

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

MICHAEL T. FLYNN,

Plaintiff,

v.

FRED WELLMAN,
205 Bountiful Pointe Circle
Wildwood, Missouri 63040

Defendant.

Case No.: _____

COMPLAINT

JURY TRIAL DEMANDED

Introduction

1. Defendant Fred Wellman, former executive director of the Lincoln Project, has a history of participating in smear campaigns committed to destroying political rivals. Among the targets of Defendant's reckless smears is Lt. Gen. Michael T. Flynn, U.S. Army (ret.).

2. Specifically, Defendant repeatedly alleges on X (formerly Twitter) that General Flynn is a paid foreign agent working for Russian President Vladimir Putin.

3. These allegations are as vile as they are false. General Flynn has dedicated his career to safeguarding America's national security, as Defendant well knows, and is a staunch advocate for the preservation of American values and election integrity.

4. Defendant knew his statements were lies when he posted them and made the allegations with reckless disregard for the truth. Defendant has not retracted nor deleted his false statements on X, a global platform viewed by hundreds of millions of people daily. General Flynn seeks to hold Defendant accountable for his lies and provides the following in support of this Complaint.

Parties

5. Lieutenant General Michael Flynn, U.S. Army (ret.) (“General Flynn”) is an individual who is a resident of and citizen of the State of Florida.

6. Fred Wellman (“Defendant”) is an individual who is a resident and citizen of the State of Missouri.

Jurisdiction and Venue

7. This Court has subject matter jurisdiction over this cause of action pursuant to 28 U.S.C. § 1332 as there is complete diversity of citizenship and the amount in controversy exceeds \$75,000.

8. Defendant is subject to personal jurisdiction in Florida, pursuant to Florida’s long-arm statute, Fla. Stat. § 48.193, because Defendant committed the tortious act of defamation within the state of Florida by publishing his defamatory statements to individuals within this State, third parties in Florida accessed the defamatory material, and the defamatory statements were directed at a Florida resident, causing damages in Florida.

9. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because a substantial part of the events giving rise to this claim occurred in this judicial district. Specifically, the defamation, which is the basis of this lawsuit, was published in the Middle District of Florida in addition to all over the world. Over 10 million people—more than 55 percent of the State’s population—reside within the Middle District, thus making the alleged defamatory statements in this venue highly significant. General Flynn is a resident of Sarasota County and is domiciled in the Middle District of Florida. Defendant’s Tweets were directed at General Flynn and his family, friends, and associates in Florida and at Middle District of Florida residents who did in fact view and hear Defendant’s defamatory statements.

Factual Background

Background of General Flynn

10. General Flynn has dedicated his life to serving and protecting the United States. He served more than thirty-three (33) years in the United States Army, rising to the rank of Lieutenant General.

11. On April 17, 2012, President Barack Obama nominated General Flynn as the Director of the Defense Intelligence Agency (“DIA”) and the United States Senate subsequently confirmed that appointment. In this role, General Flynn was responsible for overseeing the DIA’s mission to provide

military intelligence to warfighters, defense policymakers, and force planners in the Department of Defense and the United States' broader Intelligence Community in support of United States military planning and operations and weapon systems acquisition.

12. General Flynn served as DIA Director until stepping down from that role on August 7, 2014, and subsequently retiring from the Army on September 30, 2014. Admiral Mike Rogers, then the director of the NSA, praised General Flynn as “the best intelligence officer of the past 20 years.”

13. In 2016, General Flynn became a foreign policy advisor to then-Republican presidential candidate Donald J. Trump. General Flynn continued to serve in this role through the election and on the transition team when it was announced that he would be incoming President Trump's selection for National Security Advisor (“NSA”).

14. General Flynn was then targeted by the FBI's weaponized “Crossfire Hurricane” and “Crossfire Razor” investigations of President Trump for supposed Russian collusion. General Flynn was subjected to three years of prosecution for supposedly lying in his interview with the FBI before finally being vindicated by the belated release of exculpatory evidence and the revelation that the “Crossfire” investigations lacked any credible predicate.

15. General Flynn is a staunch advocate for the preservation of American values and election integrity. General Flynn recently helped to

establish a bi-partisan election integrity initiative called “The America Project,” which is designed to train election monitors as well as educate the public on election reform issues.

16. More recently, General Flynn—among many others—publicly criticized the Biden Administration for its inept handling of the Russia-Ukraine conflict. He argued in a public letter dated February 24, 2022, that the Russian invasion of Ukraine was “totally avoidable” and that the failures of the Biden Administration in diplomacy and foreign policy contributed to the calamity that was unfolding at the time. General Flynn condemned the invasion while recognizing that the Biden Administration essentially invited Vladimir Putin to invade through its failed leadership.

17. General Flynn’s views of the invasion of Ukraine were hardly controversial and are shared by a great many conservative Americans. Indeed, according to a February 23, 2022, Reuters/Ipsos poll, twenty-five percent of Republicans blamed President Biden for the crisis in Ukraine.¹

Background of Defendant Fred Wellman

18. Defendant is a former executive director of The Lincoln Project, a notoriously anti-Trump organization. The Lincoln Project is a political action

¹ Jason Lange, *Broad majority of Americans support Russia sanctions – poll*, REUTERS (Feb. 23, 2022), available at <https://www.reuters.com/world/broad-majority-americans-support-russia-sanctions-poll-2022-02-24/>.

committee formed to undermine and destroy President Trump and anyone aligned with President Trump.

19. Defendant joined The Lincoln Project in July 2020 as a senior advisor for veteran affairs and was promoted to executive director in January 2021. Defendant is currently an advisor to The Lincoln Project.

20. The Lincoln Project raised tens of millions of dollars, mostly funneled to organizations run by its founders, by creating virulently anti-Trump video advertisements; repeatedly promoting false claims of collusion between President Trump, his associates, and Russia; and doxxing conservatives who supported President Trump. It even sent provocateurs carrying tiki torches to pose in front of a Glen Youngkin for Virginia Governor campaign bus, pretending to be his supporters, in a malicious attempt to paint Youngkin and his voters as white nationalists simply because of Youngkin's support for President Trump.

21. Defendant has similarly promoted the false claims of President Trump's collusion with Russia, and he lashes out at anyone who points out the entire collusion narrative, and subsequent investigations, arose from discredited Hillary Clinton's campaign smears. He has directed particular ire and malice toward General Flynn, incessantly tweeting and asserting as fact that General Flynn is a Russian agent being paid by Vladimir Putin and is a traitor to his country.

22. Defendant is a Beltway insider and savvy political operator with significant political connections. Indeed, even as he was shutting down a failed business and going into his second Chapter 7 bankruptcy, Defendant was offered the job of senior advisor for veteran affairs at the Lincoln Project after simply leaving a voicemail with one of the Lincoln Project founders. He was then promoted to executive director a mere five months later simply by texting his interest in the position to the board of directors.

23. Defendant portrays himself as a policy and political expert, trading on his status as a West Point graduate and former army officer.

24. Defendant is well known for his political connections and his supposed policy expertise, appearing regularly in the media to provide coverage and analysis on political topics and broadcasting to his over 289,500 followers on X.

25. Defendant makes a significant portion of his livelihood from his knowing smears and lies about prominent individuals, such as General Flynn, using the ensuing publicity to land interviews and paid appearances where he propagates those lies.

26. Because of his connections with politics, his military connections as a West Point graduate and former army officer, and his job as a political operative, Defendant had significantly more knowledge than an average

person about the inner workings of government, national political figures, and the news stories surrounding them.

27. Defendant was, therefore, knowing and calculated in his lies about General Flynn.

Defendant repeatedly accuses General Flynn of being a paid agent of Russia

28. On February 2, 2022, Defendant stated as fact that General Flynn is a paid agent of Vladimir Putin. He posted on X: “He’s a traitor. He’s being paid by Putin. Stop pretending Flynn hasn’t forsaken his oath to the nation for money.”:



29. On February 27, 2022, Defendant once again stated as fact that General Flynn is an agent of Russia:



Fred Wellman ✓
@FPWellman



Mike Flynn is a foreign agent.



Karen Piper @PiperK · Feb 27

Michael Flynn wrote another op-ed for Russia, saying Putin has "legitimate security concerns." westernjournal.com/breaking-flynn...

Our president rarely entertains questions or takes responsibility for his tone deafness and failures. The White House ignored — even laughed at — Putin's legitimate security concerns and ethnic unrest in the Ukraine.

We have yet to hear from the president of the United States an explanation of U.S. national security interests in the region.

Related: Op-Ed: Compared to How We Handled the Soviet Union, Current Response to Russia Is Jaw-Dropping

Instead, we continue to demonize Russia — reminiscent of the fake [Russia-collusion hysteria](#) we now know was perpetrated against the Trump administration by elements of the Clinton campaign and Obama administration (among others).

President Putin calculated this strategic, historic and geographic play and made the decision to move.

9:55 PM · Feb 27, 2022 · Twitter for iPhone

1,916 Retweets 134 Quote Tweets 7,855 Likes

30. On March 13, 2022, Defendant posted on X that General Flynn is “not a Putin apologist. He’s a paid [Russian] agent. Mike Flynn is a traitor and a bigot.”:



31. Approximately 289,500 X users follow Defendant’s X feed, including persons located in the state of Florida. In addition, Defendant’s defamatory posts were viewed by people who reside in Florida, including General Flynn, his family members, and his business associates.

Defendant's posts show malicious hatred of General Flynn

32. Defendant is not shy about his malice towards General Flynn. It is apparent from the repeated and incessant name-calling and invective comments directed toward General Flynn.

33. Defendant, however, demonstrates his malice in a far more fundamental way than his habitual name-calling. Defendant, because he is a well-informed and well-connected political insider, was fully aware at the time he made his defamatory statements that they were not true. Defendant knowingly and viciously lied about General Flynn for calculated, political purposes: to destroy General Flynn's reputation.

34. Defendant knew at the time he said it that General Flynn is not a paid agent of Russia or of Vladimir Putin. Defendant knew at the time he made those statements that the entire Russia collusion narrative—the “Crossfire” investigations, the Mueller investigation, the investigation of General Flynn for having a routine phone call with a Russian diplomat as the incoming NSA—was all predicated on an entirely discredited “dossier” created at the behest of the Hillary Clinton campaign.

COUNT I
(Defamation and Defamation *Per Se*)

35. General Flynn re-alleges and incorporates the above paragraphs.

36. Starting in 2022, and continuing to the present, Defendant has consistently published what he knows to be false and with reckless disregard for the truth, including the following false allegations and implications that are of and concerning General Flynn:

- a. that General Flynn is accepting money from Russian President Vladimir Putin;
- b. that General Flynn is an agent of Russia and/or Putin and is a traitor; and
- c. that by implication, General Flynn is therefore guilty of committing treason against the United States, a crime punishable by death.

37. These statements and implications are all categorically false.

38. Defendant's defamatory statements were published to millions of people on the Internet.

39. Defendant's defamatory statements are reasonably understood to be statements of fact, rather than mere hyperbole or opinion. By viewing the hundreds of reader comments in response to Defendant's defamatory statements, it is readily apparent that the vast majority of actual readers of these statements understood them as assertions of fact.

40. These reader comments, which display animus and contempt for General Flynn, amply demonstrate the damage and injury to General Flynn's reputation.

41. Defendant's defamatory statements have directly and proximately caused General Flynn to suffer significant damages in Florida, where he lives and does business, including damage to his reputation, humiliation, embarrassment, and mental anguish, all of which are ongoing in nature and will be suffered in the future. These damages were foreseeable to Defendant.

42. Defendant, therefore, is liable for compensatory damages.

43. Defendant is also liable for punitive damages because of the wanton and outrageous nature of the defamation. Because Defendant had a specific intent to harm General Flynn and because Defendant's false statements did harm General Flynn, there is no statutory cap on such damages.

44. Defendant's statements are also defamatory *per se*.

45. Defendant's defamatory statements outright accuse or imply that General Flynn committed one of the most serious crimes imaginable for a three-star general: treason against his country on behalf of Russia and Vladimir Putin. Moreover, such accusations impute to General Flynn's conduct that would make him unfit to properly exercise his lawful business of promoting election integrity and transparency and of promoting pro-America

policies, organizations, and political candidates. Defendant's knowingly false statements demonstrate common law express malice, actual malice, egregious defamation, and insult.

46. Because of Defendant's actual knowledge of the falsity of the Russia Collusion narrative and his actual knowledge of General Flynn's thirty-three years of honorable service to the United States, Defendant's statements were knowingly false and made with actual malice.

COUNT II
(Injurious Falsehood)

47. General Flynn re-alleges and incorporates the above paragraphs.

48. General Flynn is currently engaged in the business of promoting election integrity and reform.

49. Defendant's false statements, accusing General Flynn of being a paid agent of the Russian government and implying that or accusing General Flynn of committing treason against the United States on behalf of Russia and Vladimir Putin, directly concern General Flynn's business.

50. Defendant intended for his false statements to destroy General Flynn's reputation, to ruin his ability to participate in politics, elections, and policy advocacy, and to harm him financially. Defendant reasonably recognized and intended that the publication of his statements about General Flynn would result in pecuniary losses.

51. General Flynn has suffered direct pecuniary losses as a result of Defendant's accusations, including costs associated with lost business opportunities and money spent to defend his own reputation, in an amount to be proven at trial.

Prayer For Relief

WHEREFORE, Plaintiff Michael T. Flynn demands judgment against Defendant Fred Wellman as follows:

- a. An award of compensatory, special, and punitive damages of \$150,000,000;
- b. Injunctive relief prohibiting the publication or republication of the defamatory statements;
- c. An award of Plaintiff's costs associated with this action; and
- d. Such other and further relief as the Court deems just and appropriate to protect Plaintiff's rights and interests.

Demand for Jury Trial

Plaintiff demands a trial by jury on all issues so triable.

Dated: November 2, 2023

Respectfully, submitted

/s/ Jared J. Roberts

Jared J. Roberts

(Fl. Bar No. 1036550)
Shawn M. Flynn
(Fl. Bar No. 1040911)
BINNALL LAW GROUP, PLLC
717 King Street, Suite 200
Alexandria, Virginia 22314
Phone: (703) 888-1943
Fax: (703) 888-1930
Email: jared@binnall.com
shawn@binnall.com

Counsel for Plaintiff