018. The event was also attended by Cindy Yang, far left. Tickets cost \$1,000 per person, according to the Israeli newspaper Haaretz.

Yang has shown considerable political largesse. Since 2017, she and her close relatives have contributed more than \$42,000 to Trump Victory, a political action committee, and more than \$16,000 to the president's campaign.

In February 2018, Yang was invited by the White House to participate in an event hosted by the Asian American and Pacific Islander Initiative, an advisory commission Trump established by executive order the year before. Later in the year, she attended at least two more AAPI events in Washington, D.C., according to her Facebook page.

The White House, the Trump campaign and the Trump Organization did not respond to requests for comment.

HANGERS-ON

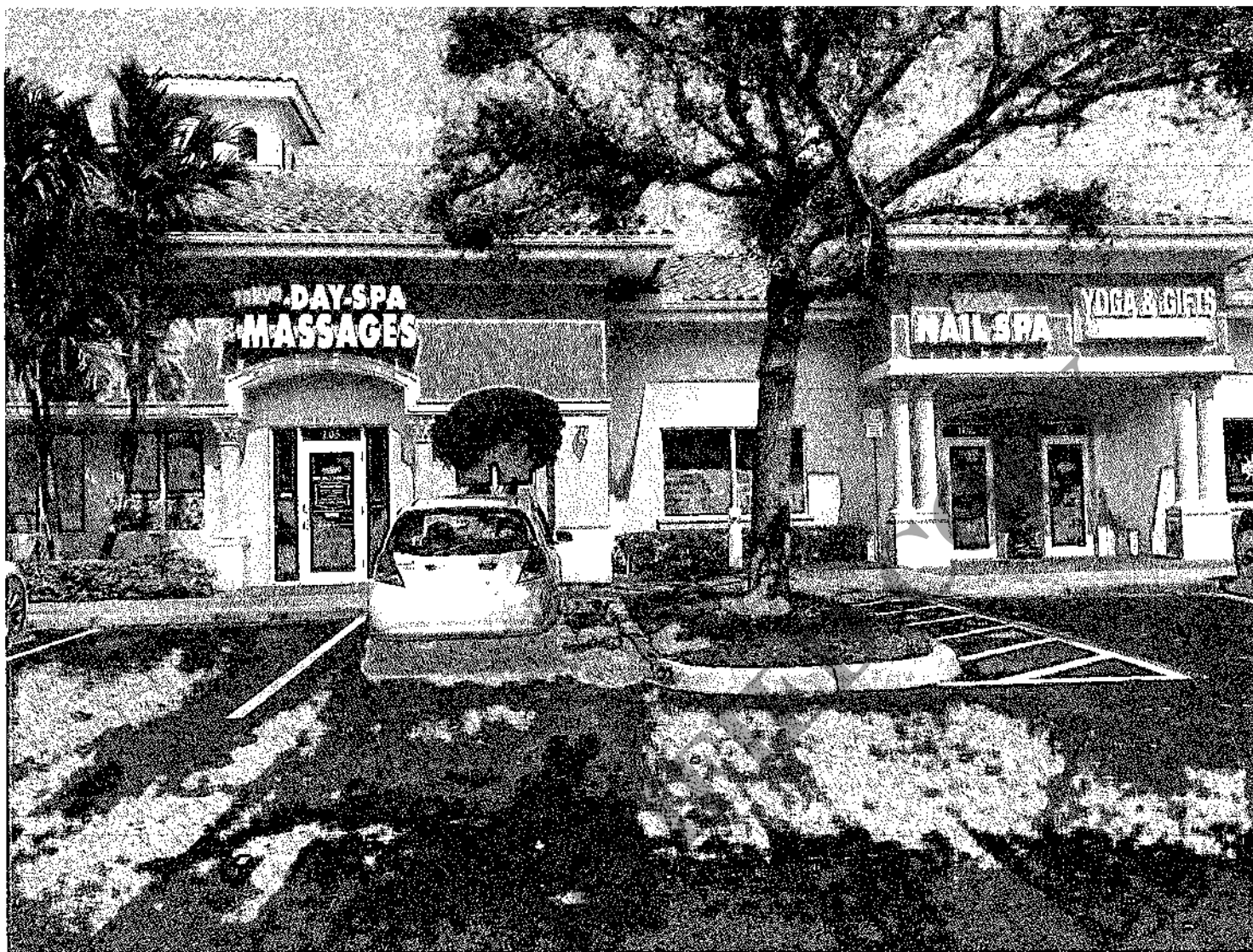
As some established political elites have distanced themselves from the president, a new group of people is filling open seats at political events.

Some are businessmen like Kraft who have always been influential because of their wealth but under Trump have gained added political status. (Months before the bust, Trump thanked Kraft for his role in a major international success: Clinching the 2026 World Cup for North America.)

Others in the Trump orbit are political novices like Yang, who came to the United States roughly 20 years ago.

In 2007, Yang started what would become a large chain of Tokyo Day Spas.





Cindy Yang and her family members operate the Tokyo Day Spa & Massages parlor, as well as a nail salon, at a strip mall in Palm Beach Gardens. It is part of a chain of spas the family controls. Sarah Blaskey SBLASKEY@MIAMIHERALD.COM

The first to open was her flagship, which is still in business and run by her husband, Zubin Gong, in Palm Beach Gardens.

The next was a Tokyo Day Spa in Jupiter that would later become Orchids of Asia after Yang sold it to another businesswoman, Hua Zhang, around 2013. Zhang, who was charged in February with racketeering and running a house of prostitution and has pleaded not guilty, declined to comment when contacted at her Martin County home.

Online reviews from prior to 2013 suggest sex was for sale at the Tokyo Day Spa Jupiter location even before it became Orchids of Asia. Although the name and ownership of the location have changed, the decor has not. A photo from a Tokyo Day Spa Yelp review shows the same couch, the same wall hanging and the same faux plant as now.

"Used to be known as Tokyo Day Spa and Massage — most of the same girls still work there," a Yelp reviewer wrote of Orchids of Asia in 2013.

Over the past decade, Yang and her family members have opened at least six locations across Palm Beach and Broward counties, including a massage school established in 2011 and several nail

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and then flipped them, advertising sale prices ranging from \$55,000 to \$88,000.

Organized networks of massage parlors offering sex are common, according to Bradley Myles, CEO of Polaris Project, a nonprofit dedicated to ending human trafficking in the sex work industry. The parlors have licenses, allowing them to operate the illicit part of their businesses behind a smokescreen of legitimacy.

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CRIME

Raiding massage parlors isn't hard. But proving human trafficking is

MARCH 02, 2019 1:43 PM

"Having a school associated with several locations that are engaged in illicit massage business — It's one more way of appearing legitimate," Myles said, commenting generally rather than specifically on Tokyo Day Spas. He said the owners of such chains often use schools to recruit and groom women to work in their parlors, even giving them the answers to the licensing exams ahead of time if they are good candidates for sex work.

Nationally, the illicit massage industry is worth over \$2.5 billion, according to Polaris.

Yang also owns several residential properties around South Florida, including a tiny \$240,000 condo on Miami's waterfront. She built her success on hard work and long hours, according to an online profile of Yang that was posted on dondonsex.com. The site also features classified ads for erotic massage services. It's unclear who posted Yang's profile there or why.

SEX FOR SALE

When a female massage therapist started finding used condoms in the trash at one of Yang's Tokyo Day Spas, she became concerned that the parlor was not what it seemed.

The woman, who spoke only Mandarin, asked an English-speaking relative to call police after she heard the sounds of sex coming from several private massage rooms. Her tip led a police vice squad to begin surveilling the parlor from a van parked outside, the woman told the Miami Herald in an interview. Cops hidden in the vehicle took photographs of the people coming and going. The woman said she went undercover, snapping pictures of receipts when no one was looking. After the trash was taken outside, she would call her relative, who would then ring up the cops.

"There should be some condoms out back," the relative would report.

The woman, who asked to remain anonymous for fear of retaliation, slept on a massage bed in a back room during her time at the spa. She cooked on a hotplate.



Cindy Yang

March 19, 2018 · 6

3

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Cindy Yang poses with Sarah Palin.

On one occasion, the former therapist was giving a customer a massage when he exposed himself and demanded oral sex. She said she ran from the room crying. A manager was angry that the customer had been treated "badly," the woman said.

"You cannot hurt the customers' feelings," the manager later said at a staff meeting, according to the woman.

No charges appear to have been brought as a result of the investigation. The Herald reviewed documents related to the case but is not naming the police department in order to preserve the woman's anonymity.

That wasn't the only Tokyo Day Spa location where sex was allegedly available.

On Feb. 7, 2014, a man called the Palm Beach County Sheriff's Office. He had gone to Tokyo Day Spas branch in Royal Palm Beach, where a therapist touched him in an "inappropriate genital area" and continued to do so even after he said no, according to a police report.

Six spas within the Tokyo Day Spas chain show up on online forums like rubmaps.com and adultsearch.com, which are crowd-sourced review sites where users point each other to spas where sex is offered.

False positives on those sites are unlikely, according to the Polaris Project.

"I don't think the guys have any interest in claiming a place was something it's not," Myles from

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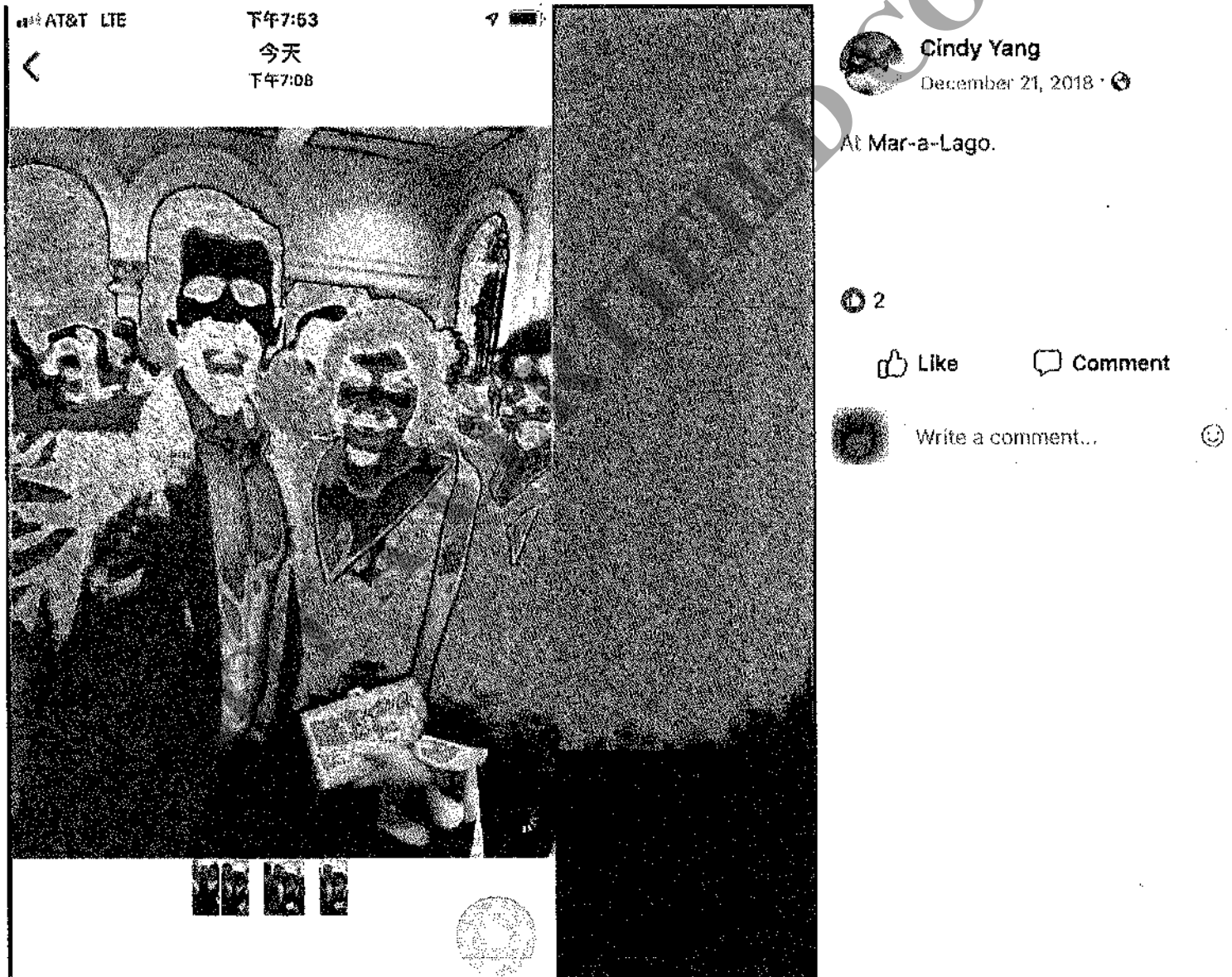
Online ads on obscure websites also raise flags about Yang's businesses. In an ad written in Chinese recruiting masseuses, Yang stated that anyone over the age of 45 need not apply. Phone numbers associated with members of the Yang family are connected to various apparently old online advertisements for more explicit sex services. One advertises a masseuse who makes hotel visits.

In a 2016 Yelp review of the Tokyo Day Spa in Palm Beach Gardens, a woman wrote that her husband went in for a 15-minute, \$40 massage, but was offered unwanted sexual favors instead.

"Stay far away unless you're into that kind of thing," she wrote.

In a reply to the review, the business posted an apology from someone identified as "Cindy Y."

"We are very sorry to hear what happened to your husband," Cindy Y. wrote. "We do not offer those kinds of service[s] and we will do everything necessary to make sure this does not happen again."



Cindy Yang appears with Donald Trump Jr. at a Mar-a-Lago gala in late 2018.

"Been here many times, some play, some don't," a man wrote in 2016.

But others raved.

"I had one of those toe curling experiences," a reviewer said.

POLITICAL AWAKENING

Around three years ago, Yang announced that she was pursuing a "new life" in a series of Facebook posts.

Her portfolio broadened to include an investment consulting business, a travel agency and a charity.

The charity, founded in 2015 under the name Overseas International Female Organization, was originally intended to promote cultural exchanges for women, according to its mission statement. A few months later, the name was changed to Women's Charity Foundation. The foundation once hosted a beauty pageant at the luxury Biltmore Hotel featuring young women brought in by "entertainment companies," according to one of the event's co-sponsors, Li Yun, who told the Miami Herald the event was "embarrassing," "unsuccessful" and "disorganized." The nonprofit doesn't appear in a database of active Florida charities.

At the very end of 2015, Yang began donating small amounts of money to Jeb Bush's presidential campaign. In 2016, Yang posted Facebook photos from a Republican women's event in South Florida with the caption: "The new life will start."

Around that time, she appears to have pulled her name from the official business records related to Tokyo Day Spas, though her husband still manages at least one of the spas and other companies are now under her parents' names. Recently, one of her businesses, now listed in her mother's name, declared bankruptcy, listing more than \$150,000 of debt.



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Cindy Yang posted a photo of herself with U.S. Rep. Matt Gaetz at an event at President Donald Trump's golf club in Jupiter during the summer of 2018.

When Donald Trump became a serious candidate for president, politics began to dominate her social media presence.

In January 2017, she was in the crowd at Trump's inauguration in Washington, D.C. Later that year, she snapped a photo with Trump adviser Kellyanne Conway. In December, she attended her first elite event at President Trump's Mar-a-Lago, a poolside steak lunch.

In September 2018, Yang received a personalized note from the president and first lady. It read: "Thank you for your friendship and dedication to our cause. Leaders like you in Florida are the key to fulfilling our bold agenda to Make America Great Again!"

Yang told the Miami Herald she doesn't know the president personally, and that she doesn't work for him, other than to volunteer for campaign events.

"I just come to some events. There's nothing special," Yang said. Although she has claimed online to be a member of Trump clubs, she told the Herald she does not in fact belong to any.

Yang opened an investment consulting firm in 2017 targeting Chinese businesses hoping to expand to U.S. markets. The website advertises her new political connections, and promises her clients pictures with the president and other high-level members of his administration. Much of its website showcases photographs of her own encounters with the Trump family and other high-profile conservatives.



Cindy Yang

February 8, 2019

3

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Write a comment...

Cindy Yang posed with Eric Trump at Mar-a-Lago in 2019.

Over the past two years, Yang has racked up a who's who of photos with politicians at more than a dozen political events. She has enough pictures of the president's private clubs to fill an album.

In 2018, she attended a Safari Night at Mar-a-Lago hosted by the president's sister, Elizabeth Trump Grau, as well as the White House's celebration of the Lunar New Year at the Eisenhower Executive Office Building. She took photos with Florida's soon-to-be-governor, Ron DeSantis, at a pro-Israel gala held at Mar-a-Lago, met U.S. Secretary of Transportation Elaine Chao in Washington, D.C., and posed with Trump campaign manager Brad Parscale, U.S. Rep. Brian Mast, U.S. Rep Matt Gaetz and former Florida Agriculture Commissioner Adam Putnam. She also posted a photograph of herself with DeSantis at a restaurant, saying she was having "brunch this morning with Florida's next Governor."

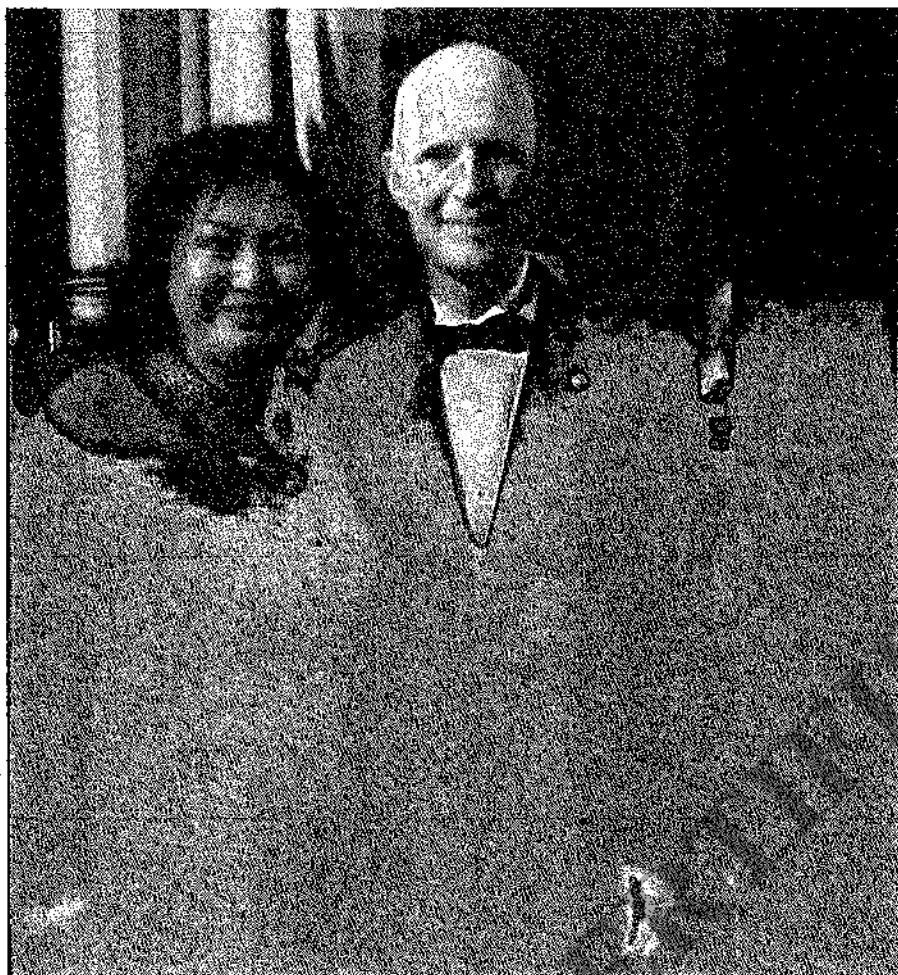
She was photographed with Donald Trump Jr. at a winter Mar-a-Lago gala for Turning Points USA, the conservative college organization, and met Eric Trump last month.

In January, she attended the Sunshine Ball in Washington, D.C., hosted by Rick Scott, snagging a

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She has also posted photos of herself meeting conservative celebrities, including former vice presidential candidate Sarah Palin, onetime Trump administration adviser Sebastian Gorka, Fox News host Jesse Watters, commentator Dan Bongino and actor Jon Voight.



Cindy Yang

January 8 · 🌐

...

At National Museum of American History.

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Cindy Yang attended Sen. Rick Scott's Sunshine Ball in Washington, D.C., on Jan. 8. The event asked \$25,000 for a photo opportunity with Scott.

Her Super Bowl selfie with Trump was captioned: "We love our president."

It's not clear exactly what level of scrutiny she was subjected to in order to get that close to Trump.

Anyone "expected to be within close proximity to the president for a planned purpose" at Mar-a-Lago must go through an "enhanced background check" by the Secret Service and other federal agencies, according to a January report by the Government Accountability Office.

No one contacted by the Herald said they recognized Yang.

Brad Stewart, deputy chief of staff for Mast, said the Republican congressman "doesn't know Yang or remember meeting her" at the Palm Beach GOP Lincoln Day Dinner at Mar-a-Lago on March 16, 2018.

Chris Hartline, Rick Scott's communications director, said the senator had "met literally hundreds of thousands of people over his eight years as governor. He doesn't know this woman."

"As a strong advocate for the Jewish people and the state of Israel, then Congressman Ron

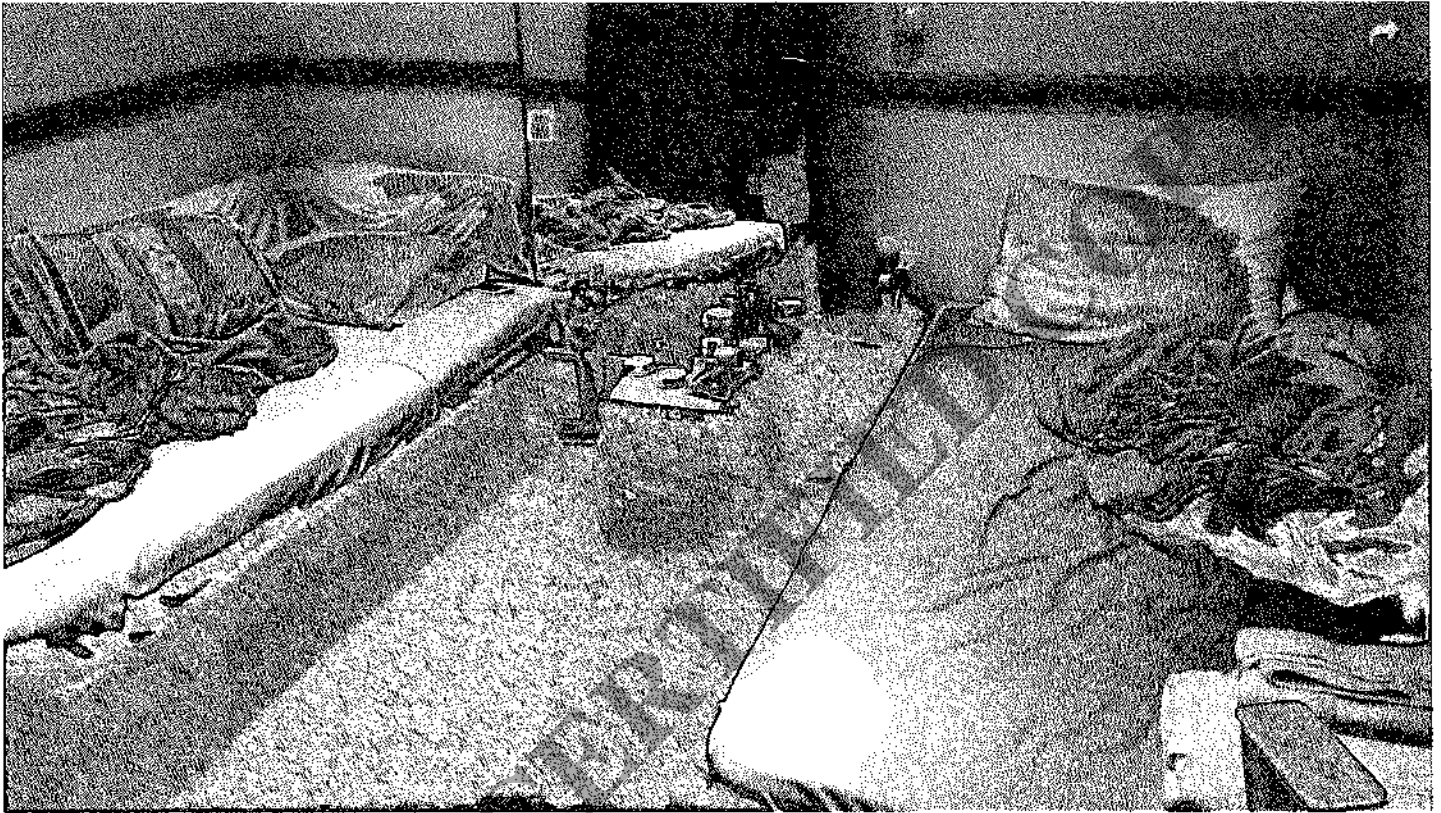
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DeSantis' communications director, said. "The Governor frequently appears in photos with many guests at these events. Governor DeSantis does not know or have any connection to Cindy Yang."

Gaetz was photographed with Yang at a DeSantis campaign rally in the summer of 2018, according to spokeswoman Jillian Lane Wyant. The event was open to the public.

"Congressman Gaetz took hundreds of selfies at this event and takes thousands through the year without vetting people," Wyant said. "He has never set foot in any of Ms. Yang's day spas or properties."



Traffickers use coercion and fraud to lure their victims into forced labor and sexual exploitation in illicit massage businesses. Here's a look into how that human trafficking system works.

By Nicole L. Cvetnic / McClatchy

Miami Herald writer Xinjun Li contributed to this report.

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CRIME

'Up to something nefarious.' Judge orders lockup of Chinese woman arrested at Mar-a-Lago

APRIL 15, 2019 01:44 PM

POLITICS

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APRIL 12, 2019 02:05 PM

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SARAH BLASKEY

305-376-2811

Sarah Blaskey covers local government in municipalities across Miami-Dade County. She holds a master's degree from Columbia University's school of journalism and is the recent recipient of a Pulitzer Center grant for her work on shark fishing and human trafficking in Central America.

**NICHOLAS NEHAMAS**

305-376-3745

Nicholas Nehamas is an investigative reporter at the Miami Herald, where he was part of the Pulitzer Prize-winning team that broke the Panama Papers. He attended Columbia Journalism School and joined the Herald in 2014.

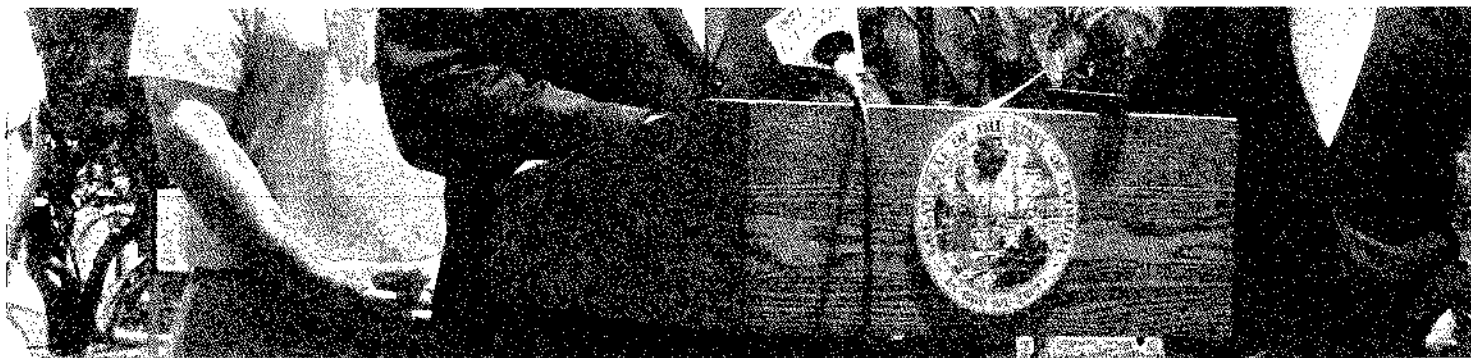
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DeSantis talks about mitigating environmental damage that Super Bowl LIV may cause



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Florida Gov. Ron DeSantis visits the Keys

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BY ALEX DAUGHERTY

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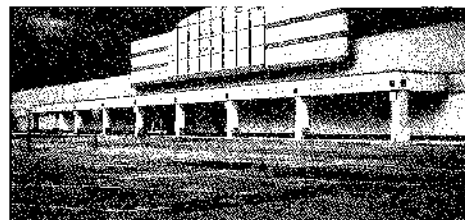
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PALM BEACH LAW OFFICES

E.W. TURK, ESQ. - MEMBER

March 22, 2019

The McClatchy Company (Miami Herald)
Attention: C T Corporation System, Resident Agent for Service of Process
111 Eighth Ave, 13th FL
New York, NY 10011

RE: CONDITION PRECEDENT NOTICE (CINDY YANG)

Resident Agent for Service of Process:

Palm Beach Law Offices represents Cindy Yang. This is provided to you as a condition precedent to a civil action for libel and slander (defamation) pursuant to Florida law.

§770.01 Fla. Stat. (2019) states: "Before any civil action is brought for publication or broadcast in a newspaper, periodical, or other medium, of a libel or slander, the plaintiff shall, at least 5 days before instituting such action, serve notice in writing on the defendant, specifying the article or broadcast and the statements therein which he or she alleges to be false and defamatory."

On March 8, 2019 the *Miami Herald* published an article titled "*Trump cheered Patriots to Super Bowl victory with founder of spa where Kraft was busted.*"

- In said article, it states "...in late 2016 that some employees at the parlor were selling sex and said management encouraged the behavior". This is intentionally misleading as it subsequently references that the business was sold by Cindy Yang in 2013. Through implication, since Cindy Yang owned the day spa at one time, she is responsible for all activities subsequent to its sale. This is akin to linking someone who sold a car which was later used in a crime to the crime itself.
- Another statement suggests there was sex for sale based on an unsupported review or reviews from 2013. It then adds a misleading fact to suggest that according to a statement by Bradley Myles, CEO of Polaris Projection; "[o]rganized networks of massage parlors offering sex are common". This is followed by more damaging innuendo that "[h]aving a school associated with several locations that are engaged in illicit massage business... is one more way of appearing legitimate".
- Ostentatiously damaging is the deceptive statement of a female massage therapist finding used condoms in the trash at one of "Yang's Tokyo Day Spas", leading the reader to believe that Cindy Yang was involved because of the implied timelines.
- A further defamatory statement that "[o]n Feb. 7, 2014, a man called the...where a therapist touched him..." This is yet another devious ploy to link Cindy Yang to the allegations.

HOME OFFICE

- Another absurd connection through implication is that six spas within the business, the business that Cindy Yang did not then own, was later tied to online forums suggesting that they were spas where sex was offered.
- Another defamatory jab is the outrageous picture and caption to connect the narrative to sexual trafficking, suggesting that Cindy Yang is tied to criminal behavior.

What is really happening here are two narratives colliding with one another.

- The first involves the media's deep dislike for the president and his administration. It is a story about a prevailing disdain for the outcome of an election, left versus right politics, latent identity politics, disguised racism and sexism.
- The second narrative is a story about crushing the American dream. Cindy Yang will never be able to live out her happily ever after, truly only in America story, as your article has permanently damaged Cindy Yang's reputation. As a result, Cindy Yang is out-of-business, unable to sleep, suffers from severe depression and even worse, lost her honor.

Under §770.02 Fla. Stat. (2019) you have the opportunity, within ten days after service of this notice, to make a full and fair correction, apology or retraction, published in the same editions or corresponding issues that the your defamatory articles appeared, in as a conspicuous place and type as the original article to mitigate your damages to actual damages.

Govern yourself accordingly.

Sincerely,

/s/
Evan W. Turk, Esquire

Holland & Knight

701 Brickell Avenue, Suite 3300 | Miami, FL 33131 | T 305.374.8600 | F 305.789.7791
Holland & Knight LLP | www.hklaw.com

Sanford L. Bohrer
(305) 789-7678
sandy.bohrer@hklaw.com

March 29, 2019

Via U.S. Mail

Evan W. Turk
Palm Beach Law Offices
1800 N. Congress Avenue
Suite 302
Boynton Beach, FL 33426

Dear Mr. Turk:

This firm represents The Miami Herald. I am writing on its behalf to respond to your letter dated March 22, 2019 relating to a March 8, 2019 article relating in part to your client, Cindy Yang.

I have carefully read your letter and the article to which it refers, and determined the Herald did not exceed its rights under the First Amendment and the common law of Florida, and any defamation lawsuit against the Herald would wholly lack merit, subjecting you and your client to an award of attorneys' fees under Section 57.105, Florida Statutes, and your client separately to an award of attorneys' fees under Florida's anti-SLAPP statute, Section 768.295, Florida Statutes (just last fall we obtained an award for the Herald under that statute for \$90,000).

I am also writing to briefly respond to the points made in your letter.

First, your client had the opportunity to state what she understood to be the facts and the Herald reported her position. Second, the Herald largely relied on police reports, which is privileged under Florida law. Finally, your assertions about the "two narratives" are simply fiction.

Your first point claims that despite clearly stating your client sold a business (Orchids of Asia) in 2013, the article somehow suggests or implies she was still responsible for activities there under different ownership because of a description, based on a police report, of activities in 2016 at a different business, Tokyo Day Spa, which was operated by your client. Nothing in the article says, suggests, or implies your client was in any connected with her former business years later.

Evan W. Turk
March 29, 2019
Page 2

Your second point suggests the Herald relied on "unsupported reviews" that lack credibility. However, you do not state what you mean by "unsupported," and in fact the Herald also relied on police reports and representative of a human trafficking organization, both of which "supported," to use your terminology, what the article reports.

Your third point simply ignores the fact that the Herald relied on a police report.

Similarly, your fourth point ignores the fact that the Herald relied on a police report of allegations relating to a business operated by Ms. Yang.

Your fifth point, much like the first, misapprehends what was said about Ms. Yang and what was not said about her.

Your final point refers to a photo with a caption that somehow links Ms. Yang to human trafficking, but I could not find such a photo and caption in the article. Perhaps you meant to refer to something else.

If I am mistaken about what you wrote or meant, please do not hesitate to contact me.

Sincerely,



SLB/es

PALM BEACH LAW OFFICES
E.W. TURK, ESQ. - MEMBER

Via Email and Regular Mail

April 8, 2019

Holland and Knight
Attention: Sanford L. Bohrer
701 Brickell Avenue, Suite 3300
Miami, FL 33131

RE: RESPONSE TO MARCH 29 LETTER, SUBJECT:
March 8, 2019 ARTICLE TITLED "TRUMP CHEERED PATRIOTS TO SUPER BOWL
VICTORY WITH FOUND OR SPA WHERE KRAFT WAS BUSTED

Dear Mr. Bohrer:

This is in response to your above-referenced letter. The following is based on your response and a question we have.

The said article, under the title "Sex for Sale" stipulates that our client owned the spa at the time it was part of an investigation based on allegations of a female message therapist. Specifically, finding used condoms in the trash and sounds of sex coming from private massage rooms. According to your letter, we misapprehended what was said about Ms. Yang and what was not said about her. To avoid any misapprehensions, please clarify the following question: **Did Li "Cindy" Yang own the spa at the time of these afore-stated alleged incidents?**

Per Florida Statute 777.01, we will be initiating legal action 5 days from receipt of this notice on this issue, if this matter is not adequately addressed. Your lack of response shall indicate that she did not own the spa at such time and amounts to defamation per se.

Please govern yourself accordingly.

Sincerely,

/s/
Evan W. Turk, Esquire

Holland & Knight

701 Brickell Avenue, Suite 3300 | Miami, FL 33131 | T 305.374.8500 | F 305.789.7799
Holland & Knight LLP | www.hklaw.com

Sanford L. Bohrer
(305) 789-7678
sandy.bohrer@hklaw.com

April 10, 2019

Via Overnight Delivery

Evan W. Turk
Palm Beach Law Offices
1800 N. Congress Avenue
Suite 302
Boynton Beach, FL 33426

Dear Mr. Turk:

I write in response to your letter dated April 8, 2019.

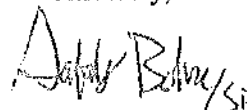
First, to the extent I do not respond to something to which you've requested a response does not establish any fact or mean I agree to anything, so your last sentence is simply inaccurate and of no effect.

Second, the question you ask in bold font does not appear to relate to any statement in the article in question, and I believe my March 29, 2019 letter addressed all of the concerns you have raised about statements that did appear in the article. If you do have a question about anything that actually appeared in the article, please do not hesitate to write me and I will respond.

Third, as I indicated in my March 29, 2019 letter, and this applies to what you refer to in your April 8, 2019 letter, to the extent it relates to something that was said in the article, the Herald relied on official records, official sources, and people who agreed to speak to the Herald's journalists, which includes your client to a very limited extent and also her mother.

Finally, I urge you and your client to reconsider the decision to file a lawsuit. I have handled more than 100 defamation suits for the Herald, and many others for other publishers and broadcasters, and this one will be quite expensive in terms of costs and attorneys' fees, as there will be many witnesses, including the Trump family and associates, several of which will require travel, and unusual expenses such as translators and translations. As I said in my March 29, 2019 letter, based on my experience, the most likely result is not just that your client will lose the lawsuit, but that you and she may be liable to the Herald for the fees it pays us for the defense of the lawsuit as well as the costs.

Sincerely,



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