

filming the protesters as they moved up the street, happened to catch Fields' attack on video. Mr. Gilmore posted the video on Twitter, where it attracted the attention of the press. After discussing what he had witnessed that day with a number of reporters, Mr. Gilmore soon became the target of right-wing conspiracy theories. Supporters of the alt-right and the "Unite the Right" rally, including the Defendants, created a new identity for Mr. Gilmore—the organizer and orchestrator of Fields' attack and a traitor to the United States. Defendants' lies about Mr. Gilmore quickly mobilized their armies of followers to launch a campaign of harassment and threats against Mr. Gilmore that continue to this day.

Supporters of the "Unite the Right" rally, including Defendants, faced a crisis of legitimacy when a fellow supporter murdered Heather Heyer in cold blood. Defendants needed a scapegoat to create distance between the ideology they promote and Heyer's murder. Given Mr. Gilmore's connections to Democratic politicians and the State Department, Defendants thought they had their scapegoat in Mr. Gilmore, and attacked his presentation of the sequence of events based on his political leanings. But Defendants did more than just twist the publicly available information about Mr. Gilmore; Defendants created a new identity for Mr. Gilmore out of whole cloth. All Mr. Gilmore had done was share the truth about the tragic and traumatic act he regrettably witnessed. For a man who has devoted his life to serving his local community, the Commonwealth, the United States, and the global community, Defendants' absurdly false portrayal of him, and the harassment that followed, was devastating.

Defendants thrive by inciting devastating real-world consequences with the lies they publish as "news." From "Pizzagate" to the Sandy Hook, Las Vegas, and Parkland shootings, certain Defendants have subjected innocent people to relentless threats of violence and death, bullying, and online harassment. Defendants' use of Mr. Gilmore as a tool for their agenda had

immediate, tangible consequences for Mr. Gilmore and his family. A list of Mr. Gilmore and his parents' known addresses was posted online, prompting local law enforcement to patrol his parents' home. Mr. Gilmore suffered from an overwhelming volume of hate mail and death threats, hacking attempts, and even in-person harassment on the streets of Charlottesville.

To this day, Mr. Gilmore suffers the effects of this character assassination: his career as a diplomat has been compromised, he has lost potential partners and clients in his most recent business venture, and his social relationships have been irreversibly damaged.

Fact-based journalism is essential to our democracy, because it provides citizens with objective, reality-based information on issues of public concern. While Defendants masquerade as fact-based journalists, in reality Defendants spread lies to construct false narratives that terrify a gullible audience, all in a desperate attempt to generate revenue and momentum for a hateful agenda. The First Amendment necessarily creates space for democratic debate, but it does not and cannot protect the spread of deliberate lies driven by hate and designed to incite violence against private citizens. In this era of ubiquitous smartphones and social media saturation, ordinary citizens like Mr. Gilmore increasingly find themselves in situations where they capture breaking news and are compelled out of civic duty to share it. The consequences for fulfilling this civic duty cannot include becoming the target of premeditated character assassination, based on lies and carried out by professional conspiracy theorists instrumentalizing their throngs of followers.

Brennan Gilmore told the truth about what he saw in Charlottesville, and he refuses to be intimidated and silenced by Defendants' dangerous and defamatory lies.

II. JURISDICTION AND VENUE

1. This action arises under Virginia law because Defendants' statements were published to Virginia residents and caused ultimate injury to the Plaintiff in Virginia.

2. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to the claim occurred in and around Charlottesville, Virginia and Lexington, Virginia.
3. This Court has subject matter jurisdiction pursuant to Article III of the United States Constitution and 28 U.S.C. § 1332. The amount in controversy exceeds \$75,000 for each Defendant, exclusive of interests and costs, and there is diversity of citizenship.
4. This Court has personal jurisdiction over Defendants under Virginia's long-arm statute, Va. Code § 80.1-328.1(A)(1) and (A)(4), as well as the Due Process Clause of the United States Constitution. The claims in this Complaint arise from Defendants' tortious conduct which caused injury in Virginia, and Defendants' substantial business activity in Virginia. Exercising jurisdiction over the Defendants would not offend traditional notions of fair play and substantial justice because the Defendants deliberately targeted Mr. Gilmore, a Virginia resident, by making false and defamatory statements about his presence at and observation of an event that took place in Virginia. The event in which Defendants implicate Mr. Gilmore occurred in part on the campus of the University of Virginia, concerned the proposed removal of a Confederate statute in Virginia and the renaming of a Virginia park, and thus was of particular importance to local Virginians. The injury resulting from Defendants' tortious conduct occurred primarily within Virginia.
5. Defendants injured Plaintiff Gilmore in the Commonwealth of Virginia by their conduct outside the Commonwealth. In doing so, Defendants were aware that Mr. Gilmore was a resident of Virginia and that the matters discussed in their published content primarily concerned and were of concern to Virginians. Defendants were aware that the larger controversy driving the event in which Mr. Gilmore was implicated was a divisive issue of

Virginia history, its Confederate monuments, and thus Defendants' publications were intended to target and incite a Virginia audience.

6. Defendants' statements, published to persons in Virginia, ultimately resulted in injury to Plaintiff Gilmore in Virginia. Defendants' false and defamatory statements were directed at, received, and read by individuals and businesses in Virginia. As a result, Plaintiff Gilmore has experienced irreversible personal and professional damage in Virginia, including reputational harm, the loss of business opportunities in Virginia, irreparable damage to his career as a Foreign Service Officer, and the loss of friendships with individuals in Virginia. Furthermore, as a result of publication in Virginia, Plaintiff also suffered threats and harassment directed at him and his family in Virginia so severe that he sought the protection of local Virginia police.
7. Upon information and belief, all Defendants regularly do and/or solicit significant business in Virginia, engage in other persistent courses of conduct, or derive substantial revenue from goods sold to, goods used or consumed, or services rendered in Virginia, such that they have made minimum contacts with the state and have purposefully availed themselves of its laws. Upon information and belief, Defendant Stranahan temporarily conducts business from a shared workspace in Arlington, Virginia.
8. Defendants generate substantial revenue from the Commonwealth of Virginia as a result of their content-driven business model. Some internet-based media providers, including Defendants, generate revenue by providing content to their readers in exchange for readers' attention to advertisements placed throughout their media content. Defendants then receive payment from the advertiser that corresponds to how many times the ad has been viewed

by Defendants' readers. Thus, the Defendants are paid each time a reader from Virginia views their websites or videos.

9. On information and belief, *InfoWars* attracts approximately twenty million viewers per month, Hoft's *Gateway Pundit* attracts approximately three million viewers per month, Allen B. West's website attracts approximately forty-nine thousand viewers per month, and American Everyman attracts approximately eight thousand viewers per month. Upon information and belief, a significant portion of viewers of each website are Virginia residents. For Defendants, this amounts to revenue estimated to be at least several thousand dollars and up to several million dollars. Thus, upon information and belief, all Defendants generate substantial revenue as a result of transactions with individuals residing in Virginia.
10. Defendants *Infowars*, *Free Speech Systems*, and *Words-N-Ideas* solicit and transact business through their online stores, which results in the transmission of currency in exchange for their goods or services. According to *New York Magazine*, the "vast majority" of Defendant *InfoWars*' operating revenue comes from the sale of *InfoWars*-branded dietary supplements.¹ Upon information and belief, Defendant *InfoWars* sold and delivered its dietary supplements to persons residing in Virginia and used that revenue to publish defamatory statements against Mr. Gilmore. Upon information and belief, a substantial portion of this revenue is the result of transactions with individuals in Virginia. Furthermore, Defendant Jones' radio show is aired on the Genesis Communication Network's Virginia affiliate stations, which publishes content to Virginians.
11. Defendants Jones, *Infowars*, McAdoo, Stranahan, and *Free Speech Systems* have gone further to purposefully avail themselves of Virginia, where Defendants carried out a plan

¹ See Seth Brown, *Alex Jones's Media Empire Is a Machine Built to Sell Snake-Oil Diet Supplements*, N.Y. MAGAZINE (May 4, 2017), <http://nymag.com/selectall/2017/05/how-does-alex-jones-make-money.html>.

to report on and cover prominently the “Unite the Right” rally in Virginia. *InfoWars* reporters attended and reported on the “Unite the Right” rally in Charlottesville.² Defendants Jones, *Infowars*, McAdoo, Stranahan, and *Free Speech Systems* produced multiple segments, articles, and other content about the Virginia event and covered the event as part of a journalistic endeavor.

12. Therefore, Defendants should have foreseen that they would be forced to answer for their tortious conduct, and the resulting injuries to Mr. Gilmore, in a Virginia court.

III. PARTIES

13. Plaintiff Brennan Gilmore is domiciled in Albemarle County, Virginia. Mr. Gilmore is currently on long-term unpaid leave from the United States State Department (“State Department”), where he is a civil servant employed as a Foreign Service Officer. In 2017, Mr. Gilmore took leave to pursue other employment and educational opportunities, and to be closer to family after many years of overseas deployments. He previously served as chief of staff to Tom Perriello during the latter’s 2017 Virginia gubernatorial campaign. Mr. Gilmore currently serves as a business consultant for Wize Solutions, LLC, an information technology company founded in 2017.
14. Defendant Alexander “Alex” E. Jones is domiciled in Austin, Texas, and the owner and publisher of the national website *InfoWars*,³ as well as the host of various radio- and web-based shows linked to *InfoWars*. Defendant Jones’ website published a video containing false and defamatory statements about Mr. Gilmore entitled *Bombshell Connection*

² See, e.g., *Infowars Attacked by Antifa!* INFOWARS (Aug. 13, 2017), <https://www.infowars.com/infowars-attacked-by-antifa/>.

³ See INFOWARS, <https://www.infowars.com> (last visited Apr. 23, 2018).

Between Charlottesville, Soros, CIA on August 15, 2017,⁴ and another video entitled *Breaking: State Department/CIA Orchestrated Charlottesville Tragedy* on August 21, 2017.⁵

15. Defendant InfoWars, LLC (“*InfoWars*”) is a Texas limited liability company that operates as a national news website. *InfoWars* published the above-mentioned articles and videos containing false and defamatory statements about Mr. Gilmore.
16. Defendant Free Speech Systems, LLC (“*Free Speech Systems*”) is a Texas limited liability company that operates Infowars.com. According to *Free Speech Systems’* Media Kit, Defendant Jones is the owner of Defendant *Free Speech Systems*.⁶ According to the *InfoWars* website, where Defendants Jones, McAdoo, and Stranahan’s defamatory statements were published, “Infowars.com is a Free Speech Systems, LLC website.”⁷ According to the *InfoWars* Store, purchases of Defendant *InfoWars’* dietary supplements may result in a billing entry on the purchaser’s credit card as “Free Speech Systems, LLC or Magnolia Management.”⁸
17. Defendant Lee Stranahan is domiciled in Dallas, Texas. Defendant Stranahan has a Texas-issued Driver’s License, and as of April 19, 2018, Defendant Stranahan is actively registered to vote in Texas. Defendant Stranahan was featured in the video that was posted by *InfoWars* on August 15, 2017. In this video, Defendant Stranahan made false and

⁴ Lee Ann McAdoo, *Bombshell Connection Between Charlottesville, Soros, CIA*, INFOWARS (Aug. 15, 2017), <https://www.infowars.com/bombshell-connection-between-charlottesville-soros-cia>.

⁵ The Alex Jones Show, *Breaking: State Department/CIA Orchestrated Charlottesville Tragedy*, INFOWARS (Aug. 21, 2017), <https://www.infowars.com/breaking-state-departmentcia-orchestrated-charlottesville-tragedy/>. The accompanying video was shared via Defendant Jones’ *YouTube* channel the day before, on August 20, 2017.

⁶ *Free Speech Systems, LLC Media Kit*, INFOWARS, http://static.infowars.com/ads/mediakit_public.pdf (last visited Feb. 20, 2018).

⁷ See, e.g., *Contact*, INFOWARS, <https://www.infowars.com/contact/> (last visited Feb. 20, 2018).

⁸ *The InfoWars Store*, ALEX JONES’ INFOWARS STORE, <http://infowars-shop.stores.yahoo.net/info.html> (last visited Feb. 20, 2018).

defamatory statements about Mr. Gilmore. Defendant Stranahan is a former employee of the website *Breitbart News* and a current employee of *RT*, a Russian state-funded and -operated television network that was recently forced to register with the Department of Justice as a foreign agent.⁹ Defendant Stranahan operates the Citizen Journalism School,¹⁰ the corporate structure of which is currently unknown. Defendant Stranahan also operates the political journalism website *The Populist*,¹¹ where he solicits donations via a PayPal account registered to Stranahan Strategies, LLC,¹² an inactive Texas limited liability company. Upon information and belief, Defendant Stranahan is temporarily living and working in the Washington, D.C. metropolitan area, and conducts business from a shared workspace in Arlington, Virginia.

18. Defendant Lee Ann McAdoo, also known as Lee Ann Fleissner, (referred to herein as “McAdoo”) is domiciled in Sarasota, Florida. She is the author of the article containing false and defamatory statements about Mr. Gilmore that was published by Defendant *InfoWars* on August 15, 2017, as well as the interviewer of Defendant Stranahan in the video that accompanies the article. In the article and the video, Defendant McAdoo makes false and defamatory statements about Mr. Gilmore. Defendant McAdoo is an independent contractor and reporter at *InfoWars*.
19. Defendant Scott Creighton is domiciled in Tampa, Florida, and the owner and author of the national news website *American Everyman*.¹³ Defendant Creighton wrote and

⁹ Jack Stubbs & Ginger Gibson, *Russia's RT America Registers as 'Foreign Agent' in U.S.*, REUTERS (Nov. 13, 2017), <https://www.reuters.com/article/us-russia-usa-media-restrictions-rt/russias-rt-america-registers-as-foreign-agent-in-u-s-idUSKBN1DD25B>.

¹⁰ See CITIZEN JOURNALISM SCHOOL, <https://citizenjournalismschool.com/> (last visited Jan. 25, 2018).

¹¹ See THE POPULIST, <http://populist.tv/> (last visited Feb. 20, 2018).

¹² *Stranahan Strategies, LLC*, PAYPAL, <https://www.paypal.me/LeeStranahan> (last visited Feb. 20, 2018).

¹³ See AMERICAN EVERYMAN, <https://americaneveryman.com/> (last visited Apr. 14, 2018).

published an article containing false and defamatory statements about Mr. Gilmore entitled *Charlottesville Attack, Brennan Gilmore and... the STOP KONY 2012 Pysop? What?* on August 13, 2017.¹⁴ That same day, Defendant Creighton published a video containing false and defamatory statements about Mr. Gilmore on his now-terminated *YouTube* channel, entitled *Charlottesville Attack: Brennan Gilmore – Witness or Accessory?*¹⁵ On or about February 28, 2018, *YouTube* deleted Creighton's account *American Everyman* for allegedly violating *YouTube*'s Terms of Service.¹⁶

20. Defendant James "Jim" Hoft is domiciled in St. Louis, Missouri, and is the owner and author of the national news website *Gateway Pundit*.¹⁷ On August 14, 2017, Defendant Hoft wrote and published an article containing false and defamatory statements about Mr. Gilmore entitled *Random Man at Protests Interviewed by MSNBC, NY Times Is Deep State Shill Linked to George Soros*.¹⁸
21. Defendant Allen B. West is domiciled in Dallas, Texas, and owner of the national news website bearing his own name, *Allen B. West*.¹⁹ Defendant West's website published an article containing false and defamatory statements about Mr. Gilmore entitled *BOMBSHELL: New evidence suggests Charlottesville was a complete SET-UP* on August

¹⁴ Scott Creighton, *Charlottesville Attack, Brennan Gilmore and... the STOP KONY 2012 Pysop? What?*, AMERICAN EVERYMAN (Aug. 13, 2017), <https://americaneveryman.com/2017/08/13/charlottesville-attack-brennan-gilmore-and-the-stop-kony-2012-pysop-what>.

¹⁵ AmericanEveryman, *Charlottesville Attack: Brennan Gilmore - Witness or Accessory?*, YOUTUBE (Aug. 13, 2017), https://www.youtube.com/watch?v=5_1JSC60gkg. As of February 28, 2018, Defendant Creighton's American Everyman YouTube channel has been deleted, and the video is no longer viewable on YouTube. See *infra* note 16.

¹⁶ See Scott Creighton, *My YouTube Account Has Been Terminated...for Exposing Disinformation*, AMERICAN EVERYMAN (Feb. 28, 2018), <https://americaneveryman.com/2018/02/28/my-youtube-channel-has-been-terminatedfor-exposing-disinformation/>.

¹⁷ See GATEWAY PUNDIT, <http://www.thegatewaypundit.com> (last visited Dec. 11, 2017).

¹⁸ Jim Hoft, *Random Man at Protests Interviewed By MSNBC, NY Times Is Deep State Shill Linked to George Soros*, GATEWAY PUNDIT, <http://www.thegatewaypundit.com/2017/08/random-man-protests-interviewed-msnbc-ny-times-deep-state-shill-linked-george-soros> (last visited Apr. 23, 2018).

¹⁹ ALLEN B. WEST, <https://www.allenwest.com> (last visited Dec. 11, 2017).

- 19, 2017.²⁰ Defendant West previously represented Florida's 22nd congressional district in the United States House of Representatives and is a regular contributor on *Fox News*.
22. Defendant Derrick Wilburn is domiciled in Colorado Springs, Colorado. Defendant Wilburn is the vice chairman of Colorado's Republican Party and the author of the article containing false and defamatory statements about Mr. Gilmore that was published on Defendant West's website.
23. Defendant Michele Hickford is domiciled in Deerfield Beach, Florida. Defendant Hickford is the managing member and registered agent of Defendant Words-N-Ideas, LLC and the editor-in-chief²¹ of the *Allen B. West* website, which published Defendant Wilburn's false and defamatory article. According to Defendant Hickford's personal website, she "served in Congressman Allen West's congressional office as Director of Outreach and as Press Secretary for his 2012 campaign."²² In an interview with Eric Scheiner of MRCTV, Defendant West claimed that Defendant Hickford, as president of *Words-N-Ideas*, owned the rights to the *Allen B. West* website at the time Defendant Wilburn's article was published and was the person who published Defendant Wilburn's article on the website.²³
24. Defendant Words-N-Ideas, LLC ("*Words-N-Ideas*") is an inactive Florida limited liability company and the purported owner of the *Allen B. West* website, which published Defendant Wilburn's false and defamatory article.

²⁰ Derrick Wilburn, *BOMBSHELL: New evidence suggests Charlottesville was a complete SET-UP*, ALLEN B. WEST (Aug. 19, 2017), <https://www.allenwest.com/2017/08/19/bombshell-new-evidence-suggests-charlottesville-complete-set>.

²¹ Mallory Shelbourne, *Allen West's Facebook Page Apologizes for Sharing Anti-Muslim Meme*, THEHILL (Dec. 11, 2016), <http://thehill.com/blogs/blog-briefing-room/309873-editor-in-chief-of-allen-wests-website-apologizes-for-anti-muslim>.

²² *About*, MICHELEHICKFORD.COM, <http://michelehickford.com/about/> (last visited Apr. 19, 2018).

²³ "MRCTV, *Allen West is Fighting For His Facebook*, YOUTUBE (Mar. 22, 2018), https://www.youtube.com/watch?time_continue=4&v=kkYGX3DWIII.

IV. FACTUAL ALLEGATIONS

A. *The “Unite the Right” Rally*

25. On August 12, 2017, hundreds of white supremacists and neo-Nazis gathered in Charlottesville, Virginia for what they labeled the “Unite the Right” rally. The rally was held in Charlottesville in response to decisions by the Charlottesville City Council to remove a statute of Confederate General Robert E. Lee from a small city park and change that park’s name from “Lee Park” to “Emancipation Park.”
26. These white supremacists and neo-Nazis organized the rally to further their ideologies of hatred and to intimidate the residents of Charlottesville. Many marched with swastikas, chanting the Nazi call, “blood and soil,” in reference to the notion that ethnicity and blood descent is determinative of entitlement to the land. Some of the rally’s participants carried firearms, wore body armor, and deliberately positioned themselves to create violent clashes with counter-protesters.²⁴
27. The counter-protesters came from many backgrounds, united in opposition to white supremacy. Many were ordinary residents of Charlottesville and neighboring communities. Mr. Gilmore was among the peaceful counter-protesters on August 12 in his personal capacity as a concerned resident, and not in any sort of capacity as an employee or agent of the United States government.
28. On the morning of August 12, rally participants and counter-protesters met at the site of the anticipated rally. Pockets of each side engaged in physical altercations; Mr. Gilmore and the vast majority of counter-protesters remained peaceful. By 11:40 a.m., twenty

²⁴ See David Frum, *The Chilling Effects of Openly Displayed Firearms*, ATLANTIC (Aug. 16, 2017), <https://www.theatlantic.com/politics/archive/2017/08/open-carry-laws-mean-charlottesville-could-have-been-graver/537087/>.

minutes before the “Unite the Right” rally was to begin, the state police declared the gathering an unlawful assembly and ordered the crowd to disperse.²⁵

B. James Alex Fields Jr. 's Attack

29. At or around 1:42 p.m., following the aborted rally, James Alex Fields Jr. drove his Dodge Challenger into a crowd of peaceful counter-protesters, killing one, Heather Heyer, and injuring approximately thirty-six others. Fields is a neo-Nazi sympathizer and has been charged with multiple felonies related to his deliberate act of terror.²⁶ Attorney General Jefferson Sessions stated that this attack by a white supremacist was an act of domestic terrorism.
30. Mr. Gilmore noticed Fields’ Dodge Challenger driving toward the crowd after he had already begun recording a gathering of counter-protesters marching up Fourth Street in Charlottesville. His immediate reaction was to continue to record the event on his smartphone. In the video, Mr. Gilmore happened to catch the Challenger ramming into the crowd, and then reversing in flight from the scene.
31. Mr. Gilmore was conflicted about sharing the recording of the attack publicly. He did not want the attention that sharing the video on social media might bring, and he was uncomfortable about sharing a recording of what he assumed at the time was a video capturing multiple deaths. He felt it necessary to share the video on his *Twitter* account after hearing from family and friends that media outlets were suggesting the incident was

²⁵ See Doug Stanglin and Gabe Cavallaro, *1 dead, 19 Injured as Car Hits Crowd after a “Unite the Right” Rally in Charlottesville; Driver in Custody*, USA TODAY (Aug. 12, 2017), <https://www.usatoday.com/story/news/2017/08/12/charlottesville-va-braces-alt-right-rally-thousands-robert-e-lee-statue/561833001/>.

²⁶ See Jonah Engel Bromwich and Alan Blinder, *What We Know About James Alex Fields, Driver Charged in Charlottesville Killing*, N.Y. TIMES (Aug. 13, 2017), <https://www.nytimes.com/2017/08/13/us/james-alex-fields-charlottesville-driver-.html>.

something other than a deliberate attack. Mr. Gilmore realized his recording unequivocally showed that the attack was a deliberate attempt to injure and kill peaceful counter-protesters—not an accident or act of self-defense. Mr. Gilmore also feared that an already violent day in Charlottesville could get worse, and he felt it was his duty to help convince the public to stay off the streets until safety was reestablished.

32. Out of concern for his friends and neighbors, Mr. Gilmore decided to share the video via a tweet, a short statement posted along with the video to his Twitter account. At the time, Mr. Gilmore had a few hundred followers, most of whom were also from the Charlottesville area, or Virginia.



33. Not long after he shared the video on his *Twitter* account, Mr. Gilmore began to receive media requests from national, local, and international outlets. He was first contacted by

Brian Rosenthal of the New York Times on August 12, 2017 via *Twitter*. More requests for interviews followed.

34. Mr. Gilmore spoke with multiple television news networks and other news media to provide an eyewitness account on August 12 and 13, 2017. Each time he was asked, he relayed a factual account of what he had witnessed first-hand, hoping that by making himself available in this way he could convey the seriousness and certainty of what he had seen.
35. At no time during August 12 and 13, 2017 did Mr. Gilmore solicit requests from media outlets to appear on their televisions or make statements for print publications. He consented to appear as a fact witness on various outlets when asked, but he did not reach out to media outlets on his own initiative, or ask media outlets to share his video or his statements.

C. Conspiracy Theories About the Attack

36. Within twenty-four hours of uploading his video onto *Twitter*, the Defendants' first articles about Mr. Gilmore appeared online, accusing him of being a CIA or "Deep State"²⁷ operative who helped orchestrate Fields' attack as a "false flag."²⁸ Defendants continued to direct baseless allegations against him in the days and weeks that followed.

²⁷ "Deep State" is defined by the Oxford Dictionary as "[a] body of people, typically influential members of government agencies or the military, believed to be involved in the secret manipulation or control of government policy." *Deep State*, OXFORD DICTIONARY, https://en.oxforddictionaries.com/definition/deep_state (last visited Apr. 19, 2018). In the parlance of Defendants and the "Alt-Right," the "Deep State" is a perceived left-wing, organized bureaucratic resistance to the Trump Administration.

²⁸A "False Flag" is defined by the Oxford Dictionary as "[a] political or military act orchestrated in such a way that it appears to have been carried out by a party that is not in fact responsible." *False Flag*, OXFORD DICTIONARY, https://en.oxforddictionaries.com/definition/false_flag (last visited Apr. 19, 2018).

Publication by Scott Creighton

37. In the early hours of August 13, 2017, Defendant Scott Creighton published an article entitled “*Charlottesville Attack, Brennan Gilmore and... the STOP KONY 2012 Pysop? What?*” on his website, *AmericanEveryman*,²⁹ and shared a link to the article with his 1,139 followers on *Twitter*.³⁰ See **Exhibit A**. *AmericanEveryman* is a national news website that receives hundreds, if not thousands, of unique visitors each month. Defendant Creighton subsequently republished the article on at least two other websites.³¹ See **Exhibits B-C**.
38. In this article, Defendant Creighton notes Mr. Gilmore’s experience as a Foreign Service Officer in the Central African Republic and his work as chief of staff to Tom Perriello. On the basis of these true facts, along with Mr. Gilmore’s statement of belief that the attack was an act of terrorism, Defendant Creighton falsely states that Mr. Gilmore cannot have been a mere bystander who happened to record the attack. Instead, Creighton falsely implies that Mr. Gilmore had foreknowledge of Fields’ plan to plow his car into the protesters (*italics added*):

But Brennan wasn’t filming [the protesters] was he? No. But he did film the Charger heading all the way down the street into the crowd of protesters... *almost as if he knew it would run into them rather than simply brake and sit and wait like the other cars in front of it*. Again, not a smoking gun in and of itself, *but when combined with all the other coincidences surrounding his video PLUS the fact that he was ready to go with the divide and conquer establishment version of events for CNN while people were still lying on the hot pavement, it kind of makes you wonder doesn’t it?*

PLUS... Brennan says it is “definitely terrorism”... no doubt about it. HAS to be “terrorism”, right?

²⁹ See Creighton, *Charlottesville Attack*, *supra* note 14.

³⁰ See Scott Creighton (@willyloman1), TWITTER (Aug. 13, 2017 07:22 AM), <https://twitter.com/willyloman1/status/896693520400080897>.

³¹ See, e.g., Scott Creighton, *Charlottesville Attack, Brennan Gilmore and... the Stop Kony 2012 PYSOP? What?*, SIGNS OF THE TIMES (Aug. 13, 2017), <https://www.sott.net/article/359361-Charlottesville-Brennan-Gilmore-and-the-STOP-KONY-2012-Psyop>; Scott Creighton, *Charlottesville Attack, Brennan Gilmore and... the Stop Kony 2012 PYSOP? What?*, BEFORE IT’S NEWS (Aug. 13, 2017), <http://beforeitsnews.com/opinion-liberal/2017/08/charlottesville-attack-brennan-gilmore-and-the-stop-kony-2012-pysop-what-2558822.html>.

Let me take a second to explain something to you. Terrorism is an act of violence or the THREAT of violence designed to prompt a change in a country in terms of its economic, political or social structure.

How is ramming a car into a crowd of protesters you don't like to be considered an effort by that ONE PERSON to bring about a change in this country's social structure? Are we to assume the driver thought that running over a few counter protesters would make the rest of the country step back and say "yeah, the Robert E. Lee statue is history, not racism" and let it stand?

A terrorist blows up an airport because he wants to DISRUPT commerce and travel. A terrorist runs a campaign like GLADIO because he wants to prevent a nation from slipping too far to the left. A racist might run over "goddamned hippies" because he HATES THEM. But that's NOT terrorism.

However... if the event, the mass casualty event, was PLANNED to destabilize the nation, to DIVIDE the "alt-left" and the "alt-right"... then THAT IS TERRORISM. [...]

[I]s it possible this man with links to Special Ops and CIA and various other black ops kinds of actors just HAPPENED to be there at that particular moment in history? Yeah, I guess that's possible, if you're into coincidence theories I suppose. But I'm not into such things. Clearly the State Department has a lot of disgruntled former employees who would delight in destabilizing Trump's tenure even more than they already have. And Gilmore . . . seem[s] particularly invested in undermining the "alt-right" in the lead-up to the next round of elections. Waaaaaay [sic] too much coincidence for me folks. Waaaaaay [sic] too much.

39. Creighton emphasizes certain words, by capitalizing or lengthening with additional vowels, to falsely convey to his readers that the circumstances overwhelmingly prove that Mr. Gilmore's presence during the attack was not coincidence.
40. By stating that he is not into coincidence theories, Mr. Creighton explicitly disclaims the conclusion that his statements about Mr. Gilmore are hyperbole or opinion.
41. At another point in the article, Creighton refers to Mr. Gilmore as a "convenient witness," using scare quotation marks to convey to readers that Mr. Gilmore was not actually a

convenient witness. In fact, this falsely implies his knowledge of and participation in Fields' attack. Through this use of ironic emphasis and the word "convenient," Creighton makes it clear that he is not merely expressing an opinion, but is asserting as a fact that Mr. Gilmore's presence during the car attack was due to his foreknowledge that the attack would happen, because he was part of a terrorist conspiracy to stage a "mass casualty event . . . planned to destabilize the nation." This assertion of fact, including the assertion that he was "a convenient witness," is objectively and demonstrably false.

42. Creighton falsely states that Mr. Gilmore is a "former" State Department employee. This objectively false statement is used to support Creighton's assertion Mr. Gilmore is among the "disgruntled former employees who would delight in destabilizing Trump's tenure even more than they already have," and that this is why Mr. Gilmore helped organize and stage the car attack in Charlottesville.
43. While Creighton discloses some of the facts upon which he bases his false and defamatory conclusion that Mr. Gilmore had foreknowledge of Fields' terrorist attack, Creighton's assertion reasonably indicates to his readers that Creighton knows of the existence of other undisclosed defamatory facts that justify his conclusion. For instance, Creighton does not disclose the underlying facts upon which he bases his assertion that "[c]learly the State Department has a lot of disgruntled former employees" and the false implication that Mr. Gilmore is one of them. A reasonable reader would interpret this to mean that Creighton has personal knowledge of Mr. Gilmore's employment status or his state of mind, when in reality Creighton possesses no such knowledge.
44. Creighton knew that his readers would understand the clear meaning of his words, and he intended that they interpret his statements as assertions of fact. Indeed, the comments left

by Creighton's followers and others who read his article demonstrate that they clearly understood Creighton to be asserting facts: that Mr. Gilmore in fact lied about what he witnessed in Charlottesville, and that Mr. Gilmore was actually a party to a criminal conspiracy to stage Fields' car attack that killed Heather Heyer and injured many more.

45. One commenter on Creighton's article stated that "Brennan Gilmore is a C.I.A. officer who was working under official cover with the U.S. State Dept." Another commenter stated that "[Brennan]'s not State, he's CIA. And he's not disgruntled, he's still on the job, as a [sic] illegal domestic NOC. If you meet the scumbag sometime, ask him about all the airdrops that Kony's harem lived on. But anyway, good catch." Creighton endorsed this reading of his article and responded under his pseudonym, willyloman, by saying "thank you." In another illustrative comment, one of Creighton's followers on *Twitter* commends him for being the "first on the scene" in uncovering this "psyop" (short for "psychological operation," a term used to describe covert operations).³² These comments demonstrate that Creighton's readers understand him to be making assertions of fact about Mr. Gilmore, and congratulate him for uncovering the truth about Mr. Gilmore.
46. In a companion video entitled "*Charlottesville Attack – Brennan Gilmore: Witness or Accessory*," (see **Exhibit D**) uploaded to his *YouTube* channel with the account name "AmericanEveryman" that same day, Defendant Creighton repeats and expands upon the allegations contained in the article he published on his website (italics added):³³

CREIGHTON: He just happened to be there, at the specific place, where he could film the whole thing, from beginning, middle, to end. He just happened to have his camera running, he just happened for some reason to record this car driving for five seconds, before it did anything out of the

³² See Joshua Roberts (@Joshua_Roberts_), TWITTER (Aug. 13, 2017 07:43 AM), https://twitter.com/Joshua_Roberts_/status/896698814865735681.

³³ See AmericanEveryman, *Charlottesville Attack*, *supra* note 15.

ordinary, and just happened to have just the right message, just the right establishment message for CNN . . .

He has ties to special operations, special forces, CIA, State Department, Hillary Clinton, and Tom Perriello, who has a long career of doing this kind of thing. People will call me a conspiracy theorist because what I am suggesting here is that *someone* had foreknowledge, that this event was going to happen . . . *This man has every reason to want to see the support, the base for Donald Trump again mischaracterized as Nazis. He has every reason to do that . . .*

This guy just happens to be on that fucking corner with his camera rolling, watching that car drive by for five seconds, *and he's former State Department, and close to Tom Perriello, who is also former State Department obviously, he's got a fucking ax to grind, that's one hell of a goddamn coincidence, and you got to be a special kind of stupid to buy that.*

47. Similar to the statements made in his written article, Creighton again falsely asserts that Mr. Gilmore was aware of and part of Fields' plan to plow his car into the protesters. Creighton even directly states that he is suggesting that Mr. Gilmore had "foreknowledge[] that this event was going to happen." This is a statement of fact that is objectively false.
48. To emphasize that he is asserting a statement of fact about Mr. Gilmore's role in the Charlottesville attack, Creighton goes on to say that Mr. Gilmore's recording of Fields' car attack is "one hell of a goddamn coincidence, and you got to be a special kind of stupid to buy that." There can be no doubt in the mind of an individual watching the video that Creighton is stating a fact: that Mr. Gilmore had foreknowledge of Fields' car attack because he was involved in its planning and execution. This was clearly the understanding of Mr. Creighton's viewers and followers.
49. Again, while Creighton discloses some of the facts upon which he bases his false and defamatory conclusion that Mr. Gilmore had foreknowledge of Fields' terrorist attack, the nature of Creighton's conclusion reasonably indicates to his viewers that Creighton knows

of the existence of other undisclosed defamatory facts that would justify the conclusion he reaches, such as personal knowledge of Mr. Gilmore's state of mind.

50. Creighton clearly and directly states that Mr. Gilmore was a party to a planned psy-op that killed and injured human beings in Charlottesville. This is false, defamatory, and malicious, and has exposed Mr. Gilmore to hatred and contempt, as demonstrated by the threats and harassment Mr. Gilmore experienced and continues to experience. These statements have also deterred friends, acquaintances, and members of the community from associating with Mr. Gilmore, and have imperiled his ability to continue serving as a State Department employee, because Mr. Gilmore's ability to continue to do diplomatic work is severely hindered by the false claim that he participated in a secret operation to stage violence and commit murder.
51. At no point prior to or after publishing his article or video did Creighton investigate the outrageous and improbable factual allegations included in his story. He conducted no research beyond identifying a few disparate facts from Mr. Gilmore's biography and references to similar conspiracies.
52. Creighton did not reach out to Mr. Gilmore to confirm the story's statements or conclusions. Nor did Creighton reach out to any of the other individuals or organizations named in his article for comment or confirmation of even the most basic facts it included.
53. Creighton did not reach out to Mr. Gilmore for comment or to respond to the allegations included in the article.
54. Creighton did not have the facts alleged independently fact-checked.
55. Creighton never updated or corrected information about Mr. Gilmore after he published his defamatory article.

56. All of these failures demonstrate that Creighton deliberately distorted the facts and their context, and departed from even the most basic journalistic standards of accuracy for factual reporting.
57. Mr. Creighton harbored animosity and ill will toward “psy-ops,”³⁴ and those who participate in “psy-ops.” Creighton has a long history of accusing individuals and government entities of staging controversial and newsworthy events, including “Pizzagate,” the Charleston shooting, and the refugee crisis in Syria, all to hide or distract the American public from more scandalous conduct, or to push “globalist” agendas.³⁵ Thus, where Defendant Creighton falsely identified Mr. Gilmore as being a member of a “psy-op” in his previous employment and in Charlottesville, he intended to injure Mr. Gilmore and his reputation.
58. Creighton would not admit that the Charlottesville attack was the act of a white supremacist. Instead, Creighton utilized a preconceived and well-worn narrative that the attack was a “psy-op” staged by individuals and government entities.

³⁴ In a previous article, Creighton himself has provided the following definition of “psy-op,” as taken from the Department of Defense Dictionary of Military and Associated Terms: “Planned operations to convey selected information and indicators to foreign audiences to influence their emotions, motives, objective reasoning, and ultimately the behavior of foreign governments, organizations, groups, and individuals. The purpose of psychological operations is to induce or reinforce foreign attitudes and behavior favorable to the originator’s objectives.” Scott Creighton, *UCF Psyop: SSgt Arabo Babakhani – “Campus Hero” or ...*, AMERICAN EVERYMAN (Mar. 20, 2013), <https://americaneveryman.com/2013/03/20/ucf-psyop-ssgt-arabo-babakhani-campus-hero-or/>.

³⁵ Scott Creighton, *Phony Pizzagate Disinfo Distraction Ends As You Might Expect: With a Crisis Actor and an Assault on the 1st and 2nd Amendments*, AMERICAN EVERYMAN (Dec. 5, 2016), <https://americaneveryman.com/2016/12/05/phony-pizzagate-disinfo-distraction-ends-as-you-might-expect-with-a-crisis-actor-and-an-assault-on-the-1st-and-2nd-amendments/>; Scott Creighton, *Understanding the Refugee “Crisis” of 2015 ... (or... Enter the “Refugee Truther”)*, AMERICAN EVERYMAN (Sept. 16, 2015), <https://americaneveryman.com/2015/09/16/understanding-the-refugee-crisis-of-2015-or-enter-the-refugee-truther/#more-35477>; Scott Creighton, *The Ridiculous Propaganda Photos of Sheep Dipped Dylan Storm Roof*, AMERICAN EVERYMAN (June 21, 2015), <https://americaneveryman.com/2015/06/21/the-ridiculous-propaganda-photos-of-sheep-dipped-dylann-storm-roof/#more-34713>.

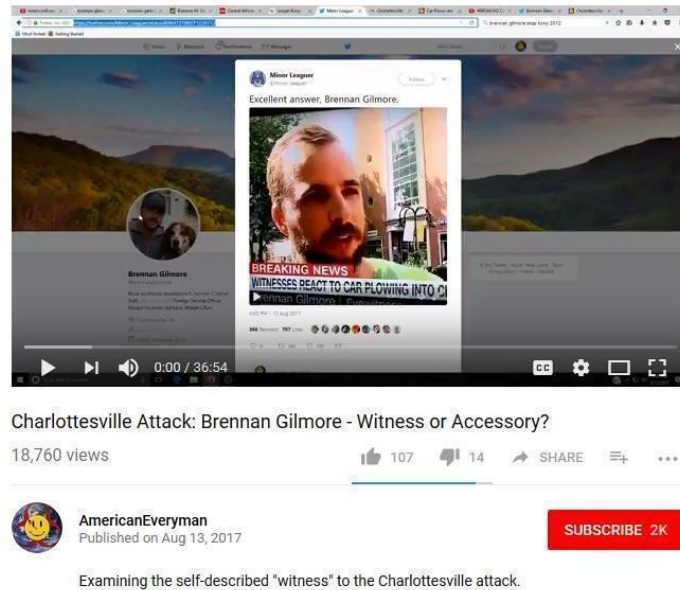
59. Defendant Creighton’s prior articles and videos make clear that he conceived a storyline about the events in Charlottesville in advance of any investigation (or lack thereof) and then consciously set out to make his false statements about Mr. Gilmore conform to his preconceived narrative. For example, Creighton had previously posted an article and accompanying video describing the counter-protesters in Charlottesville as “the Soros-backed³⁶ side of this destabilization event.”³⁷ In addition, he has published statements after recent national tragedies implying that the United States government staged the Sandy Hook school massacre and used the Sutherland Springs shooter as a “patsy,” both to bolster support for gun control. Thus, by stating that Mr. Gilmore had advanced knowledge of the attack in Charlottesville and delivered a “pre-approved establishment message,” Defendant Creighton made Mr. Gilmore a central actor in the narrative he had already crafted: that the violence in Charlottesville was a CIA and State Department “psy-op,” funded by George Soros, designed to sow distrust and unrest, and ultimately to undermine the nation and overthrow the Trump Administration.
60. Creighton ran this story despite entertaining serious doubts about the veracity of his claims, which he demonstrated, at minimum, by directly disavowing the simplest (and the factually accurate) explanation: that Mr. Gilmore’s witnessing of Fields’ attack was a tragic and traumatizing coincidence, and that Mr. Gilmore’s employment with the State Department had absolutely nothing to do with his presence in Charlottesville that day. By twisting true facts about Mr. Gilmore’s employment history with false assertions to fit a preconceived

³⁶ This philanthropic billionaire has long been the subject of right-wing conspiracy theorists. Most recently, he’s been accused of funding the white-nationalist rally in Charlottesville, the Black Lives Matter and Antifa movements, Colin Kaepernick’s NFL protest, and even the Women’s March in Washington, D.C.

³⁷ Scott Creighton, *Car Plows into Demonstrators at Unite the Right Destabilization Rally in Charlottesville*, AMERICAN EVERYMAN (Aug. 12, 2017), <https://americaneveryman.com/2017/08/12/car-plows-into-demonstrators-at-unite-the-right-destabilization-rally-in-charlottesville-va-videos/>.

narrative and ill will toward alleged “psy-ops,” Creighton knowingly or recklessly disregarded that his statements and their implications were false.

61. Before it was removed from *YouTube*’s website, Defendant Creighton’s *YouTube* channel had over 2,000 subscribers. As of January 2018, Defendant Creighton’s video about Mr. Gilmore had been watched nearly 19,000 times.



Publication by James Hoft

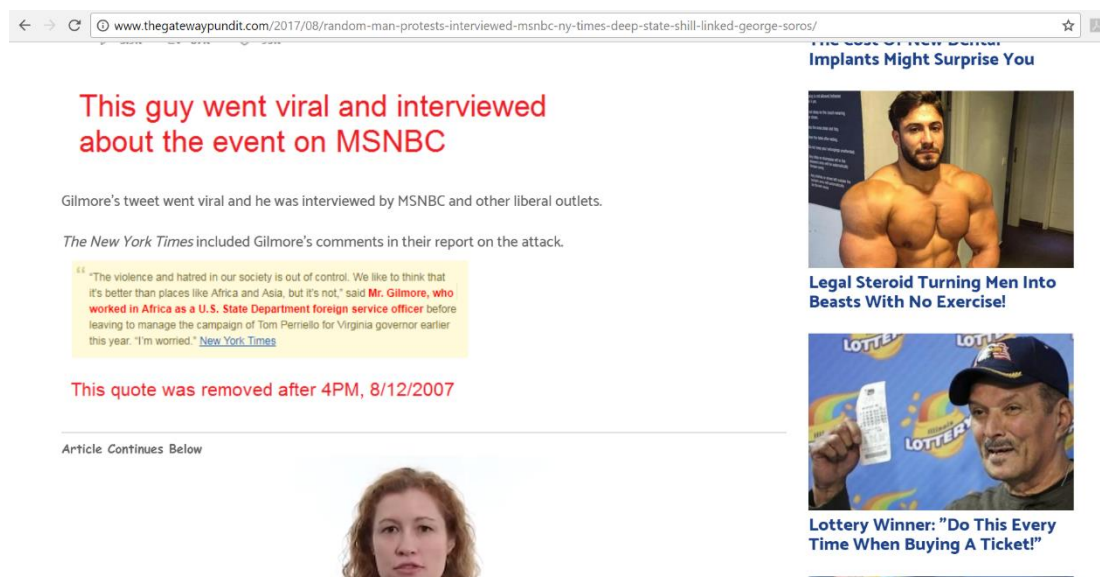
62. The next morning, on August 14, 2017, Defendant James Hoft published “*Random Man at Protests Interviewed by MSNBC, NY Times Is Deep State Shill Linked to George Soros*” on his website *Gateway Pundit*.³⁸ See **Exhibit E**. The *Gateway Pundit* website is viewed approximately three million times nationwide every month and considers itself to be the “voice of Middle America.” Lucian B. Wintrich, the Washington, D.C. correspondent for *Gateway Pundit*, was granted temporary press credentials by the Trump administration and

³⁸ See Jim Hoft, *Random Man at Protests*, *supra* note 18.

was thus able to attend White House press briefings and ask questions of the press secretary.³⁹

63. In this article, Defendant Hoft asserts unequivocally in the article's title, lede, and the body of the article that Mr. Gilmore is "a deep state shill" who is part of the State Department's attempt to cover up its involvement in instigating the attack in Charlottesville. Hoft, republishing screenshots from the Reddit subgroup "The Donald" to bolster his claims, wrote:

The random Charlottesville observer who was interviewed by MSNBC and liberal outlets turns out to be a deep state shill with links to George Soros. It looks like the State Department was involved in Charlottesville rioting and is trying to cover it up. But after Deep State got caught they are trying to erase this guy from their records.



The State Department is very familiar with Brennan Gilmore. He was involved in the Kony 2012 operation. The State Department later removed any reference of Brennan. Why would the State Department react in such a way? Why would the State Department scrub that? . . . This weekend Brennan Gilmore happened to be in Charlottesville with the rioters. The media knows exactly who he is yet played it off like a casual observer. This

³⁹ Michael M. Grynbaum, *White House Grants Press Credentials to a Pro-Trump Blog*, N.Y. Times (Feb. 13, 2017), <https://www.nytimes.com/2017/02/13/business/the-gateway-pundit-trump.html>.

is how the Deep State is working with the liberal media to shape narrative and fool the American people.

64. Hoft's statement that Mr. Gilmore "is a deep state shill" is a direct false assertion that Mr. Gilmore is an accomplice to a con or fraud perpetrated by the government.⁴⁰ The accusation that Mr. Gilmore participated in a government-orchestrated scam in Charlottesville is an assertion of fact that is objectively and verifiably false.
65. Hoft states and republishes statements from a disreputable Reddit thread that falsely assert that Mr. Gilmore and/or the State Department removed references to Mr. Gilmore's State Department work in an attempt to cover up their alleged involvement in the Charlottesville rioting. This is false: Mr. Gilmore's information regarding his previous post as Deputy Chief of Mission at the U.S. Embassy in the Central African Republic was removed when the Embassy rebuilt its website to reflect current staff information, after Mr. Gilmore left the Embassy. It was not removed in an attempt to cover up Mr. Gilmore's presence in Charlottesville, and certainly not to cover up an alleged role orchestrating the rioting and violence there.
66. Hoft also implies that the New York Times removed a reference to Mr. Gilmore from their article to hide Mr. Gilmore's relationship to the State Department, at the request of Mr. Gilmore and/or the State Department. This is false: Mr. Gilmore did not, and to his knowledge, the State Department did not, request the removal of the reference to Mr. Gilmore and his employment history. Rather, as is common practice, the article in question reflected a breaking news story published on the Times' website that was revised and

⁴⁰ A shill is defined by the Oxford Dictionary as "An accomplice of a confidence trickster or swindler who poses as a genuine customer to entice or encourage others." *Shill*, OXFORD DICTIONARY, <https://en.oxforddictionaries.com/definition/shill> (last visited Apr. 20, 2018).

updated as the story developed. Mr. Gilmore's quote and information was removed as more pertinent information became available.⁴¹

67. Through statements such as “[t]he media knows exactly who he is yet played it off like a casual observer,” and “it looks like the State Department was involved in Charlottesville and is trying to cover it up,” and by describing Mr. Gilmore's presence at and later description of the events in Charlottesville as proving how “the Deep State is working with the liberal media to shape narrative and fool the American people,” Hoft implies a number of assertions of fact that are provably false: 1) that the State Department organized the Charlottesville rioting and/or attack; 2) that Mr. Gilmore participated in the State Department's planning of the Charlottesville riots and/or attack; 3) that the State Department conspired to conceal these facts by removing information about Mr. Gilmore from a number of internet sources; 4) that media outlets were involved in the conspiracy because they knew Mr. Gilmore was a State Department employee; 5) that the media characterized Mr. Gilmore as a casual observer because they were working in concert with Mr. Gilmore, the State Department, and other government agencies to cover up their involvement in the conspiracy; and 6) that all of these conspirators worked together to deceive the public about what happened in Charlottesville that day.
68. Hoft knew that his readers would understand the clear meaning of his words and intended that they would interpret his statements as assertions of fact.
69. Indeed, Hoft's readers clearly viewed the statements in Hoft's article as assertions of fact that were the result of diligent investigative journalism, as demonstrated by the comments

⁴¹ Sheryl Gay Stolberg and Brian M. Rosenthal, *Man Charged after White Nationalist Rally in Charlottesville Ends in Deadly Violence*, N.Y. TIMES (Aug. 12, 2017), <https://www.nytimes.com/2017/08/12/us/charlottesville-protest-white-nationalist.html>.

left on the article. After Hoft shared a link to the article with his 83,000 followers on *Twitter*,⁴² his followers quickly re-posted and shared the article over one hundred times, and they responded with comments on Twitter such as “Instigated by the Left—as has been happening for years now!”⁴³ Readers also commented on the article’s page on the Gateway Pundit website, saying: “There you go. I’ll bet there were plenty of deep state ‘plants’ on hand to spur the events;” “This a good piece of investigation. The encouraging thing is that truth can still be found. The discouraging thing is that the evil corrupt actions go so deep;” “That ‘random man’ better watch his back because he’s become ‘inconvenient’ to those he was working for! They might want to erase more than his history.”

70. By both stating and insinuating that Mr. Gilmore was an accomplice to a government plot to stage a violent riot and/or attack that killed and injured individuals in Charlottesville, and cover it up, Hoft falsely brands Mr. Gilmore as a criminal, a fraud, and an accessory to murder.
71. Such statements and implications are malicious, and have exposed Mr. Gilmore to hatred and contempt, as demonstrated by the threats and harassment Mr. Gilmore experienced and continues to experience. These implications have also deterred friends, acquaintances, and members of the community from associating with Mr. Gilmore and have imperiled his ability to continue serving as a State Department employee, because Mr. Gilmore’s ability to continue to do diplomatic work is severely hindered by the false claim that he participated in a secret operation to stage riots and a violent attack and commit murder.
72. At no point prior to or after publishing his article did Hoft investigate the outrageous,

⁴² Jim Hoft (@gatewaypundit), TWITTER (Aug. 14, 2017 10:10 AM), <https://twitter.com/gatewaypundit/status/897098093795135488>.

⁴³ Stu Cvrk (@STUinSD), TWITTER (Aug. 14, 2017 04:39 PM), <https://twitter.com/STUinSD/status/897195912342130688>.

improbable, and false factual allegations included in his story.

73. Defendant Hoft did not reach out to Mr. Gilmore for comment or to respond to the allegations included in the article.
74. Defendant Hoft did not identify any reputable human sources in his article with actual knowledge of the events described, and Hoft had reason to doubt the veracity of the anonymous, disreputable Reddit forum he cites. Nor did Hoft have the facts alleged independently fact-checked.
75. Defendant Hoft never updated or corrected information about Mr. Gilmore after he published the defamatory article.
76. Defendant Hoft did not reach out to Mr. Gilmore to confirm the statements or conclusions in his article prior to publication. Nor did Hoft reach out to any of the other individuals or organizations named in his article to confirm the accuracy of his statements and claims.
77. Instead, Defendant Hoft relied entirely on screenshots from an anonymous, disreputable Reddit post as his “research.”
78. All of these failures clearly demonstrate that Hoft deliberately distorted the facts and their context and departed from even the most basic journalistic standards of accuracy and fact-checking for factual reporting.
79. Defendant Hoft harbored animosity and ill will toward the so-called “Deep State,” a perceived left-wing, organized bureaucratic resistance to the Trump Administration. Because Hoft identified Mr. Gilmore as being a member of the “Deep State,” he intended to injure Mr. Gilmore and his reputation. Defendant Hoft has previously authored articles and published videos similarly claiming that the “Deep State” is attempting to plan a coup

to oust President Trump.⁴⁴ He has published claims that State Department employees have “worked together to overthrow other governments” and thus “it was inevitable they would use the gun on [the U.S. government].”⁴⁵ These statements are clearly intended for his audience to make the inference that Mr. Gilmore was one of these State Department employees allegedly attempting to plan such a coup. While Hoft attributed the car attack to “white supremacist James Alex Fields,” Hoft sought to deflect blame away from the alt-right by utilizing a preconceived and well-worn narrative that the “Deep State” was behind the attack. Hoft then consciously set out to make his false statements about Mr. Gilmore conform to that narrative.

80. After the attack in Charlottesville, Defendant Hoft used the factually inaccurate screenshots from Reddit to invent a nefarious role and identity for Mr. Gilmore in order to promote this preconceived narrative: that the violence in Charlottesville was a creation of the “Deep State,” that Mr. Gilmore was a central accomplice to that effort, and that the media was working with the “Deep State” to cover up their role in Charlottesville and deceive the American public.
81. Defendant Hoft did this despite entertaining the serious doubts about the veracity of his claims that would naturally arise from relying on screenshots posted to an anonymous, disreputable forum such as Reddit for the factual basis of his article.
82. Defendant Hoft ran this story despite entertaining serious doubts about the veracity of his claims, which he demonstrated, at minimum, by directly disavowing the simplest (and the

⁴⁴Jim Hoft, *BOOM! Democrat Dennis Kucinich: “Deep State Trying to Take Down a President - It is a Threat to Our Republic,”* GATEWAY PUNDIT (May 17, 2017), <http://www.thegatewaypundit.com/2017/05/boom-democrat-dennis-kucinich-deep-state-trying-take-president-threat-republic-video/>; Jim Hoft, *Presidential Historian: Deep State Attempting Coup D’etat of U.S. President*, GATEWAY PUNDIT (June 15, 2017), <http://www.thegatewaypundit.com/2017/06/presidential-historian-deep-state-attempting-coup-detat-us-administration-video/>.

⁴⁵ *Id.*

factually accurate) explanation: that Mr. Gilmore’s witnessing of Fields’ attack was a tragic and traumatic coincidence and that Mr. Gilmore’s employment with the State Department had absolutely nothing to do with his presence in Charlottesville that day. By twisting true facts about Brennan’s employment history with false allegations to fit his preconceived narrative and ill will toward the “Deep State,” Defendant Hoft knowingly and recklessly disregarded that his statements and their implications were false.

Publications by InfoWars

83. On August 15, 2017, Defendant *InfoWars*, a website owned and operated by Defendant Jones, published an article authored by Defendant Lee Ann McAdoo and an accompanying video, both entitled “*Bombshell Connection Between Charlottesville, Soros, CIA.*”⁴⁶ See **Exhibit F**. The title of the article and video asserts that the violence in Charlottesville was connected to Soros and the CIA. McAdoo writes:

As demonstrated this weekend, a civil war is brewing in this country, laying the foundation for a violent coup to take out Trump.

Soros-funded NGO’s have been able to achieve regime change in other countries by quite literally teaming up with Neo-nazis and “moderate” terrorists.

Now, investigative reporter Lee Stranahan reveals the same players involved in the Ukraine overthrow are working behind the scenes to oust President Trump.

Because the video goes on to describe Mr. Gilmore and his alleged connection to Ukraine and Soros, the factual allegation that he is one of the “same players [. . .] working behind the scenes to oust President Trump.” This is false. In the first seconds of the video interview with Defendant Stranahan, Defendant McAdoo reiterates that there is a “Deep State coup underway to oust Trump.” She then goes on to introduce Stranahan, telling viewers that

⁴⁶ Lee Ann McAdoo, *Bombshell Connection*, *supra* note 4.

“everyone needs to be following Lee on Twitter. . . he can’t even wait to post his articles the next day: he wants to give it to you live via Periscope [a live video streaming service] so you can get the real news before everyone else,” and that Stranahan is “saving journalism over at CitizenJournalismSchool.com.” McAdoo’s statements convey to viewers that Stranahan is not merely providing opinion or commentary, but truthful, “real news” based on facts and research, the content of which she endorses.

84. After McAdoo’s introduction, Defendant Stranahan discusses his background and interest in groups like Occupy, Black Lives Matter, and the Anti-Fascists (“Antifa”), all of which are “Soros-funded . . . everyone who watches InfoWars knows and understands that.” Stranahan then goes on to allege that the United States government, under the Obama Administration and Hillary Clinton State Department, and the CIA “sponsored a coup” in Ukraine that was “funded by Soros.” On the screen, Stranahan and McAdoo show a Google Image search for Svoboda, an “Ukrainian neo-Nazi party,” conducting tiki-torch marches “exactly like we saw in Charlottesville.” After a discussion about Ukraine, the ideology of white supremacists, and Obama/Clinton/Soros, Stranahan talks about the importance of insurrectionist movements having “martyrs” and suggests that Heather Heyer may have been a “martyr” created by “Soros-funded NGO’s” to orchestrate a “regime change” in the United States:

STRANAHAN: So it’s come out that Brennan Gilmore was working with the U.S. - the guy who happened to catch that shot [of Fields’ car attack] - with the U.S. State Department. He also worked for a Democratic Representative, but let me point out something else...

While Stranahan discusses Mr. Gilmore, scenes of violent riots and people in riot gear from Oliver Stone’s “Ukraine on Fire” film plays on the screen. Stranahan and McAdoo deliberately collocate this visual with Stranahan’s narration to falsely imply Mr. Gilmore

is part of what Stranahan claimed was a Soros-funded and United States government-sponsored coup beginning in Ukraine and further carried out in Charlottesville.⁴⁷

STRANAHAN: If you go to Brennan Gilmore's page, his Twitter page, you'll see he has a picture of the young woman who was murdered, and you know what it says? "Martyr." . . . Literally it says "martyr." You can't be more explicit than this. So here's what I'm saying. I'm not a conspiracy theorist, I'm a fact-based journalist. The facts are enough. However, the Democrats have investigated Trump for a lot less. For a lot less. They have called for investigations, and secret meetings, they have convened the FBI. When you have this many things going on, I think someone really needs to investigate. Again, I don't like to jump to conclusions, I'd like to ask some questions about who this kid was, where he came from, what do we know, get it all out in the open, but I'll also point out that we can't count on the media to do this.

By stating that Mr. Gilmore should be investigated by the FBI, Defendant Stranahan falsely implies that Mr. Gilmore's identity, origin, and presence in Charlottesville is related to his association with a Soros-funded coup effort. The nature of Defendant Stranahan's implication reasonably indicates to his audience that he knows of the existence of additional undisclosed defamatory facts that justify his false conclusions about Mr. Gilmore and his association with Soros-funded coup efforts.

[MCADOO scrolls through Gilmore's Twitter page]

STRANAHAN: Yeah, if you scroll...keep scrolling...this is the guy, Brennan Gilmore, and if you scroll down, keep going, it's not too far, you'll see the photo of the young woman...this is abs [*sic*]...when I saw this, uh, I was shocked...[MCADOO continues to scroll through Gilmore's Twitter

⁴⁷ This collocation of two unrelated things or concepts in order to imply the existence of a nonexistent relationship (or as a critic described it, to "connect unconnected dots") is a method frequently used by Defendant Stranahan in his journalism and taught by Defendant Stranahan at his Citizen Journalism School. Defendant Stranahan's interest in this method was inspired in part by the documentary film "Koyaanisqatsi," which would compare time-lapsed images of two unconnected things in a way that required the audience to make the connection between them. Defendant Stranahan has described this method as allowing the audience to "fill in" the meaning and relationship between two collocated images "that's not there." Kobi Libii, *A Crash Course in Breitbart's Conspiracy Journalism, Pt. 2*, THE OPPOSITION WITH JORDAN KLEPPER, <http://www.cc.com/video-clips/d4aufk/the-opposition-with-jordan-klepper-a-crash-course-in-breitbart-s-conspiracy-journalism--pt--2> (last visited Apr. 20, 2018).

Defendants Stranahan and McAdoo deliberately play images of Ukrainian riots while discussing Mr. Gilmore to convey to the audience a factual connection between Mr. Gilmore and what Stranahan claimed were United States-sponsored and Soros-funded riots designed to achieve a coup.

feed] by the way, his bio, if you look at this guy's bio, it says he's with the State Department, and the fact that he called her a 'martyr'. . . I [STRANAHAN looks knowingly at the camera, eyebrows raised, arm raised, MCADOO nods comprehendingly, laughs] don't know, but this is clearly, the way she's being used is she's a martyr to the cause.

Stranahan and McAdoo's body language falsely convey to the audience that Mr. Gilmore's tribute to a woman who died in the traumatizing attack that he and other bystanders witnessed indicates that he was actually a knowing participant in a Soros-sponsored conspiracy to stage violence and create a martyr—Heather Heyer—for their cause.

STRANAHAN: And let me point out what's happening. They, uh, they win no matter what they do. Are they trying to get a coup? I think clearly they are. But if they can't get a coup, they'll settle for impeachment. And if they can't get impeachment, they'll settle for smearing Trump and his supporters so much that they'll be able to elect another elitists. Does that make sense?

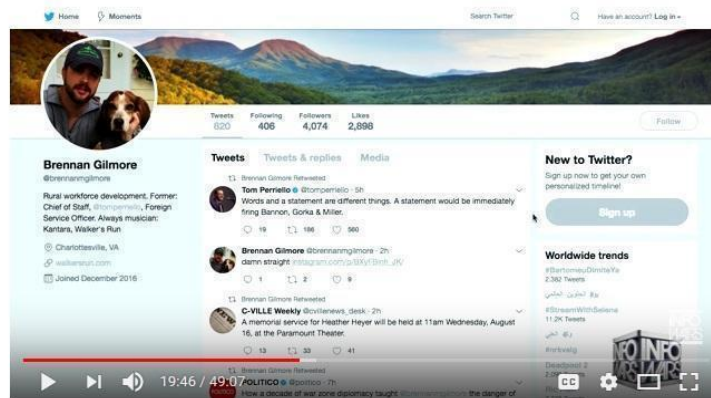
MCADOO: Absolutely.

85. The statements and visuals used by Stranahan and McAdoo throughout the video and in the accompanying article imply an assertion of fact: that Mr. Gilmore's coincidental presence at and recording of Fields' car attack was not coincidental, but was due to his knowing participation in Soros- and government-staged violence in Charlottesville designed to force a coup to oust President Trump. Defendants clearly intended their audience to make this inference. These are assertions of fact that are objectively and provably false. With his recording of Mr. Fields' attack, Mr. Gilmore was not "trying to get a coup"; he was not involved with an effort designed to lead to President Trump's impeachment; he was not trying to "smear Trump and his supporters" or "elect other elitists."
86. Taking the context of Defendant McAdoo's article and video as a whole, they clearly assert the factual conclusion, based on McAdoo and Stranahan's investigative journalism, that

Mr. Gilmore was directly involved in a latent civil war by participating in “Soros-funded” events to lay “the foundation for a violent coup to take out Trump” and “achieve regime change.” These assertions are false.

87. The video, bearing the same title as the *InfoWars* article, is hosted on The Alex Jones Channel, a *YouTube* channel owned by Defendants Jones and *InfoWars*. The channel has over 2 million subscribers. The video had been watched more than 312,000 times as of January 2018.⁴⁸ The description of the video reads:

As evidenced this weekend, a civil war is brewing in this country, laying the foundation for a violent coup to take out Trump. Soros-funded NGO’s have been able to achieve regime change in other countries by quite literally teaming up with Neo-nazis and “moderate” terrorists. Now, investigative reporter Lee Stranahan reveals the same players involved in the Ukraine overthrow are working behind the scenes to oust President Trump.



Bombshell Connection Between Charlottesville, Soros, CIA

312,126 views



7K



392



SHARE



...



The Alex Jones Channel
Published on Aug 15, 2017

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As evidenced this weekend, a civil war is brewing in this country, laying the foundation for a violent coup to take out Trump. Soros-funded NGO's have been able to achieve regime change in other countries by quite literally teaming up with Neo-nazis and "moderate" terrorists. Now, investigative reporter Lee Stranahan reveals the same players involved in the Ukraine overthrow are working behind the scenes to oust President Trump.

88. Defendant Jones shared a link to the *InfoWars* article and video defaming Mr. Gilmore

⁴⁸ See The Alex Jones Channel, *Bombshell Connection Between Charlottesville, Soros, CIA*, YOUTUBE (Aug. 15, 2017), <https://www.youtube.com/watch?v=L58T2dl997A>.

with his 737,000 followers on *Twitter*.⁴⁹

89. Defendants Jones, *InfoWars*, Stranahan, and McAdoo knew that their readers and viewers would understand the clear factual meaning of their words and body language. Indeed, as Defendant Stranahan says in the video, “everyone who watches InfoWars knows and understands” the factual conclusions he implies.
90. Defendants Jones and Stranahan both hold themselves out to the public as fact-based journalists. Defendant Jones describes himself on his Twitter profile as “Fighting for Freedom & Liberty on the Frontlines of Truth Journalism.”⁵⁰ Defendant *InfoWars* describes itself as “The Frontline of Journalism;” indeed, the content on Defendant *InfoWars*’ website is listed as “news” or “breaking news.” Defendant Stranahan states unwaveringly in the above-referenced video, when talking about Mr. Gilmore, that he is a “fact-based journalist,” and is represented as an “investigative reporter” in the YouTube video’s description. Defendant McAdoo likewise represents that she is conducting an interview of “investigative reporter” Stranahan who provides viewers with “real news.” These representations all support the article and video’s general tenor as factual.
91. Defendant Jones’ followers, understanding Stranahan and McAdoo’s statements about the Charlottesville attack and implications about Mr. Gilmore’s involvement to be assertions of fact, quickly responded with comments such as “This was coordinated. Not spontaneous”⁵¹ and “Obama Clinton coup’dat in full bloom. We see Comey, lynch,

⁴⁹ Alex Jones (@RealAlexJones), TWITTER (Aug. 15, 2017 11:10 PM), <https://twitter.com/realalexjones/status/897656664379322369>.

⁵⁰ Alex Jones (@RealAlexJones), Twitter, https://twitter.com/RealAlexJones?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor (last visited Apr. 12, 2018).

⁵¹ Catherine (@RealAliCat), TWITTER (Aug. 16, 2017 05:29 PM), <https://twitter.com/RealAliCat/status/897933461012574209>.

clapper, Brennan, Clintons, FBI, secret service, dnc, democrats in mix.”⁵²

92. By insinuating that Mr. Gilmore knowingly participated in a Soros- and government-staged violent riot and attack, Defendants Stranahan, McAdoo, Jones, *InfoWars*, and *Free Speech Systems* falsely imply that Mr. Gilmore is a criminal conspirator and a party to treason and murder. Such implications are false, defamatory, and malicious, and have exposed Mr. Gilmore to hatred and contempt, as demonstrated by the threats and harassment Mr. Gilmore experienced and continues to experience. These implications have also deterred friends, acquaintances, and members of the community from associating with Mr. Gilmore, and have imperiled his ability to continue serving as a State Department employee, because Mr. Gilmore’s ability to continue to do diplomatic work is severely hindered by the false claim that he participated in a secret operation to stage a violent attack and even commit murder.
93. At no point prior to or after publishing the article and video did Defendants Stranahan, McAdoo, Jones, or anyone from *InfoWars* or *Free Speech Systems* investigate the outrageous, improbable, and false factual allegations and factual conclusions included therein. They conducted no research of Mr. Gilmore beyond identifying a few, readily available disparate facts from his biography.
94. At no point did Defendants Stranahan, McAdoo, Jones, or anyone from *InfoWars* or *Free Speech Systems* reach out to Mr. Gilmore to confirm the statements or conclusions about Mr. Gilmore. Nor did these Defendants reach out to any of the other individuals or organizations named in the article and video for comment or confirmation of even the most basic facts they allege. This failure to verify and investigate Defendants’ statements about

⁵² Eugene Schreiber (@geno5491), TWITTER (Aug. 16, 2017 9:08AM), <https://twitter.com/geno5491/status/897852665085935617>.

Mr. Gilmore is particularly egregious, as Stranahan himself asserts that “we can’t count on the media” to question Mr. Gilmore’s presence in Charlottesville, all while Defendants themselves failed to confirm their statements or conclusions prior to publishing them to the public.

95. Defendants Stranahan, McAdoo, Jones, or anyone from *InfoWars* or *Free Speech Systems* did not identify any human sources in the article or video for their information regarding Mr. Gilmore other than from Mr. Gilmore’s Twitter page or media appearances, nor did they update or correct any information about Mr. Gilmore after they published the defamatory article and video. They did not have the facts alleged independently fact-checked.
96. All of these failures demonstrate that Defendants Stranahan, McAdoo, and Jones deliberately distorted the facts and their context and clearly departed from even the most basic journalistic standards for factual reporting.
97. Defendants Stranahan, McAdoo, and Jones harbored animosity and ill will toward Soros-funded regime changers and associated entities and individuals, including the so-called “Deep State,”⁵³ a perceived left-wing, organized bureaucratic resistance to the Trump Administration, and to which they believe the State Department, the Democratic Party, and George Soros are linked.⁵⁴ Defendants also harbored animosity and ill will toward George

⁵³ See, e.g., Aidan Quigley, *Deep State is ‘Going to Kill the President,’ Alex Jones Claims*, NEWSWEEK (Aug. 4, 2017), <http://www.newsweek.com/alex-jones-says-deep-state-going-kill-president-646802>; Loulla-Mae Eleftheriou-Smith, *Alex Jones Defends His Claim Donald Trump Could Be Assassinated by the ‘Deep State,’* INDEPENDENT (Aug. 8, 2017), <https://www.independent.co.uk/news/world/americas/alex-jones-donald-trump-assassination-deep-state-infowars-us-president-a7882461.html>; Lee Stranahan, *JFK, the Deep State, and the Covert History of the CIA*, PSCP <https://www.pscp.tv/w/1ZkJzdpAOqKv>; Alex Jones Show, *Black Ops Commander Reveals Deep State Secrets*, INFO WARS (Feb. 22, 2017), <https://www.infowars.com/black-ops-commander-reveals-deep-state-secrets/>.

⁵⁴ Michael Hoult, *Jones - Vegas Shooter Brainwashed by Obama’s Reptilians Funded by George Soros*, BUSINESS STANDARD NEWS, (Oct. 2, 2017), <https://bizstandardnews.com/2017/10/02/jones-vegas-shooter-brainwashed-obamas-reptilians-funded-george-soros/>.

Soros and associated entities and individuals.⁵⁵ Where Defendants identified Mr. Gilmore as associated with George Soros and the “Deep State” and alleged that Mr. Gilmore was involved in acts in Charlottesville directed toward regime change in the U.S., they harbored ill will toward him, and intended to injure Mr. Gilmore and his reputation.

98. Defendants Stranahan, McAdoo, and Jones would not admit that the Charlottesville attack was the act of a white supremacist. Instead, they utilized the preconceived and well-worn narrative that George Soros, the State Department, and the Democratic Party were behind the attack, in advance of any investigation (or lack thereof), and then consciously set up to make their statements about Mr. Gilmore conform to this narrative. In addition to their persistent animus toward George Soros, the “Deep State,” the State Department, and the Democratic Party, Defendants Jones, *InfoWars*, and *Free Speech Systems* have also published numerous similar articles and videos claiming that previous national tragedies were “false flags” and “inside jobs” created by the government to push a leftist agenda.⁵⁶ Defendant Stranahan has similarly published statements that the Charlottesville tragedy

⁵⁵Michael Hayden, *Alex Jones Spins Antisemitic Conspiracy that George Soros Created Sexual Misconduct Allegations to Hurt Trump*, NEWSWEEK, (Dec. 12, 2017), <http://www.newsweek.com/alex-jones-antisemitic-conspiracy-george-soros-trump-sexual-misconduct-745886>; The Alex Jones Channel, *Obama/Soros Behind Black Lives Matter Massacre of Police*, YOUTUBE (July 8, 2016), <https://www.youtube.com/watch?v=pMUiViz757o>; Lee Stranahan (@Stranahan), TWITTER (May 1, 2017 06:49 AM), <https://twitter.com/stranahan/status/859042209471107076>; Ben Collins and Jordan Resnick, *George Soros Took Control of 183 Groups and 12 People So Far this Year, According to Alex Jones and InfoWars*, DAILY BEAST (Apr. 6, 2017), <https://www.thedailybeast.com/george-soros-took-control-of-183-groups-and-12-people-so-far-this-year-according-to-alex-jones-and-infowars>; *Trump Ally Alex Jones: Head of Jewish Mafia is Alex Jones*, MEDIA MATTERS FOR AMERICA (Mar. 29, 2017), <https://www.mediamatters.org/video/2017/03/29/trump-ally-alex-jones-head-jewish-mafia-george-soros/215864>.

⁵⁶ See e.g. David Gilmour, *Alex Jones Pushes Another Baseless, Grossly Inaccurate School Shooting Conspiracy*, THE DAILY DOT (Feb. 19, 2018), <https://www.dailydot.com/layer8/alex-jones-pushes-another-school-shooting-conspiracy/>; Michael Grynbaum, *Las Vegas Massacre Gives InfoWars More Conspiracy Fodder*, N.Y. TIMES (Oct. 9, 2017), <https://www.nytimes.com/2017/10/09/business/media/las-vegas-massacre-infowars-conspiracy.html>; Alex Jones Show, *Flashback: Alex Jones Said 9/11 Inside Job On the Day it Happened*, INFO WARS (Sept. 11, 2001), <https://www.infowars.com/flashback-alex-jones-said-911-inside-job-on-the-day-it-happened/>.

was a part of a coordinated plan by the CIA and the left to undermine the Trump administration through violent protests.⁵⁷

99. Defendants Jones, *InfoWars*, *Free Speech Systems*, Stranahan, and McAdoo fit Mr. Gilmore into this preexisting narrative. They used select facts from Mr. Gilmore's professional history to identify him as a State Department conspirator who organized the Charlottesville riots and attack, and exploited Heather Heyer's death as part of a coup effort designed and funded by George Soros to destabilize the Trump administration. In short, they cast Mr. Gilmore a central role in the narrative they have worked tirelessly to craft, and they shoehorned that narrative to fit the events of the Charlottesville riots and attack.
100. Defendants did this despite entertaining serious doubts about the veracity of their claims, which they demonstrated, at minimum, by directly disavowing the simplest (and the factually accurate) explanation: that Mr. Gilmore's witnessing of Fields' attack was a tragic and traumatizing coincidence, and that Mr. Gilmore's employment with the State Department had absolutely nothing to do with his presence in Charlottesville that day. By twisting true facts about Mr. Gilmore's employment history to fit their preconceived narrative and ill will toward George Soros, the State Department, the "Deep State," and the Democratic Party, Defendants Stranahan, McAdoo, and Jones knowingly or recklessly disregarded that their statements and their implications were false.
101. Defendants Jones and *InfoWars* continued to spread falsehoods about the Charlottesville protest and attack in the days that followed. On August 14, 2017, Defendant Jones published a post entitled *George Soros Needs to be Charged and Arrested for Sedition and Causing Charlottesville* on his *InfoWars* website; in the accompanying video, he alleges

⁵⁷ See Lee Stranahan (@Stranahan), TWITTER (Aug. 13, 2017 08:02 PM), <https://twitter.com/stranahan/status/896929944294510592?lang=en>.

George Soros paid the Charlottesville protestors.⁵⁸ Defendant Jones published several additional videos in which he characterized the violence in Charlottesville as “staged” and orchestrated by left-wing political operatives and “cut-outs.”⁵⁹

102. While Defendant Jones later attempted to retract his claim that “Jewish actors” paid by George Soros were responsible for the violence, he doubled down on his efforts to harass and defame Mr. Gilmore in a video entitled *Breaking: State Department/CIA Orchestrated Charlottesville Tragedy*, posted on *YouTube* on August 20, 2017,⁶⁰ and on Defendant *InfoWars*’ website on August 21, 2017.⁶¹ See **Exhibit G**. The title of the video itself is a provably false factual assertion that the State Department and/or CIA orchestrated Fields’ attack against Heather Heyer and the other protestors.
103. The video’s title (“Breaking”) as well as Defendants Jones’, *InfoWars*, and *Free Speech Systems*’ characterization of their own work as journalism predicated on “truth,” supports that the general tenor of the video is factual. Jones, *InfoWars*, and *Free Speech Systems*’ description of the video on *YouTube*, stating that “Alex Jones breaks down shocking revelations into the charlottesville riots. Who was behind this attack and why they did it!” also characterizes that their reporting is factual, and conveys to viewers the false and defamatory assertion that the individuals discussed in the video, including Mr. Gilmore,

⁵⁸ The Alex Jones Show, *George Soros Needs to be Charged and Arrested for Sedition and Causing Charlottesville*, INFOWARS (Aug. 14, 2017), <https://www.infowars.com/george-soros-needs-to-be-charged-and-arrested-for-sedition-and-causing-charlottesville-chaos/>.

⁵⁹ The Alex Jones Show, *Breaking: Charlottesville Confirmed Agitprop Staged Event*, INFOWARS (Aug. 16, 2017), <https://www.infowars.com/breaking-charlottesville-confirmed-agitprop-staged-event/>; The Alex Jones Show, *Deep State Caught Red-Handed Causing Charlottesville Violence*, INFOWARS (Aug. 17, 2017), <https://www.infowars.com/deep-state-caught-red-handed-causing-charlottesville-violence/>; see also The Alex Jones Show, *Breathtaking: Democrats Accused of Hiring Actors Prior to Charlottesville Rally*, INFOWARS (Aug. 17, 2017), <https://www.infowars.com/breathtaking-democrats-accused-of-hiring-actors-prior-to-charlottesville-rally/>.

⁶⁰ The Alex Jones Channel, *Breaking: State Department/CIA Orchestrated Charlottesville Tragedy*, YOUTUBE (Aug. 20, 2017), <https://www.youtube.com/watch?v=52C5-GpIKxg&t=3s>.

⁶¹ The Alex Jones Show, *State Department/CIA Orchestrated Charlottesville Tragedy*, *supra* note 5.

were “behind this attack.”

104. In the video, Defendant Jones asserts that the statements he made about Mr. Gilmore were factual and researched:

I knew a lot of it, but I did deep research . . . I did research, and I confirmed it all. They had known CIA and State Department officials in Charlottesville, first tweeting, first being on MSNBC, CNN, NBC. The mayor is involved. Everybody is a cut-out...⁶²

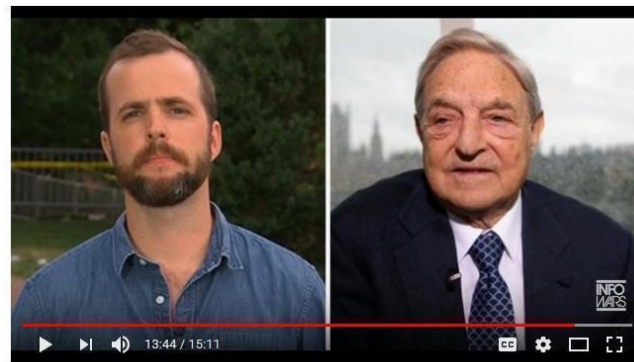
They got State Department and high-level CIA. One guy is paid 320,000 a year on the payroll of [George] Soros. He doesn't just get money from Soros, he personally is paid 320 a year, and then he is there—CIA, State Department—and he is on the news. And when people pointed out who he was, they took his name off the State Department website and stuff, but Google has all the [screen] shots of it. I mean it's like WOW, WOW—CIA? Your senior guys? And you're so stupid on TV, “oh I saw ‘m run over, I saw the racists, I saw the white supremacists attack, oh I'm the guy being interviewed first putting out the talking points “this is the downfall of Trump this is the beginning, it shows that he...” He worked for Podesta too, John Podesta. I'll give you his name and stuff, we're gonna play a video of him on the news. They had him first on every news cast...” I'm just witness standing here, huh yeah huh huh”...formerly worked for Obama, Podesta, Hillary, the CIA...and when we have Pieczenik on and he says they're CIA...he has all the connections, he's gonna say he thinks they are and here's the evidence to why he thinks so...he can't legally tell you, but there's a civil war going on in the government so they're going to tell you [. . .]

105. After an advertisement for his *InfoWars* supplements, Jones' video then cuts to a narration of the alleged testimony of a Charlottesville police officer who “has come forward to express his anger at being told to stand down” during the violence in Charlottesville, and who claims that the violent crashes were “set up to further the agenda of the elites.” After discussing the duplicitous involvement of Mayor Signer and his ties to Barack Obama and

⁶² In espionage parlance, a “cut-out” is a mutually-trusted person involved in espionage who acts as an intermediary or channel of communication between a spymaster and other subagents of a covert operation. Cutouts usually know only the source and destination of the information to be transmitted, not the identities of other persons involved in the espionage process. Thus, a captured cutout cannot be used to identify members of an espionage cell. See *Cut-out*, WIKIPEDIA, [https://en.wikipedia.org/wiki/Cut-out_\(espionage\)](https://en.wikipedia.org/wiki/Cut-out_(espionage)) (last visited Apr. 24, 2018); see also *Language of Espionage*, SPY MUSEUM, <https://www.spymuseum.org/education-programs/news-books-briefings/language-of-espionage> (last visited Apr. 24, 2018).

John Podesta, the video goes on to claim that Fields was a “Hillary supporter” who was “in receipt of funding by George Soros.” After the narrator says, “if you think that’s outrageous, wait ‘til you hear about the other actors in this enormous set-up event...” The screen cuts to a picture of Mr. Gilmore and his dog, and continues: “Brennan Gilmore was on the scene, and the author of the first viral tweet about Charlottesville. He was later interviewed by MSNBC. He was presented as an accidental witness, but who is he really?” The screen then cuts to a screenshot of Google results about Mr. Gilmore’s State Department assignments in Africa, with the narration stating that “Gilmore worked in Africa as a State Department Foreign Office under Hillary Clinton. The New York Times mentioned this coincidence and then later deleted it. Brennan Gilmore was also involved with the Kony hoax in 2012, and he’s currently Chief of Staff for Tom Perriello, who’s running for governor of Virginia, and received \$380,000 from George Soros.” The screen then cuts to pictures of Brennan Gilmore and George Soros placed side-by-side, so as to emphasize the relationship between the two men, and the narration continues:

So the first man in the scene whose tweet went viral and who was later interviewed on mainstream news as a witness just happened to be a State Department insider with a long history of involvement in psy-ops? If you think that isn’t fishy, how about this? Since the Charlottesville protest, and his appearance in the media, his information was suddenly removed from the State Department websites. The elites know we’re on to them and are trying to cover their tracks.



106. The “high-level CIA” and “State Department guy” that Defendant Jones is referring to is clearly Mr. Gilmore. Incredibly, Defendant Jones directly asserts that a campaign donation by George Soros to Tom Perriello’s gubernatorial campaign was in reality a personal payment to Mr. Gilmore. Such a provably false factual assertion is material and especially malicious, as it implies that Mr. Gilmore has received money from Mr. Soros and was paid by Soros to orchestrate the violence in Charlottesville.
107. Furthermore, Mr. Gilmore did not work for the campaigns or individual offices of President Obama or Secretary Clinton. He did not work for John Podesta. He did not work for the CIA. These factual allegations are demonstrably false, and especially in the context of Mr. Jones and *InfoWars*’ other content, they are defamatory and have inspired hatred and harassment from Jones’ and *InfoWars*’ audience.
108. The *InfoWars* video falsely states that since the Charlottesville protest and Mr. Gilmore’s appearance on various media outlets, Mr. Gilmore’s information was removed from State

Department websites because “the elites know we’re on to them and are trying to cover their tracks.” In reality, Mr. Gilmore’s information regarding his previous post as Deputy Chief of Mission at the U.S. Embassy in the Central African Republic was removed when the Embassy rebuilt its website to reflect current staff information after Mr. Gilmore left the Embassy in 2013. It was not removed in an attempt to cover up Mr. Gilmore’s presence in Charlottesville, and certainly not to cover up his alleged role orchestrating the rioting and violence there.

109. By stating that the violence in Charlottesville was staged by the State Department and CIA, by falsely stating that Mr. Gilmore is part of the CIA, and by placing pictures of Mr. Gilmore next to George Soros so as to associate Mr. Gilmore with a man who Jones claims paid protesters to incite violence in Charlottesville, and who Jones frequently and viciously attacks, demonizes, and accuses of committing atrocities, Defendant Jones was clearly stating and implying an assertion of fact: that Mr. Gilmore participated in a State Department/CIA operation to stage the violence and Fields’ car attack in Charlottesville. This assertion of fact is false.
110. By calling Mr. Gilmore a “cut-out” in this context, Defendant Jones clearly asserted the fact that Mr. Gilmore was involved in this treasonous act of espionage and deceit. This assertion of fact is false.
111. Defendant Jones knew that his viewers and readers would clearly understand the factual meaning he intended his words to carry (i.e. that Mr. Gilmore was involved in orchestrating the violence in Charlottesville), and he intended for them to make this inference.
112. By citing the anonymous “testimony” of an alleged Charlottesville police officer, Defendants Jones, *InfoWars*, and *Free Speech Systems* reasonably indicate to the audience

that other undisclosed defamatory facts exist that would justify Mr. Jones' conclusions, such as this police officer's firsthand observation of Mr. Gilmore in Charlottesville. Furthermore, by airing the alleged "testimony" of a police officer, Defendants Jones, *InfoWars*, and *Free Speech Systems* indicate to their audience that this source has been verified and the veracity of his or her "testimony" independently checked. Neither is true. Comments on Defendant Jones' video left by his followers and other viewers, such as "Brennan's little jihadi running around playing parts. ISIS, Antifa, and SPLC's White Supremacists. All contracted labor for media mind control operations and it's about time they got exposed," clearly demonstrate that his viewers took Jones' statements as assertions of facts that Mr. Jones "exposed."

113. By insinuating that Mr. Gilmore was part of a State Department/CIA operation to stage the violence and Fields' car attack in Charlottesville, Defendants Jones, *InfoWars*, and *Free Speech Systems* falsely brand Mr. Gilmore as a party to a criminal conspiracy and murder. Such implications are malicious, and have exposed Mr. Gilmore to hatred and contempt, as demonstrated by the threats and harassment Mr. Gilmore experienced and continues to experience. These implications have also deterred friends, acquaintances, and members of the community from associating with Mr. Gilmore, and have imperiled his ability to continue serving as a State Department employee, because Mr. Gilmore's ability to continue to do diplomatic work is severely hindered by the false claim that he participated in a secret operation to stage a violent attack and even commit murder.
114. At no point prior to or after publishing his video did Defendant Jones or anyone at *InfoWars* or *Free Speech Systems* investigate the outrageous, improbable, and false factual

allegations included in his video. Defendant Jones conducted no research beyond identifying a few disparate facts and circumstances from Mr. Gilmore's biography.

115. Defendant Jones did not reach out to Mr. Gilmore to confirm the content of his statements or conclusions (nor did anyone at *InfoWars* or *Free Speech Systems*). Nor did they reach out to any of the other individuals or organizations named in his video for comment or confirmation of the relevant facts.
116. Defendants Jones, *InfoWars*, and *Free Speech Systems* did not reach out to Mr. Gilmore for comment or to respond to the allegations included in the video at any time before or after the video was published.
117. Neither *InfoWars* nor *Free Speech Systems* independently fact-checked any of the allegations included in the video. Though Defendant Jones stated in his video that he “did the research, and [] confirmed it all” there is reason to doubt the veracity of the sources he consulted, and it is dubious what, if anything, the “Google...[screen] shots” revealed. Defendant Jones never updated or corrected information about Mr. Gilmore after releasing this defamatory video.
118. All of these failures demonstrate that Defendant Jones, *InfoWars*, and *Free Speech Systems* deliberately distorted the facts and their context, and departed from even the most basic journalistic standards of accuracy for factual reporting.
119. As detailed elsewhere in this Complaint, Defendant Jones harbored animosity and ill will toward the so called “Deep State,” Hillary Clinton, and George Soros. Where Defendant Jones identified Mr. Gilmore as being a member of the “Deep State,” and identified connections between Mr. Gilmore and Soros and Clinton, Defendant Jones intended to injure Mr. Gilmore and his reputation.

120. Defendant Jones would not admit that the Charlottesville attack was the act of a white supremacist. Instead, Jones utilized this preconceived and well-worn yet false narrative that the “Deep State” and George Soros were behind the attack and that Mr. Gilmore was a “high level CIA” and “State Department guy” who was a “cut-out” involved in the attack, all in advance of any investigation. As detailed elsewhere in this Complaint, Defendants Jones, *InfoWars*, and *Free Speech Systems* have previously published similar statements claiming that other national tragedies were hoaxes created by the government to push a leftist agenda.
121. Defendant Jones used select facts and false statements about Mr. Gilmore’s professional history available on Facebook, Twitter, and other websites, as well as the alleged, unverified, and false “testimony” of an anonymous Charlottesville police officer they found on the internet and twisted these elements to fit their preconceived narrative: that Charlottesville was a Soros-funded false-flag operation, and Mr. Gilmore was a central party to that operation. In fact, Defendant Jones has doubled down on his false accusations to fit this narrative by falsely claiming that this lawsuit and Mr. Gilmore’s counsel, the Georgetown Law Civil Rights Clinic, is also “backed” by George Soros.⁶³
122. Defendant Jones ran this video despite entertaining serious doubts about the veracity of the claims it included. This was demonstrated, at minimum, by Jones disavowing the simplest (and factually accurate) explanation: that Mr. Gilmore’s witnessing of Fields’ attack was a tragic and traumatizing coincidence, and that Mr. Gilmore’s employment history had nothing to do with his presence in Charlottesville at that time. By twisting true facts about Brennan’s employment history to fit a preconceived narrative and their ill will toward the

⁶³ Alex Jones (@RealAlexJones), Twitter, (April 10, 2018 09:20 AM), <https://twitter.com/RealAlexJones/status/983741534234439680>.

“Deep State,” Hillary Clinton, and George Soros, Defendants Jones, *InfoWars*, and *Free Speech Systems* knowingly or recklessly disregarded that Jones’ statements and their implications were false.

123. Defendant Jones’ video had been watched over 34,000 times as of January 2018. Defendant *InfoWars*’ website is viewed approximately 40 million times every month, and the site consistently ranks among the most popular websites in the United States. *InfoWars* bills and presents itself as a news media outlet.
124. In addition to soliciting advertisers for its website, *InfoWars* funds its work by the sale of various dietary supplements in its online store, which are featured prominently in each video and on banner ads that appear in each post. Recent estimates of revenue received from online sales suggest that business is good: Defendant Jones stated in 2013 that the online store grossed an average of \$9 million in sales annually. Estimates in 2017 indicate that sales could now be as high as \$12.5 million annually.⁶⁴

Publication by Derrick Wilburn, Allen West, Michele Hickford, and Words-N-Ideas, LLC

125. On August 19, 2017, Defendants West, Hickford, Word-N-Ideas, LLC, and Wilburn published “*BOMBSHELL: New Evidence Suggests Charlottesville Was a Complete SET-UP*” on his website.⁶⁵ See **Exhibit H**. The title of the article implies that the statements contained therein are truthful and based on evidence.
126. The article, authored by Defendant Wilburn, cites and republishes the alleged statement of an anonymous Charlottesville police officer (the same anonymous police statement containing the same false and defamatory statements published by Defendants Jones,

⁶⁴ See Brown, *supra* note 1.

⁶⁵ Derrick Wilburn, *BOMBSHELL*, *supra* note 20.

InfoWars, and *Free Speech Systems* in their video entitled “*Breaking: State Department/CIA Orchestrated Charlottesville Tragedy*”):

If you think that is suspicious, wait until you learn about the other actors in this enormous set-up event. Brennan Gilmore was the first man “on the scene” and was the author of the first viral tweet about Charlottesville. He was later interviewed by MSNBC. He was presented as an accidental witness. But who is he really? Gilmore worked in Africa as a State Department foreign officer under Hillary Clinton. The New York Times mentioned this “coincidence” – and then later deleted it. Brennan Gilmore was also involved with the Kony hoax in 2012, and he is currently Chief of Staff for Tom Perriello, who is running for Governor of Virginia and received \$380k from George Soros. So the first man on the scene, whose tweet went viral, and who was later interviewed on mainstream news as a witness, just happened to be a State Department insider with a long history of involvement in psy-ops? If you think this isn’t fishy, how about this – since the Charlottesville protests and his appearance in the media, his information was suddenly removed from State Department websites.”

As detailed elsewhere in the Complaint, the assertion of fact that Mr. Gilmore’s “information was suddenly removed from State Department websites” after the Charlottesville protests is false.

127. Wilburn then adds:

We need to clarify that these are early accounts and as yet unverified, but if true this is very, very serious stuff. It points directly to the reality of the “deep state” and more importantly to the lengths that the Soros/Clinton/Obama one-world government cabal will go in order to realize their desires for “fundamental transformation.”

128. However, despite harboring doubts about the truth of the articles’ claims, and instead of verifying that these “early accounts” were in fact true prior to publication, Defendants Wilburn, West, Hickford, and *Words-N-Ideas* published the article. Defendants did not contact Mr. Gilmore, the anonymous Charlottesville police officer who allegedly provided the quoted statement, or any other individuals or organizations mentioned in the article to verify or otherwise comment. Instead, Defendants Wilburn, West, Hickford, and *Words-*

N-Ideas departed from even the most basic journalistic standards of research and verification because they wanted to push their preconceived narrative: the existence of the “deep state” and “the lengths that the Soros/Clinton/Obama one-world government cabal will go in order to realize their desires for ‘fundamental transformation.’”

129. Defendants Wilburn, West, Hickford, and *Words-N-Ideas*’ article directly and falsely asserts that Mr. Gilmore is an “actor[] in this enormous set-up event.” This statement is demonstrably false.
130. By further characterizing Mr. Gilmore’s presence during Fields’ attack as “fishy” and “suspicious,” and by falsely stating that Mr. Gilmore’s information was “suddenly” removed from State Department websites to cover up Mr. Gilmore’s presence in Charlottesville, Defendants Wilburn, West, Hickford, and *Words-N-Ideas* imply a clear assertion of fact: that Mr. Gilmore participated in a “deep state”-“Soros/one-world government cabal” conspiracy to stage the violence in Charlottesville. This statement of fact can be objectively verified as false.
131. By citing the anonymous “testimony” of an alleged Charlottesville police officer, Defendants West, Wilburn, Hickford, and *Words-N-Ideas* reasonably indicate to readers that other undisclosed defamatory facts exist that would justify the conclusion that Mr. Gilmore was involved in orchestrating the violence in Charlottesville, such as this police officer’s firsthand observation of Mr. Gilmore in Charlottesville. Furthermore, by republishing the alleged “testimony” of a police officer, Defendants West, Wilburn, Hickford, and *Words-N-Ideas* indicate to their audience that this source has been verified and the veracity of his or her “testimony” independently checked. Neither is true.

132. Defendants Wilburn, West, Hickford, and *Words-N-Ideas* knew that their readers would understand the factual meaning that they intended their words to carry, and they intended for their readers to make such an inference.
133. Indeed, Defendants Wilburn, West, Hickford, and *Words-N-Ideas*' statements were interpreted by readers as clear statements of fact. When Defendant West shared a link to the article with his 727,000 followers on Twitter,⁶⁶ those followers responded with comments such as "[t]he shadow government has a mission to destroy America as we know it,"⁶⁷ and "[t]his whole thing stinks to high heaven. A federal investigation is needed, not some internal self-serving coverup."⁶⁸
134. By stating and implying that Mr. Gilmore participated in a "deep state"-Soros conspiracy to stage the violence in Charlottesville, Defendants Wilburn, West, Hickford, and *Words-N-Ideas* falsely brand Mr. Gilmore as a criminal conspirator and a party to murder. Such implications are false and malicious, and have exposed Mr. Gilmore to hatred and contempt, as demonstrated by the threats and harassment Mr. Gilmore experienced and continues to experience. These implications have also deterred friends, acquaintances, and members of the community from associating with Mr. Gilmore, and have imperiled his ability to continue serving as a State Department employee, because Mr. Gilmore's ability to continue to do diplomatic work is severely hindered by the false claim that he participated in a secret operation to stage a violent attack and commit murder.

⁶⁶ Allen West (@AllenWest), TWITTER (Aug. 19, 2017 09:10 AM), <https://twitter.com/AllenWest/status/898895019951575041>.

⁶⁷ James Reddings (@JamesReddings), TWITTER (Aug. 19, 2017 10:07 AM), <https://twitter.com/JamesReddings/status/898909398575263746>.

⁶⁸ Dave Riles (@DRils), TWITTER (Aug. 20, 2017 08:49 PM), <https://twitter.com/DRils/status/899433273515925504>.

135. At no point prior to or after publishing this article did Defendants Wilburn, West, Hickford, and *Words-N-Ideas* or anyone associated with AllenWest.com investigate the outrageous, improbable, and false factual allegations included in this article. Defendant Wilburn conducted no research beyond identifying a few disparate facts and circumstances from Mr. Gilmore's biography.
136. As admitted in their article, Defendants Wilburn, West, Hickford, and *Words-N-Ideas* failed to investigate by reaching out to Mr. Gilmore or other witnesses of the event to confirm the accuracy of the article's statements or conclusions (nor did anyone associated with AllenWest.com). Nor did they reach out to any of the other individuals or organizations named in his video for comment or confirmation of the relevant facts.
137. Defendants Wilburn, West, Hickford, and *Words-N-Ideas* did not reach out to Mr. Gilmore for comment or to respond to the allegations included in the article.
138. Defendant Wilburn did not identify any sources in the article relevant to the accusations about Mr. Gilmore other than an anonymous police statement, and no one associated with AllenWest.com independently fact-checked any of the allegations included in the article.
139. Defendants Wilburn, West, Hickford, and *Words-N-Ideas* never updated or corrected information about Mr. Gilmore after releasing this defamatory article.
140. All of these failures demonstrate that Wilburn and all Defendants associated with AllenWest.com deliberately distorted the facts and their context, and departed from even the most basic journalistic standards of accuracy for factual reporting.
141. Defendant Wilburn harbored animosity and ill will toward the so-called "deep state," or "one-world government cabal," terms used to capture a perceived left-wing, organized resistance to the Trump Administration as well as a perceived authoritarian regime pursued

by wealthy globalist elites. Defendant Wilburn also harbored animosity and ill will toward George Soros. Because Wilburn identified Mr. Gilmore as being a member of the “deep state,” and “one-world government cabal,” and identified connections between Mr. Gilmore and Soros, Wilburn harbored ill will toward Mr. Gilmore and intended to injure him.

142. Defendant Wilburn would not admit that the Charlottesville attack was the act of a white supremacist. Instead, Wilburn utilized this preconceived and well-worn narrative that the “deep state,” “one-world government cabal,” and George Soros were behind the attack.
143. Defendant Wilburn used select facts, misrepresented information about Mr. Gilmore’s professional history, relied on the alleged, unverified and false “testimony” of an anonymous Charlottesville police officer he found on the internet, and twisted these elements to fit his preconceived narrative: that Charlottesville was a Soros-funded false-flag operation, and Mr. Gilmore was a central party to that operation. By twisting and misrepresenting information about Mr. Gilmore to fit his preconceived narrative, the Defendants associated with AllenWest.com knowingly or recklessly disregarded that their statements and implications were false.
144. Defendant Wilburn and the Defendants associated with AllenWest.com ran this article despite entertaining serious doubts about the veracity of its claims. This was demonstrated, at minimum, by Defendant Wilburn noting that the factual claims he makes are “unverified.” Nevertheless, Wilburn disavowed the simplest (and factually accurate) explanation: that Mr. Gilmore’s witnessing of Fields’ attack was a tragic and traumatizing coincidence, and that Mr. Gilmore’s employment history had nothing to do with his presence in Charlottesville at that time. By twisting true facts about Mr. Gilmore’s

employment history to fit a preconceived narrative and their ill will toward the “deep state” or “one-world government cabal” and George Soros, Defendants Wilburn, West, Hickford, and *Words-N-Ideas* knowingly or recklessly disregarded that Wilburn’s statements and their implications were false.

Cumulative Effect of Defendants’ Publications

145. There can be no doubt that all Defendants collectively reached hundreds of thousands of viewers and readers with their publications. Their paranoid fantasies have no basis whatsoever in fact and are demonstrably false: while Mr. Gilmore was and continues to be a State Department employee (currently on unpaid leave), was stationed in the Central African Republic, and worked for Tom Perriello’s campaign, he has at no time been employed by the CIA or any other intelligence agency, nor has he been employed by or received payment from George Soros directly. He attended the protest against the “Unite the Right” rally as a private citizen on his personal time because he opposes racism and bigotry, not in any sort of capacity as a government employee, because he was sent there by the State Department or George Soros, or because he was participating in any “Deep State” “psy-op” or any sort of operation to unseat President Trump.
146. In the months leading up to the rally and counter-protest, Mr. Gilmore had been regularly confronted with hateful right-wing memes on social media platforms that advocated using a car as a weapon against protestors. The following meme is similar to the types of memes Mr. Gilmore encountered:⁶⁹

⁶⁹ Thomas Clouse, *Chelan County Deletes “All Lives Splatter” Post from Emergency Management Facebook Page*, SPOKESMAN-REVIEW (Sept. 11, 2017, 4:35 P.M.), <http://www.spokesman.com/stories/2017/sep/11/chelan-county-deletes-all-lives-splatter-post-fro/#/0>.



147. When he noticed that a driver of a car was behaving erratically and driving rapidly towards a group of protesters, Mr. Gilmore was worried that someone might have taken these perverse suggestions to heart. Tragically, Mr. Gilmore’s fears proved well-founded, as Mr. Fields—who was driving the car that drew Mr. Gilmore’s attention—killed one protestor, Heather Heyer, and injured many others.
148. Mr. Gilmore’s concern for the safety of other protesters and his entirely reasonable sense of civic duty to share with the world what he witnessed in Charlottesville was sufficient to put him in Defendants’ crosshairs. The Defendants crafted their delusional narrative about him from the barest outline of Mr. Gilmore’s resume, which he freely shares on social media. Mr. Gilmore was an attractive target when Defendants were looking for a scapegoat to blame both sides for the violence that occurred that day.
149. Defendants thrust Mr. Gilmore—an innocent bystander with no desire for public attention—into the public eye by intentionally publishing baseless allegations about his professional life and goals. As detailed above, Defendants’ intentional and reckless disregard for the truth of their allegations about Mr. Gilmore directly and foreseeably

caused the harassment and threats to his personal safety that followed, as well as Mr. Gilmore's severe emotional distress.

D. Threats and Harassment

150. As soon as the first publications alleging that Mr. Gilmore was a "Deep State operative" who helped orchestrate the violence in Charlottesville appeared online, Mr. Gilmore became the subject of a barrage of harassing and threatening messages that made him fear for his personal safety as well as the safety of his family members. There can be no doubt that Defendants' defamatory publications about Mr. Gilmore directly and proximately led to this harassment. To this day, Mr. Gilmore continues to experience the effects of the hatred and violence directed at him as a direct and foreseeable result of Defendants' reckless decisions to publish these baseless allegations about him.

151. Defendant Creighton published his article and video about Mr. Gilmore in the early hours of August 13, 2017. That very same day, anonymous users of the internet forum *8chan* shared Mr. Gilmore's address of record:



152. The Lexington, Virginia address posted by these users is that of Mr. Gilmore's parents, which Mr. Gilmore used during his overseas postings with the Foreign Service. He resided there periodically during the summer of 2017 while on vacation and in between permanent residences.

153. Hours later, threatening and harassing messages on *Twitter* directed at Mr. Gilmore started rolling in. Some of these messages were an explicit and direct response to Defendant Creighton's publication:⁷⁰ Other *Twitter* users threatening Mr. Gilmore used language that closely parses the language used in the article published by Defendant Hoft, who referred to Mr. Gilmore as a "globalist shill," thereby leaving little doubt about what incited them to seek out Mr. Gilmore:⁷¹



⁷⁰ HillaryluvsMoloch (@DARKLERCH), TWITTER (Aug. 14, 2017 07:54 AM), <https://twitter.com/DARKLERCH/status/897063978920181764>, HillaryluvsMoloch (@DARKLERCH), TWITTER (Aug. 14, 2017 08:02 AM) <https://twitter.com/DARKLERCH/status/897065917485600769>.

⁷¹ Puffy Biggles (@PuffyBiggles), TWITTER (Aug. 14, 2017 11:30 PM), <https://twitter.com/PuffyBiggles/status/897299446756593665>; Red Pill Dispenser (@cheque197), Twitter (Aug. 15, 2017 08:02 AM), <https://twitter.com/cheque197/status/897428396036292612>.



154. In light of the threats and harassment directed at him and the publication of their home address by posters on *8chan*, Mr. Gilmore contacted his parents to ensure that they were taking appropriate measures to protect themselves. Mr. Gilmore's parents live within a short drive of Charlottesville, and Mr. Gilmore was particularly concerned for their safety given the number of neo-Nazis who had descended on the region for the "Unite the Right" rally, with demonstrated violent tendencies. Acting on the advice of the FBI, he instructed his parents to reach out to the local police department, which they did. Alarmed by what they learned, local law enforcement devised a scheme to detect any unusual car traffic in the neighborhood. In addition, Mr. Gilmore's brother-in-law, who is an active-duty service member, offered to spend the night with Mr. Gilmore's parents and bring the handgun he keeps in his home with him for protection.
155. Fearing for his own safety in addition to that of his parents, Mr. Gilmore also contacted the FBI and the State Department's Bureau of Diplomatic Security. Mr. Gilmore spent hours discussing protective measures for himself and his family members with various law enforcement agencies in the days that followed.

156. Egged on by the campaign of vile lies that Defendants waged against him, *Twitter* and *YouTube* users continued to threaten and harass Mr. Gilmore, telling him he is a “George Soros HACK” and that “word is out on [him],” they “have [his] number,” he is “going straight to hell” and they hope that his “family feels the violence [he] protect[s]”⁷², and implicitly threatening him with violence by referencing the Comet Ping Pong pizzeria incident⁷³:



⁷² Several of these users have had their accounts suspended or deleted the tweets, *but see* john mac (@johnmac125), TWITTER (Aug. 15, 2017 05:25 PM), <https://twitter.com/johnmac125/status/897569974121844736>; Navy Brat (@loryad123), TWITTER (Aug. 20, 2017 07:01 PM), <https://twitter.com/loryad123/status/899405952654471170>; Prez Cannady (@prezcannady), TWITTER (Aug. 22, 2017), <https://twitter.com/prezcannady/status/899993600863477760>; MeBituman (@MeBituman), Comment, *Brennan Gilmore with MSNBC's Alex Witt on Charlottesville Terrorist Incident*, YOUTUBE (Aug. 13, 2017), <https://www.youtube.com/watch?v=DOcoq9Dsm48>.

⁷³ *See infra* ¶ 165.



Navy Brat
@loryad123

Follow

youtu.be/F4dtkuLTmNg @brennanmgilmore
we have your number and we won't stop
untill the truth is out Soros scumbag

7:01 PM - 20 Aug 2017 from North Kingstown, RI



Andor
@FOBWas

Follow

Replying to @tomperriello @brennanmgilmore

Loser cuck. So anybody who defends our
veterans, Confederate veterans, is a racist?
I hope your family feels the violence you
protect, dik

10:27 AM - 22 Aug 2017



Ryan Sousa
@sousa_ryan1

Follow

Replying to @brennanmgilmore

Ur a piece of shit puppet. Do u really think
people don't know how dirty and
compromised u are? Ur a George Soros
HACK. You'll get yours

11:04 AM - 19 Aug 2017



MeBituman 5 months ago
And on his birthday no less

Where is this Spawn of Satan. The Patriots need to take him out.

REPLY 2



Prez Cannady
@prezcannady

Follow

I have no sympathy for @brennanmgilmore or
anyone like him. He's getting what he
deserves.



How I Became Fake News

I witnessed a terrorist attack in Charlottesville. Then the conspiracy theories
began

politico.com

157. There were dozens of attempts to log-in to Mr. Gilmore's various online accounts, including email and social media in the days that followed publication of the conspiracy theories.
158. Mr. Gilmore and his family were not only threatened online. On Monday, August 14, 2017, Mr. Gilmore was physically accosted on the street in Charlottesville by an unknown person after concluding a brief television interview describing what he witnessed the day before. The unknown person aggressively questioned Mr. Gilmore about his ties to Perriello, Charlottesville Mayor Mike Signer, and his work overseas, all details that were mentioned by Defendants Creighton and Hoft in their articles about Mr. Gilmore.
159. In addition, shortly after the Defendants started their defamatory campaign against him, Mr. Gilmore received a letter at his parents' address with a suspicious powdery residue and a letter explaining why Mr. Gilmore would "burn in hell." The receipt of this letter led to an additional visit to the property by local police, and although the powdery residue turned out to be harmless upon analysis, the letter remains in the possession of the State Department Diplomatic Security Office.
160. The threats and harassment have continued well past August 2017. On February 14, 2018, Twitter user "SonofNewo" retweeted a post about an upcoming performance of Mr. Gilmore's band, adding the caption "Will Brennan Gilmore play his tunes from the middle of 4th Street?"⁷⁴

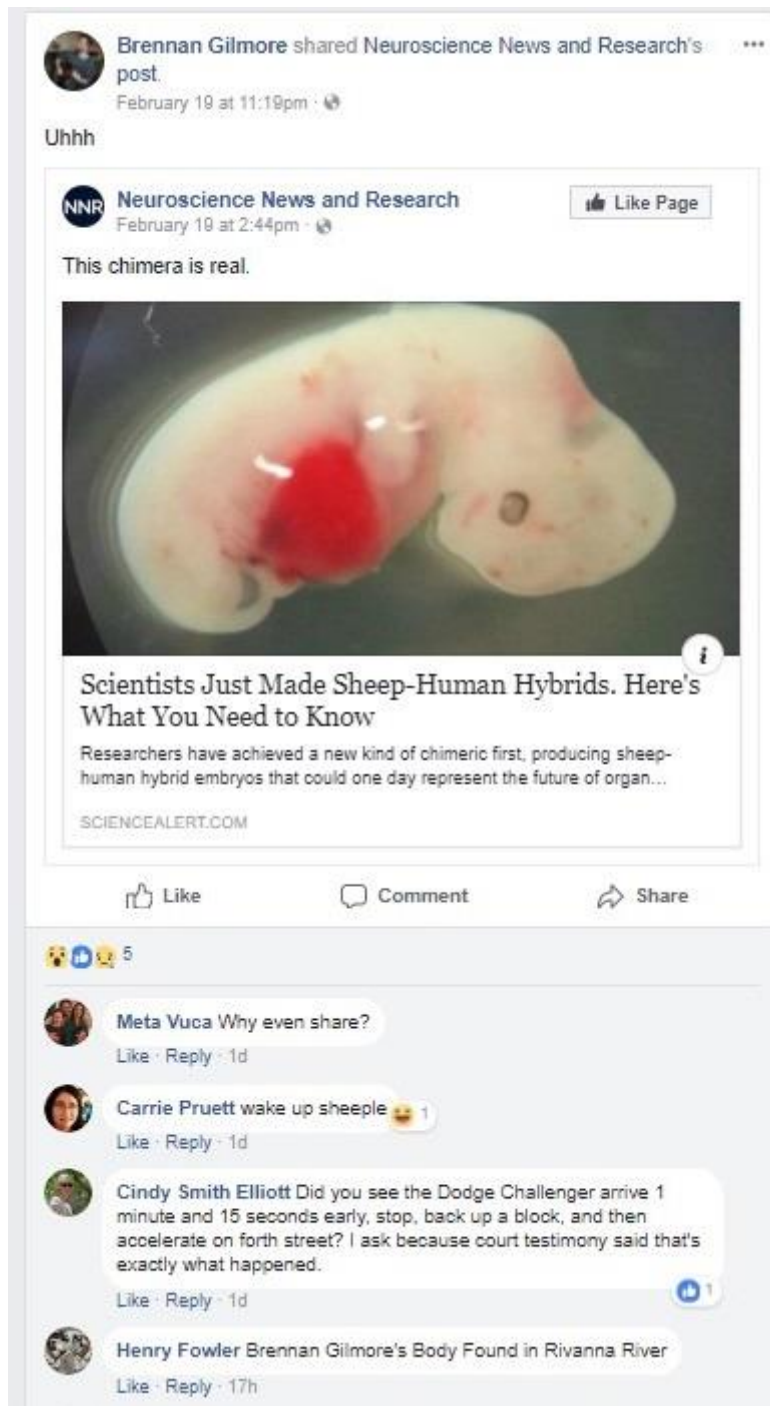
⁷⁴ SonofNewO (@SonofNewo), TWITTER (Feb. 14, 2018, 3:32 AM), <https://twitter.com/SonofNewo/status/963737755657400320>. The "4th Street" reference alludes to Fourth Street in Charlottesville, which intersects with Water Street East. Mr. Gilmore's video of the Charlottesville attack shows Fields speeding down Fourth Street before ramming into the crowd at the intersection with Water Street.



161. Two minutes later, SonofNewo posted, "I dunno, should I go check out this concert? Leave your thoughts below!"⁷⁵
162. SonofNewo's followers encouraged him to attend, with one user, alias "O'Neil," tweeting "Go INCOG[nito]."⁷⁶ As SonofNewo had previously posted videos on his YouTube channel that appeared to echo Defendants' lies about Mr. Gilmore, SonofNewo's tweets caused Mr. Gilmore to fear for his safety and for the safety of his band mates and concertgoers. He contacted the concert venue and alerted them to the perceived threats, and the venue security team in turn contacted the police.
163. After SonofNewo's tweets and videos, Mr. Gilmore noticed an uptick in online threats and harassment. For example, in response to a scientific article Mr. Gilmore shared in a public Facebook post on February 19, 2018, an individual named Henry Fowler (not known to Mr. Gilmore) left the following post threatening Mr. Gilmore's life:

⁷⁵ SonofNewo (@SonofNewo), TWITTER (Feb. 14, 2018, 3:34 AM), <https://twitter.com/SonofNewo/status/963738293392244737>.

⁷⁶ O'Neil (@ONeilBox), TWITTER (Feb. 14, 2018, 10:25AM), <https://twitter.com/ONeilBox/status/963841617089253378>.



The Rivanna River is a river in Virginia that runs near Mr. Gilmore's house. The clear implication and tone of Fowler's post was to threaten Mr. Gilmore and to make him fear for his life.

E. *The Defendants Knew or Should Have Known that the Harassment Would Ensur*

164. All Defendants knew or should have known from recent, publicized experiences that their defamatory publications about Mr. Gilmore would incite harassing and threatening messages against him in Virginia. Defendants' audiences routinely answer allegations of false-flag operations with violence and anger.
165. In the fall of 2016, Defendants Jones and *InfoWars* amplified a false conspiracy theory claiming that Comet Ping Pong, a pizzeria based in Washington, D.C., was involved in an underground child sex ring run by then-presidential candidate Hillary Clinton.⁷⁷ After Defendants published these false statements, an *InfoWars* reader from North Carolina drove to the pizzeria, entered the restaurant brandishing a rifle, a handgun, and a knife, and fired his rifle inside the restaurant at least one time before pointing it at an employee. The threats and online abuse that followed targeted not only the owner and employees of Comet Ping Pong, but also neighboring businesses that internet users thought were implicated in the conspiracy.⁷⁸
166. After *InfoWars* reporter Owen Shroyer published a podcast tying East Side Pies, a chain of pizza restaurants in Austin, Texas, to the baseless conspiracy theory, those owners were also targeted by phone threats, harassment, and vandalism of one of its delivery trucks with a vulgar epithet.⁷⁹ The circumstances surrounding these events were widely publicized in

⁷⁷ See Zack Beauchamp, *Alex Jones, Pizzagate booster and America's most famous conspiracy theorist, explained*, VOX (updated Dec. 17, 2016), <https://www.vox.com/policy-and-politics/2016/10/28/13424848/alex-jones-infowars-prisonplanet>.

⁷⁸ See Tom Kludt, *'Pizzagate': Comet Ping Pong not the only D.C. business enduring a nightmare*, CNN (Dec. 5, 2016), <http://money.cnn.com/2016/12/05/media/pizzagate-threatening-calls-washington-dc-businesses/index.html>.

⁷⁹ See Michael King, *Alex Jones Apologizes!: Slander against politicians is one thing; against pizza shop owners, another*, AUSTIN CHRONICLE (Mar. 31, 2017), <https://www.austinchronicle.com/news/2017-03-31/alex-jones-apologizes>.

national news,⁸⁰ and Defendant Jones acknowledged and apologized for his role in promoting the conspiracy theory.⁸¹

167. After the tragic December 2012 mass shooting at Sandy Hook Elementary School in Newtown, Connecticut, Defendants Jones, *InfoWars*, and Creighton published false statements claiming that the mass shooting did not actually happen and was a government-staged “inside job” designed to bolster support for gun control measures. By publishing and promoting these conspiracy theories, these Defendants incited harassment and threats by their followers toward the family members of the shooting victims. As a result, a woman was criminally sentenced for transmitting death threats through interstate communications toward the father of a 6-year-old child who was murdered in the shooting.⁸²
168. In 2014, a self-proclaimed Sandy Hook “truther” was sentenced for harassing the sister of a teacher who was killed while hiding her first-grade students in a classroom closet during the massacre.⁸³ This harassment and subsequent convictions have been detailed in multiple national publications.

⁸⁰ Faiz Siddiqui & Susan Svrluga, *N.C Man Told Police He Went to D.C. Pizzeria with Gun to Investigate Conspiracy Theory*, WASH. POST (Dec. 6, 2016), https://www.washingtonpost.com/news/local/wp/2016/12/04/d-c-police-respond-to-report-of-a-man-with-a-gun-at-comet-ping-pong-restaurant/?utm_term=.b85e5fe4acca; John Woodrow Cox, *‘We’re Going to Put a Bullet in Your Head’: #PizzaGate Threats Terrorize D.C. Shop Owners*, WASH. POST (Dec. 6, 2016), https://www.washingtonpost.com/local/were-going-to-put-a-bullet-in-your-head-pizzagate-threats-terrorize-dc-shop-owners/2016/12/05/39469a82-bb2e-11e6-94ac-3d324840106c_story.html?utm_term=.f81cc533b356; *Louisiana Man Pleads Guilty to Threatening Pizzeria*, NBC WASH. (Jan 13, 2017), <https://www.nbcwashington.com/news/local/Louisiana-Man-Pleads-Guilty-to-Threatening-DC-Pizzeria-410617335.html>; Matthew Odam, *How Austin’s East Side Pies became target of fake #pizzagate*, MY STATESMAN (Dec. 7, 2016), <http://www.mystatesman.com/news/crime--law/how-austin-east-side-pies-became-target-fake-pizzagate/jQJtr2xVIMNmpWc0IOW5O/>.

⁸¹ Eli Rosenberg, *Alex Jones Apologizes for Promoting Pizzagate Hoax*, N.Y. TIMES (Mar. 25, 2017), <https://www.nytimes.com/2017/03/25/business/alex-jones-pizzagate-apology-comet-ping-pong.html>.

⁸² Derek Hawkins, *Sandy Hook Hoaxer Gets Prison Time for Threatening 6-year-old Victim’s Father*, WASH. POST (June 8, 2017), https://www.washingtonpost.com/news/morning-mix/wp/2017/06/08/sandy-hook-hoaxer-gets-prison-time-for-threatening-6-year-old-victims-father/?utm_term=.1da4bac11915.

⁸³ Daniel Tepfer, *Sandy Hook ‘Truther’ Gets Suspended Sentence*, CT POST (Apr. 18, 2016), <http://www.ctpost.com/police-reports/article/Sandy-Hook-truther-gets-suspended-sentence-7255482.php>.

169. More recently, Defendants Jones and *InfoWars* published false claims about the 2017 mass shooting in Las Vegas that left fifty-nine people dead and hundreds more injured. Referring to the racist hoax concerning the former president's birth certificate that he has helped propagate, Defendant Jones claimed that "Vegas is as phony as a three-dollar bill or as Obama's birth certificate."⁸⁴ Soon thereafter, survivors of the massacre became victims of a predictable wave of online threats and harassment. One survivor of a bullet wound to the head received messages such as "[y]ou are a lying piece of shit and I hope someone truly shoots you in the head." Still another survivor was told, "[y]our soul is disgusting and dark! You will pay for the consequences!"⁸⁵
170. Further still, following the August 2017 mass shooting at a church Sutherland Springs, Texas that left twenty-seven people dead, Defendant Jones shared with his followers his theory that the tragedy was "part of the Antifa revolution against Christians and conservatives or a Isis op [sic]," and published these false claims on *InfoWars*.⁸⁶ Defendant Creighton also made a series of false claims about the mass shooting, implying that the United States government used the shooter, Devin Patrick Kelley, as a "patsy" to bolster support for gun control.⁸⁷
171. These and other conspiracy theories surrounding the Sutherland Springs attack recently led the church's pastor, whose 14-year-old daughter was killed in the shooting, to become the

⁸⁴ Alex Jones: *The Las Vegas Shooting Was as Phony as Obama's Birth Certificate*, MEDIA MATTERS (Nov. 27, 2017), <https://www.mediamatters.org/video/2017/11/27/alex-jones-las-vegas-shooting-was-phony-obama-s-birth-certificate/218648>.

⁸⁵ See Sam Levin, "I Hope Someone Truly Shoots You": Online Conspiracy Theorists Harass Vegas Victims, GUARDIAN (Oct. 26, 2017), <https://www.theguardian.com/us-news/2017/oct/26/las-vegas-shooting-conspiracy-theories-social-media>.

⁸⁶ Alex Jones (@RealAlexJones), TWITTER (Nov. 5 2017 03:14 PM), <https://twitter.com/search?q=Was%20this%20part%20of%20the%20Antifa%20revolution%20against%20Christians%20and%20conservatives%20or%20a%20Isis%20op%3F&src=typd>.

⁸⁷ Scott Creighton, *Sutherland Springs Shooting: What We Know So Far*, AMERICAN EVERYMAN (Nov. 6, 2017), <https://americaneveryman.com/2017/11/06/sutherland-springs-shooting-what-we-know-so-far/>.

target of gruesome threats of violence. On March 5, 2018, two individuals showed up to the church and “continually yelled and screamed and hollered and told [him] he was gonna hang [him] from a tree, and pee on [him] while [he is] hanging.”⁸⁸

172. Around April 2017, Defendants Jones and *InfoWars* made a series of false statements against Chobani, LLC (“Chobani”). In a video post featuring Defendant McAdoo, among others, these defendants claimed that the yogurt company’s practice of hiring migrant workers and refugees brought “migrant rapists” and disease to the areas surrounding its Idaho factory.⁸⁹ Defendant Stranahan similarly authored an article for *Breitbart News* alleging that Chobani was responsible for local crimes committed by Muslim refugees.⁹⁰ These false statements harmed both employees and other members of the Idaho community associated with Chobani. Ultimately, Defendant Jones apologized for and retracted his inflammatory comments. The circumstances surrounding these events were widely publicized on national news.⁹¹
173. As recently as this month, Defendants Jones, *InfoWars*, and Hoft have promoted conspiracy theories about the February 14, 2018 shooting at Marjory Stoneman Douglas High School in Parkland, Florida, which claimed the lives of 17 students and educators. These

⁸⁸ Jessica Chasmar, *Conspiracy Theorists Arrested Outside Site of 2017 Sutherland Springs Church Shooting*, WASH. TIMES (Mar. 6, 2018), <https://www.washingtontimes.com/news/2018/mar/6/conspiracy-theorists-claiming-sutherland-springs-s/>.

⁸⁹ See John Kell, *Chobani Is Suing Infowars Radio Host Alex Jones*, FORTUNE (Apr. 24, 2017), <http://fortune.com/2017/04/24/chobani-sues-alex-jones>.

⁹⁰ Lee Stranahan, *Turkish Chobani Owner Has Deep Ties to Clinton Global Initiative Campaign*, BREITBART (Aug. 25, 2016), <http://www.breitbart.com/big-government/2016/08/25/turkish-chobani-owner-has-deep-ties-to-clinton-global-initiative-and-campaign/>.

⁹¹ Christine Hauser, *Chobani Sues Alex Jones Over Sexual Assault Report*, N.Y. TIMES (Apr. 25, 2017), <https://www.nytimes.com/2017/04/25/business/chobani-alex-jones.html>; David Montero, *Alex Jones Settles Chobani Lawsuit and Retracts Comments about Refugees in Twin Falls, Idaho*, L.A. TIMES (May 17, 2017), <http://www.latimes.com/nation/la-na-chobani-alex-jones-20170517-story.html>.

defendants have endeavored to discredit student survivors who have, in the wake of the massacre, advocated for action by legislators and politicians to curb gun violence.⁹²

174. Defendants Jones and *InfoWars* promote violence against their political enemies. On March 30, 2017, Defendant Jones posted an online clip in which he called a Democratic congressman a “son of a bitch” and a “goddamn fucker” among other pejoratives and threatened to “beat” the congressman’s “goddamn ass.” He spent the summer of 2017 regularly telling followers of *InfoWars* and his radio show that the political left was on the verge of starting a civil war, and has encouraged violence against “leftists” and Democrats in response. In a June 23, 2017 broadcast, less than two months before the Charlottesville rally and attack, Defendant Jones told his followers that “we have to start getting ready for insurrection and civil war because they’re really pushing it.”⁹³
175. A regular listener or reader of *InfoWars* would clearly understand that when Alex Jones identifies an individual such as Mr. Gilmore as linked to George Soros and central to the orchestration of the Charlottesville attack, that individual should be the object of scorn, harassment, and even violence. Indeed, this is what Mr. Jones intends to communicate to his audience.
176. Similarly, Defendant Hoft has an extensive history of inciting harassment by spreading misinformation through his website *Gateway Pundit*. To take but one example: on or around January 11, 2017, *Gateway Pundit* falsely claimed that an editor for the *Washington*

⁹² See, e.g., Dan Lyman, *Student Anti-Gun Activist Featured in CBS News Story – Six Months Ago*, INFOWARS (Feb. 19, 2018), <https://www.infowars.com/student-anti-gun-activist-featured-in-cbs-la-news-story-six-months-ago/>; Jim Hoft (@gatewaypundit), Twitter (Feb. 19, 2018, 2:53 PM), https://twitter.com/gatewaypundit/status/965720917883146248?ref_src=twsrc%5Etfw&ref_url=https%3A%2F%2Fwww.newsmax.com%2Fus%2Fchelsea-clinton-jim-hoft-florida-shooting%2F2018%2F02%2F20%2Fid%2F844409%2F.

⁹³ Nina Burleigh, *Alex Jones and Other Conservatives Call for Civil War Against Liberals*, NEWSWEEK (July 21, 2017), <http://www.newsweek.com/trump-alex-jones-infowars-violence-639912>.

Post was secretly taking photos of Secretary of State Rex Tillerson's notes during his confirmation hearing. The editor has been subjected to intense online harassment as a result of this publication. She has since chronicled her experiences in an online article for the paper.⁹⁴

177. In light of the aforementioned highly publicized events, all Defendants knew or should have known that their defamatory statements about Mr. Gilmore would incite their reading and viewing audiences to direct further harm toward Mr. Gilmore in Virginia. The harassment, threats and intimidation that ensued were entirely foreseeable and caused by Defendants' lies about Mr. Gilmore.

F. Defendants' Defamatory Publications Harmed Mr. Gilmore Personally and Professionally

178. Before Defendants' attacks, Mr. Gilmore earned the reputation of being a patriotic and honorable citizen who had dedicated over 15 years of service to the United States. However, the publication of false and defamatory information about Mr. Gilmore by Defendants has caused irreparable damage to this reputation and threatened his physical and emotional well-being. In short, these lies have deprived him of his livelihood and life's passion. Moreover, Defendants' actions have punished Mr. Gilmore for participating in one of the essential cornerstones of our democracy: civic engagement.

i. *Defendants' Defamatory Publications Have Threatened Physical Harm to Mr. Gilmore*

179. Fanning the flames of false conspiracies about child sex trafficking at Comet Ping Pong, "hoaxes" and "crisis actors" in the Sandy Hook, Las Vegas, and Sutherland Springs

⁹⁴ Doris Truong, *Trolls Decided I Was Taking Pictures of Rex Tillerson's Notes. I Wasn't Even There*, WASH. POST (Jan. 12, 2017), https://www.washingtonpost.com/posteverything/wp/2017/01/12/trolls-decided-i-was-taking-pictures-of-rex-tillersons-notes-i-wasnt-even-there/?utm_term=.374bacdf675.

shootings, and “migrant rapists” working for Chobani all translated to real-world harm. Likewise, it was foreseeable that publishing lies about Mr. Gilmore would threaten bodily harm to him and his family. By good fortune and swift precaution to alert the police and authorities of potential threats against him, Mr. Gilmore was able to avoid actual physical harm. But it was not for lack of trying: the unknown chemical substance mailed to his home and the sudden approach of a hostile stranger on the street foreshadow the connection to some of the deeper threats lurking online, many of which materialize into physical danger.⁹⁵ As evidenced by the death threat he received in February, Mr. Gilmore continues to receive threats of physical harm because of the lies that Defendants spread about him. This causes Mr. Gilmore to live in constant fear for bodily harm or even death.

ii. Defendants’ Defamatory Publications Have Caused Emotional Harm to Mr. Gilmore

180. Mr. Gilmore lives in fear for his life because of Defendants’ reckless publications. He has experienced severe emotional distress as a result of Defendants’ deliberate campaign to falsely portray him as a “CIA asset” and a “Deep State shill” (among other similar characterizations) engaged in a criminal conspiracy against the United States. Since these articles were first published, Mr. Gilmore has had to rely on the assistance of a therapist to address the substantial emotional stress of coping with the stress caused by Defendants’ false and defamatory statements and the resulting reputational harm, as well as the death threats and harassment arising out of Defendants’ actions. Mr. Gilmore lives in constant, ongoing fear of vile online and in-person harassment of himself and his family.

181. As a result of this ongoing distress, Mr. Gilmore has also been diagnosed with Central

⁹⁵ Adi Robertson, *The FBI has Released Its Gamergate Investigation Records*, THE VERGE (Jan. 27, 2017), <https://www.theverge.com/2017/1/27/14412594/fbi-gamergate-harassment-threat-investigation-records-release> (detailing threats against those targeted in the Gamergate controversy, including multiple shooting threats).

Serous Chorioretinopathy. Central Serous Chorioretinopathy is a disease in which a serous detachment of the neurosensory retina occurs over an area of leakage from the choriocapillaris through the retinal pigment epithelium. This disease causes the loss of vision in Mr. Gilmore's right eye.

182. Mr. Gilmore suffers from this severe condition as a direct result of the stress he endures due to Defendants' false and defamatory publications, their ongoing press offensive against him, and the threats and harassment those publications have inspired. This physical condition makes it difficult and sometimes impossible for him to work and conduct regular, daily activities.
183. Mr. Gilmore also suffers from depression, exacerbated by the stress he's experienced due to Defendants' false and defamatory publications, their ongoing press offensive against him, as well as from the threats and harassment caused by Defendants' defamatory statements. His depressive symptoms, including irritability, difficulty concentrating, and loss of sleep, have significantly impaired his ability to perform work responsibilities and attend social events.
184. The presence and content of Defendants' widely-available articles and videos have not only jeopardized Mr. Gilmore's physical and mental health, they have undermined his sense of safety and well-being. Following Defendants' publications and their audience's foreseeable reaction, Mr. Gilmore keeps alert of those around him when he goes out and constantly monitors additional threats as they are directed at him or members of his family. Mr. Gilmore now limits his social engagements or going out in public, as he fears engaging with people who he does not already know and trust, and engages less on social media.
185. Defendants' frequent and incendiary publications about Mr. Gilmore have even polluted a

simple Google search for his name. As a result, Mr. Gilmore risks losing potential friends or romantic interests if an acquaintance finds any one of Defendants' defamatory articles. At least one potential romantic partner cut off contact with Mr. Gilmore because of Defendants' statements.

186. Mr. Gilmore continues to live with the burden of knowing Defendants' false portrayal of him masquerades online as truth, and those who come upon it may prejudge him based on Defendants' lies. The unpredictability of additional online threats and harassment, threats of physical harm, the stress and anxiety caused by Mr. Gilmore's concerns for his family and the threats and harassment they experienced, and publication of additional false and defamatory content by Defendants continues to this day, all of which exacerbate and perpetuate the distress Mr. Gilmore experiences.

iii. Defendants' Claims Have Done Mr. Gilmore Irreparable Professional Harm

187. As an entrepreneur, Mr. Gilmore must rely on maintaining a spotless reputation of credibility and integrity to achieve his professional aims. In his current role as a business consultant for Wize Solutions, a small business venture focused on rural workforce development, Mr. Gilmore will not be able to continue in his current leadership capacity if he cannot count on the reputation he has worked so hard to develop. The ready presence of false information that paints him in such a negative light results in severe skepticism among those interested in working with the company. Mr. Gilmore has been consistently questioned by professional contacts about the derogatory information published on Defendants' websites, and other potential clients and partners have decided not to pursue business relationships with Wize after reviewing said information. Thus, Mr. Gilmore may need to remove himself altogether from the company's client-facing work out of a duty not

to harm the fledgling business.

188. Although Mr. Gilmore has dedicated his career to the service of the United States' diplomatic missions abroad, his illustrious diplomatic career is irreparably damaged because of Defendants' reckless acts. When Mr. Gilmore returns to the State Department, it will be exceedingly difficult for him to serve as a diplomat to another nation, as foreign officials will certainly research his background and find the shocking and threatening information published by Defendants, including allegations that he is not actually a diplomat but a covert CIA agent.
189. Moreover, several high-profile Trump Administration officials and members of Congress have expressed their sincere belief in the conspiracy theories promoted by Defendants and suggested that the government needs to be purged of so-called "Deep State" actors.⁹⁶ At the heart of Defendants' lies about Mr. Gilmore is the allegation that he is exactly the type of "Deep State" actor that should be purged from government. If Mr. Gilmore is able to return to the State Department, it is likely that government officials who have endorsed Defendants' lies will work to harm Mr. Gilmore's career or oust him from government service entirely.
190. In the days immediately following the "Unite the Right" rally, dozens of people publicly called for Attorney General Sessions, President Trump, and Fox News Host Sean Hannity to open an investigation into Mr. Gilmore's alleged role in the attack.
191. U.S. Representative Louis Gohmert called for a Department of Justice investigation into Virginia Governor Terry McAuliffe, Charlottesville Mayor Michael Signer, and rally organizer Jason Kessler for their alleged roles in the violent clashes that took place at the

⁹⁶ See *infra* ¶ 193.

rally.⁹⁷

192. Republican Congressman Paul Gosar recently told *Vice News* that he believes that George Soros—who Defendants claim paid Mr. Gilmore to attend the rally—was the behind-the-scenes organizer of the “Unite the Right” rally.⁹⁸
193. In December 2017, Republican Congressman Francis Rooney called for a purge of FBI and Justice Department agents whom he believed were working for the “Deep State.”⁹⁹
194. In early February of this year, President Trump authorized the release of the so-called “Nunes Memo,” published by the Republicans on the House Intelligence Committee alleging that the FBI abused its power in surveilling Donald Trump’s 2016 presidential campaign.¹⁰⁰
195. Conspiracy theorists, including Defendant Jones, have capitalized on this memo to bolster their theory that there is a “Deep State” conspiracy to undermine President Trump and his administration.¹⁰¹
196. Former Republican Congressman Jason Chaffetz also believes in the “Deep State,” and claimed on national television that he “lived through it.”¹⁰²

⁹⁷Alex Swoyer, *Texas Lawmaker Calls for DOJ Investigation of Charlottesville Violence*, WASH. TIMES (Aug. 20, 2017), <https://www.washingtontimes.com/news/2017/aug/20/louie-gohmert-texas-republican-calls-for-doj-inves/>.

⁹⁸ See Elspeth Reeve, *Congressman Suggests Charlottesville was George Soros-backed Conspiracy*, VICE NEWS (Oct. 5, 2017), <https://news.vice.com/story/paul-glosar-charlottesville-soros>.

⁹⁹ Natasha Bertrand, *‘These People’ are ‘the Deep State’: GOP Congressman Calls for ‘Purge’ of the FBI*, BUS. INSIDER (Dec. 26, 2017, 2:50 PM), <http://www.businessinsider.com/francis-rooney-calls-for-fbi-purge-2017-12>.

¹⁰⁰ *Read the Disputed Memo Here*, CNN (Feb. 3, 2018, 8:40 AM), <https://www.cnn.com/2018/02/02/politics/fbi-nunes-memo-full/index.html>.

¹⁰¹ Adan Salazar, *Deep State Death Spiral: Dems in Denial over Damning FISA Memo*, INFO WARS (Feb. 2, 2018), <https://www.infowars.com/deep-state-death-spiral-dems-in-denial-over-damning-fisa-memo/>; Kit Daniels, *Memo Destroys Fake News Claim Trump Never Spied On*, INFO WARS (Feb. 2, 2018), <https://www.infowars.com/memo-discredits-media-who-trashed-trump-over-wiretap-allegations/>; Julian Sanchez, *How the Nunes Memo Harms Intelligence Oversight*, ATLANTIC (Feb. 6, 2018), <https://www.theatlantic.com/politics/archive/2018/02/nunes-memo-impact/552368/>.

¹⁰² Joe Concha, *Former GOP Rep Jason Chaffetz on Fox: The Deep State ‘is Very Real’*, THE HILL (Jan. 3, 2018, 11:58 AM), <http://thehill.com/homenews/media/367223-former-gop-rep-jason-chaffetz-on-fox-the-deep-state-is-very-real>.

197. Indeed, public servants who have been labeled “Deep State” actors have already been forced out of long careers in government service.¹⁰³
198. President Trump has expressed his belief in conspiracy theories pushed by *InfoWars* on several occasions,¹⁰⁴ and allegedly called Jones to thank him for helping him win the 2016 U.S. presidential election.¹⁰⁵ Defendant Jones claims to have spoken to President Trump at least three times in recent months.¹⁰⁶ Furthermore, *InfoWars* was granted temporary press credentials by the White House last year.¹⁰⁷
199. As recently as January of 2018, President Trump has tweeted about his beliefs regarding the “Deep State”¹⁰⁸ and related conspiracy theories about Democratic Party leaders:

Crooked Hillary Clinton’s top aid [*sic*], Huma Abedin, has been accused of disregarding basic security protocols. She put Classified Passwords into the hands of foreign agents. Remember sailors [*sic*] pictures on submarine? Jail! Deep State Justice Dept must finally act? Also on Comey & others[.]¹⁰⁹

¹⁰³ Julia Ainsley and Adam Edelman, *FBI Director Andrew McCabe Stepping Down*, NBC NEWS (Jan. 29, 2018, 2:13 PM), <https://www.nbcnews.com/politics/politics-news/fbi-deputy-director-andrew-mccabe-stepping-down-n842176>.

¹⁰⁴ William Finnegan, *Donald Trump and the “Amazing” Alex Jones*, NEW YORKER (Jun. 23, 2016), <https://www.newyorker.com/news/daily-comment/donald-trump-and-the-amazing-alex-jones>; Eric Hananoki, *A Guide to Donald Trump’s Relationship with Alex Jones*, MEDIA MATTERS (May 3, 2017, 2:37 PM), <https://www.mediamatters.org/research/2017/05/03/guide-donald-trump-s-relationship-alex-jones/21626>.

¹⁰⁵ See, e.g., Shane Goldmacher, *Alex Jones Says Trump Called to Thank Him*, POLITICO (Nov. 14, 2016), <https://www.politico.com/story/2016/11/trump-thanked-alex-jones-231329>.

¹⁰⁶ Adam Raymond, *Alex Jones: Trump Has Called Me 3 Times in the Last Few Months*, N.Y. MAGAZINE (Jan. 24, 2018, 3:16 PM), <http://nymag.com/daily/intelligencer/2018/01/alex-jones-trump-has-called-three-times-in-recent-months.html>.

¹⁰⁷ Maxwell Tani, *Conspiracy Outlet InfoWars Was Granted Temporary White House Press Credentials*, BUS. INSIDER (May 22, 2017, 3:00 PM), <http://www.businessinsider.com/infowars-granted-white-house-press-credentials-2017-5>.

¹⁰⁸ Chris Cillizza, *Donald Trump’s Assault on Law Enforcement Just Keeps Coming*, CNN (Jan. 23, 2018, 2:09 PM), <https://www.cnn.com/2018/01/23/politics/trump-fbi-analysis/index.html>; Stephen Collinson and Jeremy Diamond, *Trump Again at War with ‘Deep State’ Justice Department*, CNN (Jan. 2, 2018, 3:30 PM), <https://www.cnn.com/2018/01/02/politics/president-donald-trump-deep-state/index.html>.

¹⁰⁹ Donald J. Trump (@realDonaldTrump), TWITTER (Jan. 2, 2018, 4:48 AM), <https://twitter.com/realDonaldTrump/status/948174033882927104>.

200. The President's sons, Donald Trump, Jr. and Eric Trump, have also expressed animosity toward the so-called "Deep State."¹¹⁰ On July 7, 2017, Donald Trump, Jr. tweeted: "If there was ever confirmation that the Deep State is real, illegal, & endangers national security, it's this. Their interests above all else[.]"



201. On January 2, 2018, Eric Trump tweeted, "Shocking . . . once again, here are the @Twitter "suggestions" of who I should follow. #DeepState."



202. The clear support for Defendants' conspiracy theories among members of the highest levels of government, including the President of the United States, leaves no doubt that Mr.

¹¹⁰ Tina Nguyen, *Don Jr.: The Deep-State Shadow Conspiracy is Out to Get My Dad*, VANITY FAIR (Dec. 20, 2017, 3:01 PM), <https://www.vanityfair.com/news/2017/12/donald-trump-jr-deep-state-conspiracy>.

Gilmore's career prospects have been seriously injured by the defamatory falsehoods about him that Defendants published.

203. Mr. Gilmore will not be able to continue engaging in diplomatic relationships on behalf of the United States when his loyalty to his country has been so profoundly questioned by the wealth of public information propagated and promoted by Defendants, emboldened by the support for their theories and validation of their outlets by the current Presidential Administration.

V. CAUSES OF ACTION

COUNT I: DEFAMATION (Against All Defendants)

204. Mr. Gilmore re-alleges and incorporates the factual allegations in foregoing paragraphs 1-203 into **Count I** as if fully set forth herein.
205. Defendants' statements described above (collectively, the "defamatory statements") are false and defamatory.
206. Collectively, Defendants published to millions of viewers of *Twitter*, *YouTube*, and other platforms directed at and received by Virginia audiences, false statements as discussed throughout this Complaint. Defendants' defamatory statements were subsequently and virally shared and republished on a wide range of websites.
207. Defendants' false and defamatory statements were intended as assertions of fact and/or are defamatory by implication, as the Defendants, through the plain and natural meaning of their statements (and all inferences, implications, and insinuations fairly attributable to them), intended for their readers and listeners to accept as fact their defamatory assertions against Mr. Gilmore.

208. Defendants deliberately imply factual assertions about Mr. Gilmore by pointing out biographical facts about him (e.g. that he works for the State Department) alongside facts related to their theories that the Charlottesville attack was staged by the “Deep State” or George Soros. By alleging these facts in close proximity to one another and against the backdrop of Defendants’ previously published conspiracy theories about the “Deep State,” George Soros, and/or “psy-ops,” Defendants deliberately intended for any gaps in factual assertions made about Mr. Gilmore to be easily filled in by the audience and understood to be allegations of fact. Indeed, the inferences are so obvious, the dots so easy to connect, that the only reasonable interpretation of Defendants’ publications is that they are defamatory assertions of fact.
209. As detailed above, Defendants’ false and defamatory statements concerned Mr. Gilmore and had him as their primary subject. The Defendants’ defamatory statements were designed to (1) injure Mr. Gilmore’s reputation, (2) subject Mr. Gilmore to contempt and disgrace, and (3) incite harassment of and threats directed at Mr. Gilmore.
210. As detailed above, Defendants acted with actual malice. Their false and defamatory statements about Mr. Gilmore’s background and role in the Charlottesville protest and attack were made with knowledge of their falsehood or reckless disregard for their truth or falsity.
211. As detailed above, Defendants failed to investigate the facts they alleged about Mr. Gilmore in their various publications and severely departed from journalistic standards despite presenting their publications and videos as fact-based journalism. Defendants harbored ill will toward Mr. Gilmore.

212. Moreover, each of Defendants' previous publications are evidence that they conceived a storyline in advance of any adequate investigation and then consciously set out to insert Mr. Gilmore into their preconceived narratives as discussed throughout the Complaint.
213. Together, these facts and circumstances make clear that Defendants subjectively entertained serious doubts about the truth of their statements about Mr. Gilmore, were willfully blind to any facts that might have undermined their preconceived narrative, and deliberately published false facts and stories about Mr. Gilmore.
214. Defendants' statements are also defamatory per se because they falsely impute to Mr. Gilmore the commission of a criminal offense involving moral turpitude—broadly, in this instance, that Mr. Gilmore, as part of some “Deep State” conspiracy, participated in the orchestration of James Alex Fields, Jr.'s car attack in Charlottesville on August 12, 2017, which killed one person and injured many others. If true, these allegations would cause Mr. Gilmore to be indicted and punished. Defendants' statements also prejudice Mr. Gilmore in his profession as a Foreign Service Officer at the State Department: by asserting that Mr. Gilmore planned, orchestrated, or knowingly participated in some sort of operation to incite violence in Charlottesville, Defendants undermine Mr. Gilmore's ability to conduct diplomatic work abroad.
215. Defendants' false and defamatory statements harmed and continue to harm Mr. Gilmore both personally and professionally. Defendants are individually liable to Mr. Gilmore for the personal and professional harm they caused by defaming Mr. Gilmore, each in an amount greater than \$75,000 to be determined at trial.

**COUNTS II-IV: DEFAMATION FOR STATEMENTS PUBLISHED IN AUGUST
13, 2017 ARTICLE ENTITLED “CHARLOTTESVILLE ATTACK, BRENNAN
GILMORE AND...THE STOP KONY 2012 PYSOP? WHAT?” (EXHIBITS A-C)
(Against Defendant Creighton)**

216. Plaintiff re-alleges and incorporates the foregoing factual allegations in paragraphs 1 – 61, 145-203 to **Counts II, III, and IV** as if fully set forth herein.
217. Defendant Creighton published false and defamatory statements concerning Mr. Gilmore and had him as their primary subject.
218. Defendant Creighton’s false and defamatory statements were intended as assertions of fact, and impart what a reasonable reader would believe is factual. Indeed, his website’s description reads, “Neoliberal News of the Day.”¹¹¹ As detailed elsewhere in this Complaint, Defendant Creighton’s audience did believe that his statements were factual.
219. Defendant Creighton republished the same or substantially similar false and defamatory statements in at least two other forums, “Before It’s News” and “Signs of the Times,”¹¹² on August 13, and therefore **Counts III** and **IV** reincorporate and re-allege the same facts as **Count II** for each additional publication.
220. Defendant Creighton’s false and defamatory statements were designed to injure Mr. Gilmore’s reputation, subject Mr. Gilmore to contempt and disgrace, and incite harassment and threats directed at Mr. Gilmore; indeed, Defendant Creighton’s statements had their intended effect.

¹¹¹ American Everyman, <https://americaneveryman.com/> (last visited Apr. 24, 2018).

¹¹² See, e.g., Scott Creighton, *Charlottesville Attack, Brennan Gilmore and... the Stop Kony 2012 PYSOP? What?*, SIGNS OF THE TIMES (Aug. 13, 2017), <https://www.sott.net/article/359361-Charlottesville-Brennan-Gilmore-and-the-STOP-KONY-2012-Psyop>; Scott Creighton, *Charlottesville Attack, Brennan Gilmore and... the Stop Kony 2012 PYSOP? What?*, BEFORE IT’S NEWS (Aug. 13, 2017), <http://beforeitsnews.com/opinion-liberal/2017/08/charlottesville-attack-brennan-gilmore-and-the-stop-kony-2012-pysop-what-2558822.html>.

221. By publishing such statements, Defendant Creighton did cause harm to Mr. Gilmore, as detailed in the paragraphs above.
222. Defendant Creighton acted with actual malice. His false and defamatory statements about Mr. Gilmore's background and role in the Charlottesville protest and attack were made with knowledge of their falsehood or reckless disregard for their truth or falsity. As detailed elsewhere in this Complaint, Defendant Creighton's failure to investigate, departure from journalistic standards, ill will toward alleged "psy-ops," and preconceived storyline about the violence in Charlottesville in which he inserted Mr. Gilmore all make clear that he subjectively entertained serious doubts about the truth of his statements, was willfully blind to any facts that might have undermined his preconceived narrative, and deliberately published a false story.
223. Defendant Creighton's statements are also defamatory per se because they falsely impute to Mr. Gilmore the commission of a criminal offense involving moral turpitude—in this instance that Mr. Gilmore planned or participated in James Alex Fields, Jr.'s car attack in Charlottesville on August 12, 2017, which killed one person and injured many others. Further, Defendant Creighton falsely suggests that Mr. Gilmore is part of a larger plot to commit treason against the United States by attempting to destabilize and/or delegitimize the federal government. If true, these allegations would cause Mr. Gilmore to be indicted and punished. Defendant Creighton's statements also prejudice Mr. Gilmore in his profession as a Foreign Service Officer at the U.S. State Department: by asserting that Mr. Gilmore planned, orchestrated, or knowingly participated in a secret government "psy-op" in Charlottesville, Defendant Creighton undermines Mr. Gilmore's ability to conduct diplomatic work abroad.

224. As a direct and proximate result of Defendant Creighton's false statements, Mr. Gilmore has suffered presumed damages as well as actual reputational, emotional, and professional injuries. Defendant Creighton is liable for the harm he caused by defaming Mr. Gilmore in an amount greater than \$75,000 to be determined at trial.

**COUNT V: DEFAMATION FOR STATEMENTS PUBLISHED IN AUGUST 13,
2017 VIDEO ENTITLED "CHARLOTTESVILLE ATTACK - BRENNAN
GILMORE: WITNESS OR ACCESSORY" (EXHIBIT D)
(Against Defendant Creighton)**

225. Plaintiff re-alleges and incorporates the foregoing factual allegations in paragraphs 1 – 61, 145-203 to **Count V** as if fully set forth herein.

226. Defendant Creighton published false and defamatory statements concerning Mr. Gilmore that had him as their primary subject.

227. Defendant Creighton's false and defamatory statements were intended as assertions of fact, and impart what a reasonable reader would believe to be factual. As detailed elsewhere in this Complaint, Defendant Creighton's audience did indeed believe that his statements were factual.

228. Defendant Creighton's false and defamatory statements were designed to injure Mr. Gilmore's reputation, subject Mr. Gilmore to contempt and disgrace, and incite harassment and threats directed at Mr. Gilmore; indeed, Defendant Creighton's statements had their intended effect.

229. By publishing such false and defamatory statements, Defendant Creighton did cause harm to Mr. Gilmore.

230. Defendant Creighton acted with actual malice. His false and defamatory statements about Mr. Gilmore's background and role in the Charlottesville protest and attack were made with knowledge of their falsehood or reckless disregard for their truth or falsity. As detailed

elsewhere in this Complaint, Defendant Creighton's failure to investigate, departure from journalistic standards, ill will toward alleged "psy-ops" and preconceived storyline about the violence in Charlottesville into which he inserted Mr. Gilmore all make clear that he was reckless with respect to the truth of his statements, he subjectively entertained serious doubts about the truth of his statements, he was willfully blind to any facts that might have undermined his preconceived narrative, and he deliberately published a false story.

231. Defendant Creighton's statements are also defamatory per se because they falsely impute to Mr. Gilmore the commission of some criminal offense involving moral turpitude—in this instance, that Mr. Gilmore planned or participated in James Alex Fields, Jr.'s car attack in Charlottesville on August 12, 2017, which killed one person and injured many others. Further, Defendant Creighton falsely suggests that Mr. Gilmore is part of a larger plot to commit treason against the United States by attempting to destabilize and/or delegitimize the federal government. If true, these allegations would cause Mr. Gilmore to be indicted and punished. Defendant Creighton's statements also prejudice Mr. Gilmore in his profession as a Foreign Service Officer at the State Department: by asserting that Mr. Gilmore planned, orchestrated, or knowingly participated in a secret government "psy-op" in Charlottesville, Defendant Creighton undermines Mr. Gilmore's ability to conduct diplomatic work abroad.
232. As a direct and proximate result of Defendant Creighton's false and defamatory statements, Mr. Gilmore has suffered presumed damages as well as actual reputational, emotional, and professional injuries, and is liable for the harm he caused by defaming Mr. Gilmore in an amount greater than \$75,000 to be determined at trial.

**COUNT VI: DEFAMATION FOR STATEMENTS PUBLISHED IN AUGUST 14,
2017 ARTICLE ENTITLED “RANDOM MAN AT PROTESTS INTERVIEWED
BY MSNBC, NY TIMES IS DEEP STATE SHILL LINKED TO GEORGE SOROS”
(EXHIBIT E)
(Against Defendant Jim Hoft)**

233. Plaintiff re-alleges and incorporates the foregoing factual allegations in paragraphs 1 – 36, 62-82, 145-203 to **Count VI** as if fully set forth herein.
234. Defendant Hoft published false and defamatory statements concerning Mr. Gilmore that had him as their primary subject.
235. Defendant Hoft’s false and defamatory statements were intended as assertions of fact, and impart what a reasonable reader would believe is factual. As detailed elsewhere in the complaint, Defendant Hoft’s readers did in fact believe his statements to be factual.
236. Defendant Hoft’s statements were designed to injure Mr. Gilmore’s reputation, subject Mr. Gilmore to contempt and disgrace, and incite harassment and threats directed at Mr. Gilmore; indeed, Defendant Hoft’s statements had their intended effect.
237. By publishing such false and defamatory statements, Defendant Hoft did cause harm to Mr. Gilmore.
238. Defendant Hoft acted with actual malice. His false and defamatory statements about Mr. Gilmore’s background and role in the Charlottesville protest and attack were made with knowledge of their falsehood or reckless disregard for their truth or falsity. As detailed elsewhere in this Complaint, Defendant Hoft’s failure to investigate, departure from journalistic standards, ill will toward the “Deep State,” and preconceived storyline about the violence in Charlottesville into which he inserted Mr. Gilmore all make clear that he was reckless with respect to the truth of his statements, subjectively entertained serious

doubts about the truth of his statements, was willfully blind to any facts that might have undermined his preconceived narrative, and deliberately published a false story.

239. Defendant Hoft's statements are also defamatory per se because they falsely impute to Mr. Gilmore the commission of some criminal offense involving moral turpitude—in this instance, that Mr. Gilmore, as part of some “Deep-State” conspiracy, planned or participated in James Alex Fields, Jr.'s car attack in Charlottesville on August 12, 2017, which killed one person and injured many others. If true, these allegations would cause Mr. Gilmore to be indicted and punished. Defendant Hoft's statements also prejudice Mr. Gilmore in his profession as a Foreign Service Officer at the United States State Department: by asserting that Mr. Gilmore planned, orchestrated, or knowingly participated in a secret government operation to incite violence in Charlottesville, Defendant Hoft undermines Mr. Gilmore's ability to conduct diplomatic work abroad.
240. As a direct and proximate result of Defendant Hoft's false statements, Mr. Gilmore has suffered presumed damages as well as actual reputational, emotional, and professional injuries, and is liable for the harm he caused by defaming Mr. Gilmore in an amount greater than \$75,000 to be determined at trial.

**COUNT VII: DEFAMATION FOR STATEMENTS PUBLISHED IN AUGUST 15,
2017 ARTICLE AND VIDEO “BOMBSHELL CONNECTION BETWEEN
CHARLOTTESVILLE, SOROS, CIA” (EXHIBIT F)
(Against Defendants Alex Jones; *InfoWars*, LLC; Free Speech Systems, LLC; Lee
Stranahan; and Lee Ann McAdoo)**

241. Plaintiff re-alleges and incorporates the foregoing factual allegations in paragraphs 1 – 36, 83-100, 145-203 to **Count VII** as if fully set forth herein.

242. Defendants Stranahan and McAdoo's false and defamatory statements, which were published by Defendants Jones, *InfoWars*, and/or *Free Speech Systems*, concerned Mr. Gilmore and had him as their primary subject.
243. Defendants Jones, *InfoWars*, *Free Speech Systems*, Stranahan, and McAdoo's false and defamatory statements were intended as assertions of fact, and impart what a reasonable reader would believe to be factual. And, as detailed elsewhere in this Complaint, Defendants' audiences did indeed believe that Defendants' statements were factual.
244. Defendants Jones, *InfoWars*, *Free Speech Systems*, Stranahan, and McAdoo's statements were designed to injure Mr. Gilmore's reputation, subject Mr. Gilmore to contempt and disgrace, and incite harassment and threats directed at Mr. Gilmore; indeed, Defendants Jones, *InfoWars*, *Free Speech Systems*, Stranahan, and McAdoo's statements had their intended effect.
245. By publishing such false and defamatory statements, Defendants Jones, *InfoWars*, *Free Speech Systems*, Stranahan, and McAdoo did cause harm to Mr. Gilmore.
246. Defendants Jones, *InfoWars*, *Free Speech Systems*, Stranahan, and McAdoo acted with actual malice. Their defamatory statements about Mr. Gilmore's background and role in the Charlottesville protest and attack were made with knowledge of their falsehood or reckless disregard for their truth or falsity.
247. As detailed elsewhere in this Complaint, Defendants Jones, *InfoWars*, *Free Speech Systems*, Stranahan, and McAdoo's failure to investigate, departure from journalistic standards, ill will toward the "Deep State," and preconceived storyline about the violence in Charlottesville into which they inserted Mr. Gilmore all make clear that they were reckless with respect to the truth of their statements, subjectively entertained serious doubts

about the truth of their statements, were willfully blind to any facts that might have undermined their preconceived narrative, and deliberately published a false story.

248. Defendants Jones, *InfoWars*, *Free Speech Systems*, Stranahan, and McAdoo's statements are also defamatory per se because they impute to Mr. Gilmore the commission of some criminal offense involving moral turpitude—in this instance, that Mr. Gilmore planned or participated in James Alex Fields, Jr.'s car attack in Charlottesville on August 12, 2017, which killed one person and injured many others, as part of a conspiracy to stage a “coup” and overthrow a sitting president. If true, these allegations would cause Mr. Gilmore to be indicted and punished.¹¹³
249. Defendants Jones, *InfoWars*, *Free Speech Systems*, Stranahan, and McAdoo's statements also prejudice Mr. Gilmore in his profession as a Foreign Service Officer at the United States State Department. By falsely asserting that Mr. Gilmore planned, orchestrated, or knowingly participated in a secret conspiracy to bring about a coup that would undermine the Trump Administration, Defendants Jones, *InfoWars*, *Free Speech Systems* undermine Mr. Gilmore's ability to work at the State Department (an agency of the Executive Branch, of which President Trump is the Chief Executive) or conduct diplomatic work abroad.
250. At the time the false and defamatory statements were made, Defendant McAdoo was an employee and/or agent of Defendants Jones, *Infowars*, and/or *Free Speech Systems*.
251. Defendant McAdoo was acting within the scope of her employment and/or agency as a reporter for Defendants Jones, *Infowars*, and/or *Free Speech Systems* when she authored the article, “*Bombshell Connection Between Charlottesville, Soros, CIA*” and appeared in the accompanying video by the same name.

¹¹³ See 18 U.S.C. § 361.

252. Defendants Jones, *Infowars*, and/or *Free Speech Systems* participated in, produced, and ratified Defendant McAdoo's conduct.
253. At the time the defamatory statements were made, Defendant Stranahan was an employee and/or agent of Defendants Jones, *Infowars*, and/or *Free Speech Systems*.
254. Defendant Stranahan was acting within the scope of his employment and/or agency for Defendants Jones, *Infowars*, and/or *Free Speech Systems* when he made defamatory statements about Mr. Gilmore that appeared in the article, "*Bombshell Connection Between Charlottesville, Soros, CIA*" and the accompanying video by the same name.
255. Defendants Jones, *Infowars*, and/or *Free Speech Systems* participated in, produced, and ratified Defendant Stranahan's conduct.
256. Defendants Jones, *Infowars*, and/or *Free Speech Systems* are legally responsible for the acts of their employees, agents, or servants, pursuant to the doctrine of *respondeat superior*.
257. As a direct and proximate result of Defendants Jones, *InfoWars*, *Free Speech Systems*, Stranahan, and McAdoo's false statements, Mr. Gilmore has suffered presumed damages as well as actual reputational, emotional, and professional injuries, and Defendants Jones, *InfoWars*, *Free Speech Systems*, Stranahan, and McAdoo are jointly and severally liable to Mr. Gilmore in an amount greater than \$75,000 to be determined at trial.

**COUNT VIII: DEFAMATION FOR STATEMENTS PUBLISHED IN VIDEO
ENTITLED "BREAKING: STATE DEPARTMENT/CIA ORCHESTRATED
CHARLOTTESVILLE TRAGEDY" (EXHIBIT G)
(Against Defendants Alex Jones; *InfoWars*, LLC; and *Free Speech Systems*, LLC)**

258. Plaintiff re-alleges and incorporates the foregoing factual allegations in paragraphs 1 – 36, 83-124, 145-203 to **Count VIII** as if fully set forth herein.
259. Defendants Jones, *InfoWars*, and *Free Speech Systems*' published false and defamatory statements concerning Mr. Gilmore and had him as their primary subject.

260. Defendants Jones, *InfoWars*, *Free Speech Systems*' statements were intended as assertions of fact, and impart what a reasonable reader would believe is factual. As detailed elsewhere in this Complaint, Defendants' audiences did indeed believe that Defendants' statements were factual.
261. Defendants Jones, *InfoWars*, and *Free Speech Systems*' false statements were designed to injure Mr. Gilmore's reputation, subject Mr. Gilmore to contempt and disgrace, and incite harassment and threats directed at Mr. Gilmore; indeed, Defendants Jones, *InfoWars* and *Free Speech Systems*' statements had their intended effect.
262. By publishing such false and defamatory statements, Defendants Jones, *InfoWars*, and *Free Speech Systems* did cause harm to Mr. Gilmore.
263. Defendants Jones, *InfoWars*, and *Free Speech Systems* acted with actual malice. Their false and defamatory statements about Mr. Gilmore's background and role in the Charlottesville protest and attack were made with knowledge of their falsehood or reckless disregard for their truth or falsity. As detailed elsewhere in this Complaint, Defendants Jones, *InfoWars*, and *Free Speech Systems*' failure to investigate, departure from journalistic standards, ill will toward the "Deep State," and preconceived storyline about the violence in Charlottesville into which they inserted Mr. Gilmore all make clear that they were reckless with respect to the truth of their statements, subjectively entertained serious doubts about the truth of their statements, were willfully blind to any facts that might have undermined their preconceived narrative, and deliberately published a false story.
264. Defendants Jones, *InfoWars*, and *Free Speech Systems*' statements are also defamatory per se because they falsely impute to Mr. Gilmore the commission of a criminal offense

involving moral turpitude—in this instance that Mr. Gilmore, as a CIA operative, planned or participated in James Alex Fields, Jr.’s car attack in Charlottesville on August 12, 2017, which killed one person and injured many others. If true, these allegations would cause Mr. Gilmore to be indicted and punished. Defendants Jones, *InfoWars*, and *Free Speech Systems*’ false and defamatory statements also prejudice Mr. Gilmore in his profession as a Foreign Service Officer at the United States State Department. By asserting that Mr. Gilmore is a CIA operative who planned, orchestrated, or knowingly participated in a secret “Deep State” or government operation to carry out a terrorist attack in Charlottesville, Defendants Jones, *InfoWars*, and *Free Speech Systems* undermine Mr. Gilmore’s ability to conduct diplomatic work both at home and abroad.

265. At the time the defamatory statements were made, Defendant Jones was an employee and/or agent of Defendants *Infowars*, and/or *Free Speech Systems*.
266. Defendant Jones was acting within the scope of his employment and/or agency for Defendants *Infowars*, and/or *Free Speech Systems* when he made defamatory statements about Mr. Gilmore that appeared in the video, “Breaking: State Department/CIA Orchestrated Charlottesville Tragedy.”
267. Defendants *Infowars*, and/or *Free Speech Systems* participated in, produced, and ratified Defendant Jones’s conduct.
268. Defendants *Infowars*, and/or *Free Speech Systems* are legally responsible for the acts of their employees, agents, or servants, pursuant to the doctrine of *respondeat superior*.
269. As a direct and proximate result of Defendants Jones, *InfoWars*, and *Free Speech Systems*’ false and defamatory statements, Mr. Gilmore has suffered presumed damages as well as actual reputational, emotional, and professional injuries, and Defendants Jones, *InfoWars*,

and *Free Speech Systems* are jointly and severally liable for the harm he caused by defaming Mr. Gilmore in an amount greater than \$75,000 to be determined at trial.

COUNT IX: DEFAMATION FOR STATEMENTS PUBLISHED IN AUGUST 19, 2017 ARTICLE ENTITLED “BOMBSHELL: NEW EVIDENCE SUGGESTS CHARLOTTESVILLE WAS A COMPLETE SET-UP” (EXHIBIT H)
(Against Defendants Allen B. West, Derrick Wilburn, Michele Hickford, and Words-N-Ideas, LLC)

270. Plaintiff re-alleges and incorporates the foregoing factual allegations in paragraphs 1 – 36, 125-203 to **Count IX** as if fully set forth herein.
271. Defendants Wilburn, West, Hickford, and *Words-N-Ideas* published false and defamatory statements on Defendant West’s website on August 19, 2017 concerning Mr. Gilmore that had him as their primary subject.
272. Defendants’ statements were intended as assertions of fact and impart what a reasonable reader would believe is factual. Indeed, and as detailed elsewhere in the Complaint, Defendants’ readers did believe Defendants’ statements to be factual.
273. Defendants’ false and defamatory statements were designed to injure Mr. Gilmore’s reputation, subject Mr. Gilmore to contempt and disgrace, and incite harassment and threats directed at Mr. Gilmore; indeed, Defendants’ statements had their intended effect.
274. By publishing such false and defamatory statements, Defendants did cause harm to Mr. Gilmore.
275. Defendants acted with actual malice. Defendants’ false and defamatory statements about Mr. Gilmore’s background and role in the Charlottesville protest and attack were made with knowledge of their falsehood or reckless disregard for their truth or falsity. As detailed elsewhere in this Complaint, Defendants’ failure to investigate, departure from journalistic standards, ill will toward the “Deep State,” and preconceived storyline about the violence

in Charlottesville into which they inserted Mr. Gilmore all make clear that they were reckless with respect to the truth of Defendant Wilburn's statements, subjectively entertained serious doubts about the truth of their statements, were willfully blind to any facts that might have undermined his preconceived narrative, and deliberately published a false story.

276. Defendants' statements are also defamatory per se because they falsely impute to Mr. Gilmore the commission of some criminal offense involving moral turpitude—in this instance, that Mr. Gilmore, as part of some “Deep State” conspiracy, participated in or planned James Alex Fields, Jr.'s car attack in Charlottesville on August 12, 2017, which killed one person and injured many others. If true, these allegations would cause Mr. Gilmore to be indicted and punished.
277. Defendants' statements are also defamatory per se because they prejudice Mr. Gilmore in his profession as a Foreign Service Officer at the State Department: by falsely asserting that Mr. Gilmore planned, orchestrated, or knowingly participated in a secret “Deep State” conspiracy in Charlottesville, Defendants West, Wilburn, Hickford, and *Words-N-Ideas* undermine Mr. Gilmore's ability to conduct diplomatic work at home and abroad.
278. At the time the false and defamatory statements were made, Defendant Wilburn was an employee and/or agent of Defendants West, Hickford, and/or *Words-N-Ideas*.
279. Defendant Wilburn was acting within the scope of his employment and/or agency for Defendants West, Hickford, and/or *Words-N-Ideas* when he made defamatory statements about Mr. Gilmore that appeared in the article, “Bombshell: New Evidence Suggests Charlottesville Was a Complete Set-Up.”

280. Defendants West, Hickford, and/or *Words-N-Ideas* participated in, produced, and ratified Defendant Wilburn's conduct.
281. Defendants West, Hickford, and/or *Words-N-Ideas* are legally responsible for the acts of their employees, agents, or servants, pursuant to the doctrine of *respondeat superior*.
282. As a direct and proximate result of Defendants Wilburn, West, Hickford, and *Words-N-Ideas*' false and defamatory statements, Mr. Gilmore has suffered presumed damages as well as actual reputational, emotional, and professional injuries, and are jointly and severally liable for the harm he caused by defaming Mr. Gilmore in an amount greater than \$75,000 to be determined at trial.

**COUNT X: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(Against All Defendants)**

283. Mr. Gilmore re-alleges and incorporates the foregoing factual allegations in paragraphs 1 – 203 into **Count X** as if fully set forth herein.
284. Defendants' conduct is outrageous and beyond all reasonable bounds of decency, where, without engaging in the bare minimum of journalistic factual inquiry and verification, Defendants published to their audiences content portraying Mr. Gilmore as a criminal accessory to murder, violence, and treason.
285. Defendants' statements falsely and maliciously assert that Mr. Gilmore is a criminal. Considering all publicly available information about Mr. Gilmore and all information resulting from Defendants' investigation of Mr. Gilmore, of which there is none, Defendants have no basis for so asserting.
286. Defendants knew or should have known that reading their publications and the reputational harm that resulted from them would cause Mr. Gilmore severe emotional distress.

287. Based on their audiences' foreseeable reactions, detailed elsewhere in this complaint, Defendants knew or should have known that their publications about Mr. Gilmore would cause him to be the subject of harassment and threats and thereby cause severe emotional distress.
288. Defendants' decisions to publish baseless false allegations as fact, while reasonably foreseeing that their actions would cause severe emotional distress, is outrageous and intolerable.
289. Mr. Gilmore has experienced serious and severe emotional distress as a direct and proximate result of Defendants' actions. Defendants' publication of baseless false allegations have caused Mr. Gilmore extensive personal suffering in the wake of the slew of threats and harassment that has been directed at him; depression, anxiety, sleeplessness, inability to concentrate, irritability. It has also caused irreparable damage to his professional reputation as a diplomat in the State Department and his ability to conduct business in his current employment, including loss of income.
290. Mr. Gilmore lives in a state of constant fear and anxiety after reading Defendants' false and defamatory statements about him all over the Internet and due to the death threats that Defendants' armies of followers have launched at him after taking Defendants' defamatory statements as assertions of fact. This high level of stress has manifested itself both physically and psychologically.
291. Mr. Gilmore has developed a medical condition called Central Serous Chorioretinopathy, which causes loss of vision in Mr. Gilmore's right eye. This visual impairment seriously impedes his ability to conduct business, let alone carry out day-to-day activities.

292. Mr. Gilmore also suffers from depression, the symptoms of which have been exacerbated by the consistently high levels of stress caused the reputational harm caused by Defendants' false and defamatory statements, as well as by the threats and harassment directed at Mr. Gilmore, and have impaired his ability to conduct both work and social activities.
293. Defendants are each individually liable to Mr. Gilmore for the emotional distress they caused in an amount greater than \$75,000 to be determined at trial.

VI. PRAYER FOR RELIEF

WHEREFORE, plaintiff Brennan Gilmore prays that this Court enter judgment in his favor and against all Defendants, and respectfully that this Court grant the following relief:

- A. An award of presumed and actual damages to compensate Mr. Gilmore for his reputational, emotional, and professional injuries, in an amount to be determined at trial;
- B. An award of damages to compensate Mr. Gilmore for his emotional distress, in an amount to be determined at trial;
- C. An award of punitive damages, in an amount to be determined at trial;
- D. An award of reasonable attorneys' fees and costs to the fullest extent permitted by law; and
- E. Such other and further relief as the Court deems just.

Dated: April 24, 2018.

/s/ Andrew Mendrala
Andrew Mendrala, Esq., Virginia Bar No. 82424
Aderson Francois, admitted *pro hac vice*
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Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2018, I electronically filed the foregoing with the Clerk of the Court for the Western District of Virginia via the CM/ECF system. Participants registered for electronic filing will automatically receive notification of this filing.

I further certify that I mailed via First-Class Mail, postage prepaid, a copy of the foregoing to the following parties who are not registered for electronic service via the CM/ECF system:

Scott Creighton, a/k/a/ Raymond Scott Creighton
9214 13th Street N, Apt. A,
Tampa, FL 33612

Allen B. West
9925 Wood Forest Drive
Dallas, TX 75243

Derrick Wilburn
1820 Smoke Ridge Drive
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Michele Hickford
848 SE 4th Court
Deerfield Beach, FL 33441

Words-N-Ideas, LLC
848 SE 4th Court
Deerfield Beach, FL 33441

s/ Andrew Mendrala