



IN THE SUPERIOR COURT FOR THE STATE OF DELAWARE

CARTER PAGE, an individual,

Plaintiff,

v.

OATH INC., a corporation,

Defendant.

C.A. No. _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Carter Page (Dr. Page), by and through the undersigned counsel, brings this action against Oath Inc., for (i) false and defamatory statements published by its media outlets Yahoo! and the Huffpost, *as well as* (ii) injuries suffered by Dr. Page from the tortious interference with prospective business relationships created by the publication of the false and defamatory statements, and to recover all categories of damages as allowed by law upon a trial of this matter, and alleges as follows:

I. INTRODUCTION

1. This action is brought against multi-billion-dollar media company Oath, Inc., which negligently published false, and defamatory statements of and concerning Dr. Page without privilege and published the statements with actual knowledge of falsity or with a reckless disregard of truth or falsity. Dr. Page is an

innocent individual whose entire way of life was shattered as a direct result of being defamed and falsely branded as a traitor to his country by the Defendant's media brands. He was allegedly secretly plotting with Russian leaders to sabotage the 2016 Presidential Election and give "aid and comfort" to Russian President Putin's efforts to "weaken" America. Such criminal acts of treason against the United States are punishable by a death penalty. These false accusations against Dr. Page, a law-abiding and patriotic former U.S. Navy officer, were devastating: *overnight* he was defamed and thrown onto the world stage as a traitor.

2. Since the defamatory statements were published within weeks of the 2016 U.S. Presidential Election, and contained lurid and sensational alleged facts describing international political intrigue involving the presidential candidates, the Defendant's economic expectation that the false and defamatory statements would increase "clicks" and globally drive internet traffic to its various websites—and thereby result in a financial benefit—is undeniable. While this is the business model of digital journalism practiced on the internet, it does not excuse or justify the publication of false and defamatory statements which catastrophically harmed an innocent person.

3. Specifically, between approximately June 2016 through at least July 2017, Defendant's prominent news subsidiaries and/or divisions Yahoo! News ("Yahoo!") and TheHuffingtonPost.com brand HuffPost ("HuffPost") each

maliciously published highly damaging articles and statements about Dr. Page which falsely portrayed him as a traitor to America who illegally conspired with Russia in an intentional effort to subvert the 2016 U.S. Presidential Election. Ironically, sabotaging the 2016 U.S. Presidential Election was the political objective of the political actors whose resources were used to conceive, create and strategically distribute to corrupt members of the media (and the United States government). This sordid and salacious tale about a *counterfeit* political scandal had no basis in fact and thus, did not exist in reality.

4. On September 23, 2016, in a historically reckless and irresponsible display of tabloid “journalism,” Yahoo! chose to publish an article authored by its Chief Investigative Correspondent Michael R. Isikoff (“Isikoff”). The article was titled, “U.S. intel officials probe ties between Trump adviser and Kremlin” (the “2016 Yahoo Article”), was replete with false and defamatory statements about Dr. Page.¹

5. The 2016 Yahoo Article included a wealth of categorically and objectively false, misrepresentative, and unverified statements and information compiled by Orbis Business Intelligence Ltd. (“Orbis”), a private company in London, created on behalf of Fusion GPS, a mercenary investigative firm. Fusion

¹ See Michael Isikoff, *U.S. intel officials probe ties between Trump adviser and Kremlin*, YAHOO! NEWS (Sept. 23, 2016), <https://www.yahoo.com/news/u-s-intel-officials-probe-ties-between-trump-adviser-and-kremlin-175046002.html>. A copy of the 2016 Yahoo Article is attached hereto as **Exhibit 1**.

GPS, in turn, curated this information on behalf of, and with input from, its clients: Perkins Coie LLP and the Democratic National Committee (“DNC”), who conspired to use their resources and invent a fictitious claim about hypothetical “collusion” between the Russian government and the campaign of then-candidate for President Donald Trump.

6. It has now been exposed that the claim of such alleged “collusion” was a complete fraud (*see* Section IV.B). This manufactured political “scandal” was created out of thin air and funded by the DNC, working in collaboration with its law firm Perkins Coie, for the obvious political advantage that would result if their lie was believed by enough of the electorate. However, the DNC’s resources expended to concoct the fairy tale of “collusion” between Russia and the Trump Campaign were wasted *unless* the counterfeit “scandal” was widely published by the media. This is where the Defendant’s illegal corporate conduct comes into play.

7. The 2016 Yahoo Article made various statements concerning, among other things, meetings between Dr. Page and two *sanctioned* Russian officials: Rosneft Oil Company (“Rosneft”) CEO Igor Sechin (“Sechin”) and Igor Diveykin (“Diveykin”). It was further reported as fact that these communications involved lifting of U.S. sanctions under a Trump presidency in return for receiving compromising materials harmful to presidential candidate Hillary Clinton. In fact, Dr. Page has never met with either Sechin or Diveykin

at any time in his entire life. Furthermore, the reported conversations in which Dr. Page allegedly participated with Sechin and Diveykin never happened (directly or indirectly) with either of these people, or any other person.

8. The 2016 Yahoo Article was part of an extensive series of false and defamatory articles targeting Dr. Page by another one of the Defendant's media outlets, the HuffPost. These defamatory articles were published beginning no later than June 21, 2016, and continuing through at least July 30, 2017 (*see* Section IV.B).

9. Despite Yahoo! and HuffPost having actual knowledge that the portions of these articles defaming Dr. Page were false, they printed them anyway (*see* Section V). These widely disseminated articles maliciously and falsely described Dr. Page as a traitor to his country who was involved in a criminal conspiracy to undermine American democracy and the 2016 U.S. Presidential Election. Defendant, through its subsidiaries and/or divisions, disseminated worldwide lies about Dr. Page's connections to, and interactions with, identified foreign agents of influence in order to create the false impression that Dr. Page—a law-abiding American citizen who served his country honorably as a military officer and otherwise—was acting in a treasonous manner to further the interests of Russia, a hostile foreign power.

10. Not only was publishing the false and defamatory statements about Dr. Page ‘good for business’ at Oath, it was in perfect alignment with the political bias and aims of the senior management of the Defendant. Tim Armstrong, prior to becoming the CEO of Oath in 2017, was CEO of Verizon’s subsidiary AOL, Inc., when it purchased the HuffPost in 2011. He was the CEO of AOL, Inc., when it produced a documentary honoring Hillary Clinton. He has introduced Mrs. Clinton at a high-profile event in November 2015, at the kick-off of her candidacy with the statement, “Leaders are not judged by their number of followers, leaders are judged by the leaders they create.”² Using the media empire he ran as CEO to help elect Hillary Clinton and defeat then-candidate Trump at all costs further explains this epic failure of journalistic integrity at Defendant Oath resulting in the defamation of Dr. Page.

11. As a direct and proximate result of Defendant’s media outlets’ tortious conduct, Dr. Page became a primary target of a vicious and sustained political witch hunt of almost unparalleled proportion. During this saga and in significant part stemming from the defamatory 2016 Yahoo Article by the Defendant, Dr. Page was wrongfully surveilled for over a year by the United States government pursuant to Foreign Intelligence Surveillance Act (“FISA”) warrants. He was subjected to

² Jenna Belhumeur, *On Closing Night, Hillary Clinton Reflects On A Rallying Cry*, DOC NYC (Nov. 11-19, 2020), <https://www.docnyc.net/featured/on-closing-night-hillary-clinton-reflects-on-a-rallying-cry/>.

widespread public ridicule and shame and his life was threatened. Because his personal safety was put at great risk by the Defendant's defamatory statements, Dr. Page was forced *against his will* to lead a life of seclusion and extreme caution. His career and business prospects were effectively destroyed (*see* Section VI).

12. This Complaint seeks to remedy one key aspect of the broad-based wrongs perpetrated against Dr. Page—and against the United States Constitution—occurring in the run-up to, and immediate aftermath of, the 2016 U.S. Presidential Election: the publication of false and defamatory statements, and the resulting tortious interference with business relationships of Dr. Page. These heinous accusations were unleashed by outlets in the news media industry operated by Oath.

13. In the body of this Complaint, Dr. Page sets forth the circumstances of how Defendant's false and defamatory articles asserting he was secretly meeting with the Kremlin on behalf of then-candidate Trump destroyed the exemplary life of patriotism, high accomplishment and excellent character he had spent over four decades building. This action seeks to redress the wrongs which inflicted great damage upon Dr. Page and to serve as a deterrent to other members of the media to minimize potential for a recurrence of this form of injustice which targets law-abiding American citizens.

II. PARTIES

14. **Plaintiff Dr. Carter Page** is a natural person who is a citizen and domiciliary of the State of Oklahoma. Dr. Page is a distinguished graduate of the United States Naval Academy who served on active duty (including deployments at sea and other assignments worldwide, many in Intelligence-related billets) from 1993 until 1998, reaching the rank of Lieutenant. After completing his active military service, Dr. Page served as an International Affairs Fellow at the Council on Foreign Relations and focused his research on energy-related developments in the strategically important Caspian Sea region. Although Dr. Page earned a Master of Arts degree in National Security from Georgetown University while on active duty, he decided to pursue further education and completed NYU's MBA program in 2001. This educational qualification led to a position as an investment banker with Merrill Lynch. After a series of promotions, Dr. Page became the Chief Operating Officer of Merrill Lynch's energy and power group in New York. In 2012, Dr. Page was awarded his Ph.D. degree from SOAS University of London (School of Oriental and African Studies). He ran the international affairs program at Bard College in New York, and subsequently returned to his alma mater NYU to teach courses on energy and politics. During the 2016 U.S. Presidential Election, Dr. Page was an informal member of a volunteer foreign policy advisory committee to then-candidate Donald J. Trump's election campaign. Dr. Page is, and has been

at all recent relevant times, involved in the international energy business. He is the sole-member of two LLCs: Global Energy Capital LLC (“GEC”), a limited liability company organized under the laws of New York, and Global Natural Gas Ventures LLC (“GNGV”), a limited liability company organized under the laws of Oklahoma (collectively, the “Companies”).

15. **Defendant Oath Inc.** (“Oath”) is a corporation formed under the laws of the State of Delaware. Oath’s registered agent in the State of Delaware is the Corporation Trust Company, located at Corporation Trust Center, 1209 Orange Street, Wilmington, County of New Castle, Delaware 19801. Service can be made upon Oath’s registered agent pursuant to 10 Del. Code § 3103 and Del. R. Super. Ct. R. Civ. P. Rule 4. Oath is a wholly-owned subsidiary of Verizon Communications Inc. (“Verizon”), a public company listed on the New York Stock Exchange. In 2017, all of the assets and liabilities of Yahoo!, also a Delaware corporation, were indirectly purchased by Verizon and merged into Oath.³

16. The Oath portfolio also includes HuffPost. Previously branded as the Huffington Post, HuffPost was acquired in 2011 by AOL, a Delaware corporation.⁴

³ See *Yahoo! April 24, 2017 Proxy Statement*, SEC.gov (filed Apr. 27, 2017), Ex. B-1-1, B-1-2, <https://www.sec.gov/Archives/edgar/data/1011006/000119312517133449/d206374ddefm14a.htm> (Verizon acquired from Yahoo! “all of [Yahoo!]’s right, title and interest in and to all of the Assets of [Yahoo!]” other than Yahoo!’s equity in Aliababa Group, Aabaco Holdings, Yahoo! Japan, and other, minor equity positions).

⁴ *AOL Agrees To Acquire the Huffington Post*, HUFFPOST.COM (last updated May 25, 2011), https://www.huffpost.com/entry/aol-huffington-post_n_819375 (last visited July 20, 2020).

In 2015, AOL was acquired by Verizon, a Delaware corporation.⁵

17. Oath is comprised of the assets and brands that Verizon acquired through its purchases of AOL and Yahoo!, including HuffPost and Yahoo! News.⁶

18. In 2019, Oath was rebranded to the public as Verizon Media Group but on information and belief remained the same legal entity.

19. Oath describes itself as “a digital media company of more than 50 media and technology brands, including HuffPost, Yahoo Sports, Tumblr, Engadget, Autoblog, and AOL.com.” Indeed, archived versions of Oath’s website from as early as August 3, 2017 reveal that Oath listed both Yahoo! News and HuffPost on its “Our Brands” webpage.⁷

20. In public filings with the SEC, Verizon described Oath as “Verizon’s Oath subsidiary, launched at the June 13 close of the company’s acquisition of Yahoo’s operating business, houses AOL and Yahoo brands serving about 1 billion

⁵ *Verizon to Acquire AOL*, PRNEWswire.COM (May 12, 2015), <https://www.prnewswire.com/news-releases/verizon-to-acquire-aol-300081541.html> (last visited July 20, 2020).

⁶ *See Verizon Communications Inc., Form 8-K*, SEC.GOV (filed Dec. 11, 2018), <https://www.sec.gov/Archives/edgar/data/0000732712/000073271218000060/a12-118xk.htm> (“Verizon’s Media business, branded Oath . . . has also achieved lower than expected benefits from the integration of the Yahoo Inc. and AOL Inc. businesses”); *see also Yahoo Provides Notice to Additional Users Affected by Previously Disclosed 2013 Data Theft*, SEC.GOV (Oct. 3, 2017), https://www.sec.gov/Archives/edgar/data/732712/000073271217000003/a2017_10x3xoathxexhibix991.htm (“Yahoo, now part of Oath . . .”).

⁷ *Our brands*, OATH.COM (archived Aug. 3, 2017), <http://web.archive.org/web/20170803085315/https://www.oath.com/our-brands/> (last visited July 21, 2020).

unique monthly users globally and representing about \$7 billion in annual revenues.”⁸

21. In the alternative, as a result of the above-described acquisitions of all of AOL’s and Yahoo!’s assets and liabilities by Verizon—and the merging of such assets and liabilities, including Yahoo! News and HuffPost, into Oath—Yahoo! News and HuffPost continue to be operated as Oath brands. In a 2017 filing in the District Court for the Southern District of New York discussing the 2016 Yahoo Article and the subsequently published defamatory HuffPost articles, Oath averred that “as a news publisher, Oath obviously had a lawful interest in reporting to the public news concerning suspected ties to a hostile foreign power of a high ranking advisor to a Presidential candidate.”⁹ Accordingly, Oath presents itself to the public as the operator of its “brands” and may be held legally responsible for false and defamatory statements published by the “brands” it operates and promotes, irrespective of its corporate hierarchical ownership structure.

⁸ See *Verizon Communications Inc.*, Form 8-K, SEC.GOV (filed July 27, 2017), Ex. 99, <https://www.sec.gov/Archives/edgar/data/0000732712/000119312517237279/d432411dex99.htm>.

⁹ Memorandum of Law ISO Motion by Defendant Oath Inc. to Dismiss Complaint at 25, *Page v. Oath Inc.*, No. 17-CV-06690-LGS (S.D.N.Y. Nov. 6, 2017) (Dkt. No. 21).

III. JURISDICTION AND VENUE

22. This Court has personal jurisdiction over Oath because it is incorporated in the State of Delaware.¹⁰ Further, Oath utilized the laws of the State of Delaware specifically to accomplish the business transaction described in this Complaint whereby Oath became owner of all the assets and liabilities of Delaware corporation, Yahoo!.

IV. FACTUAL ALLEGATIONS

23. To properly understand the reprehensible nature of the acts of defamation and related harm targeting Plaintiff, and in order to award a proper amount of all categories of recognized damages available to deter such conduct, the following additional allegations are provided.

A. Dr. Carter Page — The Target of the Defendant’s Defamatory Statements

24. As background, Dr. Page has sought to lead an exemplary life dedicated to being a patriot. He is, and always has been, steadfastly loyal to the ideals of America. As a youth in the Fall of 1986, Dr. Page watched news accounts of President Reagan and then-General Secretary Gorbachev negotiate a nuclear-arms

¹⁰ Delaware courts are empowered to exercise personal jurisdiction over defendants to the maximum extent possible under the Due Process Clause. *E.I. du Pont De Nemours & Co. v. Agfa-Gavaert NV*, 335 F. Supp. 3d 657, 666 (D. Del. 2018); the Due Process Clause permits a state’s courts to exercise general personal jurisdiction over any corporation incorporated in that state. *Daimler AG v. Bauman*, 571 U.S. 117, 137 (2014).

control agreement. This event kindled Dr. Page's desire to choose a path for his life in which he could use his abilities to serve his country, particularly in the sophisticated arena of promoting United States interests on matters of crucial foreign policy and national security.

25. After earning the award of Eagle Scout and graduating high school, Dr. Page accepted appointment to the United States Naval Academy. He graduated with distinction in the top 5% of his class. Due to his exceptional achievement, he was selected for the Navy's distinguished Trident Scholar program. These details, and the overall unblemished record of high achievement in the fields of military service, educational accolades, business success, and academic instruction set out in paragraph 13 above, are important to establish the type of respected citizen Dr. Page spent his life becoming, and the successful reputation for devotion to this country he had spent his life earning. It is this very reputation that the Defendant's media outlets unlawfully stole from him defiled for their financial gain.

26. Having spent most of his life as a largely unknown private figure, Dr. Page did not have a Wikipedia entry until September 24, 2016—one day after Defendant published the false and defamatory 2016 Yahoo Article accusing him of colluding with several notorious, *sanctioned* Russians in pursuit of actions seeking to compromise the 2016 U.S. Presidential Election. Prior to this date, Dr. Page had never received death threats from his fellow countrymen nor had he been accused of

being a traitor to the United States.

B. The False and Defamatory Statements Targeting Dr. Page

27. Among the defined sets of people Dr. Page knew and with whom he interacted in the discrete academic and business communities he inhabited, Dr. Page had earned a stellar reputation and established himself as a patriotic citizen of high character and significant achievement. However, his admirable personal profile was viciously attacked by the extensive collection of defamatory materials catalogued below. The Defendant's articles thrust the previously unknown Dr. Page onto the public stage and defamed him before a national and worldwide audience. The overall gist of the campaign of defamation that the Defendant waged against Dr. Page was that Dr. Page was a traitor to his country – a crime punishable by death – and was actively conspiring with a potentially hostile foreign power to the detriment of the United States. The actionable defamatory materials for which Defendant Oath is responsible are as follows:

False and Defamatory Statements by Oath Brand "Yahoo!"

28. The catalyst for the ensuing media tsunami damaging Dr. Page was the 2016 Yahoo Article as described below.

**Exhibit 1 – False and Defamatory Statements by Oath Brand Yahoo! in the
2016 Yahoo Article (September 23, 2016)**

29. The article is false and defamatory. The gist of the 2016 Yahoo Article conveyed that Dr. Page was a traitor to his country – a crime punishable by death – and was conspiring with a potentially hostile foreign power to the detriment of the United States. It falsely stated that Dr. Page met with the Kremlin (specifically with Sechin and Diveykin). In particular, it stated:

But U.S. officials have since received intelligence reports that during that same three-day trip, Page met with Igor Sechin, a longtime Putin associate and former Russian deputy prime minister who is now the executive chairman of Rosneft, Russia’s leading oil company, a well-placed Western intelligence source tells Yahoo News. . . . At their alleged meeting, Sechin raised the issue of the lifting of sanctions with Page, the Western intelligence source said.

. . . .

U.S. intelligence agencies have also received reports that Page met with another top Putin aide while in Moscow — Igor Diveykin. A former Russian security official, Diveykin now serves as deputy chief for internal policy and is believed by U.S. officials to have responsibility for intelligence collected by Russian agencies about the U.S. election, the Western intelligence source said.

30. The basis for this allegation was not a “well-placed Western intelligence source.” This statement was a lie.

31. In fact, it was Steele,¹¹ Fusion GPS and their associates, who had

¹¹ OFFICE OF THE INSPECTOR GENERAL, U.S. DEP’T OF JUSTICE, REVIEW OF FOUR FISA APPLICATIONS AND OTHER ASPECTS OF THE FBI’S CROSSFIRE HURRICANE INVESTIGATION 106, 114, 364 (rev. Dec. 20, 2019), <https://www.justice.gov/storage/120919-examination.pdf> [hereinafter IG REPORT].

compiled blatantly false statements involving Dr. Page.

32. Immediately beneath the article’s title, the Defendant placed a photo altered to impose a Russian flag behind Dr. Page¹²:



Carter Page speaks at the graduation ceremony for the New Economic School in Moscow in July. (Photo illustration: Yahoo News, photos: Pavel Golovkin/AP, AP)

33. The 2016 Yahoo Article also falsely claimed:

The source added that U.S. officials in the briefings indicated that intelligence reports about the adviser’s talks with senior Russian officials close to President Vladimir Putin were being “actively monitored and investigated.”

34. These and other false statements throughout the 2016 Yahoo Article claimed to rely upon “intelligence reports” from U.S. government agencies. This description provided a cloak of authenticity and thereby concealed reality. Instead, they were fabricated and unfinished reports submitted by Christopher Steele in exchange for compensation paid to him by the DNC and their

¹² The Code of Ethics published by the Society of Professional Journalists admonishes journalists to “Never deliberately distort facts or context, **including visual information.**” SOC’Y OF PROF’L JOURNALISTS, CODE OF ETHICS (rev. Sept. 6, 2014), <https://www.spj.org/pdf/spj-code-of-ethics.pdf> [hereinafter CODE OF ETHICS] (emphasis added).

sponsored presidential campaign. This funding and disinformation was funneled through the DNC's law firm, and their subcontractor Fusion GPS – an entity operated by Chief Investigative Reporter Michael Isikoff's long-time friend: Glenn Simpson.

35. The 2016 Yahoo Article falsely connected Dr. Page to involvement in, and attributed primary blame for, the fake political scandal communicating the now-debunked story that President Trump's campaign colluded with Russia to undermine the 2016 U.S. Presidential Election in return for subverting America's geopolitical interests:

The questions about Page come amid mounting concerns within the U.S. intelligence community about Russian cyberattacks on the Democratic National Committee and state election databases in Arizona and Illinois. In a rare public talk this week, former undersecretary of defense for intelligence Mike Vickers said that the Russian cyberattacks constituted meddling in the U.S. election and were “beyond the pale.” Also, this week, two senior Democrats – Sen. Dianne Feinstein, ranking minority member on the Senate Intelligence Committee, and Rep. Adam Schiff, ranking minority member on the House Intelligence Committee – released a joint statement that went further than what U.S. officials had publicly said about the matter.

36. These false and defamatory statements suggested one of the worst possible things about Dr. Page: that he was responsible, at least in part, for the “mounting concerns within the U.S. Intelligence community” relating to “Russian

cyberattacks on the Democratic National Committee and state election databases in Arizona and Illinois.” In no uncertain terms, this article falsely and defamatorily cast Dr. Page as a traitor to the United States, the very nation he loved and honorably served with dedication throughout his life. This article initiated a maelstrom of events that would severely damage his reputation and career prospects, while subjecting him to death threats and the contempt of his fellow Americans as well as people worldwide.

37. Isikoff further attacked Dr. Page by advancing the false and defamatory misinformation campaign initiated by Yahoo! when he retweeted an article by ABC News on September 24, 2016. In the article, ABC News repeated the misinformation first published by Yahoo! News in the 2016 Yahoo Article by stating, “Yahoo News reported Friday that during the same trip, Page may have also held private meetings with senior Russian officials.” Thus, one day after its initial publication, the defamatory statements in the 2016 Yahoo Article were already being widely republished and disseminated through the internet to a global audience creating devastating damage to Dr. Page.

38. The degree to which the content of the 2016 Yahoo Article was rapidly disseminated to millions upon millions of readers is impossible to overstate. On or about 9:37 p.m. on October 19, 2016, during the third and final 2016 U.S. Presidential Debate at the University of Nevada, Las Vegas, the Hillary for

America press office distributed to an extensive list of media contacts an email with the subject line: “15 Facts About Donald Trump’s Deeply Unsettling Russia Problem And WikiLeaks.” A total of nine supporters of the Trump campaign were mentioned in alleged “Fact” number 11: “The Trump campaign’s ties to Russia are deeply disturbing.” The *first* name listed (of the nine individuals mentioned) in the Hillary for America statement was Dr. Page. The primary foundation for making him the lead target? The 2016 Yahoo Article. In fact, the distributed email included a web link to the defamatory article which significantly increased internet traffic to the Defendant’s media outlet Yahoo!.

39. According to the American advertising trade publication *Ad Week*: the “third and final debate between Hillary Clinton and Donald Trump brought in 71.6 million viewers, making it the third-most-watched debate ever.” With the Clinton Campaign prominently emphasizing the false and defamatory 2016 Yahoo Article as a highlighted web link in its press statement sent to a huge swath of the media, it was ensured that internet traffic directed to the Yahoo! website containing the 2016 Yahoo Article was exponentially increased.

40. The highly misleading assertions included throughout the 2016 Yahoo Article directly led to the U.S. Government’s false evaluations and resultant abuse of process pleadings in the U.S. Foreign Intelligence Surveillance court surrounding: “the FBI’s assessment that Steele was not the direct source of the disclosure to

Yahoo News in September 2016 about the FBI's investigation of Carter Page and Page's alleged meetings with Igor Sechin and Igor Divyekin.”¹³

41. Later and despite the Defendants’ having made Dr. Page a primary target of the U.S. Government’s and the U.S. Congress’s investigations, the Mueller report subsequently concluded that there was no collusion between Dr. Page or any other supporter of the Trump campaign with Russia.¹⁴

42. Indeed, the FBI has concluded that this allegation against Dr. Page was a complete fabrication, with no basis in fact.¹⁵

43. These alleged associations and activities involving Dr. Page (or anyone other campaign personnel) were comprehensively debunked and determined to be false. The assessment by the Deputy Assistant Director of the FBI’s Counterintelligence Division Peter Strzok also establishes this: “We have not seen evidence of any individuals affiliated with the Trump team in contact with [intelligence officers].”¹⁶

¹³ IG REPORT at 238.

¹⁴ *Mueller finds no collusion with Russia, leaves obstruction question open*, AM. BAR ASSOC. (Mar. 2019), <https://www.americanbar.org/news/abanews/aba-news-archives/2019/03/mueller-concludes-investigation/>.

¹⁵ IG REPORT at 187.

¹⁶ *Judiciary Committee Releases Declassified Documents that Substantially Undercut Steele Dossier, Page FISA Warrants*, U.S. SENATE JUDICIARY COMM. (July 17, 2020), <https://www.judiciary.senate.gov/press/rep/releases/judiciary-committee-releases-declassified-documents-that-substantially-undercut-steele-dossier-page-fisa-warrants>.

False and Defamatory Statements by Oath Brand, HuffPost

44. While the false and defamatory statements published in the 2016 Yahoo Article was the most provocative, it was maliciously published in a series of other defamatory articles by the other Defendant Oath brand at issue in this case: the Huffington Post (subsequently rebranded by the Defendant as “HuffPost” amidst the course of their media campaign against the Plaintiff¹⁷) deployed a barrage of defamatory articles against Dr. Page. Listed below is a brief summary of false and defamatory statements about Dr. Page published by Oath’s subsidiary and/or division, HuffPost. In sum, these articles evince Oath’s malicious abuse of its media position to spread the accusatory statements to as many readers as possible.

Exhibit 2 – HuffPost Republishes False and Defamatory Statements From the 2016 Yahoo Article (September 25, 2016)

45. On or about 12:01 p.m. on September 25, 2016, Oath brand HuffPost republished many of the false and defamatory statements of the 2016 Yahoo Article in an article titled “Trump Campaign: That Adviser Reportedly Talking With Russian Officials Isn’t An Adviser Anymore.”¹⁸ (Attached as **Exhibit 2.**) This article, written by Matt Fuller, included a web link to the full 2016 Yahoo Article.

¹⁷ Mike Shields, *Huffington Post Shrinks Its Name to HuffPost, in a Step Back From Founder*, WALL ST. J. (Apr. 25, 2017), <https://www.wsj.com/articles/the-huffington-post-shrinks-its-name-to-huffpost-1493110800>.

¹⁸ See Matt Fuller, *Trump Campaign: That Adviser Reportedly Talking With Russian Officials Isn’t An Adviser Anymore*, HUFFPOST (Sept. 25, 2016), https://www.huffpost.com/entry/trump-campaign-russia-carter-page_n_57e7eb59e4b0e80b1ba299b9.

Further, this article featured the video of an appearance by Isikoff on MSNBC's "AM Joy" program on Saturday, September 24, 2016.¹⁹

46. In Mr. Isikoff's interview with MSNBC host Joy Reid, he stated: "Now I should say, there are a lot of... there's a lot of murkiness to this. Precisely what Page's role in the Trump campaign, we don't know..."²⁰

47. Rather than raising the far darker "murkiness" of Mr. Isikoff's own highly unreliable sources whose allegations represented the cornerstone of Yahoo's libelous reporting which had risen towards the forefront of world news that weekend, his statement on MSNBC instead referred to this Oath reporter's own questions about the self-evident nature of Dr. Page's support to the Trump campaign. These comments on MSNBC provide further evidence of both Mr. Isikoff's actual knowledge of the falsity of the 2016 Yahoo Article and his reckless disregard for the truth about what actually happened during Dr. Page's July 2016 trip to Moscow. In fact, to avoid even the appearance of impropriety, Dr. Page opened his speech at New Economic School with the following disclaimer: "I am speaking with you today **as a private citizen** and business executive, so **this lecture only reflects my own ideas** which I have developed over years past. Therefore, **the ideas discussed do**

¹⁹ At the end of this article, an Editor's note was included: "Donald Trump regularly incites political violence and is a serial liar, rampant xenophobe, racist, misogynist and birther who has repeatedly pledged to ban all Muslims — 1.6 billion members of an entire religion — from entering the U.S." *Id.*

²⁰ *Id.*

not necessarily reflect other people or organizations that I may be working with at the present time.” In an abundance of caution, Dr. Page repeated this disclaimer during his New Economic School academic lecture. Accordingly, everyone attending the lecture unequivocally understood that Dr. Page was not representing the Trump campaign in any way during his visit to Moscow.

48. With respect to what role Dr. Page did play in supporting the Trump campaign, he was unable to contribute any material assistance due to the malevolent personal attacks by Oath assets including HuffPost and Yahoo, as well as to a far lesser extent other media outlets. This stands in stark contrast to the close, material support that Oath brands, employees, and contractors – including Mr. Isikoff – provided to the DNC.

Exhibit 3 – HuffPost Publishes False and Defamatory Statements in “Douglas Valentine’s CIA vs Trump’s CIA” (February 16, 2017)

49. On February 16, 2017, HuffPost published an article written by Brad Schreiber entitled “Douglas Valentine’s CIA vs. Donald Trump’s CIA.”²¹ (Attached as **Exhibit 3.**)

50. The article is false and defamatory. The article falsely stated and implied that Dr. Page was working with Russian intelligence against United States interests. In particular, the article falsely states that “Carter Page [had] been caught

²¹ See Brad Schreiber, *Douglas Valentine’s CIA vs. Donald Trump’s CIA*, HUFFPOST (Feb. 16, 2017), https://www.huffpost.com/entry/douglas-valentines-cia-vs-donald-trumps-cia_b_58a615cae4b0b0e1e0e20877.

by the CIA and NSA for collusion with Russian intelligence officers.” This accusation is false.²² With such similar misrepresentations now the subject of alleged criminal investigations²³ which have continued this summer²⁴, these conspiracy theories published by the Defendant have now been thoroughly debunked by the U.S. Department of Justice Office of Inspector the General.²⁵

Exhibit 4 – HuffPost Publishes False and Defamatory Statements in “Was Trump Putin’s Fool or His Partner in Crime” (March 23, 2017)

51. On March 23, 2017, HuffPost published an article by Richard North Patterson entitled “Was Trump Putin’s Fool or His Partner in Crime?”²⁶ (Attached as **Exhibit 4**)

52. The article is also false and defamatory. The article falsely conveys that Dr. Page helped President Trump collude with Russia. In particular, the article falsely states that there are “[a]s yet unexplained numerous contacts between Trump

²² The most relevant contact by Dr. Page with Russian intelligence officers would have occurred several years earlier but while working voluntarily **on behalf of** U.S. intelligence services during periods of foreign travel. See Jonathan Turley, *An apology to Carter Page*, THE HILL, (Dec. 14, 2019), <https://thehill.com/opinion/judiciary/474570-an-apology-to-carter-page> (emphasis added).

²³ Jerry Dunleavy, *FBI lawyer under criminal investigation altered document to say Carter Page 'was not a source' for another agency*, WASH. EXAMINER, (Dec. 9, 2019), <https://www.washingtonexaminer.com/news/fbi-lawyer-under-criminal-investigation-altered-document-to-say-carter-page-was-not-a-source-for-another-agency>.

²⁴ Gregg Re, *Barr says familiar names among those DOJ is investigating in Durham probe, calls findings 'very troubling'*, FOX NEWS, (June 9, 2020), <https://www.foxnews.com/politics/barr-says-familiar-names-among-those-doj-is-investigating-in-durham-probe>.

²⁵ IG REPORT at 248-51, 254.

²⁶ See Richard Patterson, *Was Trump Putin’s Fool Or His Partner In Crime?*, HUFFPOST (Mar. 23, 2017), https://www.huffpost.com/entry/was-trump-putins-fool-his-partner-in-crime_b_58d406fce4b099c777b9dfdc.

officials and Russian intelligence” including at the 2016 Republican National Convention where “Trump foreign policy adviser Carter Page met with the omnipresent envoy [Russian Ambassador Sergey Kislyak], just before Trump operatives stripped the party platform of a pledge to aid Ukraine against Russian aggression.” According to the FBI, there is no factual basis for this allegation.²⁷ To the contrary, the evidence showed that “Page was not involved in the [platform change].”²⁸

Exhibit 5 – HuffPost Publishes False and Defamatory Statements in “Michael Flynn Pleads Fifth and Refuses to . . .” (May 22, 2017)

53. Oath compounded its lies in an article posted on May 22, 2017 by Amanda Terkel entitled “Michael Flynn Pleads the Fifth and Refuses to Cooperate with Senate Russia Probe.”²⁹ (Attached as **Exhibit 5**)

54. This article is false and defamatory. The gist of this article falsely conveys that Dr. Page was obstructing a congressional investigation. In particular, the article falsely states that “The Senate intelligence committee has also requested documents from former Trump adviser Carter Page, who is so far refusing to cooperate.” Dr. Page never failed to cooperate with any investigation, and indeed went above and beyond to cooperate in every conceivable way. He offered

²⁷ IG REPORT at 242, 263-65.

²⁸ *Id.* at 266.

²⁹ See Amanda Terkel, *Michael Flynn Pleads The Fifth And Refuses To Cooperate With Senate Russia Probe*, HUFFPOST (May 22, 2017), https://www.huffpost.com/entry/michael-flynn-senate-intelligence_n_5922ea65e4b03b485cb33b4a.

significant cooperation and a substantial quantity of documents to the U.S. Senate Select Committee on Intelligence (“SSCI”) via their Chairman Senator Richard Burr their Vice Chairman, Senator Mark Warner, and senior members of the SSCI staff.

55. Numerous other HuffPost articles were published that contain false and defamatory statements about Dr. Page.

Exhibit 6 – HuffPost Publishes False and Defamatory Statements in “Trump’s Russian Connections Explain” (September 29, 2016)

56. This article by Amica Graber, titled “Trump’s Russian Connections Explain His Climate Change Denial,” was published on September 29, 2016.³⁰ (Attached as **Exhibit 6**). This article is false and defamatory. In particular, the gist of the article conveys that U.S. law enforcement was investigating Dr. Page for conspiring with a hostile foreign power to the detriment of the United States. The article states that “Putin personally owns 4.5 per cent of Gazprom, while the Russian government he helms owns 50 per cent of it. Carter Page has his own wealth invested in Gazprom and attends the annual investor meetings. Before Page's resignation on Monday, Yahoo reported that U.S. intelligence officers were ‘looking into’ Page’s connections in Moscow after he flew there shortly before the RNC convention in Cleveland.” At the time of publication, Dr. Page held no Gazprom

³⁰ See Amica Graber, *Trump’s Russian Connections Explain His Climate Change Denial*, HUFFPOST (Sept. 29, 2016), https://www.huffingtonpost.ca/amyrose-lane/trump-russian-connection_b_12223494.html.

shares. Further, U.S. intelligence agencies were only “looking into” Dr. Page because they were supplied with the same false information that informed the 2016 Yahoo Article, and then wrongfully obtained warrants to spy on Dr. Page by committing fraud on the FISA court.

Exhibit 7 – HuffPost Publishes False and Defamatory Statements in “All The President’s Traitors” (March 23, 2017)

57. This article by Jennifer Sabin, titled “All The President's Traitors,” was published March 23, 2017.³¹ (Attached as **Exhibit 7**). This article referred to “. . . lying Carter Page” This article is false and defamatory. In particular, the gist of this article explicitly conveys that Dr. Page is a traitor to the United States – a crime which is punishable by death; further, this article conveys that Dr. Page was lying when he denied being a traitor. Dr. Page is not a traitor, nor has he lied in connection with any of the relevant events. This article presents no evidence that Dr. Page has ever lied to any investigator or other source. To the contrary, the U.S. Department of Justice Office of the Inspector General has confirmed that at least one unnamed CIA “employee had given a positive assessment of Page's candor.”³² More recently, the Special Counsel for the U.S. Department of Justice, Robert Mueller, subpoenaed Dr. Page to assess such false allegations. Contrary to these false media reports from the Defendant, he has

³¹ See Jennifer Sabin, *All The President’s Traitors*, HUFFPOST (Mar. 23, 2017), https://www.huffpost.com/entry/all-the-presidents-traitors_b_58d4266de4b002482d6e6fa2.

³² IG REPORT at 366.

never been charged with any crime under 18 U.S.C. § 1001 or any such related statutory authority.

Exhibit 8 – HuffPost Publishes False and Defamatory Statements in “Trump’s ‘High Crimes’ – Not Treason” (May 16, 2017)

58. This article by Warren Goldstein, titled “Trump’s ‘High Crimes’ – Not Treason,” was published May 16, 2017.³³ (Attached as **Exhibit 8**). This article is false and defamatory. In particular, the gist of this article conveys that Dr. Page was a traitor to the United States – a crime punishable by death. The article falsely states the following about Dr Page: “Trump and his sleazy minions (Paul Manafort, Carter Page, Michael Flynn, and Roger Stone what a bunch!) really did give ‘aid and comfort’ to Vladimir Putin’s efforts to weaken the United States.” Dr. Page never gave “aid and comfort” to Vladimir Putin or Russia.³⁴

Exhibit 9 – HuffPost Publishes False and Defamatory Statements in “Friday’s Morning Email: The Latest In . . .” (May 19, 2017)

59. This article by Lauren Weber, titled “Friday’s Morning Email: The Latest In The Trump-Comey Saga,” was published May 19, 2017.³⁵ (Attached as

³³ See Warren Goldstein, *Trump’s ‘High Crimes’ – Not Treason*, HUFFPOST (May 16, 2017), https://www.huffpost.com/entry/trumps-high-crimes-not-treason_b_591b6e2de4b0a8551f3f83c5.

³⁴ Not only is Goldstein’s allegation false, it is a total inversion of the truth: in reality, Dr. Page provided information to U.S. intelligence agencies about Russia and Russian intelligence. IG REPORT at 248-51, 254. Accordingly, Dr. Page gave aid and comfort to the United States, to the detriment of Vladimir Putin.

³⁵ See Lauren Weber, *Friday’s Morning Email: The Latest In The Trump-Comey Saga*, HUFFPOST (May 19, 2017), https://www.huffpost.com/entry/fridays-morning-email-the-latest-in-the-trump-comey-saga_n_591ecef4e4b034684b0b8b18.

Exhibit 9). This article is false and defamatory. In particular, the gist of this article conveys that Dr. Page was denounced by the President of the United States. The article falsely claims that “. . . many wonder why Trump continues to stand by the man despite denouncing his ties to Paul Manafort and Carter Page.” President Trump never “denounced” Dr. Page.

Exhibit 10 – HuffPost Publishes False and Defamatory Statements in “All The President's Miscreants, Lowlifes . . .” (June 2, 2017)

60. This article by Jon Hotchkiss, titled “All The President's Miscreants, Lowlifes and Villains,” was published June 2, 2017.³⁶ (Attached as **Exhibit 10**). This article is false and defamatory. In particular, the gist of this article conveys that Dr. Page was of exceptionally low intelligence and that he was being investigated by law enforcement. The article falsely states that Dr. Page's, “secret service code name is: ‘Gomer Pyle, But Dumber’.” Dr. Page never had Secret Service protection or any “code name” and this false and defamatory statement was written to hold Dr. Page up to public ridicule and scorn and reveals a mean-spirited personal *ad hominem* attack. Again, this article further states that Dr. Page was “under investigation by the FBI.” This statement fails to provide the crucial context that the investigation was commenced based on unverified allegations obtained for political purposes, and was enabled through

³⁶ See Jon Hotchkiss, *All The President's Miscreants, Lowlifes and Villains*, HUFFPOST (June 2, 2017), https://www.huffpost.com/entry/all-the-presidents-miscreants-lowlifes-and-villains_b_5931ae68e4b00573ab57a30f.

fraud on the FISA court.

61. Although Dr. Page has never received U.S. Secret Service protection, the only reason why he might have necessitated security support from the federal government initially originated as a result of terror threats directly stemming from the 2016 Yahoo Article and other malicious false stories that stemmed from publication by the Defendants since at least September 2016.

Exhibit 11 – HuffPost Publishes False and Defamatory Statements in “Exxon-Treasury Fight And The Roots Of Russiagate” (July 30, 2017)

62. This article by David Halperin, titled “Exxon-Treasury Fight And The Roots Of Russiagate,” was published on July 30, 2017.³⁷ (Attached as **Exhibit 11**). This article is false and defamatory. In particular, the gist of this article conveys that Dr. Page was not only a traitor to the United States – a crime punishable by death – but that Dr. Page was selling out his own country in exchange for bribes from Russian officials. The article falsely states “that Trump campaign adviser Carter Page met last summer with Rosneft's president Sechin and a senior Russian government official and that ‘Sechin’s associate said that the Rosneft president was so keen to lift personal and corporate western sanctions imposed on the company, that he offered Page and his associates the brokerage of up to a 19 percent (privatized) stake in Rosneft. In return, Page had expressed interest

³⁷ See David Halperin, *The Exxon-Treasury Fight And The Roots of Russiagate*, HUFFPOST (July 30, 2017), https://www.huffpost.com/entry/the-exxon-treasury-fight-and-the-roots-of-russiagate_b_597de928e4b0c69ef70528ff.

and confirmed that were Trump elected U.S president then sanctions on Russia would be lifted.”

63. Dr. Page never met with Sechin, received no such offer from Sechin and made no such statements to Sechin. Once again, this is another HuffPost article asserting defamatory statements of objective facts about Dr. Page which are wholly false. Like countless other defamatory articles by the Defendant and based on an extensive investigation by the U.S. Department of Justice encompassing “over one million records and... over 100 interviews,”³⁸ such false statements have been entirely disproven by DOJ Inspector General Michael Horowitz and his large team of investigators.

V. DEFENDANT ACTED WITH MALICE DEFAMING DR. PAGE

64. As correctly noted in recent proceedings before the High Court of Justice in London on July 21, 2020:

“...We do not believe that this serious allegation about these specific alleged meetings had been published anywhere previously. Certainly, neither side has disclosed any article to this effect. ***Self-evidently Mr Isikoff had not verified them, but he published. That is not a criticism of him, it's a fact.*** There is not a whiff of evidence that Mr Steele was uncomfortable with this article. Indeed, he briefed Mr Isikoff in person again in October 2016.”³⁹

³⁸ IG Horowitz letter to Congress, (Sept. 13, 2019), <https://www.scribd.com/document/425739490/IG-Horowitz-letter-to-Congress>.

³⁹ Claimant’s Opening Speech at ¶ 42, *Gubarev v. Orbis Business Intelligence Ltd*, QB-2017-002808 (EWHC (QB) argued July 20, 2020) (emphasis added).

A. Falsity, Defamation *Per Se*, Actual Malice, and Common Law Malice

65. In April 2016, the law firm Perkins Coie LLP (acting on behalf of its clients the DNC and Hillary Clinton’s presidential campaign) retained Fusion GPS to develop negative information that could be used to allege then-candidate Trump and his campaign had ties to Russia.

66. Fusion GPS is and was a private investigation firm specializing in politics. It was founded in 2010 by former *Wall Street Journal* investigative reporter Glenn Simpson. Simpson was employed at the *Wall Street Journal* from 1995 through 2009. Simpson utilized aggressive tactics, but had a particular—and well-deserved reputation for the use of *ad hominem* attacks in lieu of legitimate investigative journalism. Simpson has conducted his business in Washington, DC.

67. Fusion GPS had long been known as a hired gun.⁴⁰ Fusion GPS and Simpson’s performance of their investigations was unsavory. Their credibility was questionable, and they were known for their willingness to launch professional smear campaigns for hire.

B. Fusion GPS’s Smear Campaign and the 2016 U.S. Presidential Election

68. Fusion GPS then did what they were compensated for and expected to do: wage a smear campaign of false accusations. Fusion GPS and its associates were

⁴⁰ Kimberley A. Strassel, *Trolling for Dirt on the President's List*, WALL ST. J. (May 10, 2012), <https://www.wsj.com/articles/SB10001424052702304070304577396412560038208>.

involved in creating reports connecting presidential candidate Trump and Russia. These reports were expressly based on unverified—and unverifiable—hearsay from anonymous sources. Often the reports’ conclusions were founded on multiple levels of anonymous hearsay.

69. Fusion GPS acquired much of the fodder for its smear campaign from foreign consulting firm Orbis and Orbis’ founder and owner, Christopher Steele (collectively, “Steele”).⁴¹ In June 2016, just weeks after the DNC determined to funnel money through its law firm Perkins Coie to begin constructing the counterfeit political scandal that did not exist in reality, Fusion GPS hired Steele for the purpose of creating materials that could be used to allege a connection between the Trump campaign and Russian and subverting the 2016 U.S. Presidential Election.⁴²

70. Steele was described by his professional colleagues as “keen to help,” but “underpinned by poor judgment”⁴³; that it was “not clear what [Steele] would have done to validate” his reports⁴⁴; and that Steele “demonstrates [a] lack of self-awareness, [and] poor judgment.”⁴⁵ Further, Steele was “desperate that Donald Trump not get elected and was passionate about [Trump] not being the U.S. President.”⁴⁶

⁴¹ IG REPORT at 93.

⁴² *Id.* at 94.

⁴³ *Id.* at 182.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.* at 234.

71. Steele was not the originating source of most of the information he reported. Steele received all of his information from a single *primary sub-source*. In turn, the primary sub-source received all of his/her⁴⁷ information from a network of secondary sub-sources. Even worse, none of the *secondary* sub-sources had access to the information they reported – rather, all of the secondary sub-sources received their information from “someone else who may have had access.”⁴⁸

72. This means there were at least four degrees of separation between the 2016 Yahoo Article and the sources of the information on which the Steele reports were based, if any even existed. But as the DOJ IG’s report determined, the contents of the “unfinished” Steele Dossier, as it is popularly known, this information likely passed through an unknown – and unknowable – number of additional sub-sources.⁴⁹ The information was almost certainly inaccurate⁵⁰ if not deliberately fabricated.⁵¹ Notwithstanding these fatal flaws preventing publishing information from the Steele Dossier, the 2016 Yahoo Article deceptively packaged its most outlandish claims as the product of as legitimate investigative journalism so that the story would be

⁴⁷ The IG REPORT refers to the primary sub-source as “him/her” throughout.

⁴⁸ *Id.* at 186, 188.

⁴⁹ It was unknown “how many degrees of separation existed” between the sub-sources and the originators of the information that the sub-sources were reporting. *Id.* at 188.

⁵⁰ Steele’s primary sub-source believed that the secondary sub-sources “exaggerated their access to information.” *Id.* The primary sub-source took what the secondary sub-sources reported “with a grain of salt.” *Id.*

⁵¹ *Id.* at 189 (“the ability to blackmail Trump was [the [secondary] sub-source’s] ‘logical conclusion’ rather than reporting”).

believed and the Yahoo! News website would benefit from the increased “clicks” of internet traffic.

73. Steele was compensated in return for assembling at least 10 reports used to advance the fiction that there was a political scandal involving ties between the Trump presidential campaign and Russia. However, even Steele, with whom Isikoff had direct access, described these reports as “uncorroborated,” not designed to be finished products, and not to be consumed as “written product[s].”⁵²

74. The reports were not just unverified; on their face the various reports included clear errors and internal inconsistencies.⁵³ They had obvious misspellings. They also included many factual errors on matters of objective fact which could easily be exposed as false if fact-checked by a quick Google search. The information in the reports was inherently improbable.

75. The reports amounted to no more than internet rumor, and many had dismissed them as such, including Steele’s primary sub-source.⁵⁴ At most, the Steele Dossier contained some potential leads to pursue. But under no circumstance were they verified and objective facts. They were not ready for publication, under any journalistic standard.

⁵² *Id.* at 94.

⁵³ *See, e.g., id.* at 187, n.338.

⁵⁴ Steele’s primary sub-source explained that his/her information came from “word of mouth and hearsay,” including from “conversation[s] that [he/she] had with friends over beers.” *Id.* at 188. The primary sub-source never expected that Steele would put his/her statements in reports or present them as facts. *Id.*

76. Beginning in September 2016 and onward, Fusion GPS (and Steele, acting at Fusion GPS's behest)⁵⁵ took these reports and their accusations to the press. They met with and briefed Yahoo!.⁵⁶ Fusion GPS and Steele briefed other members of the press on the reports and their contents.

77. One suspicious aspect of the Steele Dossier was the involvement of law firm Perkins Coie, the party who actually compensated Fusion GPS and Steele using DNC and Hillary Clinton Campaign funds. Amongst the meetings that Steele and Fusion GPS held with representatives of media outlets, Perkins Coie hosted at least one of them.

78. What journalists did with that information is telling. On the one hand, Dr. Page was contacted by correspondents from the New York Times and Washington Post. These professional news organizations asked Dr. Page directly for his side of the story. The correspondents clearly explained the accusations that they had heard from Steele and Fusion GPS. Dr. Page explained that these accusations were categorically false. Consequently, both the New York Times and the Washington Post (hardly media outlets sympathetic to then-candidate Trump) understood publishing Steele's and Fusion GPS's outlandish information was not legally permissible.

⁵⁵ *Id.* at 94, 234, 239.

⁵⁶ *Id.* at 104-05 (Steele also briefed The New York Times, The Washington Post, The New Yorker, and CNN).

79. Months later, BuzzFeed spent weeks attempting to verify Fusion GPS's claims but could not do so. Similar to the New York Times and Washington Post decisions, BuzzFeed recognized that it could not publish Fusion GPS's reports as-is.

80. Instead, BuzzFeed chose to published the Steele Dossier with a warning which explained that Fusion GPS's reports contained "specific, unverified, and potentially unverifiable allegations" which BuzzFeed had investigated. BuzzFeed noted that the reports did not come from an unbiased source or a governmental intelligence agency; they were "prepared for political opponents of Trump" And BuzzFeed explained that Fusion GPS's reports were "not just unconfirmed: [They] include[] some clear errors."

81. On the other hand, Yahoo! and Isikoff handled the publication of the information they received from Fusion GPS in stark contrast to the handling given it by the correspondents for the New York Times or the Washington Post, including Isikoff's utter failure to verify the incredible accusations asserted by Steele and Fusion GPS.

82. Another difference is Yahoo! *Chief Investigative Journalist* Isikoff's failure to interview Dr. Page before publishing the accusatory accusations which were potentially devastating to the reputation of Dr. Page. On September 15, 2016, Isikoff left the following voicemail for Dr. Page: "Uh, Carter Page, hey, it's Mike

Isikoff with uh Yahoo News. If you could please give me a call at (202) [number preceded by Washington, D.C. area code]. Thanks.” Isikoff gave no explanation as to why he wanted to speak with Dr. Page.

83. The evening before the 2016 Yahoo Article was published, Isikoff left Dr. Page a second, equally cryptic voicemail on September 22, 2016. Again, Isikoff failed to give any explanation as to the purpose of the call, or why he wanted to speak with Dr. Page.

84. No other person from Yahoo! contacted, or attempted to contact, Dr. Page about the 2016 Yahoo Article.⁵⁷ There were no email contacts with Dr. Page.

85. Furthermore, unlike BuzzFeed, Isikoff and Yahoo! failed to perform any form of investigation into the veracity of the article they were about to publish and deploy against Dr. Page. Even the most cursory investigation would have revealed the overwhelming defects with the 2016 Yahoo Article. For example, Fusion GPS had discovered that one of Steele’s most important secondary sub-sources was an **officer in the Russian Intelligence Services**.⁵⁸ This information was recklessly disregarded and ignored by Yahoo! and no such background

⁵⁷ Cf. CODE OF ETHICS (“**Diligently seek subjects of news coverage** to allow them to respond to criticism or allegations of wrongdoing”) (emphasis added).

⁵⁸ See Apr. 15, 2020 letter from Richard Grenell to Senators Charles Grassley and Ron Johnson at 5, n.302 (Apr. 15, 2020), <https://www.grassley.senate.gov/sites/default/files/2020-04-15%20ODNI%20to%20CEG%20RHJ%20%28FISA%20Footnote%20Declassification%29.pdf> [hereinafter APRIL 15 GRASSLEY LETTER] (“[Glenn] Simpson had assessed that [Steele’s secondary sub-source] was a [Russian Intelligence Services] officer who was central in connecting Trump to Russia”).

questions on bias or the potential for political disinformation were developed.

86. If Fusion GPS was capable of making this discovery, it was reckless for Yahoo!, a multibillion-dollar corporation that employed many investigative journalists, to fail to make this discovery. This knowing, intentional, and blatant violation of basic values and standards of journalistic integrity and ethics⁵⁹ itself strongly evidences actual malice.

87. Yahoo! and Isikoff published the information almost in its entirety in the 2016 Yahoo Article. Additionally, there were no disclaimers within the article such as with BuzzFeed. To the contrary, they cited the source as “a well-placed Western intelligence source”—implying a high-level government employee in a three-letter agency – the exact preconceived and false narrative Defendant intended to convey to the average reader. There was nothing in the 2016 Yahoo Article from which the average reader could ascertain the truth about the Article’s accusations which were based solely on facially defective and politically biased information supplied by Fusion GPS and Steele who were compensated to produce the false and defamatory materials. The express purpose of these private actors in compiling such information was to falsely smear Trump, his presidential campaign, and anyone

⁵⁹ The very first rule of the Code of Ethics specifically admonishes journalists to “Take responsibility for the accuracy of their work. **Verify information before releasing it.**” CODE OF ETHICS (emphasis added).

associated with his campaign, including Dr. Page.⁶⁰

88. Through Yahoo! and various republications that followed, the false accusations that portrayed Dr. Page as a traitor to his country effectively reached a nation-wide and worldwide audience.

89. Yahoo!'s economic motivations for publishing the universe of unverified allegations appearing in the 2016 Yahoo Article, and the many other defamatory articles that followed, were without legal privilege or excuse but to the contrary were negligently published and published with actual malice.

90. First, Defendant Oath's "brands" Yahoo! News and HuffPost actions publishing the defamatory materials identified above were incentivized and intended to unlawfully increase corporate revenue and economic benefits. Online news outlets, such as Yahoo!, earn revenue through advertisements appearing in their news stories. Advertising revenue is determined, to a large extent, by the number of persons who view each news story. Yahoo! was aware of the excited state of the political climate in the run-up to the 2016 U.S. Presidential Elections. Further, as with any media report, Yahoo! understood that the more sensational and salacious, the greater the potential to exploit the heated political climate to increase viewer and readers by millions of people throughout the world, thereby creating enormous

⁶⁰ Steele's primary sub-source believed that Steele's reports were "far more 'conclusive' than justified." IG REPORT at 188. The primary sub-source "made it clear to Steele that he/she had no proof to support the statements" from the secondary sub-sources, and also clearly communicated to Steele that information reported by the secondary sub-sources "was just talk." *Id.*

advertising revenue for the publisher.

91. But Yahoo! also knew that publishing the 2016 Yahoo Article and branding Dr. Page a traitor to his country would inflict immense and permanent damage to Dr. Page's reputation, standing in the community, and business prospects. Yahoo! further knew that worldwide publication of this false and defamatory accusation would cause Dr. Page to suffer tremendous personal humiliation and mental anguish. In the pursuit of revenue and profit, Yahoo! consciously, deliberately, and callously disregarded Dr. Page's legally protected interest in his person and his reputation to such an extent that the publication of the 2016 Yahoo Article amounts to willful, wanton, and intentional misconduct. All of the foregoing is equally true for the many defamatory articles published by HuffPost subsequent to the 2016 Yahoo Article.

92. Second, Yahoo! was motivated by an intent to harm Dr. Page because it possessed actual knowledge of Dr. Page's association with the Trump election campaign and knew its lies about Dr. Page serving Russia's interests would create sensationalism and garner massive attention. As stated above, Yahoo! knew that publishing the 2016 Yahoo Article and branding Dr. Page a traitor to his country would do immense and permanent damage to Dr. Page's reputation, standing in the community, and business prospects. Yahoo! further knew that having these false allegations published worldwide would inflict tremendous personal humiliation and

mental anguish upon Dr. Page. In order to effectuate its ill will towards Dr. Page, Yahoo! consciously, deliberately, and callously disregarded Dr. Page's legally protected interest in his person and reputation to such an extent that the publication of the 2016 Yahoo Article was nothing less than willful, wanton, and intentional misconduct and intentional character assassination.

93. The articles are false and defamatory *per se*. And Defendant acted negligently and with actual malice in publishing these statements; Defendant knew the statements were false and/or acted with reckless disregard of whether they were true or false.

94. Defendant published the false and defamatory accusations with common law malice: Defendant was motivated by an expectation of financial gain and profit notwithstanding the personal harm to Dr. Page that was reasonably foreseeable. Defendant knew that publishing these statements would generate immense advertising revenue. Defendant knew that publishing the statements would cause enormous and permanent damage to every facet of Dr. Page's life. That Defendant repeatedly published these false statements despite this knowledge evidences a conscious and deliberate disregard of Dr. Page's legally protected interest in his person and reputation that Defendant's conduct rises to the level of being willful or wanton.

95. Dr. Page never met with Sechin. He never met Diveykin. And there was no “well-placed Western intelligence source” saying otherwise. To the contrary and as subsequent investigations have now confirmed, Western intelligence reports strongly suggest that these misrepresented allegations about Dr. Page were part of a disinformation campaign by Russian intelligence.⁶¹

96. Nor did Dr. Page ever work for or “collude with” Russian intelligence officers. As was widely pointed out, the most minimal investigation into Dr. Page would have established that Dr. Page had been wrongly accused and was, in fact, supporting the CIA rather than any foreign power. Indeed, in stark contrast to “refusing to cooperate” with congressional investigations, Dr. Page offered significant cooperation and provided extensive documents to the U.S. Senate Select Committee on Intelligence and other Congressional committees via their respective members and staff. The Defendant nonetheless negligently and intentionally published articles accusing Dr. Page of, not only meeting with these Russian individuals, but also colluding with them against the United States’ interests. Defendant knowingly branded Dr. Page as a Benedict Arnold.

97. The average person who read the articles understood them to convey statements of fact that Dr. Page had met with Sechin and Diveykin, and worked on

⁶¹ According to the FBI, “[Steele’s] subsource who provided the information about the Carter Page-Sechin meeting had connections to Russian Intelligence Services.” APRIL 15 GRASSLEY LETTER at 5, n.339.

behalf of Russian intelligence. These were not opinions; they were statements of fact that could be objectively characterized as true or false. And these statements were objectively and demonstrably false. Dr. Page’s life and business were permanently ruined by the false accusations that he was secretly meeting with these Russian officials. Tragically, Dr. Page’s personal safety and life were put at great risk due to the wide-spread dissemination of the false and defamatory accusations by the Defendant.

98. The Defendant intended the statements to be interpreted by the average reader as truthful statements of fact. That is why it referenced a “well-placed Western intelligence source.”⁶² The Defendant tried to create credibility for the article’s source with reckless – possibly intentional – disregard for the truth or falsity of the statements. And that is how the average reader could reasonably construe the statements.

99. This statement too—“a well-placed Western intelligence source”—was false. Isikoff did not get the information from a government intelligence agency. He got it from Fusion GPS, a private investigation firm hired and compensated by the political opponend of candidate Trump and a firm with a known reputation as a professional smear artist and liar for hire, and from Steele, a foreign national whose

⁶² *Cf.* CODE OF ETHICS (“Identify sources clearly. The public is entitled to as much information as possible to judge the reliability and motivations of sources”).

professional judgment was questioned by his colleagues, despite their known dislike, if not hatred, for the idea of a Trump presidency.

100. Ironically, the 2016 Yahoo Article was itself a delivery device for Russian propaganda. U.S. Department of Justice and American intelligence agencies have concluded that many of Steele's most consequential 2016 election reports which were initially misrepresented by the Defendant were in turn similarly fabricated by Russian intelligence.⁶³ Moreover, numerous U.S. intelligence reports show that Steele's network of sub-sources was also thoroughly infiltrated by Russian intelligence. For example, a report found that in early July 2016, "two persons affiliated with [Russian intelligence] were aware of Steele's election investigation," and that "[Russian intelligence] may have targeted Orbis."⁶⁴ FBI reports indicate that one of Steele's secondary sub-sources (who had "voic[ed] strong support for candidate Clinton in the 2016 U.S. elections") was in contact with the Russian Presidential Administration in June and July 2016.⁶⁵

101. Indeed, there are indications that Steele was a willing purveyor of Russian disinformation. Steele had a substantial and ongoing relationship with a

⁶³ APRIL 15 GRASSLEY LETTER at 6, n.350 (describing Steele's reporting on Michael Cohen as "part of a Russian disinformation campaign to denigrate U.S. foreign relations," and Steele's reporting on President Trump's sexual activities as "false . . . the product of [Russian intelligence] 'infiltrate[ing] a source into [Steele's] network'").

⁶⁴ *Id.* at 5, n.342.

⁶⁵ *Id.* at 5, n.347.

Russian oligarch.⁶⁶ Steele assisted this oligarch with personal litigation matters,⁶⁷ used his FBI contacts to advocate on the oligarch's behalf regarding U.S. sanctions,⁶⁸ and brokered meetings between this oligarch and FBI officials.⁶⁹ This relationship antedated the publication of the 2016 Yahoo Article by at least several years.⁷⁰ According to one FBI agent, this relationship raised the possibility that "Steele was being used in a Russian 'controlled operation' to influence perceptions (*i.e.*, a disinformation campaign)." ⁷¹ Indeed, Steele's "frequent contacts with Russian oligarchs" had "raised concerns in the FBI Transnational Organized Crime Intelligence Unit."⁷²

102. Fusion GPS's unsavory reputation was not lost on Isikoff. He had actual knowledge of its reputation.⁷³ Isikoff and Simpson (Fusion GPS's founder) were longtime friends and colleagues. Their relationship had developed over the course

⁶⁶ U.S. sanctions were imposed on this oligarch and on his business interests because of "his links to Senior Russian government officials, suspected criminal activities, and ties to Russian organized crime." IG REPORT at 270, n.409.

⁶⁷ *Id.* at 109.

⁶⁸ *Id.* at 194.

⁶⁹ *Id.* at 270.

⁷⁰ *Id.*

⁷¹ *Id.* at 109; *see also* APRIL 15 GRASSLEY LETTER at 4, n.211 ("sensitive source reporting" indicated that a person affiliated with Steele's oligarch may have been aware of Steele's election investigation as early as July 2016).

⁷² IG REPORT at 194-95, n.349; *see also* APRIL 15 GRASSLEY LETTER at 3-4, n.208 ("A 2015 report concerning oligarchs written by the FBI's Transnational Organized Crime Intelligence Unit (TOCIU) noted that from January through May 2015, 10 Eurasian oligarchs sought meetings with the FBI, and 5 of these had their intermediaries contact Steele. The report noted that Steele's contact with 5 Russian oligarchs in a short period of time was unusual and recommended that a validation review be completed on Steele because of this activity").

⁷³ *Cf.* CODE OF ETHICS ("Consider sources' motives before promising anonymity . . . Explain why anonymity was granted").

of many years while they worked as prominent investigative journalists at national outlets. Isikoff joined *Newsweek* in 1994 as an investigative journalist, and Simpson joined the *Wall Street Journal* as an investigative journalist in 1995. Both had written and published significant stories on politics. And both had worked in the “journalistic” world of Washington, DC. The circle of DC-based investigative “journalists” on the national political beat is small, and Isikoff and Simpson ran in it together.

103. The average person who read the statements would reasonably construe them to be serious criminal charges of the highest order against Dr. Page—that he was conspiring with United States’ geopolitical rival Russia on matters against United States’ interests. Indeed, persons who read the statements contacted Dr. Page, threatened his life and cursed at him for “trad[ing] out your fucking country for some fucking Russian dollars” and for being “in cahoots with fucking Rosneft and every fucking Russian oligarch” Furthermore, the Defendant knew that the publication of the statements would reach a national and worldwide audience.

104. These statements are materially false because they would have a different effect on the average reader or listener from that which the truth would have produced. Dr. Page’s life and business were ruined by the false accusations that he was secretly meeting with the Kremlin and false statements that he was conspiring with Russian intelligence. Whereas if the truth were reported—that he met with

nobody of that kind—his life and business would have almost unquestionably prospered based on his life’s accomplishments before being branded a traitor to his country.

105. The same goes for the “well-placed Western intelligence source” lie. If the average reader knew the truth—that the source was functioning as a hired gun PI firm for a political opponent, they would not have given the statements anywhere near the same weight as a leak from the CIA, FBI, or any other legitimate intelligence agency. In fact, they likely would have given the statements *no* weight at all.⁷⁴

106. Defendant harbored serious doubts about both the truth or falsity of the statements and Fusion GPS’s reliability, lack of bias and political agenda. Defendant knew Fusion GPS’s reputation: Fusion GPS was a liar for hire, a professional smear artist, and an active, biased participant in the political arena.

107. Defendant also knew that it had not seen any evidence supporting the allegations, and that the allegations rested upon anonymous hearsay from unverified, unreliable, and anonymous sources—and often anonymous were hearsay statements on top of anonymous hearsay statements. Isikoff himself actually knew that some of Fusion GPS’s allegations were likely false. Isikoff also knew that, in the political battlefield, disinformation campaigns and spin doctors wage war through private

⁷⁴ *Cf. Id.* (“Identify sources clearly. The public is entitled to as much information as possible to judge the reliability and motivations of sources”).

investigators to destroy their political enemies. Given the nature of Fusion GPS's accusations, Defendant knew, understood or intentionally ignored the fact that Fusion GPS was funded by individuals or entities with an anti-Trump agenda and bias. Indeed, the explanation of why Steele possessed the information used to create the Fusion GPS reports made clear that it was politically motivated.

108. The defamatory statements were patently absurd and inherently improbable. Anybody with a remote understanding of Sechin would know the difficulty of meeting with him. And even the barest investigation—asking Western businesspersons active in Russia—would have shown the article's allegations to be meritless. However, the Defendant chose to prioritize the profitability of publishing these statements over the truth and in conscious disregard for the damage to Dr. Page. Defendant intentionally avoided the truth in publishing the false and accusatory publications.

109. Defendant acted with reckless disregard of whether these statements were true or false. BuzzFeed received these statements, spent weeks attempting to verify, and ultimately concluded that all it could report was that Fusion GPS's allegations:

- were “specific, unverified, and potentially unverifiable allegations”;
- they could not be “verified or falsified”;
- were “prepared for political opponents of Trump”; and
- “not just unconfirmed,” but also “include[d] some clear errors” and obvious misspellings.

110. Defendant also demonstrated actual malice because it never gave Dr. Page notice of the 2016 Yahoo Article that was about to upend his life, nor any opportunity to review the false statements in the article in order to reasonably respond and correct the record prior to publication.

111. As a private person at the time who was trying to avoid publicity, Dr. Page never responded to Isikoff's voicemail requests. These short communications offered no advance warning whatsoever of the horrendously destructive and malevolent content that Yahoo! had planned for the following week and day, respectively, when the 2016 Yahoo Article was published on the morning of September 23, 2016. The messages were intentionally benign to avoid alerting Dr. Page to the seriousness of the reporting and conveying to him a sense of urgency and importance to his need to respond to the messages.

112. Upon publication of the 2016 Yahoo Article, Yahoo! immediately set about triggering its widespread republication. At 11:12 a.m. the day of publication, Isikoff distributed it from his Twitter social media account.

113. Despite the (i) uniform recognition that the claims and conclusions of Fusion GPS were unreliable and in many critical instances wrong and unverified; (ii) the fact that the information upon which the Steele Dossier has been thoroughly discredited after one of this country's most comprehensive internal reviews since

Watergate;⁷⁵ and (iii) that Isikoff himself has publicly admitted this *status quo* of the Dossier's falsity to a significant extent, Defendant has utterly failed to correct or retract its false and defamatory accusations of and concerning Dr. Page.

114. As for Fusion GPS, it has directly or indirectly acknowledged that its conduct and course of dealings with the DNC and its law firm raise implications of criminal misconduct. When the United States House of Representatives subpoenaed Simpson to testify on Fusion GPS's reports, instead of testifying which he was authorized by the DNC to do, Simpson invoked his Fifth Amendment right against self-incrimination. Meaning: Simpson recognized that his testimony may implicate him in criminal misconduct. Simpson was represented by counsel and necessarily understood he must have a good faith basis to invoke his Fifth Amendment rights to refuse to testify, as he surely does.

115. Fusion GPS has also admitted that its reports were factually flawed and not meant for public consumption or publication. Yet, the Defendant's "brands" published the statements that were as false as they were malicious and defamatory to Dr. Page.

116. Yet still, after all this and to this day, Defendant has failed to correct and retract its statements.⁷⁶ But this corporate hostility to reality, and to the

⁷⁵ See IG REPORT.

⁷⁶ Cf. CODE OF ETHICS ("Acknowledge mistakes and correct them promptly and prominently").

innocence of Dr. Page whose life Defendant destroyed, accurately reveals the culture and bias against anyone associated with either candidate or President Trump, starting with the former CEO of Defendant Oath, Tim Armstrong. He has professionally supported Hillary Clinton's candidacy for president. But on his watch, HuffPost posted a statement on its website that said, "Trump is a serial liar who incites violence"

117. Before the 2016 Yahoo Article was published, Dr. Page did not seek media attention. He did not make appearances on television, radio, or other news programs, or have significant contact with the media. Indeed, Dr. Page hoped to live his entire life without being thrust in the limelight. After the 2016 Yahoo Article was published, and particularly once the HuffPost articles further escalated the nature and extent of the defamatory campaign being waged against him, Dr. Page realized that his only chance of combatting Oath's lies and mitigating the immense reputational damage they caused was to bring the truth directly to the American people. To this end, Dr. Page expended enormous effort on mitigating these false attacks through countless television and radio appearances.

VI. INJURIES AND DAMAGES TO PLAINTIFF

118. Defendant's defamatory statements injured Dr. Page's reputation.

119. The defamatory statements had an increasingly harmful effect when other news outlets began to republish the Defendant's defamatory statements about

Dr. Page which remained continuously published on the Yahoo! and HuffPost websites. Of course the increased internet traffic visiting the Yahoo! and HuffPost websites accomplished the Defendant's objective for originally publishing the false sensational information about a phony scandal political. Defendant and its subsidiaries and/or divisions and/or agents knew this would be the result and in fact encouraged the republication.

A. Special Damages

120. Dr. Page is the sole member of GEC and GNGV (collectively, the "Companies").

121. As such, Dr. Page's reputation is inextricably connected to the reputations of the Companies, Defendant's defamatory statements caused Dr. Page and the Companies to lose many business opportunities. For example, before Defendant's defamatory statements, Dr. Page and the Companies were pursuing a lucrative business relationship with several international partners. By all accounts, the pursuit was going exceedingly well and the final negotiations were near completion.

122. Then, Defendant published the defamatory statements. When Dr. Page was falsely accused of being a traitor to his country and an agent of Russia, such reputational harm was equally imputed to the Companies' reputation.

123. A primary prospective international business partner ceased negotiations and declined to contract with Dr. Page. The prospective partner told Dr. Page it would not move forward with him in a business relationship because of the widespread and pervasive reporting on Dr. Page and his supposed meetings with Sechin and Diveykin. The prospective partner told Dr. Page that it could not do business with someone who was the subject of such significant negative press, or with companies closely associated with someone who was the subject of such significant negative press.

124. Dr. Page is, and at all times was, the only principal and representative of the Companies. Prior to the Defendant publishing life-threatening defamatory allegations and related misinformation, Dr. Page's professional reputation was flawless. Because the Companies' business involves advising and partnering with corporations and financial institutions, Dr. Page's impeccable reputation was key to his ability to complete the building of the Companies into successful going concerns with international financial institutions.

125. As a direct result of the harm to Dr. Page's reputation caused by the 2016 Yahoo Article and the other false and defamatory articles published by Defendant and/or its subsidiaries and/or divisions, the Companies suffered, and will continue to suffer, actual injury. At least three banks and diversified financial services companies have declined to do business with Dr. Page and the Companies

because of the defamatory statements published by the Defendant. The defamatory statements have also cost Plaintiff numerous other clients and business opportunities. These economic and pecuniary losses of value flowed directly from the wrongful injury to Dr. Page's reputation proximately caused by the Defendant's defamatory publications.

B. General Damages

126. Dr. Page also began receiving countless death threats after Defendant published the defamatory statements. For example, this is one threat (among many) that was left on Dr. Page's voicemail:

Yo, what's up man? Sounds like things are going pretty fucking good for you. Go to trade out your fucking country for some fucking Russian dollars. We know what the fuck you've been doing, you piece of shit mother fucker. You think you're not, you know you're not in fucking *in cahoots with fucking Rosneft and every fucking Russian oligarch* over there? You fucking half-wit, fucking piece of shit. You deserve everything you fucking get. Every fucking thing you get. If it was up to me, *after we fucking tried you for treason, we'd take you out in the street and beat the fucking piss out of you with baseball bats*, you cock sucking mother fucker. Next time you turn your back on your fucking country, you'll fucking regret it.

(emphasis added).

127. Dr. Page did not receive death threats before the defamatory statements were published. Since Oath thrust Dr. Page into the public light on a global basis with its defamatory publications targeting him, he suffered public humiliation and threats of the same scale.

128. Because of these death threats, Dr. Page could no longer walk public streets without reasonably and legitimately fearing for his safety. Thus, Dr. Page has been required to avoid being in public or in crowds as much as physically possible.

129. It is no understatement to say the 2016 Yahoo Article and other articles containing false and defamatory statements about Dr. Page published by Defendant and/or its subsidiaries have completely devastated the life Dr Page had built for himself over four decades. Dr. Page has never been, or aspired to become, a politician or otherwise be a public figure. Beyond certain discrete academic foreign policy circles and energy finance circles, he was not known at all.

C. Defendant Was Unjustly Enriched By Its Destruction of Dr. Page's Life, Reputation, Privacy, and Business Prospects

130. With the 2016 Yahoo Article, the other defamatory articles, and the large-scale online promotion techniques that Verizon, Oath, Yahoo! and HuffPost utilized to spread the stories in the days and months following their publication, Defendant and its subsidiaries and/or divisions put its revenue and profit above telling the truth and basic principles of journalistic integrity, as well as the right not to be defamed which is owned by all individuals such as the Plaintiff.

131. The Defendant reaped ill-gotten gains from internet advertising associated with the articles, which under the unique and special circumstances of this case should be disgorged to Dr. Page. Many of the false and defamatory articles

display advertising from well-known companies. The companies that advertised in the false and defamatory articles include: Oscar Mayer, BMW AG's subsidiary MINI, Zillow Group, Popular Community Bank, Liberty Interactive Corporation's e-commerce company Zulily, Affinia Hotel Collection property Shelburne NYC, Williams-Sonoma Inc.'s subsidiary home furnishing store chain Pottery Barn, Audi AG, Georgia-Pacific LLC's Brawny brand, Berkshire Hathaway Inc.'s battery manufacturing company Duracell Inc., Nissan's Infiniti luxury vehicle division, private equity firm Sycamore Partners' portfolio company Talbots Inc., Graham Holdings Company's for-profit education subsidiary Kaplan Inc., Choice Hotels International Inc., The American Express Company, Lending Tree LLC, Dentsply Sirona Inc., MeCommerce Inc.'s bra shopping website ThirdLove, and Liberty Mutual Insurance.

132. Defendant should not be permitted to profit from the identified false and defamatory articles its "brands" published about Dr. Page with actual malice, and with the expectation that the falsehoods originating from the 2016 Yahoo Article would increase its online viewership, its website "clicks", and ultimately enhance Defendant's financial results.

D. Defendant Caused Dr. Page Humiliation and Mental and Emotional Anguish

133. Prior to the Defendant's defamatory publication, Dr. Page had earned the trust, respect, and friendship of his colleagues in the academic and business

communities in which he circulated.

134. Prior to the Defendant's defamatory publication, Dr. Page regularly enjoyed the company of friends, colleagues, and acquaintances. Dr. Page could appear in public and walk among a crowd without having a second thought as to his personal safety.

135. Before September 23, 2016, Dr. Page never once avoided going out in public or walking in a crowd for fear of being targeted for bodily harm or death by a stranger.

136. This profile and aspect of his private life all changed because of the 2016 Yahoo Article and the Defendant's many subsequent defamatory publications. As set forth above, Dr. Page began receiving frequent anonymous death threats (by phone and voicemails, as well as via the internet) for the first time in his life. Because of the frequency and anonymous nature of these threats, Dr. Page feared, and continues to fear, to go out in public for any reason. Thus, Dr. Page can no longer enjoy the freedom of movement that the great majority of American's take for granted as a fundamental right.

137. Dr. Page has always been a patriot. Therefore, he finds the lie that he would betray his country to engage engage in acts of treason to be particularly humiliating. This is especially true in light of the fact that the Defendant's reach as a media outlet caused this lie to be published globally, and the unfortunate situation

that many Americans continue to harbor questions whether Dr. Page is a traitor even after every single accusation that the Defendant leveled against him has been conclusively demonstrated to be false by multiple sources.

138. Further, as a result of Defendant's defamatory publications, Dr. Page's relationships with many of his professional and academic colleagues have been permanently harmed. In many cases, such relationships have been completely destroyed by the defamatory publications. The same is true of Dr. Page's personal relationships.

VII. THIS ACTION IS TIMELY FILED IN DELAWARE

139. This action against Oath was originally filed in the United States District Court for the Southern District of New York, Case No. 1:17-cv-06990, on September 14, 2017. [Dr. Page filed this action *pro se*.]

140. On March 20, 2018, the Southern District of New York dismissed Dr. Page's federal claims under a Rule 12(b)(6) motion. The court then declined to exercise supplemental jurisdiction over Dr. Page's state law claims for *defamation* and *tortious interference with business relations* since the federal claims had been dismissed.⁷⁷ Therefore, the Southern District of New York did not reach a decision

⁷⁷ See *Page v. Oath Inc.*, No. 17-CV-06690-LGS, 2018 WL 1474620, at *6-7 (S.D.N.Y. Mar. 20, 2018) (finding that it was "appropriate to decline to exercise supplemental jurisdiction" over Dr. Page's state-law claims because "[judicial] economy, convenience, fairness, and comity . . . will usually lead to the dismissal of the non-federal claims when the federal claims have been dismissed at a relatively early stage").

on the merits of Dr. Page’s state law claims; they were dismissed *without prejudice* to a future filing due to a jurisdictional defect.

141. Dr. Page timely appealed the District Court’s ruling. On December 2, 2019, the Court of Appeals for the Second Circuit affirmed the lower court’s judgment and held there was no diversity of citizenship conferring subject matter jurisdiction on the Southern District of New York.⁷⁸ Mandate was issued by the District Court on January 27, 2020. **However, there is no claim preclusion doctrine that bars either state law claim from being refiled based on the Southern District of New York’s dismissal of Case No. 1:17-cv-06990.**

142. Pursuant to 10 Del. Code § 8118(a) and N.Y. CPLR § 205, if the original federal action in the Southern District of New York was timely filed as to the state law claims, because these claims were *dismissed without prejudice*, there is **no legally operative judgment on the merits** or other bar to bringing this action within six months of the dismissal of the federal action on January 27, 2020.⁷⁹ Accordingly, this action is timely pursuant to 10 Del. Code § 8118(a) and N.Y. CPLR § 205.⁸⁰

⁷⁸ *Page v. U.S. Agency for Glob. Media*, 797 F. App’x. 550, 555-56 (2nd Cir. 2019) (district court properly dismissed Dr. Page’s defamation claim because “the fact that Oath and Page were both New York citizens is enough to defeat diversity jurisdiction in this case”).

⁷⁹ *See Howmet Corp. v. City of Wilmington*, 285 A.2d 423, 427 (Del. Super. Ct. 1971) (holding that Delaware saving statute applies where claim is dismissed from a U.S. District Court due to lack of jurisdiction over claim).

⁸⁰ When a trial court decision is appealed, Delaware’s saving statutory period does not begin running until mandate issues. *See Gosnell v. Whetsel*, 198 A.2d 924, 927 (Del. 1964).

VIII. RELATED LITIGATION

143. Now pending in the Northern District of Illinois is *Page v. Democratic Nat'l Comm.*, No. 1:20-cv-00671 (N.D. Ill.) (the "Illinois Litigation"). The Defendants in the Illinois Litigation are two entity Defendants: DNC and Perkins Coie LLP, as well as, two Perkins Coie partners, Marc Elias and Michael Sussmann. The Illinois Litigation is against the political actors responsible for conspiring against Dr. Page to cause the creation and compiling of the contents of the Steele Dossier, and for providing false accusations against Dr. Page to the media and the FBI. The Illinois Litigation Defendants pursued political objectives and committed their tortious acts to obtain political advantages. Plaintiff is aware that, should the Illinois Litigation be adjudicated first, there is a potential for overlapping recovery with certain components of a damages award that could be included as part of judgment to be entered in this case. Nonetheless, Defendant Oath engaged in the complained of tortious behavior for financial gain rather than political advantage and is liable for certain categories of damages separate and distinguishable from damages sought in the Illinois Litigation.

144. Oath abused its position as a media concern, published lies that globally and immeasurably defamed Dr. Page, and economically benefitted from such reprehensible actions. Unlike the claims at issue in the Illinois Litigation, this action against Oath seeks disgorgement of economic benefits enjoyed by Oath's media

outlet based on its financial motive for wrongfully publishing the defamatory articles. This specific disgorgement component of Plaintiff's requested damages against *Defendant Oath* is not available as a remedy available for recovery from the Illinois Litigation Defendants.

145. Furthermore, this action seeks punitive damages against Oath, a multi-billion-dollar media company which exploited its commercial position as a giant in the media industry, violated the tenets of ethical journalism, and remained unapologetic for the revenues it generated in connection with damaging an innocent person's reputation without cause. Dr. Page seeks punitive damages from the Defendant to send a deterrence message to companies like Oath in the media and journalism industry signaling that no innocent American citizen —regardless of political affiliation— may have their life destroyed as was done to Dr. Page. Similar to the disgorgement remedy, Plaintiff may not seek a recovery for punitive damages *against Defendant Oath* from the Illinois Litigation Defendants.

146. In order to pursue a damages award which includes recovery for disgorgement and punitive damages from Defendant Oath, Dr. Page has brought his claims against Oath in Delaware, the state of Oath's incorporation and the jurisdiction that Oath availed themselves to by choice. There will not be joint and several liability with the Illinois Litigation Defendants, or a right of contribution for the award of damages for either the disgorgement remedy or punitive damages

sought from Oath. The action brought in this court is not identical to the Illinois Litigation but is a separate action against an unrelated corporate Defendant, supporting several distinct and/or unique remedies, including a recovery based on disgorgement as well as punitive damages for *this* media Defendant's specific malicious conduct, both such remedies are unavailable in the Illinois Litigation.

IX. CAUSES OF ACTION

COUNT NO. 1:

By Dr. Page against Oath for Defamation

147. Dr. Page realleges and incorporates by reference each of the preceding paragraphs as if fully set forth herein.

148. Defendant made numerous false statements including without limitation the following: Dr. Page met with Sechin; Dr. Page met with Diveykin; Dr. Page met with the Kremlin; and a well-placed Western intelligence source confirmed that Dr. Page met with Sechin and Diveykin.

149. These statements were defamatory *per se* and the damages from such defamatory statements are presumed.⁸¹ The statements accused Dr. Page of criminal conduct – meeting and colluding with Russia – which led to him being falsely suspected as an agent of foreign power by both the public and the United States government. Consequently, each statement is on its face malicious and injurious to

⁸¹ N.Y. Pattern Jury Instruction – Civil 3:29 (Dec. 2019 Updated).

Dr. Page's reputation, business trade, and profession.

150. The defamatory statements concerned Dr. Page, as they referenced him by name. The average reader understood the statements to be about Dr. Page and reasonably read them to be statements of fact. These statements clearly implied that Dr. Page was working in the interest of a foreign power and was disloyal to the United States.

151. Defendant published the defamatory statements. Defendant communicated the defamatory statements to someone other than Dr. Page, and Defendant intended that the defamatory statements be distributed widely—both nationally and internationally.

152. The defamatory statements were false, substantially untrue, and materially false. None of the alleged meetings nor alleged collusion between Dr. Page and the Russian individuals ever occurred. Rather, they were sensational lies published for economic gain and with the intention to benefit the Defendant's media business.

153. When Defendant made the defamatory statements, it knew that they were false or acted in reckless disregard of the truth or falsity of the statements. Defendant failed to conduct any reasonable investigation. Further, Defendant knew or should have known the falsity of the statements, and with such knowledge, should not have publicly disseminated the defamatory statements. Therefore, Defendant

made the statements with actual malice.

154. Defendant acted with common law malice in making the defamatory statements: Defendant was motivated by its pursuit of financial benefit and a desire to harm Dr. Page. Defendant knew that publishing these defamatory statements in connection with the 2016 U.S. Presidential Election would generate immense interest and heavy additional internet visits to its websites. However, Defendant knew that publishing the statements would cause enormous damage to every facet of Dr. Page's life. That Defendant repeatedly published these false statements despite this knowledge evinces such a conscious and deliberate disregard of Dr. Page's legally protected interest in his personality that Defendant's conduct was willful or wanton.

155. Defendant had no applicable privilege or legal authorization to publish the defamatory statements. The statements were malicious lies published without any knowledge, or notice to Dr. Page, let alone an authorization.

156. Defendant's defamatory statements severely and permanently injured Dr. Page's professional, academic, and personal reputations. These reputational injuries have severely impaired—and continue to severely impair— Dr. Page's ability to operate his businesses, maintain existing business relationships, enter into new business relationships, and earn a living. Dr. Page expects that Defendant's defamatory statements will continue to impair his ability to operate his businesses,

maintain existing business relationships, enter into new business relationships, and earn a living well into the foreseeable future.

157. Defendant's defamatory statements, and the near-universal obloquy and derision that Dr. Page has been subjected to ever since, continue to cause Dr. Page humiliation and mental and emotional suffering. Dr. Page expects that this harm caused by the Defendant will continue into the foreseeable future.

158. Defendant's defamatory statements have caused Dr. Page to receive countless anonymous threats against his life. As a result, Dr. Page continues to fear for his life. Dr. Page cannot go out in public or walk among a crowd without fearing an attack from someone who read and believed the Defendant's defamatory statements. Living in constant fear continues to cause Dr. Page mental and emotional suffering. Dr. Page expects that this harm caused by the Defendant will continue into the foreseeable future.

159. Defendant's defamatory statements have permanently harmed or destroyed Dr. Page's relationships with his professional and academic colleagues and his friends and acquaintances, which continues to cause Dr. Page mental and emotional suffering. Dr. Page expects that this harm caused by the Defendant will continue into the foreseeable future.

160. Dr. Page expects that all of the harms that Defendant's defamatory statements have caused to him will continue into the foreseeable future.

161. The defamatory statements were a substantial factor in causing Dr. Page to suffer economic and non-economic loss, in an amount to be proven at trial.

COUNT NO. 2:

By Dr. Page against Oath for Tortious Interference

162. Dr. Page realleges and incorporates by reference each of the preceding paragraphs as if fully set forth herein.

163. Dr. Page was well-established in the field of energy and energy finance. His business relationships with energy companies included Chesapeake Energy, KazMunayGas, Tatneft, and Gazprom. Dr. Page's business relationships with financial institutions included Deutsche Bank, Goldman Sachs, Citi, Mubadala Development Company, China Investment Corporation, Canaccord Genuity, HSBC, Piper Jaffray Companies, Ladenburg Thalman, and Morgan Stanley. Because of his credentials and experience, Dr. Page had the opportunity to enter into business relationships with blue chip companies and firms such the aforementioned ones—and a reasonable expectancy of entering those relationships. These prospective relationships contemplated the successful completion of future energy financing transactions.

164. Defendant knew of these relationships. Dr. Page's extensive business relationships with international energy companies and financial institutions was a fact of his businesses and his profile. In fact, Defendant's false and defamatory

statements expressly recognize that Dr. Page “specialize[s] in oil and gas deals in Russia and other Central Asian countries.”

165. Defendant reasonably knew and expected that publishing the defamatory statements would interfere with Dr. Page’s businesses and Defendant intentionally interfered with these prospective relationships by deciding to publish the defamatory statements at issue.

166. *But for* Defendant’s interference, Dr. Page would have entered into the prospective business relationships in this area of commerce for which he was recognized.

167. Defendant’s interference with the prospective relationships used wrongful means, and was accomplished by making defamatory statements defaming Dr. Page.

X. PRAYER FOR RELIEF

168. Dr. Page demands judgment against Defendant as follows:

- i. An award of compensatory, special, presumed and punitive damages in appropriate amounts to be established at trial;
- ii. An award requiring Defendant to disgorge any benefits obtained from publishing the defamatory statements;
- iii. An award of attorneys’ fees and costs associated with this action;
- iv. An award of prejudgment and post-judgment interest at the legal rate to the maximum extent permitted by law; and
- v. Such other and further relief as the Court may deem just and proper.

JURY DEMAND

Dr. Page demands a trial by jury on all issues so triable.

Date: July 27, 2020

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