

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION**

DONALD J. TRUMP,

PLAINTIFF,

v.

CABLE NEWS NETWORK, INC.

Serve on:

**C T CORPORATION SYSTEM
1200 SOUTH PINE ISLAND ROAD
PLANTATION, FL 33324**

DEFENDANT.

CASE NO. _____

COMPLAINT AND JURY DEMAND

Introduction

1. The Plaintiff, President Donald J. Trump, has been a long-time critic of the Defendant, Cable News Network, Inc. (“CNN”)—not because CNN does a bad job of reporting the news, but because CNN seeks to create the news (“fake news,” as the Plaintiff has characterized it in public statements). Beyond simply highlighting any negative information about the Plaintiff and ignoring all positive information about him, CNN has sought to use its massive influence—purportedly as a “trusted” news source—to defame the Plaintiff in the minds of its viewers and readers for the purpose of defeating him politically, culminating in CNN claiming credit for “[getting] Trump out” in the 2020 presidential election. CNN’s campaign of dissuasion in the form of libel and slander against the Plaintiff has only escalated in recent months as CNN fears the Plaintiff will run for president in 2024. As a part of its concerted effort to tilt the political balance to the Left, CNN has tried to taint the Plaintiff with a series of ever-more scandalous, false, and defamatory labels of “racist,” “Russian lackey,” “insurrectionist,” and ultimately “Hitler.” These

labels are neither hyperbolic nor opinion: these are repeatedly reported as true fact, with purported factual support, by allegedly “reputable” newscasters, acting not merely with reckless disregard for the truth of their statements (sufficient to meet the definition of the legal standard for “actual malice”) but acting with real animosity for the Plaintiff and seeking to cause him true harm (the way “actual malice” commonly is understood). CNN has been given the dreaded “Pants on Fire!” designation by PolitiFact for its stories comparing Trump to Hitler. Still, it persists, requiring the time and expense of filing the instant lawsuit.

2. Even though the actual malice standard is met here, in circumstances like these, the judicially-created policy of the “actual malice” standard should not apply because “ideological homogeneity in the media—or in the channels of information distribution—risks repressing certain ideas from the public consciousness just as surely as if access were restricted by the government.”¹ Suits like these do not throttle the First Amendment, they vindicate the First Amendment’s marketplace of ideas.

3. As the late Judge Silberman noted:

It should be borne in mind that the first step taken by any potential authoritarian or dictatorial regime is to gain control of communications, particularly the delivery of news. It is fair to conclude, therefore, that one-party control of the press and media is a threat to a viable democracy. It may even give rise to countervailing extremism. The First Amendment guarantees a free press to foster a vibrant trade in ideas. But a biased press can distort the marketplace. And when the media has proven its willingness—if not eagerness—to so distort, it is a profound mistake to stand by unjustified legal rules that serve only to enhance the press’ power.

Id.

¹ *Tah v. Glob. Witness Publ'g, Inc.*, 991 F.3d 231, 255 (D.C. Cir.), *cert. denied*, 211 L. Ed. 2d 252, 142 S. Ct. 427 (2021) (Silberman, S.J., dissenting).

Jurisdiction, Parties, and Venue

4. Jurisdiction for this cause of action lies within this Court through 28 U.S.C. § 1332.

This is an action for defamation and the parties are diverse in citizenship.

5. The Plaintiff, PRESIDENT DONALD J. TRUMP, is a citizen and resident of the State of Florida.

6. The Defendant, CNN, is a corporation based and operating in the State of Georgia and is therefore diverse in citizenship to Plaintiff through 28 U.S.C. § 1332(c)(1).

7. The amount of damages sought in this cause of action exceeds \$75,000.00, thus meeting the requirements of 28 U.S.C. § 1332(a).

8. The Court may exercise personal jurisdiction over the Defendant, CNN, pursuant to Fla. Stat. § 48.193(1)(a)(2) because CNN committed the tortious act of defamation within the state of Florida by broadcasting its defamatory statements to individuals within the state.² Further, because CNN conducts business in Florida and has registered in Florida as a foreign corporation, it has sufficient minimum contacts with the state so as to satisfy the due process requirements of the Constitution.³

² *Internet Sols. Corp. v. Marshall*, 39 So. 3d 1201, 1215 (Fla. 2010) (“By posting allegedly defamatory material on the Web about a Florida resident, the poster has directed the communication about a Florida resident to [viewers] worldwide, including potential [viewers] within Florida. When the posting is then accessed by a third party in Florida, the material has been ‘published’ in Florida and the poster has communicated the material ‘into’ Florida, thereby committing the tortious act of defamation within Florida.”); *Wendt v Horowitz*, 822 So.2d 1252, 1260 (Fla. 2002) (holding that “telephonic, electronic, or written communications into Florida may form the basis for personal jurisdiction” under Florida’s long-arm statute when “the alleged cause of action arises from the communications[.]”).

³ *Int’l Shoe Co. v. Washington*, 326 U.S. 310, 320-21 (1945) (holding that when a corporation “exercises the privilege of conducting activities within a state, it enjoys the benefits and protections of the laws of that state,” thereby making it “reasonable and just according to our traditional conception of fair play and substantial justice” to permit the corporation to be sued within the state); *Rose’s Stores, Inc. v. Cherry*, 526 So. 2d 749, 752 (Fla. Dist. Ct. App. 1988)

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

a. The defamatory statements that form the basis of this lawsuit were published to and in South Florida, in addition to all over the world. As a result, CNN's defamatory statements were accessed and viewed by individuals in South Florida.⁴ South Florida has a population of approximately ten million people, making the alleged defamatory statements in this venue significant.

b. Because the defamatory statements were published in South Florida, a substantial part of the events giving rise to the instant claim occurred in this judicial district.

c. The Plaintiff is a resident of South Florida and is domiciled in South Florida.

d. The Defendant does business in South Florida and has registered in Florida as a foreign corporation, voluntarily choosing to have its registered agent in Broward County, which is where this Court is located.

Satisfaction of Condition Precedent

10. The Plaintiff provided notice to the Defendant, as required by Fla. Stat. § 770.01, and satisfied all conditions precedent to the filing of this lawsuit. A true and correct copy of the Fla. Stat. § 770.01 Notice Letter ("Notice Letter") is attached hereto. *See* Exhibit A (attachments to Notice Letter omitted). CNN has not complied with the Plaintiff's demands for retractions of the defamatory statements by way of publishing any such retractions. Instead, and as confirmed by email, dated July 29, 2022, CNN refused to comply, ratifying its position.⁵

(holding that when a foreign corporation (1) is qualified to do business in Florida, and (2) has a registered agent in the state, the "minimum contacts requirement is met.").

⁴ *Lowery v. McBee*, 322 So. 3d 110, 117 (Fla. Dist. Ct. App. 2021) (holding that, in a defamation suit, venue is proper where the defamatory statements were published and accessed).

⁵ The operative language of CNN's email is:

Factual Allegations

I. Background

A. A News Network That Purports to be Trusted and Honored

11. CNN holds itself out as “the most honored brand in news” and “the most trusted name in news.” It touts “reaching more individuals on television and online than any other news organization in the United States.”⁶

CNN | The Most Trusted Name in News

edition.cnn.com > services > trusted

November 7, 2021 - Find the latest breaking news and information on the top stories, weather, business, entertainment, politics, and more. For in-depth coverage, CNN provides special reports, video, audio, photo galleries, and interactive guides.



Press Announcements

Transcripts

CNN Anchors & Reporters

Press Contacts

About CNN

CNN Worldwide is the most honored brand in news, reaching more individuals on television and online than any other news organization in the United States. Globally, CNN International is the most widely distributed news channel. CNN Digital is the #1 online news destination, with more unique visitors and video viewers than any other news source. CNN's award-winning portfolio also includes CNN Original Series, which develops non-scripted programming for television via commissioned projects, acquisitions and in-house production. CNN Films produces, commissions and acquires documentary feature and short films for theatrical and festival exhibition, as well as for broadcast and other distribution across CNN's multiple platforms. Additionally, CNN Newsource is the world's most extensively utilized news service partnering with over 1,000 local and international news organizations around the world. CNN is a division of WarnerMedia.

CNN has had the opportunity to review your letter of July 21, 2022, and to evaluate your demand to take down and retract the 34 articles and television segments you identify as defamatory, and to cease referring to representations made by former President Trump regarding the outcome of the 2020 presidential election as “lies.” We decline your request.

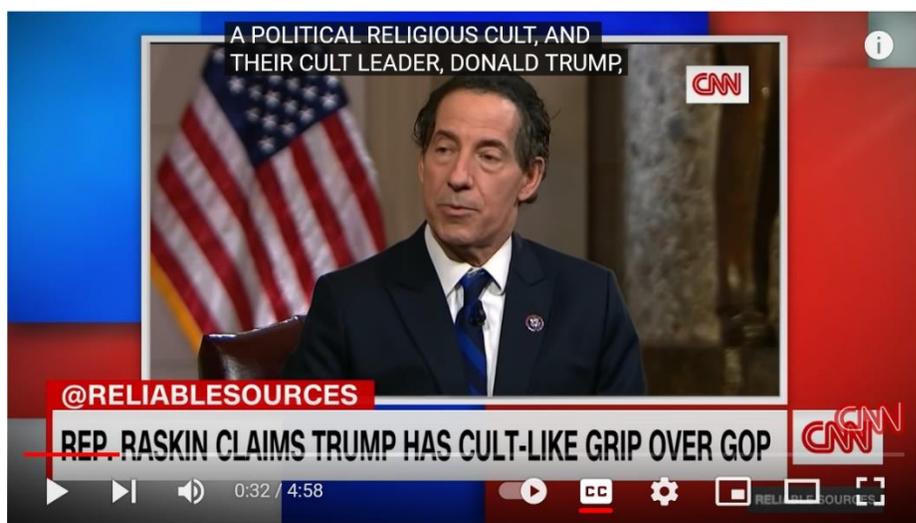
While we will address the merits of any lawsuit should one be filed, we note that you have not identified a single false or defamatory statement in your letter. It is well-established that the outcome of the 2020 presidential election was unaffected by fraud, as verified by the dismissal of no fewer than 50 lawsuits by judges across the United States asserting otherwise, the sanctioning of multiple attorneys for making unsubstantiated election-fraud claims, and investigations conducted by the Department of Justice, Congress, and various state and local bodies.

As to your preservation demand, we will preserve the relevant materials to the extent required by law. We send this response without waiver of CNN's rights and remedies, all of which are expressly reserved.

⁶ <https://cnnpressroom.blogs.cnn.com/cnn-fact-sheet/> (last visited Aug. 20, 2022).

B. A News Network That Uses Its Platform to Propagate Its Politics

12. Purporting to be a “trusted” news source, CNN’s anchors have denounced a competing network as providing a “buffet of cultural war cuisine” and “predictably hypocritical.”⁷ Meanwhile, CNN has undertaken a smear campaign to malign the Plaintiff with a barrage of negative associations and innuendos, broadcasting commentary that he is like a cult leader,⁸ a Russian lackey,⁹ a dog whistler to white supremacists,¹⁰ and a racist.¹¹ It is the stuff of tabloids cloaked as “honored” news.



13. CNN’s reporting on the Plaintiff in recent years has consistently fed a narrative to denounce the Plaintiff’s legitimacy and competency. The reporting is results-oriented, as betrayed in an undercover video: A CNN employee was filmed discussing the Defendant’s coverage of the

⁷ <https://transcripts.cnn.com/show/cnr/date/2021-03-05/segment/07> (last visited Aug. 20, 2022).

⁸ <https://www.cnn.com/videos/media/2022/01/09/donald-trump-cult-diane-benscoter-rs-vpx.cnn> (last visited Aug. 20, 2022).

⁹ <https://www.cnn.com/videos/tv/2018/11/09/lead-panel-1-live-jake-tapper.cnn> (last visited Aug. 20, 2022).

¹⁰ <https://www.cnn.com/videos/politics/2020/07/19/sotu-pressley-suburb.cnn> (last visited Aug. 20, 2022).

¹¹ <https://www.cnn.com/2020/07/14/politics/donald-trump-police-brutality/index.html> (last visited Aug. 20, 2022).

2020 presidential election.¹² The employee boasted that CNN helped to defeat the Plaintiff in the 2020 election and called the Defendant, his employer, “propaganda”: “Look at what we did, we got Trump out...I am 100% going to say it. And I 100% believe it that if it wasn’t for CNN, I don’t know that Trump would have got voted out.” *Id.*

14. The statements by this CNN employee celebrating its media bias are consistent with published statements by CNN commentators.

C. From Reporting News to Propagating Political Beliefs to Intentional, Willful, and Malicious Libel and Slander

15. Most notably, and, the subject of this complaint, is CNN’s persistent association of the Plaintiff to Adolf Hitler and Nazism. When labels like “racist,” “Russian lackey,” and “insurrectionist” did not have the desired effect to undermine the Plaintiff’s candidacy when running for President or the Plaintiff’s accomplishments as President, CNN upped the stakes to conjure associations between the Plaintiff and arguably the most heinous figure in modern history. CNN’s persistent use of ever-increasing defamatory characterizations of the Plaintiff up to and including comparing him to Hitler and Nazism demonstrates that it published its defamatory statements about the Plaintiff with actual malice.

16. On January 9, 2022, CNN aired its “Special Report”: “The Fight to Save Democracy” by CNN anchor Fareed Zakaria.¹³ In the promotional video for the program, Zakaria states: “Democracy everywhere is under attack. But remember, America has been here before. America has vanquished demagogues before. So how do we do it now?”¹⁴

¹² <https://www.washingtonexaminer.com/news/cnn-director-boasts-removing-trump-from-office-spreading-propaganda> (last visited Aug. 20, 2022).

¹³ <https://edition.cnn.com/2022/01/09/opinions/fareed-zakaria-the-fight-to-save-american-democracy-op-ed/index.html> (last visited Aug. 20, 2022).

¹⁴ <https://vimeo.com/661257999> (last visited Aug. 20, 2022).

If Trump “wins the nomination and it’s a close election, we will almost certainly face a constitutional crisis,” Zakaria said in urging Republicans to join more level-headed Democrats to “save American democracy.”



The report goes on to discuss the Plaintiff’s challenge to election integrity in the 2020 presidential election and that democracy is under attack—not because of potential fraud in the election process but because the Plaintiff questioned the election results. *Id.* A focal point of the report is a discussion of the ascendancy of Hitler and comparisons to the Plaintiff, interspersing discussion of Hitler and Nazi Germany with footage of the Plaintiff. *Id.* Zakaria states in the report, “Let’s be very clear. Donald Trump is not Adolf Hitler.” *Id.* But the disclaimer is lost in an otherwise direct and graphic analogy.

17. The effect on viewers is apparent from responses to the program on Twitter¹⁵: “Excellent and chilling. The parallels with the rise of Hitler are obvious and undeniable right down to the lies and conspiracy theories;” “Fareed Zakaria lays out the ways in which this threat is real and parallels historical threats;” “*The similarity between Hitler in 1930s Germany and Trump in 2016 are notorious. And the way you made the segment by on and off alternate images of both. Even if not apparent before, you made it now.*” *Id.* (emphasis added).



¹⁵ <https://twitter.com/FareedZakaria/status/1480611413777436683> (last visited Aug. 20, 2022).



18. On August 25, 2019, CNN broadcast on its “Reliable Sources” program hosted by then-anchor Brian Stelter, an interview with psychiatrist, Allen Frances. In the broadcast, Frances claimed that “Trump is as destructive a person in this century as Hitler, Stalin, and Mao were in the last century.”¹⁶ Frances’ statements were analyzed by PolitiFact, a website that holds itself out as “a fact-checking website that rates the accuracy of claims by elected officials and others on its Truth-O-Meter.”¹⁷ PolitiFact determined that Frances’ statements regarding the Plaintiff merited the “Pants on Fire!” rating of untruth.¹⁸

¹⁶ <https://www.cnn.com/videos/tv/2019/08/25/exp-two-psychiatrists-discuss-coverage-of-trump.cnn> (last visited Aug. 20, 2022).

¹⁷ <https://www.politifact.com/> (last visited Aug. 19, 2022).

¹⁸ <https://www.politifact.com/factchecks/2019/aug/26/allen-frances/pants-fire-claim-donald-trump-has-much-blood-his-h/> (last visited Aug. 20, 2022).



CNN recently cancelled Stelter’s “Reliable Sources” program, which was made public on August 18, 2022. Reporting on the cancellation identifies Stelter’s historic bias against the Plaintiff, Republicans, and non-liberal news outfits.¹⁹

19. Additional “reporting” by CNN that associates the Plaintiff with Hitler include,

a. A March 20, 2019 broadcast with the headline “Top House Democrats Compare Trump’s rise to Hitler’s.”²⁰ The “reporting” is nothing more than self-serving pronouncements by political opponents of the Plaintiff and their news proxy (and political participant), CNN.

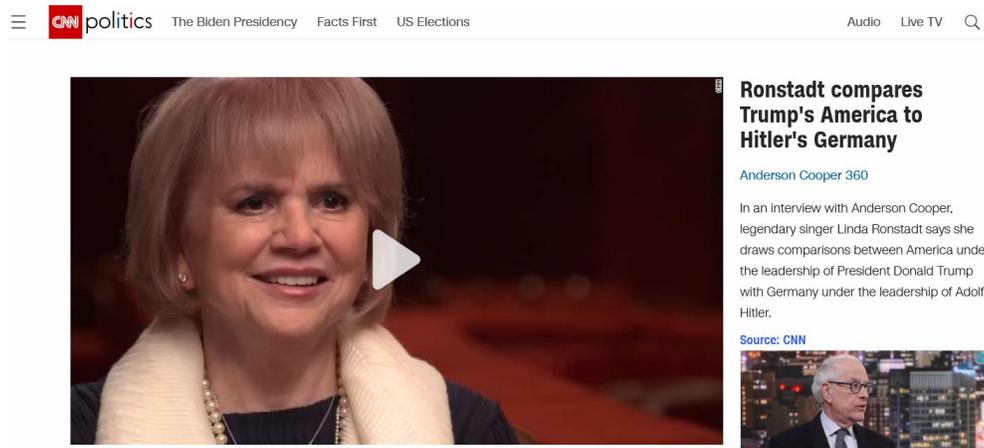


b. On December 31, 2019, CNN’s Anderson Cooper interviewed singer Linda Ronstadt on her views of the Plaintiff and her “comparisons between America under the

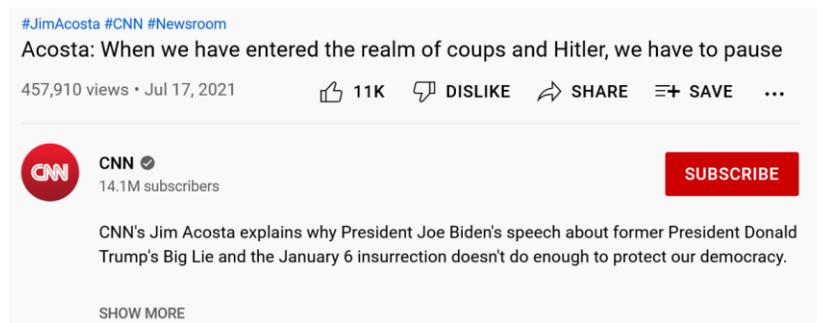
¹⁹ See e.g., <https://www.foxnews.com/media/brian-stelter-dropped-cnn-why-reliable-sources-host-shown-door> (last visited Aug. 19, 2022); see also <https://variety.com/2022/tv/news/brian-stelter-cnn-reliable-sources-exit-1235344815/> (last visited Aug. 19, 2022).

²⁰ <https://edition.cnn.com/2019/03/20/politics/james-clyburn-trump-hitler-comparison/index.html> (last visited Aug. 19, 2022).

leadership of President Donald Trump and Germany under the leadership of Adolf Hitler.”²¹ No matter how lovely a voice she may have, Ronstadt is a singer, not a historian. The interview is merely a pretext to repeat CNN’s message under the guise of real “reporting.” More problematic is the use of celebrities to propagate CNN’s message.



c. On July 17, 2021, Jim Acosta, host of CNN’s News Room, stated, “When we have entered the realm of coups and Hitler, we have to pause.”²² This statement is the title of CNN’s YouTube post of the broadcast segment. *Id.* The segment of the broadcast begins with Acosta stating, “This week, President Biden took on the “Big Lie” and the insurrection.” *Id.*



²¹ <https://edition.cnn.com/videos/politics/2019/12/31/linda-ronstadt-trump-hitler-ac-sot-vpx.cnn> (last visited Aug. 19, 2022).

²² <https://www.youtube.com/watch?v=SDaqjgdsel0> (last visited Aug. 19, 2022); *see also* <http://www.cnn.com/TRANSCRIPTS/2107/17/cnr.06.html> (last visited Aug. 20, 2022).

20. A search across a news database for instances in which “Trump” appears within 10 words of “Hitler” or “Nazi” in CNN broadcasts since November 2016 produces at least 645 results.²³

21. As evidenced in Tweets following Fareed Zakaria’s January 9, 2022 “Special Report,” viewers took their cues from CNN: “*The similarity between Hitler in 1930s Germany and Trump in 2016 are notorious.*”²⁴ The effectiveness of CNN’s propaganda on its viewers is demonstrated in opinion polls. For instance, an NBC News/Wall Street Journal poll from 2019 found that 99 percent of CNN viewers believed that the Plaintiff lied about the Russia investigation.²⁵ CNN’s attempt to malign the Plaintiff has had the desired effect on its viewers.

II. Defamation That Is the Subject of This Complaint

A. CNN’s Use of the “Big Lie,” a Concept Tied to Adolf Hitler, to Describe the Plaintiff

22. One of the most pervasive associations between the Plaintiff and Hitler that CNN has employed is its use of the term the “Big Lie” in relation to the Plaintiff’s stated concerns about the integrity of the election process for the 2020 presidential election.

23. In its campaign of dissuasion, CNN has branded the Plaintiff as one who subscribes to the notion of the “Big Lie.” The “Big Lie” is a direct reference to a tactic employed by Adolf Hitler and appearing in Hitler’s *Mein Kampf*. As commonly understood: “If you tell a lie big

²³ See Westlaw News Database Search: advanced: (Trump /10 (Hitler Nazi)) & DA(aft 11-01-2016) & SO(CNN “Cable News Network”).

²⁴ <https://twitter.com/FareedZakaria/status/1480611413777436683> (last visited Aug. 20, 2022) (emphasis added).

²⁵ <https://www.newsbusters.org/blogs/nb/kyle-drennen/2019/03/04/proof-bias-poll-finds-99-cnn-viewers-think-trump-lied-about-russia> (last visited Aug. 20, 2022).

enough and keep repeating it, people will eventually come to believe it.”²⁶ The “Big Lie” was used by Hitler to incite hatred of the Jews and to convince people to ostracize Jewish people. It was an entire propaganda campaign to justify Jewish persecution and genocide. The phrase is not taken lightly and is not bandied about blithely. CNN anchors and commentators understand this. They have not used it against other political leaders and previously criticized political analogies to Nazi Germany and to Hitler.

24. In a CNN broadcast on September 4, 2012,²⁷ CNN Anchor Ashleigh Banfield discussed a statement by the then-chair of the Democratic Party in California, John Burton. Banfield noted that Burton “actually compared Republicans to Nazis.” *Id.* She read Burton’s statement during the broadcast: “They lie and they don’t care if people think they lie. As long as you lie, Joseph Goebbels, the big lie, you keep repeating it, you know.” *Id.* Banfield continued with background on Goebbels, a Nazi propagandist under Hitler. *Id.* Paul Steinhauser, a CNN Political Director appearing on Banfield’s show, responded: “No, not cool. The Nazi comparisons never work in politics. This is another example of why you don’t or should not do that.” *Id.* Banfield stated: “I’m getting sick of both parties calling people Nazis...It’s stupid and sick.” *Id.*

25. The sentiments relayed by Banfield and Steinhauser bear little resemblance to current attitudes at the network. CNN has adopted the “Big Lie” as its turn of phrase to describe the Plaintiff and the Plaintiff’s concerns over election integrity. The repeated use of the “Big Lie” in relation to the Plaintiff is not innocently rendered, but rather a deliberate effort by CNN to propagate to its audience an association between the Plaintiff and one of the most repugnant figures

²⁶ See e.g., <https://www.jewishvirtuallibrary.org/joseph-goebbels-on-the-quot-big-lie-quot> (last visited Aug. 19, 2022); see also <https://www.cnn.com/2021/07/05/politics/trump-disinformation-strategy/index.html> (associating the Plaintiff with the “Big Lie” tactic) (last visited Aug. 19, 2022).

²⁷ <https://transcripts.cnn.com/show/cnr/date/2012-09-04/segment/03> (last visited Aug. 19, 2022).

in modern history. As CNN's Editor-at-Large notes: "the insidiousness of Trump's big lie" is like an ear worm "wheedling [its] way into the consciousness of the public."²⁸ These associations have an impact on CNN's audience, as can be seen in the viewer responses above.

B. CNN's Willful and Continued Use of the "Big Lie" Characterization

26. On June 15, 2022, CNN's new Chairman and Chief Executive Officer Chris Licht reportedly held a conference call with top CNN producers in which he expressed displeasure with the use of "Big Lie."²⁹ Since then, CNN's on-air personalities—including John King, Jake Tapper, John Avlon, Brianna Keilar, and Don Lemon, among others—have continued to use the phrase in describing the Plaintiff and the Plaintiff's questions of election integrity despite an apparent admonition from their Chief Executive Officer.

27. Reportedly, the term "Big Lie" has been used in reference to the Plaintiff more than 7,700 times on CNN since January of 2021. *Id.*

28. Of the estimated 7,700 times that CNN has used the term the "Big Lie" in reference to the Plaintiff, five examples that were provided in the Plaintiff's Notice Letter that CNN refused to retract are the following:

a. On January 25, 2021, CNN published an article written by Ruth Ben-Ghiat, a "frequent contributor to CNN Opinion," entitled "Trump's big lie wouldn't have worked without his thousands of little lies."³⁰ Ben-Ghiat wrote, "This is Trump's 'Big Lie,' a

²⁸ <https://www.cnn.com/2022/02/11/politics/trump-big-lie-2020-election-poll/index.html> (last visited Aug. 19, 2022).

²⁹ <https://www.foxnews.com/media/cnn-stars-continue-using-big-lie-term-trump-flouting-new-boss-prefers-different-phrase> (last visited Aug. 20, 2022).

³⁰ <https://www.cnn.com/2021/01/25/opinions/big-lie-ben-ghiat/index.html> (last visited Aug. 20, 2022).

brazen falsehood with momentous consequences.” *Id.* Ben-Ghiat likened the Plaintiff to an authoritarian dictator, writing:

Trump, a leader of authoritarian intentions and tendencies, had disadvantages with respect to the foreign autocrats he so admires. He had no state media, like China's Xi Jinping. He could not rule by decree, like Hungary's Viktor Orbán. He had to govern and run for reelection in an open society with a relatively robust free press. Moreover, although he succeeded in making journalists into hate objects for many of his followers, he could not revoke or destroy the First Amendment.

So Trump took a different tack, unleashing a barrage of disinformation common in authoritarian states but without precedent in the history of the American presidency. He told more than 30,000 documented lies in public (30,573 was *The Washington Post's* final tally), on Twitter, at rallies and in interviews. If taken as an average, it would come out to 21 lies per day over his four-year term.

Id.

b. On July 5, 2021, CNN published an article written by Chris Cillizza, CNN Editor-at-Large, entitled “Donald Trump just accidentally told the truth about his disinformation strategy.”³¹ In this article, CNN’s Editor-at-Large likens the Plaintiff to Nazi propagandist Joseph Goebbels: “One can only hope that Trump was unaware that his quote was a near-replication of this infamous line from Nazi Joseph Goebbels: ‘If you tell a lie big enough and keep repeating it, people will eventually come to believe it.’” *Id.*

c. On September 15, 2021, CNN published an article written by Chris Cillizza, CNN Editor-at-large, entitled, “Donald Trump’s Mental Health becomes an issue again.”³² In this article, CNN Editor-at-Large wrote that President Trump “continued to push *the Big*

³¹ <https://www.cnn.com/2021/07/05/politics/trump-disinformation-strategy/index.html> (last visited Aug. 20, 2022).

³² <https://www.cnn.com/2021/09/15/politics/donald-trump-mental-health-mark-milley/index.html> (last visited Aug. 20, 2022).

Lie that the election was somehow stolen despite there being *zero actual evidence* to back up that belief.” *Id.* (emphasis added).

d. On January 16, 2022, CNN aired a television show entitled “State of the Union” that included host Jake Tapper making the following comments³³:

TAPPER: Over the weekend, while Martin Luther King III was in Arizona rallying to expand voting rights, *Donald Trump was*, the same day, in the same state, doing the exact opposite, *continuing to push his big lie*.

(BEGIN VIDEO CLIP)

TRUMP: Last year, we had a rigged election, and the proof is all over the place.

They always talk about the big lie. They're the big lie.

(END VIDEO CLIP)

TAPPER: There is a reason Trump was in Arizona, to push the legislature to disenfranchise the state's voters based on all of *his deranged election lies*.

Id. (emphasis added).

e. On February 11, 2022, CNN published an article written by Chris Cillizza, CNN Editor-at-Large, entitled “Here’s the terrible reality: Trump’s election lie is on the march” and with a link entitled “New poll suggests Trump 2020 election lie is working.”³⁴

In the article, Cillizza claims:

This is the insidiousness of Trump's big lie. It's like an earworm -- you may hate the song but you just keep finding yourself humming it in the shower. Trump has created a constant low-level buzz within the American electorate that something is wrong with the way we conduct elections. That he has no proof doesn't seem to matter; by sheer repetition, his false claims are wheedling their way into the consciousness of the public.

Id.

³³ <https://transcripts.cnn.com/show/sotu/date/2022-01-16/segment/01> (last visited Aug. 20, 2022).

³⁴ <https://www.cnn.com/2022/02/11/politics/trump-big-lie-2020-election-poll/index.html> (last visited Aug. 20, 2022).

29. CNN’s highly defamatory and persistent association of the Plaintiff to Hitler and Hitler’s “Big Lie” is no mistaken misappropriation. It is wanton and malicious “reporting” intended to feed a narrative and to achieve a desired end: to cause readers and viewers to associate the Plaintiff with the lowest of low, to fear him, to not vote for him, and to support campaigns against him. The inflammatory “reporting” is not intended to help discover truth or actual facts or to help educate readers and viewers to come to their own informed decisions. It is intended to aggravate, scare, and trigger people. Indeed, the Hitler characterization is one that courts across jurisdictions have historically considered defamation *per se*.³⁵

C. CNN’s Malicious Selective Use of the “Big Lie” Characterization to Single Out the Plaintiff

30. CNN has singled out the Plaintiff as a purveyor of the “Big Lie” while choosing not to challenge others who have suggested election infirmities.

31. When Stacey Abrams lost the Georgia governor’s race in November 2018, she claimed the election was stolen from her, a claim that she repeated in her 2019 State of the Union response:

In response to what I believe was a stolen election—I’m not saying they stole it from me, they stole it from the voters of Georgia. I cannot prove empirically that I would’ve won, but we will never know. And so what I demanded on November 16 was a fair fight because you see, voter suppression is as old as America.³⁶

³⁵ See e.g., *State v. Guinn*, 208 Tenn. 527, 532–33, 347 S.W.2d 44, 46–47 (1961) (holding that publication in a newspaper that a District Attorney General used “Hitler-like tactics” in his investigations was libelous *per se* because “[w]hen we apply this term to a District Attorney General, who is a quasi-judicial officer representing the State, and who is presumed to act impartially and in the interest of justice, *it clearly infers that this officer in his acts is guilty of official oppression.*”) (emphasis added); *O’Donnell v. Philadelphia Rec. Co.*, 356 Pa. 307, 312–13, 51 A.2d 775, 777 (1947) (holding that defendants committed libel *per se* when they accused a news reporter of being a Naziphile in sympathy with Hitler’s liquidation of Jews); and *Goodrich v. Rep. Pub. Co.*, 199 S.W.2d 228, 230 (Tex. Civ. App. 1946), *writ refused* (finding publishing company liable for libel *per se* for an article stating the plaintiff was pro-Nazi).

³⁶ <https://www.cnn.com/2019/04/03/politics/abrams-kemp-voter-suppression/index.html> (last visited Aug. 20, 2022).

32. Abrams was interviewed on November 19, 2018, by then-CNN anchor Chris Cuomo about her election loss and challenges to election integrity. In her interview, she claimed “machines . . . were flipping names because of the antiquated nature of our machines. We had people who were purged from the rolls unlawfully . . . We had new citizens who were denied the right to register. We had thousands who were placed on hold.”³⁷ Cuomo did not challenge these claims, but asked Abrams how her initiative (Fair Fight Georgia) would fix the problems identified. *Id.* Cuomo noted that “anything that makes the process more fair, is good.” *Id.*

33. CNN has not referred to Stacy Abrams as lying or perpetuating a “Big Lie,” even in the absence of data supporting her claims of a rigged election. Instead, CNN recognized challenges to election integrity as valid and credible when addressed through a different political lens.

34. Going back further, to 2016, CNN also failed to challenge Democrats who gave numerous televised statements claiming the 2016 presidential election was illegitimate. This included suggestions that Russian interference caused the Plaintiff to win and regular references to the Plaintiff being an “illegitimate” president. CNN repeatedly allowed for assertions that the Plaintiff was illegitimately elected largely to go unchallenged, including statements made by Hillary Clinton, Kamala Harris, Joe Biden, Jimmy Carter, Jerry Nadler, John Lewis, Dianne Feinstein, Marcia Fudge, and Debbie Wasserman Schultz.³⁸ None of these individuals who

³⁷ <https://transcripts.cnn.com/show/CPT/date/2018-11-19/segment/02> (last visited Aug. 20, 2022).

³⁸ See e.g., *John Lewis: Trump is not a ‘legitimate’ president*, CNN, <https://www.cnn.com/2017/01/13/politics/john-lewis-donald-trump-legitimate> (last visited Sept. 22, 2022); *Jimmy Carter suggests Trump is an illegitimate president*, CNN, <https://www.cnn.com/2019/06/28/politics/jimmy-carter-trump-russia-interference> (last visited Sept. 22, 2022); *Hillary Clinton calls Trump ‘illegitimate president’*, CNN, <https://www.cnn.com/videos/politics/2019/09/30/hillary-clinton-calls-trump-illegitimate-president-sot-ip-vpx.cnn> (last visited Sept. 22, 2022); *Former DNC chair: Trump could be*

challenged the legitimacy of the 2016 presidential election were accused of propagating a “Big Lie” or even of lying.

35. CNN’s disparate treatment of public figures who support its narrative versus those who do not, such as the Plaintiff, is a clear indicator of CNN’s malice—and evidence that the Defendant is not reporting the news, but rather propagating its political views.

36. The Plaintiff brings this action to vindicate his reputation as a dedicated public servant and to establish CNN’s liability for the harm it has caused to his reputation by the false, defamatory, and inflammatory mischaracterizations of him. The Plaintiff seeks an award of compensatory damages for the reputational harm caused by CNN and, given the willful and malicious nature of CNN’s conduct that is intended to interfere with the Plaintiff’s political career, the Plaintiff also seeks an award of punitive damages. The Plaintiff requests compensatory damages in an amount in excess of the \$75,000.00 jurisdictional limit, as to be determined at trial, and punitive damages in the amount of \$475,000,000.00.³⁹

Claims for Relief

Count I – Defamation Per Se

37. The Plaintiff repeats and re-alleges paragraphs 1-36 of this Complaint, inclusive, as if fully stated herein.

‘illegitimate’ if more evidence emerges, CNN, <https://www.cnn.com/2017/01/17/politics/dws-trump-illegitimate-president> (last visited Sept. 22, 2022).

³⁹ CNN’s estimated profit for 2022 is \$950M (*see* <https://www.nytimes.com/2022/08/02/business/media/cnn-profit-chris-licht.html> (last visited Aug. 21, 2022)), a significant portion of which was generated by maligning the Plaintiff. This action seeks \$475,000,000.00 in punitive damages—just six months of CNN’s illicit profits. Any lesser amount would not serve as a deterrent and would, instead, allow CNN to continue to profit from its tortious conduct.

38. CNN has published and broadcast the term the “Big Lie” in relation to the Plaintiff repeatedly, both in articles on CNN.com as well as in broadcasts on its news channel and streaming services.

39. CNN has acknowledged that the term the “Big Lie” is a direct reference to Adolf Hitler and Nazism and uses the term in relation to the Plaintiff to create a false and incendiary association between the Plaintiff and Hitler.

40. Examples of times in which CNN has used the term the “Big Lie” in reference to the Plaintiff, and about which the Plaintiff notified CNN in his Notice Letter, are identified in Paragraph 28 of this Complaint.

41. These defamatory statements, which associate the Plaintiff’s character with that of Hitler, are reasonably understood to be statements of fact (as opposed to hyperbole or mere opinion) regarding the Plaintiff and were reasonably understood by readers and viewers to be statements of fact (and not hyperbole or mere opinion): readers and viewers understood that the Plaintiff would be Hitler-like in any future political role.

42. These statements are false and defamatory *per se*.

43. Injury to the Plaintiff’s reputation is readily apparent, as evidenced by viewer responses to the statements and viewer polls regarding the Plaintiff. Indeed, animus toward the Plaintiff, the Plaintiff’s family, and those who are associated with the Plaintiff, is well-recognized by the public.

44. By publication of these defamatory statements, CNN has incited readers and viewers to hate, contempt, distrust, ridicule, and even fear the Plaintiff, causing injury to the Plaintiff, the Plaintiff’s reputation, and the Plaintiff’s political career.

45. Being likened to Hitler is historically defamation *per se* as such a comparison tends to subject the target—and has subjected the Plaintiff—to hatred, contempt, distrust, ridicule, and even fear; the comparison has had an adverse impact on the Plaintiff’s reputation and political career.

46. When a public official, or political candidate, is likened to Hitler, it is defamation *per se* as the statement imputes a characteristic or condition incompatible with the proper exercise of that public office.⁴⁰

47. CNN published these defamatory statements with actual malice in that they knew the association of the Plaintiff’s character with that of Hitler was false, defamatory, and inflammatory or they published the statements with reckless disregard for their truth or falsity. CNN did so in order to propagate its political views.⁴¹

48. These defamatory statements were made by each commentator in the course and scope of their employment relationship and/or agency relationship with CNN, thus making CNN vicariously liable for any and all damages resulting from each commentator’s tortious conduct, in addition to CNN being directly liable for the publication of false statements and for its failure to exercise due care to prevent publication or utterance of such statements.

49. CNN failed and refused to retract or correct the false and defamatory statements.

⁴⁰ Irrespective of what elements must be proven against the Defendant, allegations that impute to the Plaintiff a character that is incompatible with the proper exercise of the duties of a public official are defamatory *per se* because this kind of defamation is understood to be particularly harmful. To the extent that the law of this Court would not recognize defamation *per se* against a media defendant, the Plaintiff has a good faith basis to assert that defamation *per se* should apply under circumstances as those set forth here.

⁴¹ While the allegations in this complaint meet the actual malice standard set forth in *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964), that standard does not—and should not—apply where the media defendant is not publishing statements to foster debate, critical thinking, or the “unfettered interchange of ideas” but rather seeks to participate in the political arena by offering propaganda.

50. CNN has used the term the “Big Lie” in relation to the Plaintiff to associate the Plaintiff with Hitler intentionally, willfully, maliciously, and in conscious disregard of the truth to do the Plaintiff harm and to betray his image and reputation to CNN’s audience.

51. As a result of CNN’s libelous and slanderous associations between the Plaintiff and Hitler, CNN readers and viewers (and readers and viewers of follow-on articles and broadcasts) identify the Plaintiff as Hitler-like.

52. CNN had no applicable privilege or legal authorization to publish these false and defamatory statements or, if they did, they abused that privilege.

53. These defamatory statements have been repeated and republished in other media outlets, which was reasonably foreseeable because CNN is a national news organization with a broad national and international audience. At the time these statements were published, CNN knew they would be republished and disseminated to other and larger audiences.

54. CNN is liable for compensatory damages arising from its defamation of the Plaintiff.

55. CNN is also liable for punitive damages because of the wanton and outrageous nature of the defamation. The actions of CNN presented in this Complaint demonstrate common law express malice, actual malice, egregious defamation, and insult. Such actions by CNN were undertaken with (1) maliciousness, spite, ill will, vengeance, and/or deliberate intent to harm the Plaintiff, and with (2) reckless disregard of the falsity of their speech and its effects on the Plaintiff. Such actions by CNN in fact did harm the Plaintiff. Specifically, the factors justifying punitive damages include, at a minimum, the following:

- a. By comparing the Plaintiff to violent dictators and repeatedly using inflammatory language, such as “Trump’s big lie,” CNN knowingly made false and defamatory

statements about the Plaintiff, or at the very least, made those statements with reckless disregard for their truth or falsity, thereby acting with actual malice;

- b. CNN knew that its false and defamatory statements about the Plaintiff would infringe his rights and damage his reputation, as evidenced by the fact that CNN anchors were explicitly instructed by CNN's CEO to stop using the phrase "The Big Lie." CNN's knowledge of the false and defamatory nature of its statements is further demonstrated by the statements of Political Director Paul Steinhauser, who emphasized that analogizing politicians to Hitler and the Nazis was both "stupid," and "sick;"
- c. CNN made false and defamatory statements about the Plaintiff with common law express malice, as evidenced by the comments of a CNN employee, who admitted that CNN's coverage and negative characterizations of the Plaintiff were *intended* to convince viewers to vote him out of political office. The malicious and targeted nature of these characterizations is also evidenced by CNN's refusal to condemn election integrity concerns voiced by public figures who perpetuated CNN's preferred political agenda;
- d. CNN engaged in willful, wanton, and intentional misconduct in making false and defamatory statements about the Plaintiff. The falsity of these statements is underscored by fact-checking from Politifact, which has characterized CNN's description of the Plaintiff as a leader who is "as destructive . . . as Hitler" as untruthful;
- e. CNN has refused to retract or correct the false and defamatory statements as evidenced by the email sent to the Plaintiff on July 29, 2022. The articles, news

reports, and social media posts containing the false and defamatory statements about the Plaintiff remain available to a worldwide audience on CNN's website and social media webpages.

56. Because at the time of injury CNN had a specific intent to harm the Plaintiff and because CNN's conduct did in fact harm the Plaintiff, there is no statutory cap on punitive damages, and the Plaintiff may recover in excess of \$2 million and in excess of four times his actual damages – the limits that Florida law otherwise would provide. *See Fla. Stat. § 768.73(1)(c)*.

Count II – Defamation

57. The Plaintiff repeats and re-alleges paragraphs 1-36 of this Complaint, inclusive, as if fully stated herein.

58. CNN has published and broadcast the term the “Big Lie” in relation to the Plaintiff repeatedly, both in articles on CNN.com as well as in broadcasts on its news channel and streaming services.

59. CNN has acknowledged that the term the “Big Lie” is a direct reference to Adolf Hitler and Nazism and uses the term in relation to the Plaintiff to create a false and incendiary association between the Plaintiff and Hitler.

60. Examples of times in which CNN has used the term the “Big Lie” in reference to the Plaintiff, and about which the Plaintiff notified CNN in his Notice Letter, are identified in Paragraph 28 of this Complaint.

61. These defamatory statements, which associate the Plaintiff's character with that of Hitler, are reasonably understood to be statements of fact (as opposed to hyperbole or mere opinion) regarding the Plaintiff and were reasonably understood by readers and viewers to be

statements of fact (and not hyperbole or mere opinion): readers and viewers understood that the Plaintiff would be Hitler-like in any future political role.

62. These statements are false and defamatory.

63. Injury to the Plaintiff's reputation is readily apparent, as evidenced by viewer responses to the statements and viewer polls regarding the Plaintiff. Indeed, animus toward the Plaintiff, the Plaintiff's family, and those who are associated with the Plaintiff is well-recognized by the public.

64. By publication of these defamatory statements, CNN has incited readers and viewers to hate, contempt, distrust, ridicule, and even fear the Plaintiff, causing injury to the Plaintiff, the Plaintiff's reputation, and the Plaintiff's political career.

65. CNN published these defamatory statements with actual malice in that they knew the association of the Plaintiff's character with that of Hitler was false, defamatory, and inflammatory or they published the statements with reckless disregard for their truth or falsity. CNN did so in order to propagate its political views.⁴²

66. These defamatory statements were made by each commentator in the course and scope of their employment relationship and/or agency relationship with CNN, thus making CNN vicariously liable for any and all damages resulting from each commentator's tortious conduct, in

⁴² While the allegations in this complaint meet the actual malice standard set forth in *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964), that standard does not—and should not—apply where the media defendant is not publishing statements to foster debate, critical thinking, or the “unfettered interchange of ideas” but rather seeks to participate in the political arena by offering propaganda. See *Roth v. United States*, 354 U.S. 476, 484 (1957) (noting that “the protection given to free speech and press was fashioned to assure [the] unfettered interchange of ideas[.]”). The irresponsible use of false, misleading, and inflammatory language in an effort to destroy a political opponent's reputation cannot be categorized as an intellectual exchange of ideas.

addition to CNN being directly liable for the publication of false statements and for its failure to exercise due care to prevent publication or utterance of such statements.

67. CNN failed and refused to retract or correct the false and defamatory statements.

68. CNN has used the term the “Big Lie” in relation to the Plaintiff to associate the Plaintiff with Hitler intentionally, willfully, maliciously, and in conscious disregard of the truth to do the Plaintiff harm and to betray his image and reputation to CNN’s audience.

69. As a result of CNN’s libelous and slanderous associations between the Plaintiff and Hitler, CNN readers and viewers (and readers and viewers of follow-on articles and broadcasts) identify the Plaintiff as Hitler-like.

70. CNN had no applicable privilege or legal authorization to publish these false and defamatory statements or, if they did, they abused that privilege.

71. These defamatory statements have been repeated and republished in other media outlets, which was reasonably foreseeable because CNN is a national news organization with a broad national and international audience. At the time these statements were published, CNN knew they would be republished and disseminated to other and larger audiences.

72. Plaintiff alleges damages as a direct and proximate result of CNN’s defamatory actions, including that the Plaintiff has suffered and continues to suffer damage, including, but not limited to, damage to his reputation, embarrassment, pain, humiliation, and mental anguish.

73. CNN is liable for compensatory damages arising from its defamation of the Plaintiff.

74. CNN is also liable for punitive damages because of the wanton and outrageous nature of the defamation. The actions of CNN presented in this Complaint demonstrate common law express malice, actual malice, egregious defamation, and insult. Such actions by CNN were

undertaken with (1) maliciousness, spite, ill will, vengeance, and/or deliberate intent to harm the Plaintiff, and with (2) reckless disregard of the falsity of their speech and its effects on the Plaintiff. Such actions by CNN in fact did harm the Plaintiff. Specifically, the factors justifying punitive damages include, at a minimum, the following:

- a. By comparing the Plaintiff to violent dictators and repeatedly using inflammatory language, such as “Trump’s big lie,” CNN knowingly made false and defamatory statements about the Plaintiff, or at the very least, made those statements with reckless disregard for their truth or falsity, thereby acting with actual malice;
- b. CNN knew that its false and defamatory statements about the Plaintiff would infringe his rights and damage his reputation, as evidenced by the fact that CNN anchors were explicitly instructed by CNN’s CEO to stop using the phrase “The Big Lie.” CNN’s knowledge of the false and defamatory nature of its statements is further demonstrated through the statements of Political Director Paul Steinhauser, who emphasized that analogizing politicians to Hitler and the Nazis was both “stupid,” and “sick;”
- c. CNN made false and defamatory statements about the Plaintiff with common law express malice, as evidenced by the comments of a CNN employee, who admitted that CNN’s coverage and negative characterizations of the Plaintiff were *intended* to convince viewers to vote him out of political office. The malicious and targeted nature of these characterizations is also evidenced by CNN’s refusal to condemn election integrity concerns voiced by public figures who perpetuated CNN’s preferred political agenda;

- d. CNN engaged in willful, wanton, and intentional misconduct in making false and defamatory statements about the Plaintiff. The falsity of these statements is underscored by fact-checking from Politifact, which has characterized CNN's description of the Plaintiff as a leader who is "as destructive . . . as Hitler" as untruthful;
- e. CNN has refused to retract or correct the false and defamatory statements as evidenced by the email sent to the Plaintiff on July 29, 2022. The articles, news reports, and social media posts containing the false and defamatory statements about the Plaintiff remain available to a worldwide audience on CNN's website and social media webpages.

75. Because at the time of injury CNN had a specific intent to harm the Plaintiff and because CNN's conduct did in fact harm the Plaintiff, there is no statutory cap on punitive damages, and the Plaintiff may recover in excess of \$2 million and in excess of four times his actual damages – the limits that Florida law otherwise would provide. *See Fla. Stat. § 768.73(1)(c).*

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands:

- a) Compensatory damages in an amount in excess of the \$75,000.00 jurisdictional limit, to be specifically determined at trial;
- b) Punitive damages in the amount of \$475,000,000.00;
- c) All taxable litigation costs, pre-judgment interest, and post-judgment interest; and
- d) A trial by jury.

Dated: October 3, 2022

Respectfully Submitted,

/s/ Lindsey Halligan
Lindsey Halligan
Florida Bar No. 109481
511 SE 5th Avenue
Fort Lauderdale, FL 33301
Telephone: (720) 435-2870
Email: lindseyhalligan@outlook.com

/s/ James M. Trusty
James M. Trusty
Pro Hac Vice to be filed contemporaneously
Ifrah Law PLLC
1717 Pennsylvania Ave., N.W. Suite 650
Washington, DC 20006
Telephone: (202) 524-4176
Email: jtrusty@ifrahlaw.com

Attorneys for Donald J. Trump