

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: \_\_\_\_\_

JURY TRIAL DEMANDED

CHRISTOPHER T. BERES  
and  
ANDREW DELANEY,

Plaintiffs,

vs.

RELX PLC  
and  
RELX INC. d/b/a LexisNexis USA,

Defendants.

\_\_\_\_\_ /

COMPLAINT

Plaintiffs, CHRISTOPHER T. BERES, an attorney representing himself, and ANDREW DELANEY, by and through his undersigned counsel TINO GONZALEZ, ESQ. sue RELX PLC and RELX INC. and state as follows.

JURISDICTION AND VENUE

1. Jurisdiction for this cause of action lies within this court by virtue of 28 U.S.C. 1332. This is an action for defamation and the parties are diverse in citizenship.

2. Plaintiff, CHRISTOPHER T. BERES (“Beres”), is a citizen and resident of the State of Florida.

3. Plaintiff, ANDREW DELANEY (“Delaney”), is a citizen and resident of the State of Florida.

4. RELX PLC is a publicly listed English holding company incorporated in England with its principal place of business in London, England, United Kingdom (“RELX PLC”).

5. RELX INC. d/b/a LexisNexis USA (“RELX INC.” and together with RELX PLC, “RELX”) is a Massachusetts corporation with its principal place of business in New York, New York and is therefore diverse in citizenship to plaintiffs by virtue of 28 U.S.C. 1332(c)(1). RELX owns Portfolio Media, Inc. which publishes Law360, a legal news service.

6. The amount of damages sought in this cause of action is \$2,000,000 in compensatory damages and \$20,000,000 in punitive damages, thus meeting the subject matter jurisdiction requirements of 28 U.S.C. 1332 (a) because the matter in controversy exceeds the sum or value of \$75,000.

7. Venue is proper in the Southern District of Florida for the following reasons:

a) The tort which is the basis of this lawsuit was committed in South Florida in addition to all over the world. South Florida has a population of approximately 10 million people, thus making the alleged defamatory statements in this venue significant.

b) Plaintiffs are citizens of the State of Florida and reside in South Florida.

c) Venue is further proper because defendants have and/or continue to regularly conduct business in Florida. RELX is registered with the Division of Corporations, Florida Department of State. RELX maintains offices in Boca Raton, Fort Lauderdale, Miami, Orlando,

and Temple Terrace. Its Fort Lauderdale office is located at 3550 Powerline Road, Fort Lauderdale, Florida 33309. Law360 has a section “Florida : Law360 : Legal News & Analysis <https://www.law360.com> › florida Legal news and analysis on Florida litigation, policy, deals” and “Florida Pulse” and has reporters based in Florida.

8. Defendants are liable to personal jurisdiction under Florida’s long-arm statute Fla. Stat. § 48.193 (2017) because they defamed plaintiffs in the State of Florida. Several persons in the State of Florida, including members of the Florida Bar, accessed the articles in Law360 in the State of Florida. Exhibit A. The material was accessed-thus-published in Florida. Defendants have transacted business and engaged in tortious conduct, by affirmative act or omission, in the State of Florida such that they reasonably anticipated being subject to personal jurisdiction before the courts of this State. Defendants have also transacted business and engaged in tortious conduct, by affirmative act or omission, outside of the State of Florida whereby they reasonably anticipated that injury would result and has, in fact, resulted upon persons within the State of Florida. As such, this Court has personal jurisdiction over defendants pursuant to Fla. Stat. §§ 48.193(1)(a)(2) and 48.193(1)(a)(6).

9. This Court has jurisdiction pursuant to the provisions of Chapter 501, Part II, Florida Statutes. The acts or practices alleged herein occurred in the conduct of “trade or commerce” as defined in Section 501.203(8), Florida Statutes.

10. The statutory violations alleged herein occurred in or affect more than one judicial district in the State of Florida, including the Southern District of Florida.

COUNT ONE –  
DEFAMATION (SLANDER AND LIBEL)

11. This is an action for damages arising from RELX's publication of four articles containing false, injurious, and defamatory statements about plaintiffs in 2021-2022. The tortious acts commenced on February 24, 2021 and occurred on December 20, 2021, January 4, 2022, and January 6, 2022.

12. Prior to the filing of this lawsuit, Dennis Fairbanks, Esq., Barbara Jimmis, Maria Morton, Anthony Trombetta, and others, all Florida citizens and residents, accessed the articles in the State of Florida, opened them, and read them. Mr. Fairbanks is a member of the Florida Bar. They said that the articles defamed plaintiffs.

13. Beres has been a member in good standing of the Florida Bar for almost 20 years. He is a professional of high repute.

14. Delaney was Beres's client.

15. On April 15, 2020, Beres sued Toyota Motor Corporation and Toyota Motor North America, Inc. (collectively, "Toyota") and Akio Toyoda on behalf of a John Doe client in the courts of Florida. *John Doe v. Toyota Motor Corp. et al.*, No. 05-2020-CA-024281 (Fla. 18th Cir. Ct. filed on April 15, 2020). On April 22, 2020, in order to preempt an employment and public health lawsuit which they knew was coming against them, Toyota and its law firm, Wilmer, Cutler,



Pickering, Hale, and Dorr LLP (“Wilmer Hale”), had their job agency HC2, Inc. (“HC2”) sue Delaney in the United States District Court for the Southern District of New York (“SDNY”) seeking an ex parte temporary restraining order (“TRO”) and a preliminary injunction (“PI”) and *asserting only two claims for 1) breach of contract and 2) faithless servant doctrine. HC2, Inc. v. Delaney*, 1:20-cv-03178 (S.D.N.Y. filed on April 22, 2020) (Liman, J.). On April 22, 2020, the Honorable Lewis J. Liman *denied* HC2’s ex parte TRO motion. On May 27, 2020, Judge Liman also *denied* HC2’s application for a PI.

16. In rejecting the PI, Judge Liman issued an order referring to and discussing “Delaney’s lawyer” (Beres) and ruled that Beres’s April 7, 2020 employment demand letter to Akio Toyoda, Chairman of Toyota Motor Corporation, was “a routine demand letter” and “it’s not an extortion”. Exhibit B. The federal judge held that Beres was merely exercising his and his client’s rights under the law:

“Delaney’s lawyer makes the allegation that plaintiff violated Delaney’s rights and then states ‘I hereby grant you seven days from the date of this letter to contact me with your offer to settle this case. If you fail to contact me by this date, I will commence legal action against you without further notice.’ The evidence is that letter was only given to the plaintiff in this case shortly before the state court complaint was filed and not with the full seven days. Even then it is a routine demand letter and it’s not an extortion. See *U.S. v. Jackson*, 180 F.3d 55, 61, that a claim of right is not an extortion.”

(emphasis added) Judge Liman further held that the information in the case was of no value to anyone and were not trade secrets.

“Number two, there has been no showing that any information Delaney has is of any commercial value to any third party or that there would be any benefit to Delaney from disclosing that information. The only value that the information apparently has -- at least in Delaney’s mind -- is as evidence in support of his claim against HC2.”

(emphasis added) Since any information was judicially determined to have no value, it would not have been possible to use it to “blackmail” Toyota.

17. Judge Liman read the order out loud in open court at a public hearing at which reporters, including a reporter from Law360, attended.

18. RELX’s Law360 has falsely and libelously written that plaintiffs have been accused of<sup>1</sup> crimes and are being sued for crimes. RELX has published that plaintiffs were accused of and sued for extortion, blackmail, a shakedown<sup>2</sup>, and stealing. Its headlines refer to the case as the “Extortion Case” or the “Blackmail Suit”. The whole purpose was to portray plaintiffs – attorneys in good standing for years - as criminals and persons being accused of and sued for crimes. However, none of these criminal terms or causes of action are contained in the SDNY complaint. The articles in question are not a “fair report”.

19. This false material clearly targeted Beres as the author of the employment demand letter. As is clear from the face of Beres’s letter at Exhibit B, and as ruled on by Judge Liman, it does not contain any of the false content ascribed to it by Law360. Firstly, there is no civil extortion in New York. Secondly, a predicate of extortion is a threat and a demand for money. On its face and per Judge Liman’s ruling, the Beres letter did not a) make a threat nor did it b) demand payment of money. In fact, there is no dollar amount demanded in the letter at all let alone “\$450,000”.

20. In 2021 and 2022, RELX recently published four defamatory articles about plaintiffs. Two articles refer to Beres by name and the others are followed by links to news reports naming him. See, e.g., “Ex-WilmerHale Temp Says White House Atty Lied For Toyota”

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<sup>1</sup> The dictionary states that “An accusation is a claim that someone is guilty of a crime or offense.”

<sup>2</sup> “Shakedown” is defined as “an act or instance of shaking someone down especially : extortion.”

(February 18, 2021) and “Toyota Stamps Out Bid To Unseal Ex-WilmerHale Temp's Case” (February 24, 2021).

21. The defamatory content in the four articles in 2021 and 2022 is presented chronologically below starting on February 24, 2021 as follows:

1. “Toyota Stamps Out Bid To Unseal Ex-WilmerHale Temp's Case”

February 24, 2021

22. On February 24, 2021, RELX’s Law360 published a story online with the headline: “Toyota Stamps Out Bid To Unseal Ex-WilmerHale Temp's Case.” This headline implies that Delaney worked for Wilmer Hale. The article also contains the following false and defamatory statement: “Hire Counsel then immediately outed Delaney as the John Doe in Florida by way of a Manhattan federal suit that accused him of stealing confidential information and extortion. That case is pending.” The Manhattan federal suit is a civil case for breach of contract. There is no case “pending” against Delaney for “stealing confidential information and extortion” since none was ever filed in the first place. It was RELX which published these false and defamatory accusations against plaintiffs.

2. “Ex-WilmerHale Temp Moves To DQ Judge In Employment Case”

December 20, 2021

23. On December 20, 2021, Law360 published a story online with the headline: “Ex-WilmerHale Temp Moves To DQ Judge In Employment Case.” The article contains the following false and defamatory statement:

“Law360 (December 20, 2021, 3:48 PM EST) -- A former WilmerHale document reviewer said U.S. District Judge Lewis J. Liman should be disqualified from overseeing a Southern



District of New York suit that accuses him of extorting his former law firm because of the judge's alleged previous employment there.”

(emphasis added) Law360 falsely and libelously wrote that Delaney was “accused” of “extorting his former law firm.” That is a very serious charge. Also, contrary to this libel, *Wilmer Hale is not Delaney’s “former law firm”*. This statement means, and would be interpreted by Law360’s readers in the legal industry as meaning or at least giving the impression, that Delaney, who is 59 years old, is a former partner in Wilmer Hale. Referring to a lawyer’s “former law firm” is usually understood to mean that he was a partner there, especially at Delaney’s age. This is common parlance in the legal industry. This is especially defamatory, as Law360 knew or should have known, because a law partner owes a duty of loyalty to his partners and the partnership. These statements clearly imply that Delaney was accused of breaching his duty to “his former law firm” when the truth is he was not a partner there and was instead an independent contractor for Toyota’s job agency (HC2). This is another false and defamatory statement about Delaney designed to make him look even worse as a supposed ex-member of Wilmer Hale who is extorting it and its partners.

3. “Agency Pans Ex-WilmerHale Temp's DQ Bid In Extortion Case”

January 4, 2022

24. On January 4, 2022, Law360 published a story online with the headline: “Agency Pans Ex-WilmerHale Temp's DQ Bid In Extortion Case.” The headline is libelous. It contains the following false and defamatory statement:

“HC2 sued Delaney, who'd worked on a Toyota matter as a Thai language reviewer for WilmerHale via a staffing agency, for allegedly trying to extort \$450,000 from the company, WilmerHale and the car maker, and for allegedly revealing Toyota's sensitive company information in a Florida lawsuit after they failed to pay up.”



(emphasis added) This quote clearly states that Delaney was *sued for extortion*.

4. “Court Rejects Recusal Bid In WilmerHale Extortion Suit”

January 6, 2022

25. On January 6, 2022, Law360 published a story online with the headline: “Court Rejects Recusal Bid In *WilmerHale Extortion Suit*.” (emphasis added) The headline is defamatory. It falsely asserts that Wilmer Hale sued Delaney for extortion. Wilmer Hale *did not sue* plaintiffs. HC2 sued Delaney but not for extortion, since there is no civil extortion in New York and *it is a crime*. RELX also accuses Beres of extorting Wilmer Hale by clear implication since he was acting for his client.

26. The article also contains the following false and defamatory statements:

“Law360 (January 6, 2022, 4:54 PM EST) -- A New York federal district court said Thursday that it would not recuse itself in a suit against a former WilmerHale document reviewer that accuses him of extorting the law firm, despite his argument that U.S. District Judge Lewis J. Liman should be disqualified because of his previous employment there....”

“Delaney was sued by H2C, the staffing agency that had hired him to review documents for WilmerHale, in April 2020. Delaney, who'd worked on a Toyota matter as a Thai language reviewer for WilmerHale, was accused of trying to extort \$450,000 from the agency, WilmerHale and the carmaker, and of revealing Toyota's sensitive company information in a Florida lawsuit after they failed to pay up.”

27. Sometime after the article was published and had already been widely read, Law360 removed the word “Extortion” from the January 6, 2022 article and changed this to read that Delaney was accused of “leaking sensitive law firm information”:

“A New York federal district court said Thursday that it would not recuse itself in a suit against a former WilmerHale document reviewer that accuses him of leaking sensitive law firm information, despite his argument that U.S. District Judge Lewis J. Liman should be disqualified because of his previous employment there.”

(emphasis added) After Delaney complained to it, Law360 partially changed some of the wording. However, *it actually made the story even worse* by now adding to the pile of defamation that the lawsuit against “a former WilmerHale document reviewer” “accuses him of leaking sensitive law firm information.” Unfortunately for RELX, that is *yet an additional false and defamatory statement about plaintiffs*. Nowhere in the HC2 complaint in the SDNY are plaintiffs accused of “leaking sensitive law firm information.” Neither of the words “leak” nor “sensitive” even appear in that complaint at all. This was never reported in Law360’s previous stories about the case, only the most recent (January 6, 2022). It looks like a new line of libel against plaintiffs which goes to the heart of RELX’s intentions. Also, while removing the word extortion and replacing it with this new libel, Law360 *expressly refused to remove the words extortion and blackmail from the earlier articles about the case*. It stubbornly stuck to its stories.

28. These articles slanderously depict plaintiffs and impute misconduct to them.

29. Such conduct is in direct violation of law and outside first amendment protection.

30. The defamatory content about plaintiffs spread like a disease including on social media and in other publications.

31. The damage to plaintiffs’ reputations does not have to be imagined. Defendants’ false and libelous statements, when considered alone and without innuendo, have a) negatively impacted plaintiffs’ trustworthiness and character and b) caused plaintiffs to be subject to distrust, ridicule, contempt, and disgrace. There are two bases for RELX’s statements to be considered to be defamatory per se in that they are a) statements charging a plaintiff with a serious crime and

b) statements that tend to injure another in his trade, business, or profession. Both plaintiffs are attorneys.

32. The defamatory statements defendants published were made by them at least negligently and without regard for the truth because they knew or should have known their statements to be false. RELX used the four above-quoted stories to scare people and to increase its readership and revenues at plaintiffs' expense during the second worst pandemic in U.S. history. It is important to note that this case has been the most read story in the almost 20-year history of Law360. Exhibit C.

33. As a direct and proximate result of defendants' defamatory actions, plaintiffs have suffered and continue to suffer damage, including, but not limited to, damage to their reputations, embarrassment, pain, humiliation, mental anguish, and they have sustained past and future loss of earnings. No client or employer would ever hire a lawyer or individual who is accused of and/or being sued for crimes.

34. At the time the false and damaging statements were published, defendants knew or should have known them to be false. Defendants made their statements at least negligently, and nonetheless, made and/or published the statements with an intent to indulge ill will, hostility, and an intent to harm, thus giving rise to the right to recover punitive damages in order to deter defendants from engaging in this conduct in the future and hopefully restore integrity to both defendants and the media as a whole.

WHEREFORE, plaintiffs demand:

- a) Judgment against defendants in the amount of Two Million Dollars (\$2,000,000) as compensatory damages.
- b) Twenty Million Dollars (\$20,000,000) as punitive damages.
- c) All taxable litigation costs, pre-judgment interest, and post-judgment interest.
- d) A trial by jury.

Dated: February 10, 2022

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