

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CHARLIE EHRLICH,

Plaintiff,

Case No. \_\_\_\_\_

v.

THE MIAMI NEW TIMES, LLC,

Defendant.

\_\_\_\_\_ /

**COMPLAINT**

Plaintiff CHARLIE EHRLICH ( hereafter “Mr. Ehrlich” or “Plaintiff”), by and through his attorneys Hantman & Associates, as and for his complaint against Defendant THE MIAMI NEW TIMES, LLC (hereafter “New Times” or “Defendant”), alleges as follows:

**NATURE OF ACTION**

1. This is an action by a non-public figure for defamation and defamation per se, false light invasion of privacy, intentional infliction of emotional distress, negligent infliction of emotional distress, and prima facie tort seeking redress for harms suffered because of numerous false, salacious, and highly offensive statements about Mr. Ehrlich. Such article, dated September 21, 2021, published by New Times, and written by the New Times’ Journalist, Bob Norman, is entitled “*A mysterious Hollywood script suggests O.J. had company from Miami on that fateful night in 1994.*” (“Article”) (A copy of the Article is attached hereto as Exh. A).

2. Not only was the Article not newsworthy but Mr. Ehrlich is not a public figure. In addition, rather than independently and objectively gathering the facts, Defendant breached the most basic and fundamental tenets of journalistic ethics by relying on as its exclusive source, a scriptwriter named Erik Laibe (“Mr. Laibe”), who is in an ongoing business dispute with Mr.

Ehrlich. To retaliate, Mr. Laibe disparaged Mr. Ehrlich through the publication of the false and outrageous statements about him. New Times was aware that the script was full of false information and was not authorized to be disseminated to anyone.

3. An objective reader of the Article is left with the impression that Mr. Ehrlich participated in the murders of June 12, 1994, even though New Times was aware that the script is a work of fiction and was not based on the factual events of the O.J. Simpson case.

4. Blind to the reality of the situation and intentionally ignoring the fact that its source had no credibility and had a history of manipulative and deceitful behavior, Defendant published the Article. New Times continues to disseminate the Article on its website and in print despite acknowledging that the script was not factual, was “improbable,” “fact or fiction?” “false shit,” “elaborate ploy to profit,” and “bullshit.”

5. Despite proof to the contrary, Defendant failed to corroborate or “fact check” the sordid allegations and published the false and defamatory statements about Mr. Ehrlich. Moreover, the Defendant refused to print a retraction and ignored the foreseeable harm they would cause to Plaintiff by publishing the Article and refusing to retract it. The foreseeable harm included but was not limited to death threats.

6. Defendant’s actions were made recklessly, maliciously, and to gain an economic benefit through the resulting increase in web traffic to the Article and accompanying online advertisements and the corresponding increase in advertising revenue.

7. The Article was anything but news, yet, in an attempt to create a scintilla of “newsworthiness” to the subject of its defamatory Article, Defendant portrayed Mr. Ehrlich as an accomplice to murder and ignored that he was in Miami at the time of the unfortunate event, all of which was easily discoverable.

8. Defendant intentionally and for its own financial benefit chose to disregard public filings and the repeated entreaties and explanations from Mr. Ehrlich and his lawyers, declined to do its own independent analysis and reporting, refused to verify facts, and misquoted and misrepresented confidential business dealings and fiction pieces of entertainment for the purpose of creating a salacious Article and driving revenue.

9. The false and defamatory Article contains numerous outright false and salacious statements about Mr. Ehrlich, which portrayed him in a false light and contained falsehoods and/or exaggerations that he was involved in “an elaborate ploy to profit off one of the most notorious crimes in history.”

10. Defendant had no basis for making and publishing these false, highly defamatory, and damaging statements, all of which were either invented or unsubstantiated assertions from a highly biased source.

11. Defendant has no real defense as they have acknowledged that the “source” of these claims was Mr. Laibe and an unnamed “whistleblower.”

12. Notwithstanding the lack of any reliable factual support for its claims, and its ability to interview witnesses who would have contradicted the claims, Defendant made the conscious decision to publish the false and defamatory statements about Mr. Ehrlich.

13. At the time of publication, Defendant knew the statements about Mr. Ehrlich were false, harbored serious doubts about its veracity, or were grossly negligent or negligent in publishing them and reckless with the truth.

14. Defendant’s publication of the false and defamatory statements about Mr. Ehrlich reached thousands of readers of the Miami New Times online and foreseeably caused a chain-reaction of re-publication of the claims in many other news outlets, websites, blogs, and social

media, which potentially reached millions more readers throughout the world and resulted in numerous death threats to Plaintiff, as was foreseeable.

15. Defendant's false and defamatory statements about Mr. Ehrlich have caused extraordinary harm to Mr. Ehrlich's personal and professional reputation, economic opportunities, as well as causing him to endure death threats and significant humiliation, and emotional distress.

16. Shortly after the Article was published; Plaintiff's counsel sent a letter to New Times demanding an immediate published retraction of the Article and all its false claims regarding Mr. Ehrlich. Defendant refused to retract the Article. (A copy of the letter from Plaintiff's counsel dated October 1, 2021, is attached hereto as Exh. B).

17. Finally, as will be proven, the statements and/or implications referred to herein were made with knowledge of their falsity or in reckless disregard of the truth or falsity of the statements and constituted "actual malice" as a matter of law.

18. Therefore, this action is not an attempt to deter or punish Defendant for exercising its political or legal rights, and it has nothing to do with Defendant's right of petition or free speech under the Constitution of the United States and/or in connection with a public issue.

19. The defamatory statements were made, and then published with not only actual malice but also for an ulterior purpose not related to Constitutional rights or free speech but for the purpose of generating clickbait by defaming and humiliating Mr. Ehrlich and destroying his reputation, causing hurt and embarrassment to him and causing damage to his businesses and future harm and embarrassment to him.

### **PARTIES**

20. Plaintiff Mr. Ehrlich is an individual domiciled in Miami-Dade County, Florida.

21. The Miami New Times, LLC is a Delaware Company with its principal place of business in Miami, Florida.

### **JURISDICTION AND VENUE**

22. This Court may exercise jurisdiction over Defendant because, inter alia, it either: (a) has a principal place of business in Florida or has an agent with a principal place of business in Florida; (b) transacts substantial business in Miami, Florida and purposefully avails itself of the benefits and privileges of conducting business in Florida; and/or (c) resides in Florida. In addition, the causes of action alleged herein arise out of Defendant's activities in Florida.

23. Venue is proper in Miami-Dade County because at least one of the parties resides there, and a substantial part of the events or omissions giving rise to the claims at issue occurred there.

### **FACTUAL ALLEGATIONS**

24. On information and belief, Defendant owns, controls, manages, operates, publishes, and/or co-publishes an online tabloid news publication, "Miami New Times." Defendant represents to the public that MiamiNewTimes.com is "Miami's independent source of local news and culture."

25. On or about September 21, 2021, Defendant published the Article entitled "*A mysterious Hollywood script suggests O.J. had company from Miami on that fateful night in 1994.*"

26. The Article, authored by Bob Norman, contained *inter alia* the following false portrayals and defamatory statements:

- a. That "If fiction is the lie through which we tell the truth, then the script, titled *Juiced*, after Simson's nickname, may shed new light on the events of that gruesome night."
- b. That Mr. Ehrlich was involved in "an elaborate ploy to profit off one of the most notorious crimes in history."
- c. That "when it comes to the reason for this phone call – the night of June 12, 1994 – Ehrlich clams up tighter than a cherrystone."

- d. “If it’s believed” – “it” being the *Juiced* version of the murder – “it immediately puts [Charlie] in prison. There’s no statute of limitations on murder. Hence our dilemma.’
- e. That “The story of Ehrlich’s life in crime is a slippery one”
- f. “The script has Charlie going to Simpson’s house on June 12, 1994, to squeeze him for cocaine debts, sending the former NFL great into a rage.”
- g. “But even if someone was with Simpson that night, which is certainly plausible, was it Charlie Ehrlich? He may have promised never to tell, but he cagily offers that the screenplay contains some untruths.”
- h. “Not that Ehrlich can be considered a reliable narrator when it comes to his interactions with the press.”
- i. That “Simpson’s narrative of leaving the Bronco with Charlie on Bristol Avenue could explain a long-unresolved mystery of the case.”

27. Each of the Defamatory Statements is a statement of fact.

28. Each of the Defamatory Statements is false and defamatory.

29. These assertions were unsubstantiated and portrayed Plaintiff in a false light.

30. Further, on October 1, 2021, Mr. Ehrlich’s counsel, Hantman & Associates, sent a letter

to Defendant stating, among other things:

*Your Article not only defames our client by listing, ad nauseum, allegations of various unverifiable criminal activities, it then goes on to juxtapose the sentence “ But even if someone was with Simpson that night, which is certainly plausible, was it Charlie Ehrlich?” The ‘ gist’ of this inflammatory piece could not be more clear. Every reader is left with the impression that Mr. Ehrlich somehow participated in the killings that took place on June 12, 1994. In your apparent consciousness of the reckless disregard for the truth that radiates throughout this fiction, you attribute some of the more egregiously defamatory statements to others. For example, you state that “ The whistleblower insists that reopening the case is precisely what the LAPD ought to do –if for no other reason than to exclude the possibility that someone named Charlie was present at the scene of the murders.”*

31. On information and belief, Defendant published the Article knowing that the Defamatory Statements therein were false and defamatory and knowing that they were based on the unsubstantiated claims of an unreliable and biased source.

32. Defendant knew and intended, or were grossly negligent or negligent in not knowing, that, given the salacious nature of the Defamatory Statements about Mr. Ehrlich, they would not only be viewed by millions of people but could also be republished by numerous other news outlets and websites.

33. Notwithstanding this awareness, as well as its awareness that the statements had no basis in fact, Defendant published the Defamatory Statements.

34. As a result of the publication by Defendant, Mr. Ehrlich endured numerous death threats and constantly fears for his wellbeing.

35. Mr. Ehrlich also faced reprimand from his employer and landlord because of Defendants' reckless publication, putting his livelihood at significant risk along with the mental anguish that followed.

**FIRST CAUSE OF ACTION**  
**(Defamation and Defamation Per Se)**

36. Plaintiff hereby repeats and realleges every allegation set forth in the preceding paragraphs as if fully set forth herein.

37. Defendant published or caused to be published the Defamatory Statements in MiamiNewTimes.com.

38. The Defamatory Statements were concerning Mr. Ehrlich.

39. Each and every one of the Defamatory Statements were false.

40. Defendant was grossly irresponsible and negligent in publishing the Defamatory Statements because the publication was made without consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties.

41. Defendants acted with actual malice in that they: (a) knew or should have known that the Defamatory Statements were false and untrue; and (b) published the Defamatory Statements with reckless and wanton disregard of whether they were false and untrue.

42. The Defamatory Statements are defamatory on their face or, at the very least, are susceptible to a defamatory meaning. They impugned Mr. Ehrlich's integrity and exposed him to public contempt, ridicule, disgrace, shame, and humiliation, and induced an evil and unsavory opinion of him in the minds of the public to which they were addressed.

43. The Defamatory Statements are defamatory per se because they tend to portray that Mr. Ehrlich was involved as an accessory in a notorious double murder, and helped to cover it up.

44. The Defamatory Statements are also defamatory per se because by stating, inter alia, that Mr. Ehrlich participated in murders, it disparages and injures him in his business, occupation or profession.

45. As a result of the publication of the Defamatory Statements, Mr. Ehrlich has been irreparably injured in his good name and reputation and has suffered damages to his personal reputation, business reputation, business interests, and prospective business opportunities, as well as significant humiliation and emotional distress.

46. By reason of the foregoing, Mr. Ehrlich is entitled to an award of damages, including punitive damages, in an amount to be determined at the time of trial but in no event less than \$20 million.

**SECOND CAUSE OF ACTION**  
**(False Light Invasion of Privacy)**

47. Plaintiff hereby repeats and realleges each allegation set forth in paragraphs 1 through 35 as if fully set forth herein.

48. The Defendant, on or about September 21, 2021, on *MiamiNewTimes.com* published statements that intentionally and recklessly portrayed Charlie Ehrlich in a false light by stating, among other things, that “But even if someone was with Simpson that night, which is certainly plausible, was it Charlie Ehrlich? He may have promised never to tell, but he cagily offers that the screenplay contains some untruths;” and “Not that Ehrlich can be considered a reliable narrator when it comes to his interactions with the press.”

49. The publication of the facts set forth in paragraph 14 and the Factual Allegations above was done with actual knowledge of the false light in which Mr. Ehrlich would be cast and with reckless disregard for the effect the publication would have. The Miami New Times, LLC failed to exercise due care to prevent the publication of the false light statements.

50. The Defendant, On September 21, 2021, published statements that intentionally and recklessly portrayed Mr. Ehrlich in a false light by creating an inference and innuendo that Mr. Ehrlich was dishonest and engaged in the murders that occurred on June 12, 1994, in Los Angeles.

51. As a direct and proximate result of the statements set forth above, Mr. Ehrlich was cast in a false light and has suffered damage to his right to privacy and his reputation in the community and is entitled to an award of damages, including punitive damages, in an amount to be determined at the time of trial but in no event less than \$20 million.

**THIRD CAUSE OF ACTION**  
**(Intentional Infliction of Emotional Distress)**

52. Plaintiff hereby repeats and realleges each allegation set forth in paragraphs 1 through 35 as if fully set forth herein.

53. Defendant’s conduct was extreme and outrageous and beyond the bounds of decency in a civilized society.

54. Defendant acted with the intent to cause severe emotional distress.

55. Among other things, Defendant published the Defamatory Statements with knowledge that the source of the statements was not only unreliable, but entirely biased, and failed to verify with other sources the veracity of Mr. Laibe's claims.

56. Both Mr. Ehrlich and his counsel informed Defendant, before and after publication, that the Article contained numerous false statements and lies, and implored Defendant to independently verify the facts and not rely solely on Mr. Laibe's biased assertions.

57. By its actions, Defendant intentionally and recklessly caused severe emotional distress to Mr. Ehrlich resulting from, among other things, potentially losing his job and his home because his boss and landlord were disturbed by the Article.

58. Defendant's conduct was knowing, malicious, willful, and wanton, entitling Mr. Ehrlich to an award of punitive damages.

59. As a result of the Defendant's conduct, Mr. Ehrlich has suffered severe emotional distress and is entitled to an award of damages, including punitive damages, in an amount to be determined at the time of trial but in no event less than \$20 million.

**FOURTH CAUSE OF ACTION**  
**(Negligent Infliction of Emotional Distress)**

60. Plaintiff hereby repeats and realleges each allegation set forth in paragraphs 1 through 35 as if fully set forth herein. This count is pled in the alternative to Count III.

61. Defendant's publication of the Article which falsely implicates Mr. Ehrlich in a notorious double homicide in 1994, was a grossly negligent act, and was willful and wanton.

62. Defendant's acts were willful and wanton acts which should not have been taken because they created an unreasonable risk of harm to Mr. Ehrlich that he would suffer emotional distress therefrom, and it was reasonably foreseeable that the foregoing would cause Mr. Ehrlich to suffer emotional distress. And, Florida's impact rule does not apply to cases where the

tortfeasor's negligence may be characterized as willful and wanton. *Kirksey v. Jernigan*, 45 So. 2d 188, 189 (Fla. 1950).

63. Defendant's subjection of Mr. Ehrlich to emotional distress through their horrid actions including the traumatizing events of having his job and home put in jeopardy because of the false portrayal in the Article that he was an accomplice to a double murder constitutes gross negligence on the part of Defendant.

64. Defendant's engaged in a course of conduct toward Mr. Ehrlich which a reasonable and prudent person would know would probably and most likely result in injury to persons or property. Here, since the likelihood of such injury from publishing such a reckless Article implicating Mr. Ehrlich in a heinous crime was known by the actor to be clear and present, it thus constitutes gross negligence.

65. Defendant, however, failed to take any appropriate action to remedy, correct, or prevent their agents' conduct. Consequently, Defendant is both directly and vicariously responsible for their agents' conduct.

66. As a result of the Defendant's conduct, Mr. Ehrlich has suffered severe emotional distress and is entitled to an award of damages, including punitive damages, in an amount to be determined at the time of trial but in no event less than \$20 million.

**FIFTH CAUSE OF ACTION**  
**(Prima Facie Tort)**

67. Plaintiff hereby repeats and realleges each allegation set forth in paragraphs 1 through 35 as if fully set forth herein.

68. Defendant, by its publication of the Article, intentionally inflicted harm on Mr. Ehrlich without excuse or justification.

69. Defendants' actions were motivated solely by a malicious intention to generate clickbait and injure Mr. Ehrlich without the slightest regard.

70. By reason of the foregoing, Mr. Ehrlich is entitled to an award of damages, including punitive damages, in an amount to be determined at the time of trial but in no event less than \$20 million.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in his favor and against Defendant as follows:

- A. On the First Cause of Action, judgment in an amount to be determined at the time of trial but not less than \$20 million, plus interest.
- B. On the Second Cause of Action, judgment in an amount to be determined at the time of trial but not less than \$20 million, plus interest.
- C. On the Third Cause of Action, judgment in an amount to be determined at the time of trial but not less than \$20 million, plus interest.
- D. On the Fourth Cause of Action, judgment in an amount to be determined at the time of trial but not less than \$20 million, plus interest.
- E. On the Fifth Cause of Action, judgment in an amount to be determined at the time of trial but not less than \$20 million, plus interest.

Dated: Miami, Florida

November 16, 2021

**HANTMAN & ASSOCIATES**  
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