

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER****PROJECT VERITAS,****Plaintiff,****-against-****THE NEW YORK TIMES COMPANY, MAGGIE
ASTOR, TIFFANY HSU, and JOHN DOES 1-5,****Defendants.**

Index No.

COMPLAINT**COMPLAINT**

Plaintiff Project Veritas, by and through its attorneys, bring the following Complaint against Defendants The New York Times Company d/b/a The New York Times (“The New York Times” or “The Times”), reporters Maggie Astor and Tiffany Hsu, and their editors (John Does 1-5), and in support of its Complaint, avers as follows:

SUMMARY OF THE ACTION

1. This defamation action arises out of the publication of a false and defamatory news story authored by Defendant Maggie Astor, a politics reporter for the New York Times, and published in both the online and print versions of The Times. The story was first published on The New York Times website on September 29, 2020 with the headline, “Project Veritas Video Was a ‘Coordinated Disinformation Campaign,’ Researchers Say,” repeated the same day in an abbreviated form online with the headline, “Researchers say a Project Veritas video accusing Ilhan Omar of voter fraud was a ‘coordinated disinformation campaign,’” and then published the following day in the print version of The Times with the headline, “Project Veritas Releases Misleading Video, Part of What Experts Call a Coordinated Effort.”

2. The story concerned a bombshell investigative video report published two days earlier by the prominent independent journalistic organization, Project Veritas.

3. The Project Veritas investigative report, titled, “Ilhan Omar Connected Cash-For-Ballots Voter Fraud Scheme Corrupts Elections,” reported on illegal voting practices taking place in Congresswoman Ilhan Omar’s congressional district and specifically within the Somali-American community of Minneapolis, Minnesota.

4. The Project Veritas investigative report was presented in the signature style that has earned Project Veritas a reputation for groundbreaking and unassailable independent journalism—it was based on, and it presented to viewers, *actual audio and video evidence* of corrupt and illegal activity, as well as interviews with both identified and confidential sources who provided firsthand accounts of their knowledge of these unlawful activities.

5. The centerpiece of the Project Veritas investigative report was a series of videos posted to Snapchat in early July 2020 by a Minneapolis man named Liban Mohamed. Mr. Mohamed, who is the brother of then-Minneapolis City Council candidate Jamal Osman, filmed himself bragging about “harvesting” hundreds of absentee ballots from Minneapolis voters—a practice that is plainly illegal under Minnesota election law. In one video, Mr. Mohamed displayed a vast number of ballots littering his car’s dashboard while boasting in Somali, “[n]umbers don’t lie! You can see my car here is full. All these here are absentee ballots. Can’t you see? Look at all these, my car is full,” and “[j]ust today we got 300 (ballots) for Jamal Osman.” In another video, Mr. Mohamed filmed himself exiting an apartment complex with his hand stuffed with voters’ ballots and boasting, “[t]wo in the morning. Still hustling.”

6. Project Veritas’ investigative report also featured interviews and recorded conversations with named, knowledgeable sources in the Minneapolis Somali-American

community, who alleged that this illegal practice of ballot harvesting is widely practiced in that community by Democrat candidates.

7. The investigative report also presented recorded allegations from multiple named sources who connected the man seen in the self-incriminating Snapchat videos—and the practice of illegal ballot harvesting—to the campaign of Congresswoman Ilhan Omar, who was elected to the U.S. House of Representatives in 2018 and serves as the representative for the strongly-Democrat Minnesota district that includes Minneapolis, in which a large portion of the State's Somali-American community resides.

8. The Project Veritas investigative report then presented evidence of other fraudulent voter activity, including campaigns exchanging cash for absentee ballots. These allegations came directly from multiple named and confidential sources captured on video and audio detailing the cash-for-ballot schemes—including firsthand witnesses and actual participants in the fraudulent activity.

9. Multiple sources in the Project Veritas investigative report connected these activities directly to Rep. Ilhan Omar's campaign, and specifically to her Deputy Campaign Director Alli Isse Gainey, who multiple sources alleged to be the ringleader of a scheme systematically targeting large apartment complexes filled with mostly elderly Somali-American voters, and offering cash in exchange for absentee ballots.

10. The Project Veritas investigative report was released on Sunday, September 27, 2020—coincidentally, the same day that The New York Times released its story about President Trump's tax returns. The Times expected its long and hard-fought-for story on the President's taxes to be big news—and it was, but it was also overshadowed in large part by the bombshell

Project Veritas report, which provided irrefutable proof of illegal voting practices by Democrats just weeks before the upcoming presidential and congressional elections.

11. The Times' newsroom was incensed at what it viewed as Project Veritas stealing its thunder. And it was especially infuriated because The Times views Project Veritas and its founder James O'Keefe with vitriolic disdain—a man who, in their view, is a little more than a “conservative activist,” not a bona fide journalist. The well documented liberal bias of The Times' newsroom also provided an incentive to try and quickly discredit the Project Veritas investigative report and minimize the damning investigation into the illegal voting practices by Democrat candidates depicted in the Project Veritas report as the country heads into a hotly contested Presidential election during a global pandemic where there is increasing public concern about the integrity of early and mail-in voting.

12. To accomplish its goal of discrediting Project Veritas' investigative report, ironically, The Times conspired with a left-leaning group of academics and college students to near-simultaneously have that group publish a blog post claiming that the Project Veritas investigation was a coordinated disinformation campaign, followed only an hour later by a New York Times story hyping that blog post. This coordinated disinformation campaign was designed to give the blog post The New York Times' institutional stamp of approval and to increase its visibility and publicity. They worked together to convince the public that Project Veritas' investigation should be disregarded outright as a deceptive, untruthful report, published not by a journalistic organization, but a “conservative activist” attempting to mislead the public about Democrat Congresswoman Ilhan Omar—and they falsely pinned Project Veritas' timing of the report to a coordinated effort with President Trump's reelection campaign to divert attention away from The Times' story about the President's taxes.

13. The result was Ms. Astor's stories in The Times, which did not merely report on the inaccurate claims in that blog post. Instead, the Times story went further, falsely and without any basis labelling the Project Veritas investigative video report "deceptive," falsely claiming that it relied solely on "unidentified sources," falsely claiming that it offered no evidence of ballot harvesting, and falsely claiming that Project Veritas committed this "deception" in an effort to take attention away from The Times' story on President Trump's taxes.

14. Notably, although the online version of The Times' story hyperlinked to a number of materials—including the blog post and The Times' own tax returns story—The Times made a conscious decision not to include a hyperlink to the Project Veritas investigative report that was the subject of the stories. Ms. Astor and The Times intentionally omitted any such hyperlink because they knew that most of their primarily left-leaning audience would not have actually viewed Project Veritas' report, and that their readers were unlikely to take the time to go search for the investigative report itself. Ironically, this knowledge created an opportunity for Ms. Astor and The Times to commit their own deception on The Times' readers—falsely characterizing Project Veritas' investigative report about illegal ballot harvesting as "deceptive," falsely claiming Project Veritas relied only on unidentified sources, and falsely claiming that Project Veritas proffered no evidence of ballot harvesting, all while intentionally concealing Project Veritas' own video from The Times' readers. Encouraging The Times' readership to view the Project Veritas report for themselves would have been counterproductive to Ms. Astor's and The Times' efforts to smear Project Veritas, because the Project Veritas report itself demonstrates the falsity of Ms. Astor's and The Times' claims—because the report does show video proof of illegal ballot harvesting by named, fully identifiable individuals, and multiple on-the-record sources describing

how the practice is commonplace by Democrats in Congresswoman Omar's district, including by individuals working on the Congresswoman's own campaign.

15. As set forth above, each of these claims was demonstrably and provably false—and Ms. Astor and The Times knew it. There was nothing “deceptive” about the Project Veritas investigative report, nor did Project Veritas selectively edit or doctor any of the interviews or recorded conversations therein. It presented to viewers an undeniably authentic, self-incriminating video posted by a ballot-harvester of his own volition, and it presented interviews and conversations with highly knowledgeable community sources describing, in their own words—not Project Veritas’—the illegal voting practices victimizing citizens within the Somali-American community. And Project Veritas made an independent decision—not at the direction or behest of President Trump's reelection campaign—to move up the release of its investigative report on Saturday, September 26—well before The Times released its report on the President's taxes.

16. In fact, the primary *named, on-the-record* source in the Project Veritas investigative report—Mr. Omar Jamal—is regularly relied on as an on-the-record source for The New York Times, which has published *at least ten news articles* quoting him on matters relating to Minneapolis' Somali-American community and identifying him as a knowledgeable community leader and political insider.

17. But Ms. Astor and The Times intentionally chose to conceal from The Times' readers that Omar Jamal, Project Veritas' primary source, is considered credible and reliable by The Times—indeed, Ms. Astor and The Times intentionally omitted from these articles *any* mention of the fact that Project Veritas relied upon multiple named, on-the-record sources for its reporting. Notably, The Times also intentionally elected not to reach out to Omar Jamal—an individual whose contact information The Times clearly has in its possession—before publication

to ask if Mr. Jamal's words were presented accurately. Ms. Astor and The Times also purposefully avoided contacting the most obvious source of information about Project Veritas' decision when and why to release its investigative report—Project Veritas itself—before publication.

18. These actions were in blatant violation of journalistic standards requiring reporters to reach out to obvious sources of corroboration or refutation and of The Times own policies and ethical guidelines requiring its reporters to seek comment from a story subject before publishing. Ms. Astor and The Times' intentional decision not to do so here demonstrates Ms. Astor and her editors' reckless disregard for the truth, their bias, their ill-will, and their political and retaliatory motives to publicly smear and discredit Project Veritas publicly as quickly and thoroughly as possible.

19. When Project Veritas demanded a correction of The Times' false claims about its investigative reporting, The Times' lawyers responded by claiming that the statements in question were simply Ms. Astor's "opinion," and thus, the lawyers argued, not actionable defamatory statements. Remarkably, The Times' lawyers blessed what they described as Ms. Astor and her editor's decision to litter the pages of The Times' political section with her personal political "opinion" in a blatant violation of The Times' own policies strictly prohibiting reporters from offering their subjective opinions in news stories.

20. But of course, Ms. Astor is a politics reporter for the Times' newsroom, not its Op/Ed department, and The Times' own policies require "strict neutrality in reporting on politics and government," and state that "[j]ournalists have no place on the playing fields of politics." If the Times' lawyers' after-the-fact, made-for-litigation argument was sincere, then Ms. Astor and her editors would still have been obligated to immediately remove any statements of her "opinion" immediately from this news story and publish a correction. But they have not done so, because

Ms. Astor and her editors know well that they intended to present these false claims to The Times' readers as statements of fact, so that the public would believe that the Project Veritas investigative report was in fact deceptive and that it lacked any named sources or evidence supporting allegations of illegal voting activity in Minneapolis.

21. Ms. Astor and The Times knew well that accusing a journalistic organization of publishing a deceptive news report is inherently and massively damaging to its professional reputation—and that was the whole point.

22. After Project Veritas demanded a retraction and threatened to file a lawsuit when The Times refused, The Times retaliated by doubling down and publishing the same false and defamatory claims in an October 25, 2020 online story by Times media reporter Tiffany Hsu, which was also published in the print edition the following day. Like Ms. Astor's stories, Ms. Hsu's online and print stories called Project Veritas' video "false" and "deceptive," and asserted that it "claimed without named sources or verifiable evidence" that ballots were being collected illegally.

23. Project Veritas brings this action to vindicate its rights under civil law, to restore its reputation as an institution devoted to groundbreaking journalism courageously exposing institutional corruption wherever it may lie, and to establish Defendants' liability for the harm that they have caused to Project Veritas' reputation due to the reckless publication of these false and defamatory statements. Project Veritas seeks an award of presumed and compensatory damages for the publication of this false story and, given the willful and malicious nature of Defendants' conduct in knowingly publishing falsehoods out of a desire to cause harm to Project Veritas, Plaintiff also seek an award of punitive damages.

THE PARTIES

24. Plaintiff Project Veritas is an independent journalistic organization founded in 2011 by journalist James O’Keefe, who serves as its President, Chief Executive Officer, and Chairman of its Board of Directors. Project Veritas is a non-profit, nonstock corporation incorporated under the laws of the Commonwealth of Virginia, with its principal place of business in Mamaroneck, New York.

25. Defendant The New York Times Company is a publicly traded New York corporation with its principal place of business at The New York Times Building, 620 Eighth Avenue, New York, New York. It publishes *The New York Times*, which has the third largest circulation of any U.S.-based newspaper.

26. Defendant Maggie Astor is a political reporter for The Times. She is a citizen of the State of New York and resides in New York City. Ms. Astor was the credited author of The Times’ September 29, 2020 story, “Project Veritas Was a ‘Coordinated Disinformation Campaign,’ Researchers Say,” The Times’ September 29, 2020 story, “Researchers say a Project Veritas video accusing Ilhan Omar of voter fraud was a ‘coordinated disinformation campaign,’” and The Times’ September 30, 2020 story, “Project Veritas Releases Misleading Video, Part of What Experts Call a Coordinated Effort.”

27. Defendant Tiffany Hsu is a media reporter for The Times. She is a citizen of the State of New York and resides in New York City. Ms. Hsu was the credited author of The Times’ October 25, 2020 story, “Conservative News Sites Fuel Voter Fraud Misinformation,” which was also published in The Times’ print edition on October 26, 2020 with the headline, ““False Voter Fraud Stories Are Churning on Conservative News Sites.”

28. The John Doe Defendants are unknown parties employed by The New York Times who acted as the editors for the defamatory stories at issue authored by Defendants Maggie Astor and Tiffany Hsu. The identities of these individuals are presently unknown to Plaintiff. Before initiating this litigation, Project Veritas requested that The New York Times identify the editors who worked on these stories, and The Times ignored the request.

JURISDICTION AND VENUE

29. This Court has subject matter jurisdiction over this suit under N.Y. Const. Art. VI §§ 7, 11 and N.Y. Jud. Law § 190(3) because Plaintiff's claims for damages are in excess of \$25,000.

30. This Court has personal jurisdiction over Defendant The New York Times Company under N.Y. CPLR §§ 301 and 302 because Defendant is a New York corporation with its principal place of business in New York City. Defendant transacts business in New York and researches, prepares, and publishes The New York Times in New York City. Defendant is registered to conduct business in New York and maintains an agent for service of process in New York. Moreover, Plaintiff's claims in this case arise from Defendant's act of transacting business in New York and of researching and publishing the defamatory publications in question in New York.

31. This Court has personal jurisdiction over Defendant Maggie Astor under N.Y. CPLR §§ 301 and 302, because Defendant is domiciled in the State of New York, and is employed by The New York Times Company and has her principal place of business and employment as a reporter at The New York Times Company's headquarters in New York City.

32. This Court has personal jurisdiction over Defendant Tiffany Hsu under N.Y. CPLR §§ 301 and 302, because Defendant is domiciled in the State of New York, and is employed by

The New York Times Company and has her principal place of business and employment as a reporter at The New York Times Company's headquarters in New York City

33. Venue is proper in Westchester County pursuant to N.Y. CPLR § 503 in that Plaintiff Project Veritas has its principal place of business in Mamaroneck, New York and therefore resides in Westchester County.

FACTUAL ALLEGATIONS

Project Veritas is a Not-For-Profit Journalistic Organization Dedicated to Investigating and Uncovering Corruption

34. Project Veritas was established in 2011 as a not-for-profit journalism enterprise.

35. Project Veritas' mission is to focus on investigating and exposing corruption, dishonesty, self-dealing, waste, fraud, and other misconduct in both public and private institutions to achieve a more ethical and transparent society.

36. Project Veritas and its band of "guerilla journalists" often work undercover and enlist the help of whistleblowing insiders to identify and expose institutional corruption.

37. One of the calling cards of Project Veritas' journalism is to enlist the help of knowledgeable insiders as sources and, importantly, to strive to obtain audio and/or video evidence that shows irrefutable proof of wrongdoing.

38. Some of Project Veritas' successes have included: exposing Democrat New York City officials admitting on camera that rampant voter fraud exists in the city and is allowed to flourish to benefit the party; capturing a CNN producer admitting on camera that the network is biased against Donald Trump and that few within CNN's ranks take journalistic ethics seriously; and publishing leaked insider "hot mic" recordings of an ABC reporter detailing how ABC management spiked her story that would have exposed the pedophile Jeffrey Epstein years before the public became aware of his crimes.

39. Project Veritas' stated core values include moral courage, leadership, collaboration, and resilience.

40. The organization is guided by a set of published ethical values—and value Number 1 is that “truth is paramount.” Project Veritas reporting must be based on facts with clear and irrefutable video and audio content. As stated on the Project Veritas website: “[w]e never deceive our audience. We do not distort the facts or the context. We do not ‘selectively edit.’”

41. In fact, Project Veritas' efforts at transparency and truth-telling are so robust that it prominently features on its website a “Mistakes” section, which lists and acknowledges errors that Project Veritas has made and explains what occurred and the lessons learned. Most mainstream media outlets do not do this at all—or to the extent they do, they bury errors in a rote and difficult-to-find “corrections” section that makes no effort to explain to readers how the mistake was made and what will be done to prevent errors in the future.

Project Veritas Releases a Bombshell Report on Illegal Voting Practices Taking Place Within Minneapolis' Somali-American Community

42. On September 27, 2020, Project Veritas published a news report titled, “Ilhan Omar Connected Cash-for-Ballots Voter Fraud Scheme Corrupts Elections.”

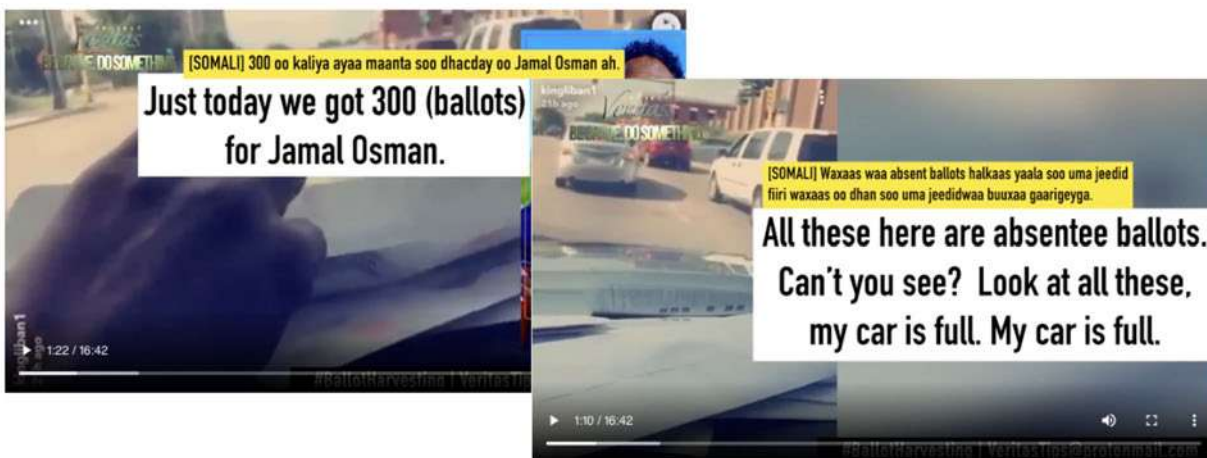
43. Project Veritas published the report on its website, as well as on various social media and video-sharing sites.

44. Much of the investigative report is centered on self-recorded video clips posted to the social media site Snapchat in the first week of July 2020 by a man named Liban Mohamed. At the time, Mr. Mohamed's younger brother—a man named Jamal Osman—was running for a vacant seat on the Minneapolis City Council to represent Ward 6.

45. Ward 6 is Minneapolis' most densely populated district, and a large part of its population is made up of residents of Somali heritage. Mr. Osman ultimately won that election in August 2020 and currently sits on the City Council.

46. In the videos that he posted to Snapchat, Liban Mohamed openly brags about having a car filled with hundreds of absentee ballots that he collected from voters.

47. In one of the videos, Mr. Mohamed states: "You can see my car is full. All these here are absentees' ballots. Can't you see? Look at all these, my car is full. All these are for Jamal Osman... We got 300 today for Jamal Osman." The video clearly depicts Mohamed driving in his car which is full of ballots and envelopes.



48. Another video posted by Mohamed shows him walking out of what appears to be an apartment building with his hand full of envelopes of ballots, while saying, "[t]wo in the morning. Still hustling."



49. Mr. Mohamed also wrote a caption on his video that stated: “Two in the morning still working and collecting absentee ballots.”

50. This activity, known as “ballot harvesting,” is a felony under Minnesota election law, which prohibits any person from delivering more than three absentee ballots on behalf of others.

51. In other words, in these videos, Liban Mohamed blatantly incriminates himself and admits to serious violations of Minnesota’s election laws.

52. Moreover, Mr. Mohamed’s videos show what plainly appear to be open envelopes—meaning that the ballots Mr. Mohamed illegally harvested were not sealed. This strongly suggests even more nefarious conduct, as the ballots may have been collected without even having been filled out (and certainly not sealed) by the actual voter. Notably, other local sources featured in Project Veritas’ investigative report directly alleged that Democrat operatives in Minneapolis have been openly paying voters to exchange their blank voter forms for cash, with the ballots then filled out by staff working for the candidate.

53. Obviously, such a practice is highly illegal and an affront to the very idea of open and fair elections. Offering money in exchange for votes is a felony under both Minnesota and federal election law.

54. The Project Veritas report also featured interviews with multiple firsthand sources who stated that Liban Mohamed has also worked for Rep. Omar's campaign.

55. Outside of the self-incriminating videos Mr. Mohamed filmed of himself, the primary on-the-record source for the Project Veritas report was a man named Omar Jamal. Mr. Jamal is a longtime community leader and political consultant in the Minneapolis Somali-American community who has founded several community organizations and is also employed full-time as a community service officer for the Ramsey County Sheriff's Office. He is regularly quoted on the record in mainstream media organizations as a source who is credible and knowledgeable about events in Minneapolis' Somali-American community—including frequently by The New York Times itself.

56. In a videotaped interview, Mr. Jamal stated that Liban Mohamed not only worked for his brother Jamal Osman's campaign, but for Rep. Ilhan Omar as well.

57. During his interview, Mr. Jamal alleged that there was widespread voter fraud within and victimizing the citizens of the Minneapolis Somali-American community, and he also worked with Project Veritas to record interviews and conversations with various participants who detailed how the scheme works.

58. First, as featured in the Project Veritas investigative report, Mr. Jamal recorded a telephone conversation with Liban Mohamed himself, who detailed the vote harvesting scheme depicted in his self-incriminating videos. During that conversation, Mr. Mohamed confirmed that teams of ballot harvesters in the community would request absentee ballots from elderly votes, and

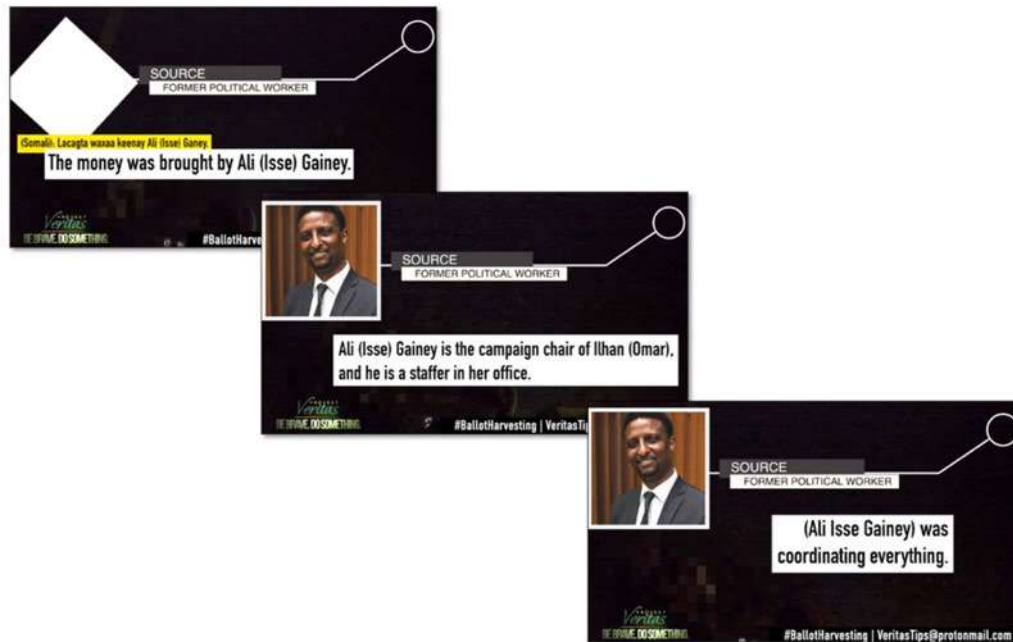
then return to pick those ballots up when they arrived. Mr. Jamal stated that this practice of requesting and collecting absentee ballots from elderly voters is widespread.

59. The Project Veritas investigative report also features footage of an interview with a confidential source who is a firsthand witness to these practices—a ballot harvester, who matter-of-factly admitted that ballot harvesters working for Rep. Ilhan Omar and other Democrat candidates would visit apartment buildings and fill out absentee ballot request forms for voters, then return to pick up the ballots when they arrived *and fill them out as well*. This source also stated that these voters were then paid for their votes once the voters signed their completed ballots.

60. Another confidential source, a former Minneapolis political worker, described in a recorded interview how specific apartment towers filled with primarily elderly voters were targeted by campaign workers for ballot harvesting. This source described how ballot harvesters would arrive with bags of money and pay voters cash for their absentee ballots.

61. The very same source identified the mastermind of this scheme as Alli Isse Gainey. Mr. Gainey worked on Rep. Omar's 2018 congressional campaign and is identified on campaign finance disclosures as being involved in "CANVASSING, FIELDWORK ORGANIZING, [and] POLICY CONSULTING" for Ms. Omar's campaign.¹

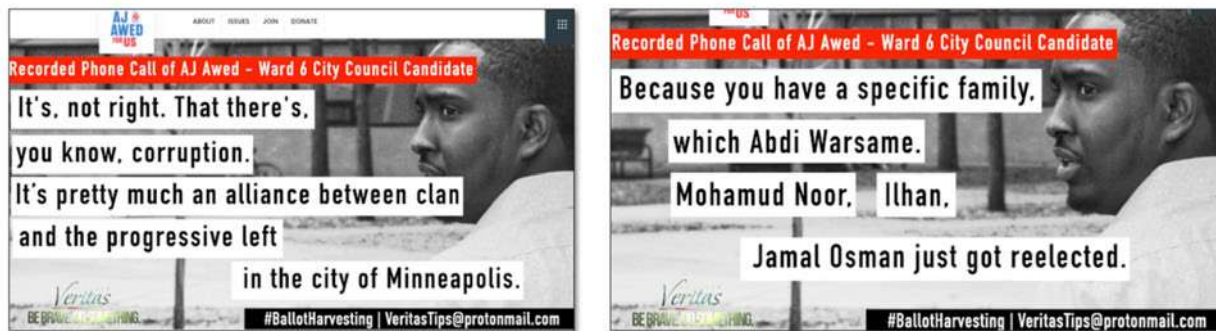
¹ https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00680934&recipient_name=Gainey&two_year_transaction_period=2020.



62. Omar Jamal confirmed this confidential source's claims, stating in an interview with Project Veritas that Mr. Gainey was one of the individuals known to offer cash for votes for Rep. Ilhan Omar:



63. The Project Veritas investigative report also featured a recorded conversation with AJ Awed, who ran against Jamal Osman in 2020 for the Minneapolis City Council seat representing Ward 6. Mr. Awed similarly bemoaned the corruption in Minneapolis elections, and charged that the perpetrators included Rep. Ilhan Omar and Jamal Osman (brother of Liban Mohamed), who were all part of an extended Somali-American family (or “clan”) engaged in corrupt voting activity.



64. The Project Veritas report concludes with a call by Project Veritas for the Attorneys General of Minnesota and the United States to investigate these allegations.

The Project Veritas Report Was Coincidentally Released on the Same Day The Times Published a Report About President Trump’s Tax Returns

65. On the same day that Project Veritas published its investigative report about illegal voting practices in Minneapolis, The New York Times published a detailed story about President Trump’s business and tax history, which claimed to be based upon tax return data provided to The Times by an unidentified source.

66. There had been years of speculation about President Trump’s income and the amount he paid in taxes as he had long declined to release his tax returns as most presidential candidates traditionally have. President Trump’s refusal to release his tax returns was a controversial and much-discussed issue during the 2016 presidential campaign, and in the years

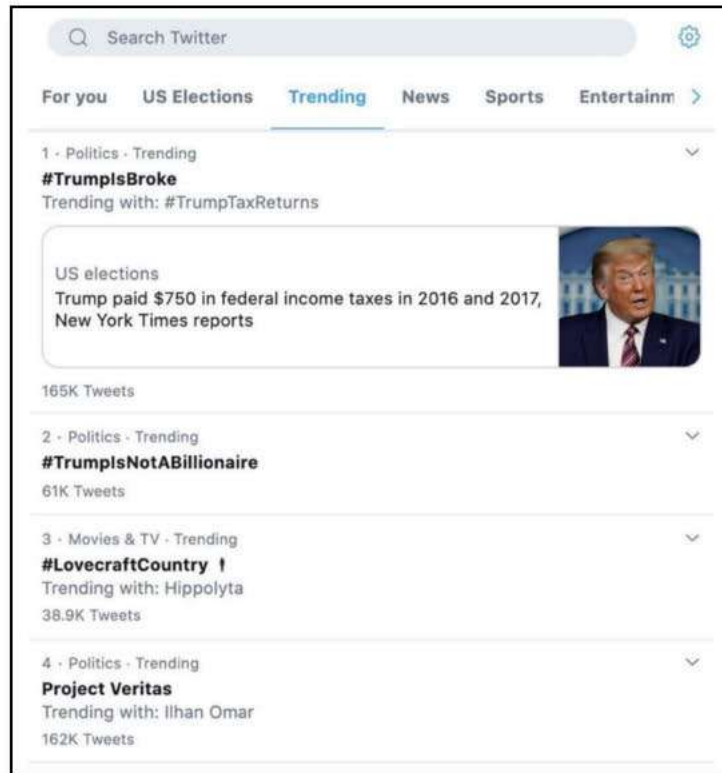
since they have been sought—thus far unsuccessfully—by congressional committees and the New York State Attorney General.

67. Then, on the eve of the first 2020 presidential debate, The Times finally obtained what it called “some of the most sought-after, and speculated about, records in recent memory.” Among other revelations based on those returns, The Times report claimed that over the last decade, President Trump paid very little in income taxes—in many years zero dollars, and in recent years only \$750.

68. Because of the controversy and mystery created by President Trump’s refusal to voluntarily release his tax returns, The Times believed it had scored a reporting coup and expected that its story would get significant attention and be the biggest news of the day.

69. Coincidentally, Project Veritas decided to release its report on illegal voting practices the same day. Although the publication of the report was originally scheduled for September 28—a Monday—Project Veritas decisionmakers ultimately decided on Saturday, September 26 to move up its release to Sunday, September 27, because they believed the investigative report would likely reach a greater audience on a Sunday than it would on a workday.

70. The Project Veritas report quickly went viral and became one of top trending topics on Twitter—competing with The New York Times tax returns story for prominence. Within just two hours of the publication of the Project Veritas report, it had been the subject of nearly as many tweets as The New York Times’ tax returns story (162k vs 165k).



71. In fact, total views of the Project Veritas investigative report on Twitter and YouTube alone soon eclipsed The Times' total number of subscribers.

Ms. Astor and The Times Retaliate by Coordinating with a Left-Wing Group to Publish a False Story Designed to Try and Discredit Project Veritas' Groundbreaking Reporting

72. The New York Times' political reporting team was upset that its much-hyped story about a Republican president's tax returns was upstaged by an independent journalism group's story presenting, in an election year, evidence of systematic and widespread voting fraud by Democrat candidates.

73. This resentment was driven not just by journalistic competitiveness, but also The Times' well-documented bias against Republicans and conservatives, and in favor of Democrats and liberals.

74. Ms. Astor herself clearly harbors such biases. She is a registered Democrat, and she was once interviewed by The New York Sun while wearing a shirt that said, “I hated Bush before it was cool.”

75. On information and belief, Ms. Astor’s editors, the John Doe Defendants, also hold biases against individuals and groups that they perceive as being Republican or conservative, are likewise registered Democrats, also dislike Project Veritas and its founder James O’Keefe, and were similarly upset that Project Veritas’ ballot harvesting investigation overshadowed The Times’ reporting on the President’s taxes.

76. The Times, Ms. Astor, and Ms. Astor’s editors therefore set out to try and discredit Project Veritas’ report as quickly and as thoroughly as possible.

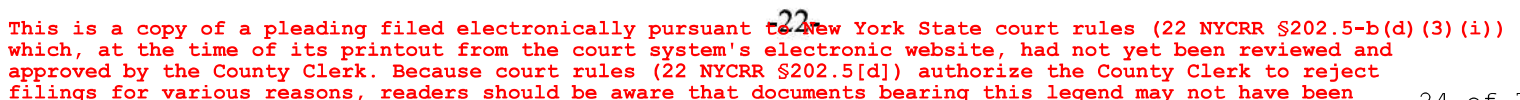
77. On September 29, 2020—just two days after Project Veritas released its report—The Times published Ms. Astor’s story on its website with the headline, “Project Veritas Video Was a ‘Coordinated Disinformation Campaign,’ Researchers Say.”

78. The “dek” (or subheading) of the story stated, “The timing of the deceptive video, which accuses Ilhan Omar of voter fraud, indicates that several conservatives, including Donald Trump Jr., may have known about it in advance.”

79. The first sentence of the story then says: “A deceptive video released on Sunday by the conservative activist James O’Keefe, which claimed through unidentified sources and with no verifiable evidence that Representative Ilhan Omar’s campaign had collected ballots illegally, was probably part of a coordinated disinformation effort, according to researchers at Stanford University and the University of Washington.”

80. The “researchers” referred to in the headline of the story are a group of academics—including students—from Stanford University and the University of Washington. Under the

83. Metadata from the websites of The Times and EIP reveals that The Times published Ms. Astor's story on the researchers' study less than **63 minutes** after the EIP blog post was published. This information is readily available in the source code that can be accessed by right-clicking on the respective webpages:



84. The ‘source code’ is the computer code created by the owner of the web page to construct live web pages, and it is published by the owner of the web page at time the page goes live. Anyone may access the source code by simply right-clicking on the selected page and choosing “view source.” The source code supports *all* the visible text on a web page, including non-visible information from the web page such as the date and time of publication or any modifications to the web page. The source code often will contain the time of publication in ‘coordinated universal time’ (“UTC”), also known as “Zulu time,” indicated by the letter ‘Z’ at the end of the time-stamp—or in local time, followed by either a plus sign preceding the number of hours local time is *ahead* of UTC-time, or a minus sign followed by the number of hours *behind* UTC-time.

85. Here, the EIP webpage’s source code indicates that the blog post was published at “14:08:54-0700”: the absence of the ‘z’ indicates that the time-stamp reflects local time, and the “-0700” demonstrates that local time is seven hours *behind* UTC time. Pacific Daylight Time (“PDT”) is seven hours behind UTC time, and thus, EIP published its post at 2:08 pm PDT—which is 5:08 pm Eastern Daylight Time (“EDT”).

86. The Times’ own source code indicates that Ms. Astor’s article was published at “22:11:25-000z,” which means that the article was published at 10:11 pm UTC. Because EDT is four hours behind UTC time, the source code reflects that The Times published Ms. Astor’s story at 6:11 pm EDT. Thus, The Times published its story fewer than 63 minutes after the EIP blog post was published.

87. Obviously, in the span of only one hour, Ms. Astor would not have been able to (1) read and digest EIP’s *twelve-hundred-word* post; (2) contact the authors of EIP’s post for

comment; (3) contact others quoted in the story for comment; (3) write her own nearly *thousand-word* article; and (4) submit her draft article to her editors at The Times for review and approval.

88. The inescapable conclusion revealed by the timing of Ms. Astor's story is that EIP provided her with a draft of its blog post well in advance of when it was actually published, so that The New York Times could publish its own story highlighting the blog post shortly after it was released, thus greatly increasing its reach and visibility.

89. The clear evidence of orchestration between EIP and The Times also raises serious questions concerning the provenance of the EIP blog post, and whether The Times conceived the idea and thesis of the blog post in the first instance—that Project Veritas moved up the publication of its investigative report in an effort to distract from The Times' story on the President's tax returns—to create a pretextual basis for a New York Times story attacking the Project Veritas report.

90. Regardless of whose idea this was (EIP or The Times), it is clear that it was actually The New York Times' story that was part of a coordinated disinformation campaign, with The Times teaming up with individuals who it knew to be left-leaning academics to further a joint goal of discrediting the Project Veritas report providing evidence of illegal voting activities by Democrat politicians. Working with The Times behind the scenes, the EIP researchers were also able to raise their profile by having their work featured in The New York Times, while The Times also found a way to mount an attack on the report that it viewed as upstaging its tax returns story.

91. Notably, one of the authors of the EIP blog post, Alex Stamos, is the former Chief Security Officer of Facebook. While at Facebook, he was one of the architects of the site's efforts to engage in active deboosting of conservative Facebook pages—a program that was exposed by a Project Veritas investigation in June 2020. Upon information and belief, Ms. Astor and her

editors were aware of Mr. Stamos' history with Project Veritas and his obvious bias and motive to smear Project Veritas.

92. Additionally, although The Times (falsely) purported to be impartially reporting on an academic study, the characterization of the Project Veritas investigative report as "deceptive" does not appear in the EIP blog post. That false and defamatory label was added by Ms. Astor, her editors, and The Times. Nor does the EIP blog post identify anything in the Project Veritas investigative report that is false, misleading, or deceptive.

93. The following day, September 30, 2020, The Times published Ms. Astor's story in its print edition.

94. The print version of the story appeared on page A22 of The Times' Monday, September 30, 2020 edition. It bore a different headline than the online version: "Project Veritas Releases Misleading Video, Part of What Experts Call a Coordinated Effort."

95. Like the online version of the story, the print version accused Project Veritas and Mr. O'Keefe of publishing a "deceptive" news report: "A deceptive video released on Sunday by the conservative activist James O'Keefe, which claimed through unidentified sources and with no verifiable evidence that Representative Ilhan Omar's campaign had collected ballots illegally, was probably part of a coordinated disinformation effort, according to researchers at Stanford University." The article's title also falsely accuses Project Veritas of releasing a "misleading" video.

96. The print version of the story also featured a call-out in large, bolded type, which said: "Making claims without evidence of ballot harvesting."

Project Veritas Releases Misleading Video, Part of What Experts Call a Coordinated Effort

By MAGGIE ASTOR

A deceptive video released on Sunday by the conservative activist James O'Keefe, which claimed through unidentified sources and with no verifiable evidence that Representative Ilhan Omar's campaign had collected ballots illegally, was probably part of a coordinated disinformation effort, according to researchers at Stanford University.

Mr. O'Keefe and his group, Project Veritas, appear to have made an abrupt decision to release the video sooner than planned after The New York Times published a sweeping investigation of President Trump's taxes, the researchers said. They also noted that the timing and metadata of a Twitter post in which Mr. Trump's son shared the video suggested that he might have known about it in advance.

Project Veritas had hyped the video on social media for several days before publishing it. In posts amplified by other prominent con-

servative accounts, Mr. O'Keefe teased what he said was evidence of voter fraud, and urged people to sign up at "ballot-harvesting.com" to receive the supposed evidence when it came out. (None of the material in the video actually proved voter fraud.)

Mr. O'Keefe's promotional posts had said the video would be released on Monday, but Project Veritas released it on Sunday instead, a few hours after the publication of The Times's investigation. The Stanford researchers concluded that this timing was unlikely to be a coincidence "given the huge marketing about a 9/28 release date," they wrote in an analysis that Alex Stamos, who led the research team at the Stanford Internet Observatory, shared with The Times.

"It's a great example of what a coordinated disinformation campaign looks like: pre-seeding the ground and then simultaneously hitting from a bunch of different accounts at once," Mr. Stamos said.

Many of the same accounts that had shared promotional tweets also shared the video as soon as it was released, moving it quickly into Twitter's trending topics alongside The Times's tax investigation.

Roughly an hour after The Times published its article, Mike Lindell, chief executive of MyPillow and honorary chairman of Mr. Trump's Minnesota campaign, tweeted a video of himself saying that Project Veritas's supposed exposé would be released that night at 9 p.m. Eastern time.

"I just met James O'Keefe of Project Veritas, and James showed me footage of systematic voter fraud," Mr. Lindell said. He did not respond to a request for comment on Tuesday.

Mr. O'Keefe posted the video on Twitter at 9 p.m. on the dot, and the president's son Donald Trump Jr. tweeted it just seven minutes later. Two minutes after that, the president's "war room" account retweeted him, and the president himself soon began commenting.

Notably, the video that the younger Mr. Trump posted did not have the "from James O'Keefe" label that appeared when other Twitter users shared the video uploaded by Mr. O'Keefe.

"This detail, along with video metadata demonstrating that the Donald Trump Jr. version of the

Making claims without evidence of ballot harvesting.

video was separately uploaded and re-encoded by Twitter, indicates that the Trump campaign possibly had access to the video before the general public and raises questions of coordination," the Stanford researchers wrote, noting also that Mr. Trump posted the video on Facebook 10 minutes before Mr. O'Keefe posted it there.

Asked for comment, the Trump campaign said that Donald Trump Jr. had received a downloadable link to the video after it was publicly released. It did not comment on Mr. Lindell's post or on the timing of the video's release, and a spokesman for the younger Mr. Trump did not respond to a request for comment.

The video contains footage of a man, identified as Liban Mohamed, showing off ballots he says he has collected for a Minneapolis City Council candidate — something that, depending on when the video was filmed, may not have been illegal, because a district court judge in July temporarily suspended Minnesota's ban on third parties collecting and returning large numbers of completed ballots. Mr. Mohamed was not working for Ms. Omar.

The video then claims that Democratic operatives connected to Ms. Omar's campaign paid voters to hand over blank mail in ballots and filled them out. This

would be illegal, but the allegations come solely from unnamed people who speak with Project Veritas operatives in the video and whose faces are not shown.

On Monday, the Minneapolis Police Department said it was "looking into the validity" of the claims in the video, which a spokesman for Ms. Omar described as "a coordinated right wing effort to delegitimize a free and fair election."

Mr. O'Keefe and Project Veritas have a long history of releasing manipulated or selectively edited footage purporting to show illegal conduct by Democrats and liberal groups.

The Stanford researchers reported the video to multiple social media platforms. Facebook added a link to its "voting information center" to one upload of the video but placed no notice on the original upload. Twitter, YouTube and Reddit took no action. TikTok was the only platform that removed all uploads of the video.

Ms. Astor and The Times Knew the Claim—That the Project Veritas Report Was Deceptive—Was Baseless and False

97. At the time that they published the story in question, Ms. Astor, her editors, and The Times knew that the claims that Project Veritas' investigative report is "deceptive," "misleading," relies on "unidentified sources," and contains no "evidence" of illegal ballot collecting was false.

98. For one thing, it is clear from the story itself that Ms. Astor had watched Project Veritas' investigative video report, and thus she and her editors subjectively knew that there was nothing "deceptive" about it.

99. Rather, the Project Veritas report is based entirely on interviews and recorded conversations with knowledgeable sources, firsthand witnesses, and actual participants in illegal voting activity—many of whom are identified by name and provided information on the record.

100. As noted, much of the investigative report is centered on the video clips that campaign worker Liban Mohamed himself posted to Snapchat, in which he openly brags about illegally harvesting hundreds of absentee ballots in gross violation of Minnesota law that permits a person to collect and submit no more than three absentee ballots from others. Mr. Mohamed is

identified by name and his connections to other Democrat Minnesota politicians, including Rep. Ilhan Omar, are set forth by named sources in the Project Veritas report.

101. Obviously, there was nothing deceptive or misleading about Project Veritas presenting Mr. Mohamed's own recorded and self-incriminating statements, and his own recorded admissions **are** verifiable evidence of illegal conduct.

102. Indicative of The Times' transparent bias—and its efforts to try and discredit the import of the Project Veritas report by any means necessary—is Ms. Astor's claim in the story that “depending on when the [Mohamed] video was filmed, [his conduct] may not have been illegal, because a district court judge in July temporarily suspended Minnesota's ban on third parties collecting and returning large numbers of completed ballots.” The print version of the story doubled down this claim by expressly accusing Project Veritas of “[m]aking claims without evidence of ballot harvesting.”

103. In fact, that court ruling referred to in the online and print stories **did not** render ballot harvesting legal—it merely suspended enforcement of the law for a brief period before that district court decision was reversed on appeal by the Minnesota Supreme Court.

104. The district court ruling temporarily delaying enforcement of the law against ballot harvesting was issued on July 28, 2020. The Project Veritas investigative report clearly stated—and Ms. Astor and the Times therefore knew—that Mr. Mohamed posted his ballot harvesting videos to Snapchat in the first week of July 2020. In fact, as reflected in the Project Veritas report, the self-filmed video of Mr. Mohamed bragging about “hustling” to collect a large number of absentee ballots from an apartment building, clearly bears a date of July 2, 2020:



105. Thus, at the time that Mr. Mohamed bragged online about his ballot harvesting activities, there is no question that such conduct was illegal—and Ms. Astor, her editors, and The Times knew as much.

106. However, because Ms. Astor and The Times knew that much of their intended audience had not actually watched the Project Veritas investigative report and would therefore not know when Mr. Mohamed posted his videos, they intentionally omitted that detail and referred to this later-in-time, inapplicable court ruling in an effort to misleadingly suggested to The Times’ readers that Mr. Mohamed’s conduct may not have been a criminal act. And the print version of the story flatly claimed that the Project Veritas report contained no “evidence of ballot harvesting,” even though Ms. Astor and The Times knew that the self-incriminating videos Mr. Mohamed posted of himself provided objective and irrefutable evidence of illegal ballot harvesting.

107. Ironically, Ms. Astor and The Times engaged in this sleight-of-hand deception in an effort to buttress the false claim that Project Veritas’ investigative report was “deceptive.”

108. Additionally, Ms. Astor and The Times knew that the claim that Project Veritas’ investigative report connecting Rep. Ilhan Omar to illegal voting activity relied exclusively on “unidentified sources” is false.

109. Even if that statement were true, it would hardly render Project Veritas’ journalism “deceptive,” as The Times itself regularly relies on confidential and even anonymous sources in its published stories.

110. In fact, The Times’ own published standards and practices expressly permit The Times to “agree[] not to identify people who provide information for [its] articles,” and to use “anonymous sources” when The Times deems the information they provide to be “newsworthy and credible.”² According to the official position of The Times, confidential sources are often *more credible* than named sources, because in sensitive situations sources “will be candid only if they know their name won’t be used.”

111. But notwithstanding The Times’ position that confidential and anonymous sources are often more reliable than named sources, the claim that Project Veritas report relied solely on “unidentified sources” is not true—and Ms. Astor, her editors, and The Times knew it. The allegation in the Project Veritas report that ballot-harvester Liban Mohamed is connected to Rep. Ilhan Omar’s campaign is attested to from the mouths of *two* named sources: Minneapolis City Council candidate AJ Awed, and community leader Omar Jamal.

112. Obviously, it was not deceptive for Project Veritas to publish the comments of Mr. Awed concerning Mr. Mohamed, his brother Jamal Osman, Rep. Omar, and widespread corruption in Minneapolis elections. It is self-evident that Mr. Awed was a credible and knowledgeable source, given that he is a local Somali-American politician who ran as a candidate in the same election as Mr. Mohamed’s brother, Jamal Osman.

113. Outside of the self-incriminating videos Mr. Mohamed filmed of himself, the primary on-the-record source for the Project Veritas report was a man named Omar Jamal.

² <https://www.nytimes.com/2018/06/14/reader-center/how-the-times-uses-anonymous-sources.html>.

Mr. Jamal is a longtime community leader and political consultant in the Minneapolis Somali-American community who has founded several community organizations and is also employed full-time as a community service officer for the Ramsey County Sheriff's Office.

114. Mr. Jamal connected Mr. Mohamed and his illegal conduct to Rep. Ilhan Omar, detailed the breadth of ballot harvesting and cash-for-ballots schemes in Minneapolis, identified Rep. Omar's Deputy Campaign Manager Alli Isse Gainey as a known ringleader of these activities, and helped Project Veritas to record interviews and conversations with numerous witnesses and participants with knowledge of these illegal activities.

115. Thus, The Times' claim that the Project Veritas report relied solely on "unidentified sources" is patently false, and The Times knew it. But Ms. Astor's story contains no mention whatsoever of the statements made in the Project Veritas investigative report by Mr. Awed and Mr. Jamal, because acknowledging their inclusion in the report would have completely contradicted the false claim that the Project Veritas report relied solely on unidentified sources.

116. As for Omar Jamal, it is no surprise that Ms. Astor's story failed to inform readers of his participation in the investigative report as a named, on-the-record source, because doing so would have completely undercut The Times' narrative that the Project Veritas report was deceptive and relied on "unidentified sources" with "no verifiable evidence." As Ms. Astor, her editors, and The Times knew, there is nothing inherently deceptive about a journalistic investigation relying on the word of a prominent, respected and credible source with firsthand knowledge of what is taking place in his community.

117. In fact, Mr. Jamal has long been considered by The New York Times itself to be a credible source of information concerning matters involving Minneapolis' Somali-American community. On many occasions, he has appeared in The New York Times as a named source in

stories concerning goings-on in that community, and he has been photographed for The Times as well:



118. In total, since 2006, Mr. Jamal has been quoted as an on-the-record source in *at least ten* New York Times stories. A June 2006 story in The Times’ international edition about Islamic militiamen in Somalia quoted Mr. Jamal calling on the United States to intervene and identified him as the “director of the Somali Justice and Advocacy Center in St. Paul, Minnesota, a hub for expatriate Somalis.”³ An August 2007 Times story about a bridge collapse in Minneapolis quoted Mr. Jamal as a spokesperson for one of the victim’s families and identified him as “a leader of Somalis” in the city.⁴ A follow up story about that same incident also quoted Mr. Jamal and identified him as the director of the Somali Justice Advocacy Center.⁵ A March

³ “Islamic militia extends its hold across Somalia,” International Herald Tribune (June 14, 2006), *available at* <https://www.nytimes.com/2006/06/14/world/africa/14iht-somalia.1974923.html?searchResultPosition=5>.

⁴ Pam Belluck, “For Families of Missing, an Agonizing Limbo,” The New York Times (Aug. 4, 2007), *available at* <https://www.nytimes.com/2007/08/04/us/04missing.html?searchResultPosition=7>.

⁵ Monica Davey, “In Bridge Collapse, Refugee Group Faces a New Ordeal,” The New York Times (Aug. 8, 2007), *available at* <https://www.nytimes.com/2007/08/08/us/08bridge.html?searchResultPosition=4>.

2015 Times story about a Somali-American man from Minneapolis who traveled to Syria to join ISIS quoted Mr. Jamal regarding the fear and devastation of the man's family and identified Mr. Jamal as a "Somali-American activist in Minneapolis."⁶ An April 2016 Times story about TSA employees targeting Somali-Americans for terrorism screenings quoted Mr. Jamal and identified him as "a community activist."⁷ A June 2016 story about three Somali-Americans convicted of attempting to join the Islamic State quoted Mr. Jamal on the community perception of the case and identified him as "a Somali community activist."⁸ An April 2019 Times story about a Minneapolis police shooting quoted Mr. Jamal regarding the Somali-American community's views of the case and identified Mr. Jamal as "a consultant and activist."⁹ A different April 2019 story about the same police shooting case quoted Mr. Jamal on the community's views of the case and identified him as "a Somali-American activist and consultant."¹⁰ And a June 7, 2020 Times story about how protests of police brutality were affecting Minneapolis' Somali-American community quoted Mr. Jamal and identified him as working "in a sheriff's office in St. Paul."¹¹

⁶ Scott Shane, "From Minneapolis to ISIS: An American's Path to Jihad," The New York Times (Mar. 21, 2015), available at <https://www.nytimes.com/2015/03/22/world/middleeast/from-minneapolis-to-isis-an-americans-path-to-jihad.html?searchResultPosition=14>.

⁷ Ron Nixon, "Minnesota TSA Manager Says He Was Told to Target Somali-Americans," The New York Times (Apr. 27, 2016), available at <https://www.nytimes.com/2016/04/28/us/politics/minnesota-tsa-manager-says-he-was-told-to-target-somali-americans.html?searchResultPosition=11>.

⁸ Jack Healy & Matt Furber, "3 Somali-Americans Found Guilty of Trying to Join Islamic State," The New York Times (June 3, 2016), available at <https://www.nytimes.com/2016/06/04/us/somali-americans-verdict-minneapolis-isis.html?searchResultPosition=6>.

⁹ Mitch Smith, "A 911 Call, an Unarmed Woman and a Single Shot: The Mystery of a Police Shooting," The New York Times (Apr. 13, 2019), available at <https://www.nytimes.com/2019/04/13/us/mohamed-noor-trial-minneapolis.html?searchResultPosition=13>.

¹⁰ Mitch Smith, "Minneapolis Police Officer Convicted of Murder in Shooting of Australian Woman," The New York Times (Apr. 30, 2019), available at <https://www.nytimes.com/2019/04/30/us/minneapolis-police-noor-verdict.html?searchResultPosition=10>.

¹¹ Kimiko de Freytas-Tamura, "In Minneapolis, Somali-Americans Find Unwelcome Echoes of Strife at Home," The New York Times (June 7, 2020), available at <https://www.nytimes.com/2020/06/07/us/minneapolis-somalis-george-floyd.html?searchResultPosition=12>.



119. In an April 2019 Times story, Mr. Jamal was quoted as a source *specifically on the subject of Congresswoman Ilhan Omar*, criticizing her for focusing too much on Israel during her first term at the expense of housing and education issues facing her district. Mr. Jamal was identified by The Times in that story as “a political consultant in St. Paul, Minn.”¹²

120. And finally, in September 2013, the Times published an Op/Ed by Mr. Jamal concerning the terrorist group Al Shabab and the concern that it could seek to mount attacks in the United States.¹³

121. In sum, there can be no dispute that The Times itself considers Mr. Jamal to be a credible and knowledgeable source with respect to issues in the Somali-American community of

¹² John Eligon, “Unchecked ‘Hate’ Toward Rep. Ilhan Omar Has American Muslims Shuddering,” The New York Times (Apr. 25, 2019), available at <https://www.nytimes.com/2019/04/25/us/ilhan-omar-muslim-reactions.html?searchResultPosition=1>.

¹³ Omar Jamal, “The Question Now is When and Where in the U.S. the Shabab Will Attack,” The New York Times (Sept. 30, 2013), available at <https://www.nytimes.com/roomfordebate/2013/09/30/does-al-shabab-pose-a-threat-on-american-soil/the-question-now-is-when-and-where-in-the-us-the-shabab-will-attack>.

Minneapolis-St. Paul generally, and with respect to local politics and Rep. Omar specifically. The Times knew that reliance on Mr. Jamal as a source regarding these matters is hardly “deceptive,” because the so-called “Paper of Record” has itself relied on Mr. Jamal as a source extensively.

122. Not surprisingly, Ms. Astor’s story calling Project Veritas’ investigative report “deceptive” intentionally omitted The Times’ own extensive reliance on Mr. Jamal as an on-the-record source because including that information would have undermined The Times’ preconceived narrative that Project Veritas published a “deceptive” video report.

123. Ms. Astor, her editors, and The Times also intentionally elected not to reach out to any of the named individuals in the Project Veritas video—including, but not limited to, Mr. Mohamed, Mr. Jamal, and Mr. Awed—to ask if they were quoted accurately or if the audio and video depictions of their own words in the Project Veritas investigative report were in any way altered or doctored.

124. This intentional decision not to reach out to obvious sources of corroboration or refutation for the claim that the Project Veritas investigative report was “deceptive” reflects a purposeful avoidance of the truth, and thus actual malice.

125. Additionally, Ms. Astor, her editors, and The Times intentionally chose not to contact or seek comment from Project Veritas before publishing this false and defamatory story. This was a clear violation of The Times’ own “Guidelines on Integrity” applicable to all news reporters, which explicitly provide that story subjects must be given an opportunity to respond to *any* negative statements The Times plans to publish about them:¹⁴

¹⁴ <https://www.nytimes.com/editorial-standards/guidelines-on-integrity.html>.

Rebuttals

Few writers need to be reminded that we seek and publish a response from anyone criticized in our pages. But when the criticism is serious, we have a special obligation to describe the scope of the accusation and let the subject respond in detail. No subject should be taken by surprise when the paper appears, or feel that there was no chance to respond.

126. Finally, it is noteworthy that The Times story also intentionally omitted a link to the Project Veritas investigative report that would have allowed readers to judge for themselves whether The Times' false claims that it was deceptive, that it relied only on "unidentified sources," that it contained no "evidence" of illegal voting activity, and that it did not offer any evidence of unlawful ballot harvesting were truthful. The absence of a hyperlink to the Project Veritas investigative report is particularly conspicuous because Ms. Astor's story *did* contain hyperlinks to many other materials mentioned in the story, including the EIP blog post, The Times' own story on President Trump's tax returns, and a statement published to Twitter by a spokesperson for Rep. Omar calling the Project Veritas report "a right wing effort to delegitimize a free and fair election."

127. The omission of a hyperlink to the Project Veritas investigative report—*the main subject of The Times' story*—was intentional and designed to prevent The Times' readers from viewing the Project Veritas report for themselves and thus having a ready means to determine that The Times' statements about Project Veritas were false.

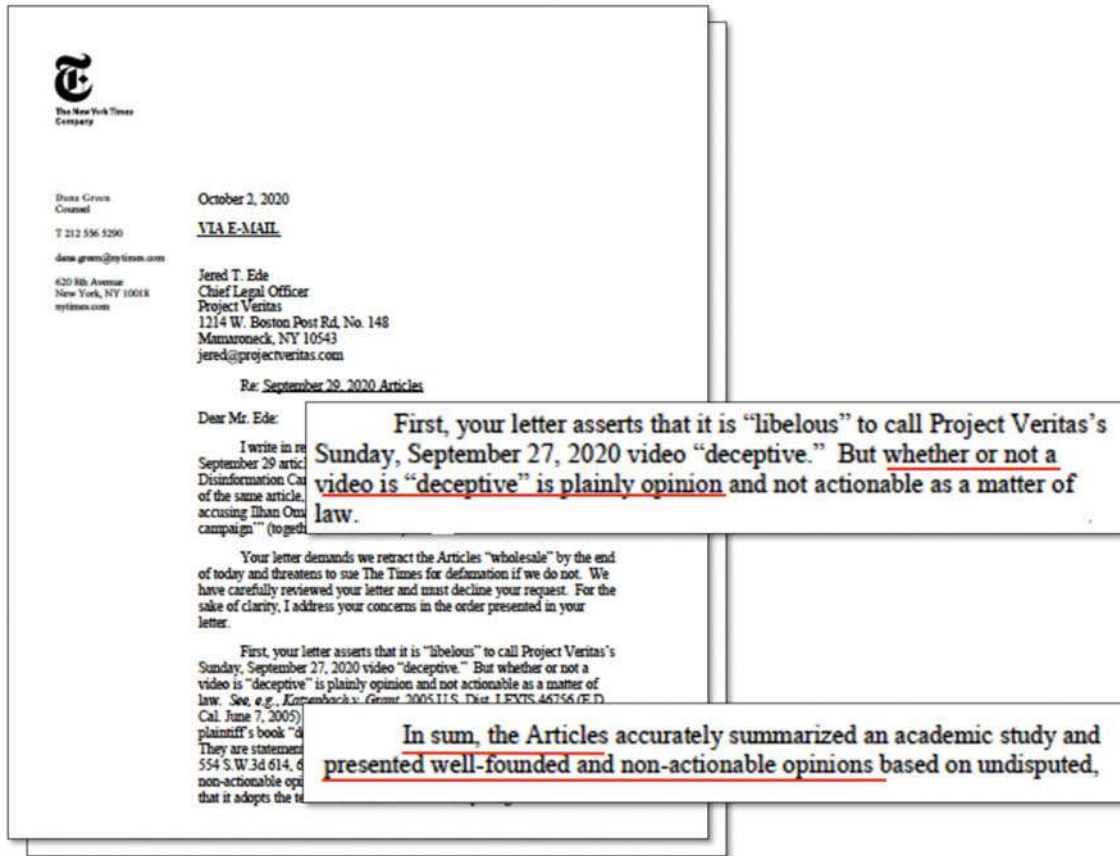
128. At bottom, there simply was no factual basis whatsoever for Ms. Astor and The Times to claim that Project Veritas' investigative report was "deceptive," that it relied exclusively on "unidentified sources," and that it presented "no evidence" of illegal voting activity—and Ms. Astor, her editors, and The Times were on subjective notice at the time of publication that these claims were false. These statements about Project Veritas were therefore published with actual malice.

Project Veritas Demands a Retraction and The Times' Lawyers Refuse—Absurdly Claiming its News Story Was “Opinion”

129. On September 30, 2020—the day after The Times published the online version of Ms. Astor’s story—Project Veritas Chief Legal Officer Jered T. Ede sent a letter via email to Ms. Astor and New York Times Executive Editor Dean Baquet.

130. Mr. Ede’s letter demanded an immediate retraction of the story calling Project Veritas’ investigative report “deceptive.” Mr. Ede’s letter specifically noted that The Times’ story contained no factual basis for that claim, and that the assertions that the Project Veritas report relied on “unidentified sources” and offered no “evidence” of illegal voting activity were readily disproven by reference to the video report itself.

131. On October 2, 2020, Dana Green, in-house Counsel for The New York Times Company, sent a response letter to Mr. Ede via email. In that letter, Ms. Green stated that The Times refused to make any correction to, or retraction of, the story. With respect to the story’s claim that the Project Veritas investigative report was “deceptive,” Ms. Green repeatedly asserted that this statement was merely Ms. Astor and The Times’ “opinion”:



132. But this claim is belied by the fact that the story appeared not in The Times' Op/Ed section, but rather the "Politics" *news* section. And Ms. Astor is not an opinion writer for The Times—she is a "political reporter":



133. The Times' own "Ethical Journalism" standards expressly state that The Times' "fundamental purpose" is to ensure that its news reports reflect "impartiality and neutrality," and

political reporters like Ms. Astor are prohibited from “do[ing] anything that damages The Times’s reputation for strict neutrality in reporting on politics and government.”¹⁵

134. Thus, The Times’ own ethical policies prohibit a political news reporter like Ms. Astor from offering her “opinion” in a news story covering politics and government. If Ms. Astor and her editors truly considered the claim that Project Veritas’ report is “deceptive” to be merely Ms. Astor’s opinion, then under The Times’ own binding policies they would not have been permitted to publish it.

135. Moreover, The Times proudly publicizes and trumpets these policies to the public on its website. Thus, a reasonable reader of a Times news story would not expect to see a reporter’s “opinion” appear in a news story, and a reasonable reader therefore would have understood the claim that Project Veritas’ investigative report was “deceptive” to be a statement of fact, not a statement of opinion.

136. Ms. Astor herself also stated in a recent interview that part of her job is to ensure that she *does not* inject her own opinions into news stories that she writes for The Times.¹⁶

137. Despite The Times’ legal department taking the post hoc position that the “deceptive” statement was Ms. Astor’s opinion—and thus that it should never have appeared in a news story per The Times’ own policies and guidelines—to date, The Times’ newsroom and editors have not taken any action to remove Ms. Astor’s so-called “opinion” from the story. This definitively puts the lie to the lawyers’ made-for-litigation claim that the “deceptive” statement was intended to be merely an expression of Ms. Astor’s opinion, and demonstrates that Ms. Astor

¹⁵ <https://www.nytimes.com/editorial-standards/ethical-journalism.html#introductionAndPurpose>.

¹⁶ “Media Bias: Should Journalists Always Strive to Be Objective?” *Issues & Controversies*, Infobase, (Sept. 22, 2020), available at icof.infobaselearning.com/recordurl.aspx?ID=6296.

and her editors must have intended and understood—and still intend and understand—it to be a statement of fact concerning Mr. O’Keefe and Project Veritas.

138. The Times’ lawyers’ after-the-fact claim that this statement is merely “opinion” is therefore ridiculous and nonsensical. Instead, it is a tacit acknowledgement that the statement in Ms. Astor’s story is not factually supportable and cannot be defended as objectively true.

139. Even if the claim that Project Veritas’ investigative report was “deceptive” were a statement of opinion, it would be an opinion based on false statements of fact—namely that Project Veritas’ video relied solely on “unidentified sources” and offered “no evidence of ballot harvesting.”

140. That being the case, The Times’ own “Guidelines on Integrity” required that the story be corrected to remove the statement. Indeed, The Times’ policies require a correction even where a published statement is “imprecise” or “incomplete.”

141. Thus, The Times implicitly admitted that Ms. Astor’s assertion that Project Veritas’ investigative report is “deceptive” has no factual support, and yet Ms. Astor, her editors, and The Times still refused to correct it. This further demonstrates Ms. Astor and The Times’ reckless disregard for the truth and actual malice towards Project Veritas.

142. After Times lawyer Dana Green responded to Project Veritas’ letter with the claim that Ms. Astor’s statements were merely “opinion,” Project Veritas’ outside counsel Clare Locke LLP sent a letter to New York Times Deputy General Counsel David McCraw on October 9, 2020.¹⁷ Clare Locke LLP again demanded a retraction of Ms. Astor’s false statements, and noted

¹⁷ Ltr. L. Locke to D. McCraw re “False Allegations Regarding Project Veritas,” (Oct. 9, 2020) (attached hereto as Ex. A.)

that it was illogical for The Times to take the position that statements in one of its news articles were opinion because that would clearly violate The Times' own policies.

143. In response, Mr. McCraw defended Ms. Astor's characterization of the Project Veritas video report as "deceptive" as factually true—thus completely undermining Ms. Green's previous assertion that the statement was merely Ms. Astor's "opinion."

144. The Times has also continued to flagrantly violate its own "rebuttals" policy post-publication of Ms. Astor's stories, which further demonstrates Defendants actual malice toward Project Veritas.

145. On October 16, 2020, Clare Locke LLP again wrote to Mr. McCraw demanding a retraction of Ms. Astor's stories.¹⁸ In that letter, Clare Locke LLP noted The Times' previous reliance on Omar Jamal as a credible source, as well as the less than 63-minute difference in publication timing of the EIP blog post and Ms. Astor's September 29, 2020 story.

146. Attached to that letter, Clare Locke LLP provided a redlined version of Ms. Astor's September 29 story which, among other things, suggested an update to the story to "reflect statements from Project Veritas." In that document, Clare Locke LLP provided The Times with several quotes from Project Veritas rebutting the false claims that Ms. Astor made in her story.

147. Again, despite The Times' own ethical policies clearly requiring that The Times "seek and publish a response from anyone criticized in [The Times'] pages," The Times' lawyers and editors refused to update the story to include the rebuttals from Project Veritas in violation of The Times' own internal policies.

¹⁸ Ltr. L. Locke to D. McCraw re "False Allegations Regarding Project Veritas," (Oct. 16, 2020) (attached hereto as Ex. B.)

The Times Retaliates Against Project Veritas for Threatening Litigation

148. After The Times' lawyers refused to correct or retract the false statements in Ms. Astor's stories and absurdly claimed that they were merely a news reporter's opinion, counsel for Project Veritas indicated that litigation may result if The Times persisted in standing behind these false and defamatory statements.

149. In retaliation, The Times elected to double down on those statements and repeat its defamation of Project Veritas.

150. On October 25, 2020 The Times published on its website a story by Tiffany Hsu with the headline, "Conservative News Sites Fuel Voter Fraud Misinformation." Ms. Hsu's story claimed that in the run-up to the 2020 presidential election, "right-leaning news sites" have been publishing "false or misleading headlines and articles" designed to back claims by President Trump that "mail-in ballots threaten the integrity of the election."

151. Ms. Hsu's story was published the following day in the print version of The New York Times with the headline, "False Voter Fraud Stories Are Churning on Conservative News Sites."

152. After citing various supposed examples of this so-called "propaganda feedback loop" of "false voter fraud stories," Ms. Hsu's story then turned to Project Veritas:

In a similar cycle, the Fox News host Sean Hannity and conservative publications magnified the reach of a deceptive video released last month by Project Veritas, a group run by the conservative activist James O'Keefe. The video claimed without named sources or verifiable evidence that the campaign for Representative Ilhan Omar, a Minnesota Democrat, was collecting ballots illegally.

153. The Times, Ms. Hsu, and Ms. Hsu's editors knew that these claims were false at the time of publication. Indeed, at the time of publication, The Times had already been put on notice that substantially similar claims published by Ms. Astor and The Times in September 2020

were false and defamatory, and counsel for Project Veritas had directed The Times to specific portions of the Project Veritas investigative report itself that demonstrably disproved these claims.

154. The Times and Ms. Hsu nevertheless repeated the gist of the false claims previously made in Ms. Astor's stories in an effort to retaliate against Project Veritas for demanding a correction of Ms. Astor's stories and threatening to file a defamation lawsuit if The Times refused.

155. Like Ms. Astor, Ms. Hsu and her editors reviewed the Project Veritas investigative report before publishing a story about it, and thus they subjectively knew that her story's claims—that the report was “false,” “deceptive,” and cited no “named sources”—were false.

156. Like Ms. Astor, Ms. Hsu is a registered Democrat and was motivated by political bias and a preconceived narrative that voter fraud in a Republican-hyped problem is largely overstated in her effort to portray Project Veritas' investigative report uncovering evidence of voter fraud by Democrat candidates as “false” and “deceptive.” She, like Ms. Astor, was upset that Project Veritas' story had overshadowed The Times' reporting on the President's taxes. She, like Ms. Astor, views Project Veritas and Mr. O'Keefe with contempt and does not view Project Veritas as a legitimate journalism enterprise. On information and belief, Ms. Hsu's editors share these political biases and motivations.

157. Once again, in flagrant violation of The Times' own policies and ethical guidelines, Ms. Hsu, her editors, and The Times intentionally chose not to seek comment or rebuttal from Project Veritas before Ms. Hsu's story was published.

158. Like Ms. Astor's stories, Ms. Hsu's story contained no link to the Project Veritas investigative report that would have allowed readers to judge for themselves the truth of the claims that the report was “false,” “deceptive,” lacked any “named sources,” and provided no “verifiable evidence” of illegal ballot collection by Rep. Omar and her associates.

159. Of course, at the time that Ms. Hsu's story was published, The Times' lawyers had already taken the position that the claim that Project Veritas' investigative report is "deceptive" is merely opinion. But like Ms. Astor, Ms. Hsu is a news reporter, and her story was published in the Media News section of The Times' website. Like Ms. Astor, Ms. Hsu is prohibited by The Times' ethical policies for ethical journalism from injecting her opinion into news stories.

160. Notably, Ms. Hsu's own article in the print edition is headlined, "**False Voter Fraud Stories Are Churning on Conservative News Sites**":



161. The Times' editors and Ms. Hsu, in selecting this very title about "false voter fraud stories"—and including Project Veritas' purportedly "deceptive video" as one such example of a "false voter fraud stor[y]"—clearly believed the claim that Project Veritas' investigative report was "deceptive" was a statement of fact capable of being proven "false"—just as the story's headline proclaims.

162. But when Project Veritas' counsel noted the inclusion of what The Times' lawyers had previously characterized as "opinion" in Ms. Hsu's story and demanded a retraction,¹⁹ The Times' lawyers simply ignored the request.

163. Thus, the republication of this false claim in Ms. Hsu's story is yet another tacit acknowledgment by The Times and its editors that The Times considers this false claim to be a statement of fact capable of being proven "false," and not a statement of opinion.

Defendants' Statements About Project Veritas Are Defamatory *Per Se*

164. Defendants' false claims that Project Veritas published a "false" and "deceptive" news report that solely relied on "unidentified sources," contained no "named sources," and presented no "evidence of ballot harvesting" are not only false, but defamatory *per se*.

165. The cardinal tenet of the journalism profession is to present truthful information to readers and viewers. In fact, The Times' own published "Standards of Journalism" state that "[t]he reputation of The Times rests" upon the "perception" that The Times' reporting is fair and open, and that its employees' "first duty is to make sure that the integrity of The Times is not blemished."²⁰

166. The same document states that telling readers "the complete, unvarnished truth" is required, and that failure by a Times journalist to do so "may lead to disciplinary action, potentially including dismissal."

167. Similarly, Project Veritas' stated organizational values list as Rule #1: "Truth is paramount," and state that Project Veritas does not distort facts or context. Rule # 11 is that Project

¹⁹ Ltr. L. Locke to D. McCraw re "False and Defamatory New York Times Reporting on Project Veritas," (Oct. 28, 2020) (attached hereto as Ex. C.)

²⁰ <https://www.nytimes.com/editorial-standards/ethical-journalism.html#introductionAndPurpose>.

Veritas does not “manufacture content,” but instead presents the words of its investigative sources accurately and fairly.

168. Thus, Ms. Astor, Ms. Hsu, their editors, and The Times impugned the integrity and ethics of Project Veritas by accusing it of violating a basic tenet of the journalism profession as well as Project Veritas’ own ethical standards and primary institutional ethos.

169. Given the nature and standards of the profession, it is self-evident that accusing a journalistic organization of publishing a false and deceptive news report—as The Times accused Project Veritas—would tend to injure that organization in its business, trade, or profession.

170. The publication of the online and print versions of these stories did in fact cause substantial harm to Project Veritas’ reputations.

171. As one of the most widely circulated papers in the United States and the world, the reach of these defamatory statements was considerable. According to The Times’ itself, its print version boasts a daily circulation of nearly half a million copies in the United States,²¹ and The Times has an additional 5.7 million digital subscribers.²²

172. Given its status and prominence, it was entirely foreseeable to Defendants that the false and defamatory statements about Project Veritas in Ms. Astor and Ms. Hsu’s stories would be widely republished by other media outlets and individuals.

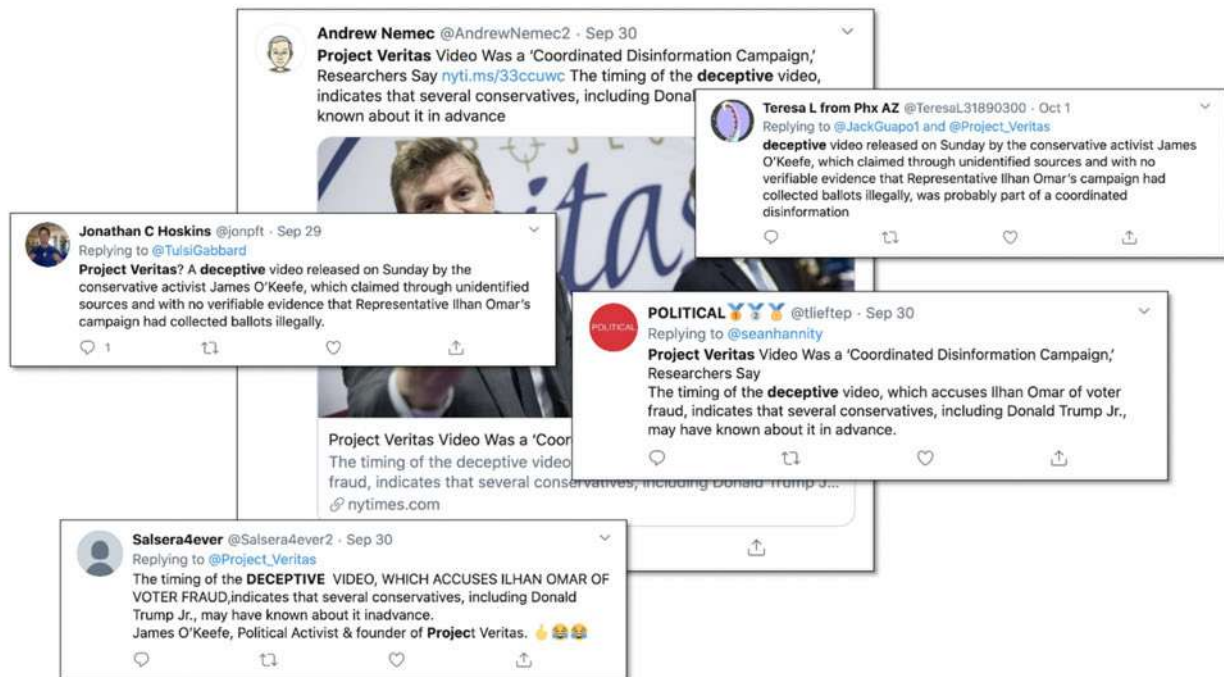
173. In fact, the false statements in Ms. Astor’s stories were widely republished, increasing the reputational harm to Project Veritas. As noted, The Times itself republished a variant of Ms. Astor’s false claims in Ms. Hsu’s story less than a month later, and various other

²¹ <https://nytmmediakit.com/newspaper-guidelines>.

²² <https://www.nytimes.com/2020/08/05/business/media/nyt-earnings-q2.html#:~:text=The%20company%20added%20669%2C000%20net%20new%20digital%20subscribers%2C%20making%20the,10%20million%20subscriptions%20by%202025>.

media outlets and blogs either republished Ms. Astor's false claims verbatim or repeated the claim that the Project Veritas investigative report was "deceptive."²³

174. Additionally, Ms. Astor and The Times' claim that Project Veritas published a "deceptive" video was adopted and republished by various social media users:



175. Ms. Astor, her editors, and The Times are liable for the damage caused by the foreseeable and intended republication of their false and defamatory statements concerning Project Veritas.

Defendants' Tortious Conduct Has Caused Plaintiff to Suffer Special Damages

176. In addition to the significant reputational harm that Defendants' conduct has caused, Defendants' actions have also caused Project Veritas to suffer special damages.

²³ See, e.g., Maggie Astor, "Stanford researchers say Ilhan Omar video appears to be 'coordinated disinformation campaign,'" Twin Cities Pioneer Press (Sept. 29, 2020), available at <https://www.twincities.com/2020/09/29/stanford-researchers-say-ilhan-omar-video-appears-to-be-coordinated-disinformation-campaign/>; Rick Hases, "Project Veritas Video Was a 'Coordinated Disinformation Campaign,' Researchers Say," ElectionLawBlog (Sept. 29, 2020), available at <https://electionlawblog.org/?p=115984>.

177. By falsely labeling Project Veritas' investigative report "false" and "deceptive," Defendants used the institutional weight of The New York Times to discredit Project Veritas' journalism in the eyes of the public. This caused Project Veritas' significant investment of time, energy, and resources on this groundbreaking investigation to be essentially wasted.

178. Project Veritas estimates it has spent \$141,000 in hard costs (e.g., travel, accommodations, security, transcription services, and other external costs, which exclude any internal costs such as production costs or Project Veritas employee time) to research and produce its investigative reporting on illegal voting practices in Minneapolis. The Times' tortious acts proximately caused a loss of that investment.

179. In an effort to attempt to mitigate the harm caused by the publication of the false statements in Ms. Astor and Ms. Hsu's stories, Project Veritas immediately sought a correction of said statements. The Times' lawyers refused.

180. As a result, Project Veritas had to engage outside defamation counsel, Clare Locke LLP, to seek a retraction from The Times.

181. Clare Locke LLP attorneys have to date sent three separate letters to The New York Times' lawyers demanding a correction of Ms. Astor and Ms. Hsu's false statements about Project Veritas, but The Times has maintained its refusal to issue any correction or retraction.

182. To date, Clare Locke LLP's fees for efforts specifically targeted at mitigating the harm to Project Veritas by seeking retractions from Defendants are estimated to be \$37,000, exclusive of any costs associated with preparing this Complaint and legal fees associated with litigation. But for The Times' refusal to issue a prompt correction when first demanded by Project Veritas, Project Veritas would not have incurred these special damages.

**AS AND FOR A FIRST CAUSE OF ACTION – DEFAMATION
FOR PUBLICATION OF THE ORIGINAL STORY ON THE NEW YORK TIMES
WEBSITE ON SEPTEMBER 29, 2020**

(Against Defendants Maggie Astor, The New York Times, and John Does 1-5)

183. Plaintiff repeats and re-alleges each of the foregoing paragraphs as if set forth fully herein.

184. Defendants The New York Times, Maggie Astor, and Ms. Astor’s editors authored and published false and defamatory statements about Project Veritas in the September 29, 2020 story published by The New York Times on its website with the headline, “Project Veritas Video Was a ‘Coordinated Disinformation Campaign,’ Researchers Say.”

185. The story was posted at the URL <https://www.nytimes.com/2020/09/29/us/politics/project-veritas-ilhan-omar.html>, and it remains online at that location. A true and correct copy of the online version of the story is attached hereto as Exhibit D.

186. The September 29 story, which was published to a worldwide audience on The Times’ website, included the following false and defamatory statements:

The timing of the deceptive video, which accuses Ilhan Omar of voter fraud, indicates that several conservatives, including Donald Trump Jr., may have known about it in advance.

A deceptive video released on Sunday by the conservative activist James O’Keefe, which claimed through unidentified sources and with no verifiable evidence that Representative Ilhan Omar’s campaign had collected ballots illegally, was probably part of a coordinated disinformation effort, according to researchers at Stanford University and the University of Washington.

187. These statements were meant to, and in fact did, create the false and misleading impression that Project Veritas published a deceptive video news report that relied solely on “unidentified sources,” that contained no “evidence” of illegal ballot harvesting, and that was

manipulated and selectively edited to misrepresent the facts to the millions of people that viewed Project Veritas' groundbreaking investigative report.

188. These statements were reasonably understood by those reading them to be statements of fact regarding Project Veritas.

189. As set forth herein, these statements are false.

190. These statements are of and concerning Project Veritas. Indeed, Project Veritas founder, CEO, and Board Chairman Mr. O'Keefe is mentioned by name as the publisher of the supposedly "deceptive" report, and the very next sentence of the story states that the video report was published by "Mr. O'Keefe and his group, Project Veritas..."

191. The reading public would have understood, and did understand, these statements to be of and concerning Project Veritas.

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

193. These statements are libelous because they tend to expose Plaintiff to public contempt, ridicule, aversion or disgrace, and to induce an evil opinion of Plaintiff in the minds of right-thinking persons, and to deprive Plaintiff of friendly intercourse in society.

194. These statements defamed Project Veritas by falsely accusing a journalistic organization of relying solely on "unidentified sources", offering no "evidence" in support of an investigative report, and manipulating and selectively editing an investigative news report in order to deceive and mislead viewers—a cardinal sin that is the most egregious and fundamental violation of journalistic ethics and standards, as well as of Project Veritas' own stated mission and ethical tenets.

195. These statements are libelous *per se* because they impugn the basic integrity, ethics, and competence of Project Veritas as a journalistic organization.

196. These statements are libelous *per se* because they would tend to harm, and indeed have harmed, Project Veritas in its trade, business, and profession, and would tend to assail, and indeed have assailed, Project Veritas' integrity and journalistic ethics.

197. These statements are libelous *per se* because they impute unfitness in the performance of one's profession or trade to Project Veritas.

198. Defendants published these statements with actual malice in that they had knowledge that the statements were false, or they published the statements with reckless disregard for their truth or falsity.

199. Defendants published these statements with actual malice in that they recklessly disregarded information in their possession—including the Project Veritas video report itself and the fact that Project Veritas' on the record source had himself been a source The Times relied upon for information about the Minneapolis Somali community—demonstrating the falsity of these statements.

200. Defendants published these statements with actual malice in that they purposefully avoided the truth and intentionally failed to seek comment from the most obvious sources of corroboration or refutation before publishing these statements—including Project Veritas, Mr. O'Keefe, and Mr. Jamal.

201. Defendants also repeatedly failed to retract or correct these false and defamatory statements despite at least four separate requests that they do so, thereby further demonstrating that they published these statements with actual malice.

202. Defendants also acted with actual malice by publishing a preconceived narrative—working hand in hand with EIP to develop the thesis and preconceived storyline for this article before publication, without reaching out to Project Veritas for comment to include its rebuttal in the article.

203. Defendants also acted with actual malice and common law malice because they were motivated by political bias and ill will towards a journalistic organization that they perceive as mere “conservative activist[s]” and for which they hold vitriolic disdain.

204. Defendants acted with actual malice and common law malice because they acted with bias, ill will, and a retaliatory motive to harm Project Veritas for upstaging The New York Times story about President Trump’s tax returns.

205. Defendants acted with actual malice and common law malice because they sought to harm the reputation of a journalistic competitor that they disdain because its reporting negatively impacted Democrat candidates shortly before a hotly contested election, and because Defendants believe that issues of voter fraud are exaggerated or do not exist.

206. Defendants acted with actual malice by flagrantly violating their own published standards and policies, including by failure to seek comment before publication, including supposed “opinions” in their news pages, and refusing to retract false statements.

207. Defendants published the false and defamatory statements in the September 29 online story with common law malice toward Plaintiff and with the specific intent to cause damage to Project Veritas.

208. As a result of the false and defamatory statements published by Defendants, Project Veritas’ professional reputation has been impugned.

209. As a result of the false and defamatory statements published by Defendants and Defendants' repeated refusals to correct or retract those statements, Plaintiff has been forced to make an expenditure of no less than \$25,000 in an effort to remedy the defamation.

210. As a result of the false and defamatory statements published by Defendants, Plaintiff has been exposed to public hatred, ridicule, and contempt.

211. As a result of the false and defamatory statements published by Defendants, Plaintiff has suffered economic damage—including the investment of significant funds to research and produce the investigative report Defendants sought to discredit—and will suffer further economic damage.

212. In view of the foregoing, Plaintiff is entitled to actual, presumed, punitive, and other damages in an amount to be specifically determined at trial.

**AS AND FOR A SECOND CAUSE OF ACTION – DEFAMATION
FOR PUBLICATION OF THE SECOND STORY ON THE NEW YORK TIMES
WEBSITE ON SEPTEMBER 29, 2020**

(Against Defendants Maggie Astor, The New York Times, and John Does 1-5)

213. Plaintiff repeats and re-alleges each of the foregoing paragraphs as if set forth fully herein.

214. Defendants The New York Times, Maggie Astor, and Ms. Astor's editors authored and published false and defamatory statements about Project Veritas in the September 29, 2020 story published by The New York Times on its website with the headline, "Researchers say a Project Veritas video accusing Ilhan Omar of voter fraud was a 'coordinated disinformation campaign.'"

215. The story was posted at the URL <https://www.nytimes.com/2020/09/29/us/researchers-say-a-project-veritas-video-accusing-ilhan-omar-of-voter-fraud-was-a-coordinated-disinformation-campaign.html>, and it remains online at

that location. A true and correct copy of the online version of the story is attached hereto as Exhibit E.

216. This second September 29 story, which was published to a worldwide audience on The Times' website, included the following false and defamatory statements:

The timing of the deceptive video, which accuses Ilhan Omar of voter fraud, indicates that several conservatives, including Donald Trump Jr., may have known about it in advance.

A deceptive video released on Sunday by the conservative activist James O'Keefe, which claimed through unidentified sources and with no verifiable evidence that Representative Ilhan Omar's campaign had collected ballots illegally, was probably part of a coordinated disinformation effort, according to researchers at Stanford University and the University of Washington.

217. These statements were meant to, and in fact did, create the false and misleading impression that Project Veritas published a deceptive video news report that relied solely on "unidentified sources," that contained no "evidence" of illegal ballot harvesting, and that was manipulated and selectively edited to misrepresent the facts to the millions of people that viewed Project Veritas' groundbreaking investigative report.

218. These statements were reasonably understood by those reading them to be statements of fact regarding Project Veritas.

219. As set forth herein, these statements are false.

220. These statements are of and concerning Project Veritas. Indeed, Project Veritas founder, CEO, and Board Chairman Mr. O'Keefe is mentioned by name as the publisher of the supposedly "deceptive" report, and the very next sentence of the story states that the video report was published by "Mr. O'Keefe and his group, Project Veritas..."

221. The reading public would have understood, and did understand, these statements to be of and concerning Project Veritas.

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

223. These statements are libelous because they tend to expose Plaintiff to public contempt, ridicule, aversion or disgrace, and to induce an evil opinion of Plaintiff in the minds of right-thinking persons, and to deprive Plaintiff of friendly intercourse in society.

224. These statements defamed Project Veritas by falsely accusing a journalistic organization of relying solely on “unidentified sources”, offering no “evidence” in support of an investigative report, and manipulating and selectively editing an investigative news report in order to deceive and mislead viewers—a cardinal sin that is the most egregious and fundamental violation of journalistic ethics and standards, as well as of Project Veritas’ own stated mission and ethical tenets.

225. These statements are libelous *per se* because they impugn the basic integrity, ethics, and competence of Project Veritas as journalistic organization.

226. These statements are libelous *per se* because they would tend to harm, and indeed have harmed, Project Veritas in its trade, business, and profession, and would tend to assail, and indeed have assailed, Project Veritas’ integrity and journalistic ethics.

227. These statements are libelous *per se* because they impute unfitness in the performance of one’s profession or trade to Project Veritas.

228. Defendants published these statements with actual malice in that they had knowledge that the statements were false, or they published the statements with reckless disregard for their truth or falsity.

229. Defendants published these statements with actual malice in that they recklessly disregarded information in their possession—including the Project Veritas video report itself and

the fact that Project Veritas' on the record source had himself been a source The Times relied upon for information about the Minneapolis Somali community—demonstrating the falsity of these statements.

230. Defendants published these statements with actual malice in that they purposefully avoided the truth and intentionally failed to seek comment from the most obvious sources of corroboration or refutation before publishing these statements—including Project Veritas, Mr. O'Keefe, and Mr. Jamal.

231. Defendants also repeatedly failed to retract or correct these false and defamatory statements despite at least four separate requests that they do so, thereby further demonstrating that they published these statements with actual malice.

232. Defendants also acted with actual malice by publishing a preconceived narrative—working hand in hand with EIP to develop the thesis and preconceived storyline for this article before publication, without reaching out to Project Veritas for comment to include its rebuttal in the article.

233. Defendants also acted with actual malice and common law malice because they were motivated by political bias and ill will towards a journalistic organization that they perceive as mere “conservative activist[s]” and for which they hold vitriolic disdain.

234. Defendants acted with actual malice and common law malice because they acted with bias, ill will, and a retaliatory motive to harm Project Veritas for upstaging The New York Times story about President Trump's tax returns.

235. Defendants acted with actual malice and common law malice because they sought to harm the reputation of a journalistic competitor that they disdain because its reporting negatively

impacted Democrat candidates shortly before a hotly contested election, and because Defendants believe that issues of voter fraud are exaggerated or do not exist.

236. Defendants acted with actual malice by flagrantly violating their own published standards and policies, including by failure to seek comment before publication, including supposed “opinions” in their news pages, and refusing to retract false statements

237. Defendants published the false and defamatory statements in this September 29 online story with common law malice toward Plaintiff and with the specific intent to cause damage to Project Veritas.

238. As a result of the false and defamatory statements published by Defendants, Project Veritas’ professional reputation has been impugned.

239. As a result of the false and defamatory statements published by Defendants and Defendants’ repeated refusals to correct or retract those statements, Plaintiff has been forced to make an expenditure of no less than \$25,000 in an effort to remedy the defamation.

240. As a result of the false and defamatory statements published by Defendants, Plaintiff has been exposed to public hatred, ridicule, and contempt.

241. As a result of the false and defamatory statements published by Defendants, Plaintiff has suffered economic damage—including the investment of significant funds to research and produce the investigative report Defendants sought to discredit—and will suffer further economic damage.

242. In view of the foregoing, Plaintiff is entitled to actual, presumed, punitive, and other damages in an amount to be specifically determined at trial.

**AS AND FOR A THIRD CAUSE OF ACTION – DEFAMATION
FOR PUBLICATION OF THE STORY IN THE NEW YORK TIMES PRINT EDITION
ON SEPTEMBER 30, 2020**

(Against Defendants Maggie Astor, The New York Times, and John Does 1-5)

243. Plaintiff repeats and re-alleges each of the foregoing paragraphs as if set forth fully herein.

244. Defendants The New York Times, Maggie Astor, and Ms. Astor’s editors authored and published false and defamatory statements about Project Veritas in the story published on page A22 of The New York Times September 30, 2020 print edition with the headline, “Project Veritas Releases Misleading Video, Part of What Experts Call a Coordinated Effort.”

245. A true and correct copy of the story as it appeared in the September 30, 2020 print version of The New York Times is attached hereto as Exhibit F.

246. The September 30 print version of the story, which was published to a nationwide audience of nearly half a million people, included the following false and defamatory statements:

Project Veritas Releases Misleading Video

A deceptive video released on Saturday by the conservative activist James O’Keefe, which claimed through unidentified sources and with no verifiable evidence that Representative Ilhan Omar’s campaign had collected ballots illegally, was probably part of a coordinated disinformation effort, according to researchers at Stanford University.

Making claims without evidence of ballot harvesting.

247. These statements were meant to, and in fact did, create the false and misleading impression that Project Veritas published a misleading and deceptive video news report that relied solely on “unidentified sources,” that contained no “evidence” of illegal ballot harvesting, and that was manipulated and selectively edited to misrepresent the facts to the millions of people that viewed Project Veritas’ groundbreaking investigative report.

248. These statements were reasonably understood by those reading them to be statements of fact regarding Project Veritas.

249. As set forth herein, these statements are false.

250. These statements are of and concerning Project Veritas. Indeed, Project Veritas founder, CEO, and Board Chairman Mr. O’Keefe is mentioned by name as the publisher of the supposedly “deceptive” video report, and the very next sentence of the story states that the video report was published by “Mr. O’Keefe and his group, Project Veritas...”

251. The reading public would have understood, and did understand, these statements to be of and concerning Project Veritas.

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

253. These statements are libelous because they tend to expose Plaintiff to public contempt, ridicule, aversion or disgrace, and to induce an evil opinion of Plaintiff in the minds of right-thinking persons, and to deprive Plaintiff of friendly intercourse in society.

254. These statements defamed Project Veritas by falsely accusing a journalistic organization of relying solely on “unidentified sources”, offering no “evidence” in support of an investigative report, and manipulating and selectively editing an investigative news report in order to deceive and mislead viewers—a cardinal sin that is the most egregious and fundamental violation of journalistic ethics and standards, as well as of Project Veritas’ own stated mission and ethical tenets.

255. These statements are libelous *per se* because they impugn the basic integrity, ethics, and competence of Project Veritas as a journalistic organization.

256. These statements are libelous *per se* because they would tend to harm, and indeed have harmed, Project Veritas in its trade, business, and profession, and would tend to assail, and indeed have assailed, Project Veritas' integrity and journalistic ethics.

257. These statements are libelous *per se* because they impute unfitness in the performance of one's profession or trade to Project Veritas.

258. Defendants published these statements with actual malice in that they had knowledge that the statements were false, or they published the statements with reckless disregard for their truth or falsity.

259. Defendants published these statements with actual malice in that they recklessly disregarded information in their possession—including the Project Veritas video report itself and the fact that Project Veritas' on the record source had himself been a source The Times relied upon for information about the Minneapolis Somali community—demonstrating the falsity of these statements.

260. Defendants published these statements with actual malice in that they purposefully avoided the truth and intentionally failed to seek comment from the most obvious sources of corroboration or refutation before publishing these statements—including Project Veritas, Mr. O'Keefe, and Mr. Jamal.

261. Defendants also repeatedly failed to retract or correct these false and defamatory statements despite at least four separate requests that they do so, thereby further demonstrating that they published these statements with actual malice.

262. Defendants also acted with actual malice by publishing a preconceived narrative—working hand in hand with EIP to develop the thesis and preconceived storyline for this article

before publication, without reaching out to Project Veritas for comment to include its rebuttal in the article.

263. Defendants also acted with actual malice and common law malice because they were motivated by political bias and ill will towards a journalistic organization that they perceive as mere “conservative activist[s]” and for which they hold vitriolic disdain.

264. Defendants acted with actual malice and common law malice because they acted with bias, ill will, and a retaliatory motive to harm Project Veritas for upstaging The New York Times story about President Trump’s tax returns.

265. Defendants acted with actual malice and common law malice because they sought to harm the reputation of a journalistic competitor that they disdain because its reporting negatively impacted Democrat candidates shortly before a hotly contested election, and because Defendants believe that issues of voter fraud are exaggerated or do not exist.

266. Defendants acted with actual malice by flagrantly violating their own published standards and policies, including by failure to seek comment before publication, including supposed “opinions” in their news pages, and refusing to retract false statements.

267. Defendants published the false and defamatory statements in the September 30 print story with common law malice toward Plaintiff and with the specific intent to cause damage to Project Veritas.

268. As a result of the false and defamatory statements published by Defendants, Project Veritas’ professional reputation has been impugned.

269. As a result of the false and defamatory statements published by Defendants and Defendants’ repeated refusals to correct or retract those statements, Plaintiff has been forced to make an expenditure of no less than \$25,000 in an effort to remedy the defamation.

270. As a result of the false and defamatory statements published by Defendants, Plaintiff has been exposed to public hatred, ridicule, and contempt.

271. As a result of the false and defamatory statements published by Defendants, Plaintiff has suffered economic damage—including the investment of significant funds to research and produce the investigative report Defendants sought to discredit—and will suffer further economic damage.

272. In view of the foregoing, Plaintiff is entitled to actual, presumed, punitive, and other damages in an amount to be specifically determined at trial.

**AS AND FOR A FOURTH CAUSE OF ACTION – DEFAMATION
FOR PUBLICATION OF MS. HSU’S STORY ON THE NEW YORK TIMES WEBSITE
ON OCTOBER 25, 2020
(Against All Defendants)**

273. Plaintiff repeats and re-alleges each of the foregoing paragraphs as if set forth fully herein.

274. Defendants The New York Times, Tiffany Hsu, and Ms. Hsu’s editors published false and defamatory statements about Project Veritas in the October 25, 2020 story published by The New York Times on its website with the headline, “Conservative News Sites Fuel Voter Fraud Misinformation.”

275. The story was posted at the URL <https://www.nytimes.com/2020/10/25/business/media/voter-fraud-misinformation.html>, and it remains online at that location. A true and correct copy of the online version of the story is attached hereto as Exhibit G.

276. The October 25 story, which was published to a worldwide audience on The Times’ website, included the following false and defamatory statements:

In a similar cycle, the Fox News host Sean Hannity and conservative publications magnified the reach of a deceptive video released last month by Project Veritas, a group run by the conservative activist James O’Keefe. The video claimed without named sources or verifiable evidence that the campaign for Representative Ilhan Omar, a Minnesota Democrat, was collecting ballots illegally.

277. These statements were meant to, and in fact did, create the false and misleading impression that Project Veritas published a deceptive video news report that lacked any “named sources,” contained no “evidence” of illegal ballot harvesting, and that was manipulated and selectively edited to misrepresent the facts to the millions of people that viewed Project Veritas’ groundbreaking investigative report.

278. These statements were reasonably understood by those reading them to be statements of fact regarding Project Veritas.

279. As set forth herein, these statements are false.

280. These statements are of and concerning Project Veritas. Indeed, Project Veritas is mentioned by name as the publisher of the supposedly “deceptive” report.

281. The reading public would have understood, and did understand, these statements to be of and concerning Project Veritas.

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

283. These statements are libelous because they tend to expose Plaintiff to public contempt, ridicule, aversion or disgrace, and to induce an evil opinion of Plaintiff in the minds of right-thinking persons, and to deprive Plaintiff of friendly intercourse in society.

284. These statements defamed Project Veritas by falsely accusing a journalistic organization of relying solely on no “named sources”, offering no “evidence” in support of an investigative report, and manipulating and selectively editing an investigative news report in order

to deceive and mislead viewers—a cardinal sin that is the most egregious and fundamental violation of journalistic ethics and standards, as well as of Project Veritas’ own stated mission and ethical tenets.

285. These statements are libelous *per se* because they impugn the basic integrity, ethics, and competence of Project Veritas as a journalistic organization.

286. These statements are libelous *per se* because they would tend to harm, and indeed have harmed, Project Veritas in its trade, business, and profession, and would tend to assail, and indeed have assailed, Project Veritas’ integrity and journalistic ethics.

287. These statements are libelous *per se* because they impute unfitness in the performance of one’s profession or trade to Project Veritas.

288. Defendants published these statements with actual malice in that they had knowledge that the statements were false, or they published the statements with reckless disregard for their truth or falsity.

289. Defendants published these statements with actual malice in that they recklessly disregarded information in their possession—including the Project Veritas video report itself and the fact that Project Veritas’ on the record source had himself been a source The Times relied upon for information about the Minneapolis Somali community—demonstrating the falsity of these statements.

290. Defendants published these statements with actual malice in that they purposefully avoided the truth and intentionally failed to seek comment from the most obvious sources of corroboration or refutation before publishing these statements—including Project Veritas, Mr. O’Keefe, and Mr. Jamal.

291. Defendants also repeatedly failed to retract or correct these false and defamatory statements despite at least four separate requests that they do so, thereby further demonstrating that they published these statements with actual malice.

292. Defendants also acted with actual malice by publishing a preconceived narrative—working hand in hand with EIP to develop the thesis and preconceived storyline for this article before publication, without reaching out to Project Veritas for comment to include its rebuttal in the article.

293. Defendants also acted with actual malice and common law malice because they were motivated by political bias and ill will towards a journalistic organization that they perceive as mere “conservative activist[s]” and for which they hold vitriolic disdain.

294. Defendants acted with actual malice and common law malice because they acted with bias, ill will, and a retaliatory motive to harm Project Veritas for upstaging The New York Times story about President Trump’s tax returns and for seeking a correction of Ms. Astor’s stories.

295. Defendants acted with actual malice and common law malice because they sought to harm the reputation of a journalistic competitor that they disdain because its reporting negatively impacted Democrat candidates shortly before a hotly contested election, and because Defendants believe that issues of voter fraud are exaggerated or do not exist.

296. Defendants acted with actual malice by flagrantly violating their own published standards and policies, including by failure to seek comment before publication, including supposed “opinions” in their news pages, and refusing to retract false statements.

297. Defendants published the false and defamatory statements in Ms. Hsu's October 25 story with common law malice toward Plaintiff and with the specific intent to cause damage to Project Veritas.

298. As a result of the false and defamatory statements published by Defendants, Project Veritas' professional reputation has been impugned.

299. As a result of the false and defamatory statements published by Defendants and Defendants' repeated refusals to correct or retract those statements, Plaintiff has been forced to make an expenditure of no less than \$25,000 in an effort to remedy the defamation.

300. As a result of the false and defamatory statements published by Defendants, Plaintiff has been exposed to public hatred, ridicule, and contempt.

301. As a result of the false and defamatory statements published by Defendants, Plaintiff has suffered economic damage—including the investment of significant funds to research and produce the investigative report Defendants sought to discredit—and will suffer further economic damage.

302. Ms. Astor and her editors are liable for Ms. Hsu's and The Times' foreseeable and intended republication of the false statements that she made about Plaintiff in her September 29, 2020 and September 30, 2020 stories.

303. In view of the foregoing, Plaintiff is entitled to actual, presumed, punitive, and other damages in an amount to be specifically determined at trial.

**AS AND FOR A FIFTH CAUSE OF ACTION – DEFAMATION
FOR PUBLICATION OF MS. HSU'S STORY IN THE NEW YORK TIMES PRINT
EDITION ON OCTOBER 26, 2020
(Against All Defendants)**

304. Plaintiff repeats and re-alleges each of the foregoing paragraphs as if set forth fully herein.

305. Defendants The New York Times, Tiffany Hsu, and Ms. Hsu's editors published false and defamatory statements about Project Veritas in the story published on page B6 of The New York Times October 26, 2020 print edition with the headline, "False Voter Fraud Stories Are Churning on Conservative News Sites." A true and correct copy of the online version of the story is attached hereto as Exhibit H.

306. The October 26 story, which was published to a nationwide audience of nearly half a million people, included the following false and defamatory statements:

False Voter Fraud Stories Are Churning on Conservative News Sites.

In a similar cycle, the Fox News host Sean Hannity and conservative publications magnified the reach of a deceptive video released last month by Project Veritas, a group run by the conservative activist James O'Keefe. The video claimed without named sources or verifiable evidence that the campaign for Representative Ilhan Omar, a Minnesota Democrat, was collecting ballots illegally.

307. These statements were meant to, and in fact did, create the false and misleading impression that Project Veritas published a deceptive video news report that lacked any "named sources," contained no "evidence" of illegal ballot harvesting, and that was manipulated and selectively edited to misrepresent the facts to the millions of people that viewed Project Veritas' groundbreaking investigative report.

308. These statements were reasonably understood by those reading them to be statements of fact regarding Project Veritas.

309. As set forth herein, these statements are false.

310. These statements are of and concerning Project Veritas. Indeed, Project Veritas is mentioned by name as the publisher of the supposedly "deceptive" report.

311. The reading public would have understood, and did understand, these statements to be of and concerning Project Veritas.

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

313. These statements are libelous because they tend to expose Plaintiff to public contempt, ridicule, aversion or disgrace, and to induce an evil opinion of Plaintiff in the minds of right-thinking persons, and to deprive Plaintiff of friendly intercourse in society.

314. These statements defamed Project Veritas by falsely accusing a journalistic organization of relying solely on no “named sources”, offering no “evidence” in support of an investigative report, and manipulating and selectively editing an investigative news report in order to deceive and mislead viewers—a cardinal sin that is the most egregious and fundamental violation of journalistic ethics and standards, as well as of Project Veritas’ own stated mission and ethical tenets.

315. These statements are libelous *per se* because they impugn the basic integrity, ethics, and competence of Project Veritas as a journalistic organization.

316. These statements are libelous *per se* because they would tend to harm, and indeed have harmed, Project Veritas in its trade, business, and profession, and would tend to assail, and indeed have assailed, Project Veritas’ integrity and journalistic ethics.

317. These statements are libelous *per se* because they impute unfitness in the performance of one’s profession or trade to Project Veritas.

318. Defendants published these statements with actual malice in that they had knowledge that the statements were false, or they published the statements with reckless disregard for their truth or falsity.

319. Defendants published these statements with actual malice in that they recklessly disregarded information in their possession—including the Project Veritas video report itself and

the fact that Project Veritas' on the record source had himself been a source The Times relied upon for information about the Minneapolis Somali community—demonstrating the falsity of these statements.

320. Defendants published these statements with actual malice in that they purposefully avoided the truth and intentionally failed to seek comment from the most obvious sources of corroboration or refutation before publishing these statements—including Project Veritas, Mr. O'Keefe, and Mr. Jamal.

321. Defendants also repeatedly failed to retract or correct these false and defamatory statements despite at least four separate requests that they do so, thereby further demonstrating that they published these statements with actual malice.

322. Defendants also acted with actual malice by publishing a preconceived narrative—working hand in hand with EIP to develop the thesis and preconceived storyline for this article before publication, without reaching out to Project Veritas for comment to include its rebuttal in the article.

323. Defendants also acted with actual malice and common law malice because they were motivated by political bias and ill will towards a journalistic organization that they perceive as mere “conservative activist[s]” and for which they hold vitriolic disdain.

324. Defendants acted with actual malice and common law malice because they acted with bias, ill will, and a retaliatory motive to harm Project Veritas for upstaging The New York Times story about President Trump's tax returns and for seeking a correction of Ms. Astor's stories.

325. Defendants acted with actual malice and common law malice because they sought to harm the reputation of a journalistic competitor that they disdain because its reporting negatively

impacted Democrat candidates shortly before a hotly contested election, and because Defendants believe that issues of voter fraud are exaggerated or do not exist.

326. Defendants acted with actual malice by flagrantly violating their own published standards and policies, including by failure to seek comment before publication, including supposed “opinions” in their news pages, and refusing to retract false statements.

327. Defendants published the false and defamatory statements in Ms. Hsu’s October 26 story with common law malice toward Plaintiff and with the specific intent to cause damage to Project Veritas.

328. As a result of the false and defamatory statements published by Defendants, Project Veritas’ professional reputation has been impugned.

329. As a result of the false and defamatory statements published by Defendants and Defendants’ repeated refusals to correct or retract those statements, Plaintiff has been forced to make an expenditure of no less than \$25,000 in an effort to remedy the defamation.

330. As a result of the false and defamatory statements published by Defendants, Plaintiff has been exposed to public hatred, ridicule, and contempt.

331. As a result of the false and defamatory statements published by Defendants, Plaintiff has suffered economic damage—including the investment of significant funds to research and produce the investigative report Defendants sought to discredit—and will suffer further economic damage.

332. Ms. Astor and her editors are liable for Ms. Hsu’s and The Times’ foreseeable and intended republication of the false statements that she made about Plaintiff in her September 29, 2020 and September 30, 2020 stories.

333. In view of the foregoing, Plaintiff is entitled to actual, presumed, punitive, and other damages in an amount to be specifically determined at trial.

AS AND FOR A SIXTH CAUSE OF ACTION – RESPONDEAT SUPERIOR
(Against Defendant The New York Times)

334. Plaintiff repeats and re-alleges each of the foregoing paragraphs as if set forth fully herein.

335. The acts of Defendants Maggie Astor and John Does 1-5 in authoring, editing, and publishing the September 29, 2020 online story, ““Project Veritas Video Was a ‘Coordinated Disinformation Campaign,’ Researchers Say,” were undertaken within the scope of their employment as a political news reporter and editors, respectively, for The New York Times. The tortious acts of Ms. Astor and John Does 1-5 were generally foreseeable and a natural consequence of their employment.

336. The acts of Defendants Maggie Astor and John Does 1-5 in authoring, editing, and publishing the September 29, 2020 online story, “Researchers say a Project Veritas video accusing Ilhan Omar of voter fraud was a ‘coordinated disinformation campaign,’” were undertaken within the scope of their employment as a political news reporter and editors, respectively, for The New York Times. The tortious acts of Ms. Astor and John Does 1-5 were generally foreseeable and a natural consequence of their employment.

337. The acts of Defendants Maggie Astor and John Does 1-5 in authoring, editing, and publishing the September 30, 2020 print story, “Project Veritas Releases Misleading Video, Part of What Experts Call a Coordinated Effort,” were undertaken within the scope of their employment as a political news reporter and editors, respectively, for The New York Times. The tortious acts of Ms. Astor and John Does 1-5 were generally foreseeable and a natural consequence of their employment.

338. The acts of Defendants Tiffany Hsu and John Does 1-5 in authoring, editing, and publishing the October 25, 2020 online story, “Conservative News Sites Fuel Voter Fraud Misinformation,” were undertaken within the scope of their employment as a media news reporter and editors, respectively, for The New York Times. The tortious acts of Ms. Hsu and John Does 1-5 were generally foreseeable and a natural consequence of their employment.

339. The acts of Defendants Tiffany Hsu and John Does 1-5 in authoring, editing, and publishing the October 26, 2020 print story, “False Voter Fraud Stories Are Churning on Conservative News Sites,” were undertaken within the scope of their employment as a media news reporter and editors, respectively, for The New York Times. The tortious acts of Ms. Hsu and John Does 1-5 were generally foreseeable and a natural consequence of their employment.

340. As a result of the tortious conduct of Defendants Maggie Astor, Tiffany Hsu, and John Does 1-5 committed within the scope of their employment by The New York Times and in furtherance of the business of The New York Times, Plaintiff was damaged.

341. Defendant The New York Times is liable for the torts of its employees committed within the scope of their employment and in furtherance of the business of The New York Times.

DEFENDANTS’ CONDUCT WARRANTS PUNITIVE DAMAGES

342. Defendants’ conduct warrants the imposition of punitive damages. The factors justifying punitive damages include, at a minimum, the following:

- a. Defendants knowingly made false and defamatory statements about Plaintiff;
- b. Defendants knew that these false and defamatory statements about Plaintiff would damage Plaintiff’s business, goodwill, reputation, and professional standing;
- c. Defendants acted with a high degree of moral turpitude and wanton dishonesty in publishing these statements about Plaintiff;

- d. Defendants intentionally ignored, purposefully avoided, and recklessly disregarded information available to them that rebutted the false statements they published about Plaintiff;
- e. Defendants acted with knowledge that their statements were false, or with reckless disregard for the statements' truth or falsity;
- f. Defendants flagrantly violated their own policies and standards in an effort to cause harm to Plaintiff;
- g. Defendants published false statements about Plaintiff based on a preconceived storyline that Project Veritas is not a legitimate journalistic organization and that voter fraud does not exist or is greatly exaggerated, and Defendants purposefully avoided and recklessly disregarded facts that contradicted that preconceived storyline;
- h. Defendants published the defamatory statements about Plaintiff in an effort to retaliate against Plaintiff for drawing attention away from The New York Times story about the President's tax returns;
- i. Defendants published the defamatory statements about Plaintiff out of bias and ill will because Defendants disagree with what they perceive to be Plaintiff's political leanings; and
- j. Despite learning, even prior to publication of the online and print versions of the stories that the statements about Plaintiff were and are false and defamatory, Defendants have refused to retract or correct these false statements and have instead continued to make them available to a worldwide audience online on The New York Times' website.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in Plaintiff's favor, and against Defendants The New York Times Company, Maggie Astor, Tiffany Hsu, and John Does 1-5 as follows:

- (1) Actual, presumed, and punitive damages in excess of \$25,000, in an amount to be specifically determined at trial;
- (2) A limited, narrowly tailored injunction prohibiting the republication by Defendants of any statement adjudicated to be defamatory;
- (3) All costs, disbursements, fees, and interest as authorized by New York Law and Rules; and
- (4) Such other and additional remedies as the Court may deem just and proper.

Dated: October 30, 2020

Respectfully Submitted,

/s/ Amy L. Bellantoni

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