

# Exhibit 1



### PROCESS SERVER DELIVERY DETAILS

**Date:** Mon, Jun 26, 2023  
**Server Name:** Wilmington Drop Serve

Entity Served	CABLE NEWS NETWORK
Case Number	810CL2200630300
Jurisdiction	DE

Inserts		



**COMMONWEALTH OF VIRGINIA**



VIRGINIA BEACH CIRCUIT COURT  
Civil Division  
2425 NIMMO PARKWAY BLDG 10  
VIRGINIA BEACH VA 23456  
(757) 385-4186

Proof of Service

Virginia:

In the VIRGINIA BEACH CIRCUIT COURT

Case number: 810CL22006303-00  
Service number: 001  
Service filed: October 14, 2022  
Judge:

Served by: OUT OF STATE  
Style of case: JACOB GAVIN HILES vs CABLE NEWS NETWORK  
Service on: CABLE NEWS NETWORK  
C/O CORPORATION TRUST COMPANY  
REGISTERED AGENT  
CORPORATION TRUST CENTER  
1209 ORANGE STREET  
19801

Attorney: BELL, ALEXANDER H  
757-301-9634

Instructions:

Returns shall be made hereon, showing service of Summons issued Friday, June 16, 2023 with a copy of the Complaint filed Friday, October 14, 2022 attached.

Hearing date :

Service issued: Friday, June 16, 2023

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For Sheriff Use Only

COMMONWEALTH OF VIRGINIA



VIRGINIA BEACH CIRCUIT COURT  
Civil Division  
2425 NIMMO PARKWAY BLDG 10  
VIRGINIA BEACH VA 23456  
(757) 385-4186

Summons

To: CABLE NEWS NETWORK  
C/O CORPORATION TRUST COMPANY  
REGISTERED AGENT  
CORPORATION TRUST CENTER  
1209 ORANGE STREET  
19801

Case No. 810CL22006303-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Friday, June 16, 2023

Clerk of Court: TINA ESGUERRA SINNEN

by

(CLERK/DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name: BELL, ALEXANDER H  
757-301-9634

Virginia Beach  
Tina Sinnen  
By WB  
10/14/2022 4:18 PM  
10/14/2022 1:59 PM

**VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH**

**JACOB GAVIN HILES,**

**Plaintiff,**

**v.**

**Case No.:** CL22-6303

**CABLE NEWS NETWORK, INC.**

**Defendant.**

**SERVE: CABLE NEWS NETWORK, INC.**  
**c/o Corporation Trust Company, Registered Agent**  
**Corporation Trust Center**  
**1209 Orange Street**  
**Wilmington, Delaware 19801**

**COMPLAINT**

COMES NOW the Plaintiff, JACOB GAVIN HILES, (hereinafter "Plaintiff"), by and through counsel, and as and for his Complaint against the Defendant, CABLE NEWS NETWORK, INC, (hereinafter "CNN"), seeking compensatory and punitive damages against Defendant in the amount and on the grounds as set forth below:

**PARTIES**

1. The Plaintiff is a resident of the Commonwealth Virginia and is domiciled in the City of Virginia Beach at 3201 Barberry Lane, Virginia Beach, VA 23456. Plaintiff has owned a charter boat operation out of Virginia Beach, VA for over 20 years.

2. Defendant, CNN, is a Delaware corporation, headquartered in Georgia. CNN is a division of WarnerMedia. WarnerMedia is an operating segment of AT&T, Inc. CNN is part of WarnerMedia's "Turner" business unit. The Turner business unit operates television networks and related properties that offer branded news, entertainment, sports and kids multiplatform

*Jacob Gavin Hiles v. Cable News Network, Inc.*  
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content for consumers around the world. In the United States, its networks and related businesses and brands include TNT; TBS; Adult Swim; truTV; Turner Classic Movies; Turner Sports; Cartoon Network; Boomerang; and CNN. Turner's digital properties include the CNN digital network, [www.cnn.com](http://www.cnn.com) and related social media sites on Twitter and Facebook. According to AT&T, the CNN digital network is "the leading digital news destination, based on the number of average monthly domestic multi-platform unique visitors and video starts for the year ended December 31, 2018."

3. CNN's digital platforms deliver news 24 hours a day, seven days a week, from almost 4,000 journalists in every corner of the globe. CNN claims that it reaches more individuals on television, the web and mobile devices than any other cable television news organization in the United States. In addition to its massive television and digital footprint, CNN employs multiple social media accounts as a means to publish its statements in Virginia and worldwide. As of October 10, 2022, @CNNPolitics had over 4,400,000 followers on Twitter, and @cnnbrk had over 64,000,000 followers on Twitter. In addition to CNN's corporate and institutional use of Twitter, most of CNN's reporters use Twitter to spread stories to readers, viewers and voters in Virginia and elsewhere. CNN has over 39,000,000 followers on Facebook and CNN Politics has over 3,000,000 followers on Facebook.

4. Katelyn Polantz ("Polantz") was one of the three authors of the defamatory article that is the subject of this suit. Polantz is a Senior Reporter for Crime and Justice at CNN and has been employed by CNN since 2017. Polantz @kpolantz has 57,300 Twitter followers and retweeted the @cnnbrk article on her personal page.

5. Christina Carrega ("Carrega") was one of the three authors of the defamatory article that is the subject of this suit. Carrega worked for CNN from August 2020 through February 2022 as a Crime and Justice Reporter.

6. Jessica Schneider ("Schneider") was one of the three authors of the defamatory article that is the subject of this suit. Schneider is a Justice Correspondent for CNN and has been employed by CNN since 2016. Schneider shared the article on her personal twitter page as well @SchneiderCNN which has 14,600 followers.

7. At all times relevant to this action, Polantz, Carrega, and Schneider acted as agents of CNN within the scope of their employment and authority. Polantz, Carrega, and Schneider used CNN's networks and properties to disseminate the false and defamatory statements at issue in this case as part of a scheme to boost CNN's ratings and to slander the Plaintiff who was part of the January 6, 2021 Capitol demonstration.

#### JURISDICTION AND VENUE

8. CNN is subject to personal jurisdiction in the Commonwealth of Virginia pursuant to Virginia's long-arm statute, § 8.01-328.1(A)(1), (A)(3) and (A)(4) of the Code of Virginia as well as the Due Process Clause of the United States Constitution.

9. CNN is subject to general personal jurisdiction and specific personal jurisdiction. CNN engages in continuous and systematic business in Virginia. CNN committed an intentional tort, defamation, in Virginia, causing Plaintiff substantial injury in Virginia. CNN has minimum contacts with Virginia such that the exercise of personal jurisdiction over it comports with the traditional notions of fair play and substantial justice and is consistent with the Due Process Clause of the United States Constitution.

10. Venue is proper in the Circuit Court for the City of Virginia Beach pursuant to Va. Code Ann. § 8.01-261 (1)(a)(1) and (1)(a)(2). The Plaintiff resides in Virginia Beach and has run his business out of Virginia Beach for over two decades.

**STATEMENT OF FACTS**

11. On January 6, 2021 the Plaintiff travelled from Virginia Beach, Virginia to Washington D.C. to express his support for President Trump by exercising his 1<sup>st</sup> Amendment Rights guaranteed to him under the United States Constitution.

12. On September 8, 2021, Plaintiff entered a plea agreement with the U.S. Government wherein he pled guilty to one misdemeanor count of Parading, Demonstrating, or Picketing in a Capitol Building, in violation of Title 40, United States Code, Section 5104(e)(2)(G) as a result of peacefully entering the U.S. Capitol Building following the riots on January 6, 2021.

13. The plea agreement stated in pertinent part that Plaintiff agree[d] that the attached 'Statement of Offense' fairly and accurately described [his] actions while at the U.S. Capitol that day. The plea agreement was filed September 9, 2021 and, upon information and belief, became public record on or about that date.

14. The Statement of Offense contained the following factual stipulations concerning Plaintiff's actions on January 6, 2021, which are relevant to any potential defamation lawsuit Hiles pursues against CNN:

5. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades, and officers of the U.S. Capitol Police, and the crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks by U.S. Capitol Police Officers or other



authorized security officials.

6. At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of law enforcement, as others in the crowd encouraged and assisted with those acts. The riot resulted in substantial damage to the U.S. Capitol, requiring the expenditure of more than \$1.4 million dollars for repairs.
8. The defendant, Jacob Hiles, unlawfully entered the U.S. Capitol on January 6, 2021. The defendant traveled from his home in Virginia to Washington, D.C. to participate in the "Stop the Steal" rally against the results of the 2020 Presidential Election, along with his cousin, James Matthew Horning, who traveled from Ohio. After the rally, the defendant marched to the U.S. Capitol, where at approximately 2:50 p.m. he and Horning entered together. The defendant had brought goggles with him, and he wore them to protect himself from tear gas being deployed by law enforcement against the crowd.
9. The morning of January 6, 2021, the defendant posted a selfie-style photograph on Facebook of him in his car geotagged to Capitol Hill. The defendant and Horning both posted multiple videos and photographs showing them inside and outside the U.S. Capitol on January 6, 2021, including smoking an unknown substance.
10. Following January 6, 2021, the defendant admitted on Facebook and to law enforcement that he traveled to Washington, D.C. and entered the U.S. Capitol on January 6, 2021. On Facebook, he posted that he 'hoped a large crowd would send a message that we will not allow our rights to be taken.'
11. The defendant and Horning knew at the time they entered the U.S. Capitol Building that they did not have permission to enter the building, and the defendant and Horning paraded, demonstrated, or picketed."

15. The aforementioned portions of the Statement of Offense that Plaintiff agreed to in his guilty plea are factually identical to the "Statement of Facts" filed in the District Court for the District of Columbia by Federal Bureau of Investigation, Special Agent, Brandon C. Merriman on January 15, 2021, exactly 9 months before the CNN article that is the subject of this defamation suit was published.

16. On or about October 15, 2021, CNN Politics published a news article entitled *U.S. Capitol Police Officer Indicted on Obstruction of Justice Charges in Connection with January 6* (the "Defamatory Article"). The online article remains publicly accessible via the following link: <https://www.cnn.com/2021/10/15/politics/capitol-police-january-6/index.html>.

17. The first half of the CNN Politics article addresses the indictment of U.S. Capitol Police Officer Michael A. Riley, in connection with his involvement in the January 6th riots. More specifically, the article explains that Riley was charged with obstruction after advising Hiles—who the article refers to as a "rioter" that participated in the "January 6 insurrection"—to remove all photographs and videos from his social media accounts depicting Hiles in the U.S. Capitol Building on January 6th.

18. Midway through the article, the focus of the story shifts to Hiles and includes a "summary" of his purported involvement in the "January 6 insurrection." This is delineated by a bold subtitle that reads: "Man wanted to start 'a revolution' on January 6". The first sentence of the paragraph directly below the title makes clear that the "Man" referred to in the subtitle is none other than Jacob Hiles ("Hiles") as is illustrated below:

## Man wanted to start 'a revolution' on January 6

The man whom Riley allegedly warned is Jacob Hiles, according to a person familiar with the case and descriptions in court records.

Hiles was not named in the indictment, which referred to a person who was arrested on January 19 and was asked by the FBI about communicating with Riley, according to the allegations.

Hiles, of Virginia, said on social media that he traveled to Washington, DC, while thinking about starting "a revolution," according to investigators.

19. When the article was shared on Facebook via CNN's Facebook page and its over 39 million followers, more than 6,100 people liked the post, 288 people commented on the post and 27 people shared the article to their personal Facebook page.

20. When the article was shared on Facebook via CNN Politics' Facebook page and its 3 million followers, 372 people liked the post, 212 people commented on the post and 27 people shared the article to their personal Facebook page.

21. When the article was shared to Twitter via @CNNPolitics and its 4.4 million followers, 233 retweeted the article to their own Twitter Profile and 939 people liked the tweet.

22. When the article was shared to Twitter via @CNNbrk and its 64 million followers, 673 people liked the tweet, 75 people commented on the tweet and 175 people retweeted the article to their own Twitter profile.

23. When the article was shared to Twitter via @CNNPolitics and its 4.4 million followers, 372 people liked the tweet, 212 people commented on the tweet and 27 retweeted the article to their own Twitter profile.

24. Due to the Defamatory Article published by CNN, Hiles has received many credible death threats to the point where the United States Attorney's office and the Federal Bureau of Investigation have been notified of said threats.

25. Hiles' business has suffered great losses as well due to the defamatory statements of CNN in an amount to be proven at trial.

26. In addition, Hiles' minor daughter has suffered greatly due to CNN's defamatory actions causing her to fear for her safety, losing many friendships and being ridiculed by her teachers.

**COUNT I – DEFAMATION PER SE**

27. The allegations of the foregoing paragraphs are incorporated herein by reference.

28. On or about October 15, 2021 CNN published three defamatory statements concerning Hiles in the Defamatory Article, stating the following:

- a. The bold headline in much bigger font halfway through the article falsely states "Man wanted to start 'a revolution' on January 6."
- b. "Hiles, of Virginia, said on social media that he traveled to Washington, DC while thinking about starting 'a revolution,' according to investigators."
- c. "He had also posted on his Facebook page, 'Feeling cute...might start a revolution later,' tagging himself on Capitol Hill, according to documents supporting his arrest."

29. As previously described in detail, the Defamatory Article published on many different social media sites and CNN's website, which remains publicly accessible to this day. The three aforementioned defamatory statements were of and concerning Hiles as they directly name

Hiles or reference him such that they "would be so understood by persons reading it who knew him." *Gazette, Inc. v. Harris*, 229 Va. 1, 37 - 39 (Va. 1985). Notably, these statements are also factual in nature to the extent they can be proven true or false, which satisfies the verifiability requirement as well. *See Schaecher v. Bouffault*, 290 Va. 83, 98 (Va. 2015) ("For a statement to be actionable, it must have a provably false factual connotation and thus [be] capable of being proven true or false.") (quoting *Cashion v. Smith*, 286 Va. 327, 336 (Va. 2013); *see also Handberg v. Goldberg*, 297 Va. 660, 666 (Va. 2019)).

30. The same statements are also *per se* defamatory because they falsely accuse Hiles of felonious criminal activity of which he was not charged or convicted, either directly or indirectly, that has "injured [Hile's] reputation; . . . thrown contumely, shame, or disgrace upon [Hiles], or . . . [held Hiles] up to scorn, ridicule, or contempt . . . or [rendered Hiles] infamous, odious, or ridiculous." *Bryant-Shannon v. Hampton Roads Community Action Program, Inc.*, 856 S.E.2d 575, 578 (Va. 2021) (quoting *Schaecher v. Bouffault*, 290 Va. 83, 92 (Va. 2015)); *see also Chapin v. Knight-Ridder, Inc.*, 993 F. 2d 1087, 1092 (4th Cir. 1993)).

31. CNN, using its vast digital network, made and published numerous factually false and intentionally misleading statements as detailed in the foregoing paragraphs. CNN published the aforementioned false statements without privilege of any kind.

32. CNN's false statements constitute defamation *per se*. The statements accuse and impute to Plaintiff the intention to overthrow a sitting government which is one of the gravest felonies in the United States of America even though at the time of publication he had been charged with four Class B misdemeanors and entered a guilty plea to only one nonviolent misdemeanor and resulting in the three other charges being dismissed.

33. By publishing the CNN Article on the Internet, by tweeting the CNN article on multiple CNN Twitter Accounts and by posting the article to multiple CNN Facebook Accounts, CNN knew or should have known that its defamatory statements would be republished over and over by third-parties to Plaintiff's detriment. Indeed, there have been countless replications to date. Replication by both CNN subscribers and viewers on Twitter and Facebook was the natural and probable consequence of CNN's actions and was actually and/or presumptively authorized by CNN. In addition to its original publications online, on Twitter, and on Facebook, CNN is liable for the replications of the false and defamatory statements under the Republication Doctrine outlined by the Supreme Court of Virginia in *Weaver v. Home Beneficial Co.*, 199 Va. 196, 200, 98, S.E.2d 687 (1957).

34. CNN's false statements have harmed the Plaintiff and his reputation.

35. CNN made the false statements with actual or constructive knowledge that they were false or with reckless disregard to whether they were false.

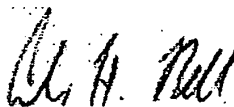
36. In addition, CNN acted with actual malice and reckless disregard for the truth as CNN could have easily used the Statement of Facts filed by the United States Government nine (9) months before the publication of the Defamatory Article or the Plaintiff's guilty plea which was taken one month before the Defamatory Article was published which made it clear that Plaintiff had no intention of overthrowing the government.

37. In the Defamatory Article, CNN acknowledge that the Plaintiff pled guilty to one nonviolent federal misdemeanor of parading, demonstrating or picketing in a federal building, yet CNN continued to mislead their viewers by painting a picture of a violent revolutionary intent on causing violence on January 6, 2021.

WHEREFORE, the Plaintiff, Jacob Gavin Hiles, prays that this Court enter judgment in their favor, in an amount of \$37,000,000.00 in compensatory damages and \$350,000.00 in punitive damages, pre-and post-judgment interest, court costs, and any other and further relief the Court deems appropriate.

**TRIAL BY JURY IS HEREBY DEMANDED**

**JACOB GAVIN HILES**



By: \_\_\_\_\_

Alexander H. Bell, Esquire  
VSB #84859  
PINCUS GOODMAN, PC  
1244 Perimeter Parkway, Suite 441  
Virginia Beach, Virginia 23454  
(757) 301-9634 – telephone  
(757) 301-9625 – facsimile  
[alex@pincuslegal.com](mailto:alex@pincuslegal.com)

# BUSH & TAYLOR, P.C.

ATTORNEYS AT LAW

Alexander H. Bell  
PARTNER

office 757.213.6846  
cell 757.651.5017  
fax 757.935.5533  
alex@bushtaylor.com

4445 Corporation Lane || Virginia Beach, VA 23462