

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA**

LARRY KLAYMAN, Individually

Plaintiff

v.

TIMOTHY BURKE, Individually

And

THE NEWSWEEK/DAILY BEAST CORPORATION,
LLC

Defendants.

Case Number:

COMPLAINT FOR DEFAMATION

Plaintiff, LARRY KLAYMAN (“Plaintiff” or “Klayman”) hereby files this action against THE NEWSWEEK/DAILY BEAST CORPORATION, LLC (“Defendant Daily Beast”) and TIMOTHY BURKE (“Defendant Burke”) for Defamation, Defamation Per Se, and Defamation by Implication.

JURISDICTION AND VENUE

1. This is an action for Defamation and damages in excessive of \$15,000.00, exclusive of interest, costs and attorney’s fees.

2. Venue for this action is properly in Palm Beach County, Florida, as the cause of actions pled below arose in this Circuit and the County of Palm Beach. This Circuit and County of Palm Beach are also where Plaintiff does substantial business as a licensed Florida lawyer for 42 years, as a public interest advocate and private practitioner, as a columnist and author, and as a syndicated radio talk show host. The defamatory acts as alleged herein by Defendants, each

and every one of them, acting in concert, jointly and severally, were published in this Circuit and the County of Palm Beach, throughout Florida and nationally and internationally. As Defendants are far left activists, publishers and writers, the malicious, false and misleading statements set forth below in detail were intended to harm and did severely harm Plaintiff Klayman, who is seen by them as a conservative lawyer, activist, columnist, syndicated radio talk show host who is an opponent of their generally leftist ideology and practices.

THE PARTIES

3. Plaintiff, Larry Klayman, is an individual and a citizen of Florida, as well as a former candidate for the U.S. Senate in Florida. Plaintiff is also a well-known private lawyer and conservative public interest advocate and litigator, as well as a columnist, author and syndicated national radio talk show host on Radio America, his weekly show appropriately titled “Special Prosecutor with Larry Klayman.” Plaintiff Klayman conceived of and founded both Judicial Watch, Inc. and Freedom Watch, Inc. He is a former federal prosecutor of the Antitrust Division of the U.S. Department of Justice, where he was on the trial team that broke up the AT&T monopoly. Attached as Exhibit 1 is his abbreviated biography.

4. Defendant Daily Beast operates an online news website and is headquartered in New York, NY. Its headquarters are at 555 West 18th Street, Second Floor, New York, NY 10011 and both of the Defendants publish widely in and into and do substantial business in this Circuit and the County of Palm Beach, throughout Florida, and nationally and internationally.

5. Defendant Timothy Burke is the Director of Video for The Daily Beast and he resides in Tampa, Florida in Hillsborough County. He is the author of the offending published defamatory article and video posting concerning Plaintiff Klayman.

6. At all material times, Defendants acted in concert, jointly and severally to defame

and severely harm Plaintiff Klayman in this community in particular.

STANDING

7. Plaintiff has standing to bring this action because he has been directly affected and victimized by the unlawful conduct complained herein which occurred and were widely published in this Circuit and the County of Palm Beach. His injuries are proximately related to the conduct of Defendants.

FACTS

8. On March 11, 2019, Plaintiff Klayman appeared on Newsmax TV's *America Talks Live With John Cardillo*, which is located in the County of Palm Beach in the city of Boca Raton, where he was asked about certain outrageous and bigoted comments that Fox News pundit and prime time host Tucker Carlson ("Carlson") had made (the "Newsmax Video").¹

9. When asked about highly offensive and disgusting comments made by Carlson regarding women, Plaintiff Klayman said: "...in the case of Tucker Carlson – I've had experience with him going way back – Tucker, no lack of respect is a chameleon. He takes the form and shape...of whoever he's with and I know that because when I was running Judicial Watch in the early 90's he did the first profile of me – one of them – for Time Magazine and it wasn't the profile of a conservative. And then I used to be on CNN's crossfire a lot and he was one of the co-hosts from time to time and he would chastise me for the cases I would bring against Clinton. He knew he was on CNN. Tucker is not a real conservative in many ways. He's a little bit like you know others who portray themselves to position themselves with certain networks and media and this and that. He's not a bad guy, but Tucker tends go with the flow, love the one you're with.'

10. Then, Plaintiff was asked about the "hypocrisy of the left" with regard to the

¹ <https://www.youtube.com/watch?v=yr4b9JnrIE8>

outrage stemming from Carlson's statements, to which Plaintiff responded "Oh absolutely, the *MeToo* Movement in Hollywood is just a way to jingle change. Ask Laurie Luhn and I'm pursuing matters for her right now with regard to Roger Ailes, Fox, Blumhouse and Showtime. There is a hypocrisy on the left which is beyond belief. You're absolutely right, John." Ms. Luhn, Plaintiff's client, was severely sexually harassed and terrorized by Ailes to the point that she attempted suicide on two occasions and her claims have been illegally exploited by Showtime, Blumhouse Television and others in Hollywood, for which he has had to file suit. Plaintiff Klayman has also represented other female victims of sexual abuse and harassment and supports women's rights.

11. On the same day, Defendant Daily Beast published an article titled *Newsmax TV Guest Uses Tucker Carlson Controversy to Rail Against #MeToo*, written by Defendant Burke, which grossly mischaracterized Plaintiff's statements from the Newsmax interview in order to falsely, maliciously, and misleadingly portray Plaintiff as anti-women's rights. Defendants also selectively published, selectively edited, distorted and misrepresented the Newsmax video of Klayman's appearance. Exhibit 2. Plaintiff Klayman incorporates all of the Defendants' published statements in this article into the facts on this Complaint.

12. In actuality, Plaintiff, in response to a question from the host, took issue with Hollywood's use of the *#MeToo* movement as a means to make themselves money, not the sincere and legitimate elements of the movement.

13. Plaintiff never "railed" against women's' rights, as the title to the Daily Beast article falsely suggests, nor did he say anything negative about the *#MeToo* movement in general.

14. Plaintiff's only point was to raise an issue about Hollywood's exploitation of the

#MeToo movement as a fundraising opportunity, which Ms. Luhn had experienced as just an example.

15. In actuality, Plaintiff has been a staunch supporter and advocate of women's rights, and is currently representing Laurie Luhn, who was abused and tortured by Roger Ailes, former President of Fox News, for years. It is no coincidence that Plaintiff is also friend of famed women's rights advocate Gloria Allred. Representing and advocating for women's rights has been and continues to be a material part of Plaintiff's trade and profession, as well as personally.

16. In the Daily Beast article, Defendant Burke also maliciously falsely, misleadingly, and maliciously calls Plaintiff a "pathologically litigious attorney," adding more than insult to injury.

17. In the Daily Beast article of Defendants also falsely and misleadingly published that Klayman had advocated an armed insurrection against former President Obama, saying that "Klayman once warned of a 'second American revolution' if Obama didn't resign." If true, which it is not, this would amount to a felony crime.

18. In this regard, Plaintiff has sent an email to Defendants Burke and the Daily Beast demanding retraction. Exhibit 3. He wrote:

Mr. Burke:

Your hit piece of yesterday is totally false AND PUBLISHED WITH MALICE.

I was criticizing Tucker Carlson by saying he is a chameleon. That's why he outrageously went with the flow of that radio shock jock. HE HAS NO PRINCIPLES AND JUST SEEKS TO FURTHER HIS OWN ENDS BY SUCKING UP TO WHOEVER HE IS WITH. THATS WHAT I SAID.

I am a supporter of Me Too, but not some of the radical elements in Hollywood who exploit women' tragedies for profit.

Also, I never advocated armed insurrection. Right Wing Watch made that false claim.

Call me immediately and retract or you and Daily Beast will be sued for defamation tomorrow morning. MY CELL IS 310 595 0800

BTW I represent Laurie Luhn, the primary victim of Roger Ailes and Fox News and have been an adversary of Fox News in this regard and others. I am also a friend of Gloria Allred.

YOUR HIT PIECE IS NOT JUST FALSE BUT MALICIOUSLY SO. IF I HAVE TO SUE YOU AND DAILY BEAST, I SURELY WILL.

LARRY KLAYMAN, ESQ.

19. Defendants have failed to respond to Plaintiff's demand for retraction.

FIRST CAUSE OF ACTION
Defamation

20. Plaintiff re-alleges and incorporates by reference the allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

21. Defendants published these malicious, false, misleading and defamatory statements that Plaintiff "railed" against the #MeToo movement, creating false impression that Plaintiff is anti-women's rights.

22. Defendants published these malicious, false, misleading and defamatory statements that Plaintiff is a "pathologically litigious attorney" and that he had advocated armed insurrection against former President Obama, which if true, is a felony crime.

23. Plaintiff Klayman has been severely harmed and damaged by this and other false and misleading statements, more of which will be uncovered in discovery, because it subjected him to hatred, distrust, ridicule, contempt, and disgrace.

24. These false and misleading statements were published with malice, as Defendants knew that they were false and misleading, or at a minimum acted with a reckless disregard for the truth.

25. Plaintiff Klayman has been severely damaged by these malicious false and

misleading statements because the malicious statements injured Plaintiff Klayman in his profession and business as a public interest and private lawyer, columnist, author and nationally syndicated radio talk show host who promotes ethics in government and the legal profession, as well as personally. The malicious and false and misleading published statement that Plaintiff Klayman advocates armed insurrection and thus the overthrow of the government if true, would also be a felony crime.

SECOND CAUSE OF ACTION
Defamation Per Se

26. Plaintiff re-alleges and incorporates by reference the allegations in the preceding paragraphs of the Complaint.

27. Defendants published these malicious, false, misleading and defamatory statements that Plaintiff “railed” against the #MeToo movement, creating the implication that Plaintiff is anti-women’s rights.

28. Defendants published the malicious, false and defamatory statement that Plaintiff is a “pathologically litigious attorney” and that he had advocated armed insurrection against former President Obama, which if true would be a felony crime.

29. Under Florida Law, “it is established...that an oral communication is actionable per se - that is, without a showing of special damage - if it imputes to another (a) a criminal offense amounting to a felony, or (b) a presently existing venereal or other loathsome and communicable disease, or (c) conduct, characteristics or a condition incompatible with the proper exercise *of his lawful business*, trade, profession or office, or (d) the other being a woman, acts of unchastity.” *Wolfson v. Kirk*, 273 So. 2d 774, 777 (Fla. Dist. Ct. App. 1973).

30. These false and misleading statements were published with malice, as Defendants knew that they were false and misleading, or at a minimum acted with a reckless disregard for

the truth.

31. This malicious false, misleading and defamatory statements were published on the internet in this Circuit and the County of Palm Beach, domestically and internationally for the entire world to see and hear and specifically Defendants published these malicious false and misleading “facts,” *inter alia*, that Plaintiff’s conduct, characteristics or a condition is incompatible with the proper exercise of his lawful business, trade, profession or office.

32. This false, misleading, and defamatory statements concerning Plaintiff Klayman are defamatory *per se* and these false and misleading statements, and others which will be uncovered in discovery, severely harmed and damaged Plaintiff Klayman in his profession and business as a lawyer and advocate, columnist, author and as a nationally syndicated radio talk show host, as they concern conduct and characteristics incompatible with being a lawyer, columnist, author and radio talk show host who promotes ethics in government and the legal profession. Damage is presumed by law when defamation *per se* is shown.

THIRD CAUSE OF ACTION
Defamation by Implication

33. Plaintiff re-alleges and incorporates by reference the allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

34. Defendants published these malicious, false, misleading and defamatory statements that Plaintiff “railed” against the #MeToo movement, creating the implication that Plaintiff is anti-women’s rights.

35. Defendants published these malicious, false and defamatory statements that Plaintiff is a “pathologically litigious attorney” and that he had advocated armed insurrection against former President Obama, which if true would amount to a felony crime. In addition, the subject article and cropped and edited distorted video clip of Plaintiff Klayman’s appearance on

Newsmax, all of these published statements taken together as a whole, constitute defamation by implication.

36. These false, misleading and defamatory statements were published with malice, as Defendants knew that they were false and misleading, or at a minimum acted with a reckless disregard for the truth.

37. These malicious statements created the false and misleading implication that Plaintiff Klayman is anti-women's rights and advocates armed revolution, which is a felony crime

38. Plaintiff Klayman has been severely harmed damaged by these published statements because they subjected him to hatred, distrust, ridicule, contempt, and disgrace.

39. Plaintiff Klayman has been damaged by these malicious, false and misleading statements, and others which will be disclosed during discovery, because the statements severely harmed and damaged Plaintiff Klayman in his profession and business as a public advocate, columnist, author and as a syndicated radio talk show host who promotes ethics in government and the legal profession, and personally, as pled herein.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Larry Klayman prays for judgment against Defendants, both of whom acted in concert, jointly and severally, as follows:

- a. Awarding Plaintiff Klayman compensatory including actual, consequential, incidental and punitive damages for malicious tortious conduct as alleged herein in an amount to be determined at trial and in excess of \$35, 000,000 U.S. Dollars.
- b. Awarding Plaintiff Klayman attorney's fees and costs.
- c. Granting any such further relief as the Court deems appropriate including preliminary and

permanent injunctive relief as well as leave to later amend to add a claim for punitive damages pursuant to Section 768.72 of the Florida Statutes.

PLAINTIFF KLAYMAN DEMANDS A JURY TRIAL ON ALL COUNTS SO TRIABLE.

Dated: March 13, 2019

Respectfully Submitted,

/s/ Larry Klayman

Larry Klayman, Esq.

FL Bar No. 246220

KLAYMAN LAW GROUP, P.A.

c/o 2020 Pennsylvania Ave., N.W.

Suite 800

Washington, D.C. 20006

Telephone: (561) 558 - 5536

Email: leklayman@gmail.com

EXHIBIT 1

ABOUT LARRY KLAYMAN

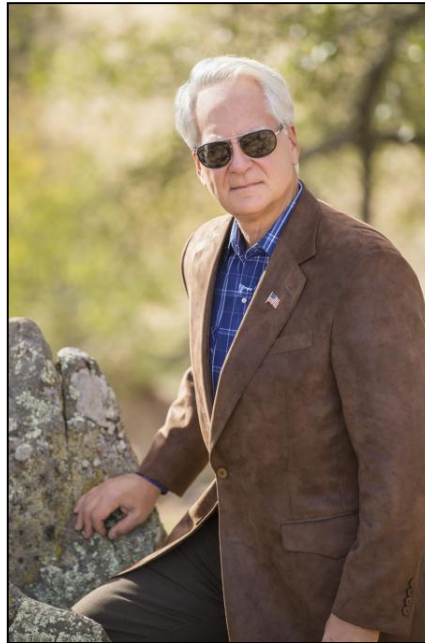
Larry Klayman, founder of Judicial Watch and Freedom Watch, is known for his strong public interest advocacy in furtherance of ethics in government and individual freedoms and liberties. During his tenure at Judicial Watch, he obtained a court ruling that Bill Clinton committed a crime, the first lawyer ever to have done so against an American president. Larry became so famous for fighting corruption in the government and the legal profession that the NBC hit drama series "West Wing" created a character after him: [Harry Klaypool of Freedom Watch](#). His character was played by actor John Diehl.

In 2004, Larry ran for the U.S. Senate as a Republican in Florida's primary. After the race ended, he founded Freedom Watch.

Larry graduated from Duke University with honors in political science and French literature. Later, he received a law degree from Emory University. During the administration of President Ronald Reagan, Larry was a Justice Department prosecutor and was on the trial team that succeeded in breaking up the telephone monopoly of AT&T, thereby creating competition in the telecommunications industry.

Between Duke and Emory, Larry worked for U.S. Senator Richard Schweiker (R-Pa.) during the Watergate era. He has also studied abroad and was a stagiaire for the Commission

of the European Union in its Competition Directorate in Brussels, Belgium. During law school, Larry also worked for the U.S. International Trade Commission in Washington, D.C.



Larry speaks four languages—English, French, Italian, and Spanish—and is an international lawyer, among his many areas of legal expertise and practice.

The author of two books, *Fatal Neglect* and *Whores: Why and How I Came to Fight the Establishment*, Larry has a third book in the works dealing with the breakdown of our political and legal systems. His current book, *Whores*, is on

now sale at WND.com, Amazon.com, BarnesandNoble.com, Borders.com, and all major stores and booksellers.

Larry is a frequent commentator on television and radio, as well as a weekly columnist, on Friday, for WND.com. He also writes a regular blog for Newsmax called "Klayman's Court."

Larry has been credited as being the inspiration for the Tea Party movement. (See "[Larry Klayman - The One Man TEA Party](#)," by Dr. Richard Swier, <http://fwusa.org/KFA>)



**Support the work of
Freedom Watch at
www.FreedomWatchUSA.org**

EXHIBIT 2

TODAY IN TRUMPLAND TV

Newsmax TV Guest Uses Tucker Carlson Controversy to Rail Against #MeToo

Right-wing conspiracy theorist Larry Klayman calls Tucker Carlson ‘not a real conservative’ and says the #MeToo movement is ‘a way to jingle change.’



Timothy Burke

03.11.19 3:54 PM ET



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Allegedly Cheating SATs

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SHEET**

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Because we watch Trumpland TV so you don't have to, today we learned Judicial Watch founder and “pathologically litigious attorney” Larry Klayman is not surprised by Tucker Carlson’s offensive comments made years ago on radio, because the Fox News host isn’t a real conservative anyway—oh, and, by the way, #MeToo is “just a way to jingle change.”

We’re not sure how we made a leap into that second part so quickly, but don’t sue us if you get whiplash. Klayman, currently representing Jerome Corsi and who, in the past, has made utterly bizarre, wild claims about Barack Obama, had this to say:

ADVERTISEMENT

Tucker is not a real conservative, in many

Lashing but Not the Max
JULIA ARCIGA, ADAM RAWNSLEY

Giuliani, Wife Can’t Be in Same Room at Country Clubs: Judge
VICTORIA BEKIEPIS

Jacob Wohl Faked Death Threats Against Himself
WILL SOMMER

Richard Pryor’s Widow on Brando Sex: ‘He Wasn’t Ashamed!’
MATT WILSTEIN



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themselves, to position themselves with certain networks, and media, and this and that. He's not a bad guy, but Tucker tends to go with the flow... love the one you're with.

The #MeToo movement in Hollywood is just a way to jingle change [...] there is a hypocrisy on the left that is beyond belief.

Klayman once warned of a “second American revolution” if Obama didn’t resign. Guess he got distracted by something.

FRINGE FACTOR

Fringe Factor: Out by Black Friday

Caitlin Dickson



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EXHIBIT 3



Oliver Peer <oliver.peerfw@gmail.com>

Fwd: URGENT - Immediate Correction or Be Sued

Larry Klayman <leklayman@gmail.com>
To: Oliver Peer <oliver.peerfw@gmail.com>

Tue, Mar 12, 2019 at 3:46 PM

----- Forwarded message -----

From: **Larry Klayman** <leklayman@gmail.com>
Date: Tue, Mar 12, 2019 at 1:49 PM
Subject: URGENT - Immediate Correction or Be Sued
To: <timothy.burke@gmail.com>
Cc: Grove, Lloyd <Lloyd.Grove@thedailybeast.com>, Lloyd Grove <llbengr@aol.com>

Mr. Burke:

Your hit piece of yesterday is totally false AND PUBLISHED WITH MALICE.

I was criticizing Tucker Carlson by saying he is a chameleon. Thats why he outrageously went with the flow of that radio shock jock. HE HAS NO PRINCIPLES AND JUST SEEKS TO FURTHER HIS OWN ENDS BY SUCKING UP TO WHOEVER HE IS WITH. THATS WHAT I SAID.

I am a supporter of Me Too, but not some of the radical elements in Hollywood who exploit women' tragedies for profit.

Also, I never advocated armed insurrection. Right Wing Watch made that false claim.

Call me immediately and retract or you and Daily Beast will be sued for defamation tomorrow morning. MY CELL IS 310 595 0800

BTW I represent Laurie Luhn, the primary victim of Roger Ailes and Fox News and have been an adversary of Fox News in this regard and others. I am also a friend of Gloria Allred.

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LARRY KLAYMAN, ESQ.