

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

JOSEPH MICHAEL ARPAIO, an individual
Fountain Hills, AZ

Plaintiff,

v.

JEFF ZUCKER, an individual
c/o Cable News Network
1 CNN Center
Atlanta, GA, 30303

And

CHRIS CUOMO, an individual
c/o Cable News Network
1 CNN Center
Atlanta, GA, 30303

And

CABLE NEWS NETWORK, a corporation
1 CNN Center
Atlanta, GA, 30303

And

KEVIN ROBILLARD, an individual
c/o Huffington Post
770 Broadway
New York, NY 10003

And

HUFFINGTON POST, a corporation
770 Broadway
New York, NY 10003

And

TESSA STUART, an individual
c/o Rolling Stone
1290 Avenue of the Americas
New York, NY 10104

And

ROLLING STONE, a corporation
1290 Avenue of the Americas
New York, NY 10104

Case No.:

COMPLAINT

Defendants.

I. INTRODUCTION

Plaintiff Sheriff Joseph Michael Arpaio (“Plaintiff Arpaio”) brings this Complaint for defamation and false light against Jeff Zucker (“Zucker”), Chris Cuomo (“Cuomo”), Cable News Network (“CNN”), Kevin Robillard (“Robillard”), Huffington Post (“HuffPo”), Tessa Stuart (“Stuart”) and Rolling Stone (“RS”).

II. JURISDICTION AND VENUE

1. This Court has diversity jurisdiction over this case pursuant to 28 U.S.C. § 1332, as the parties are completely diverse in citizenship and the amount in controversy exceeds \$75,000.

2. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) in that a substantial part of the events or omissions giving rise to the claim occurred in this judicial district.

III. PARTIES

3. Plaintiff Arpaio is an individual, natural person who is a citizen of the state of Arizona.

4. Defendant Zucker is an individual, natural person who is, on information and belief, a citizen of New York. Defendant Zucker is the President of CNN.

5. Defendant Cuomo is an individual, natural person who is, on information and belief, a citizen of New York. Defendant Cuomo is a broadcaster for CNN.

6. Defendant CNN is a nationwide news publication that published, as set forth herein, in this judicial district and with a major news bureau in this judicial district.

7. Defendant Robillard is an individual, natural person who is, on information and belief, a citizen of Maryland.

8. Defendant HuffPo is a nationwide news publication that published, as set forth herein, in this judicial district and with a major news bureau in this judicial district.

9. Defendant Stuart is an individual, natural person who is, on information and belief, a citizen of California.

10. Defendant Rolling Stone is a nationwide news publication that published, as set forth herein, in this judicial district and with a major news bureau in this judicial district.

IV. STANDING

11. Plaintiff Arpaio has standing to bring this action because he has been directly affected by the unlawful conduct complained herein. Their injuries are proximately related to the conduct of Defendants.

V. FACTS

Background Facts

12. Plaintiff Arpaio is a long-time member of the law enforcement community who served as a Washington, D.C. and Las Vegas police officer following his honorable army discharge in 1953.

13. In November of 1957, Plaintiff Arpaio was appointed as a special agent with the Federal Bureau of Narcotics, which later became part of the Drug Enforcement Agency (“DEA”), which is headquartered in Washington, D.C.

14. Following his career with the DEA, Plaintiff Arpaio was elected as sheriff of Maricopa County, Arizona in 1993. He held that position for almost 25 years or until January 1, 2017.

15. In January of 2018, Plaintiff Arpaio announced that he would run for U.S. Senate in Arizona. He was defeated in the August 28, 2018 Republican primary.

16. Plaintiff Arpaio intends to run for U.S. Senate again in 2020 (as well as pursue other political and governmental endeavors in this district) for the seat vacated by the late senator John McCain, which is currently held by John Kyl, a placeholder until the 2020 special election can take place.

Facts Pertaining to the Defamatory Publications

17. Plaintiff Arpaio has been the target of three separate defamatory publications that falsely refer to and defamed him per se as a convicted felon. (collectively the “Defamatory Publications”)

18. On or about January 10, 2018, Defendant CNN aired a feature on national television that was broadcasted into this judicial district titled *Sheriff Joe Arpaio enters Arizona Senate race*¹ (the “CNN Broadcast”).

19. The CNN Broadcast featured Defendant Cuomo talking about Plaintiff Arpaio.

20. At the 3-second mark, Defendant Cuomo falsely and with reckless disregard for the truth stated that Plaintiff Arpaio was a “convicted felon.”

21. Plaintiff Arpaio has never been convicted of a felony.

22. As of today, the CNN Broadcast is still available through Defendant CNN’s website and no efforts have been taken by Defendant CNN, Defendant Cuomo, or Defendant Zucker to correct this false statement.

¹*Sheriff Joe Arpaio enters Arizona Senate race*, CNN, Jan. 10, 2018, available at: <https://www.cnn.com/videos/tv/2018/01/10/joe-arpaio-senate-run-intv.cnn>

23. On or about November 5, 2018, Defendant HuffPo published an article written by Defendant Robillard titled *Kyrsten Sinema Wants You To Know She's Not A Progressive*. Exhibit 1. (the "HuffPo Article").

24. In the HuffPo Article, Defendant Robillard falsely claimed and reckless disregard for the truth that Plaintiff Arpaio had been "sent to prison for contempt of court."

25. Plaintiff Arpaio has never been sent to prison for contempt of court.

26. As of today, the HuffPo Article is still available through Defendant HuffPo's website and no efforts have been taken by Defendant HuffPo or Defendant Robillard to correct this false statement.

27. On November 13, 2018, Defendant Rolling Stone published an article by Defendant Stuart titled *How Trump Accidentally Helped Democrat Kyrsten Sinema Flip Jeff Flake's Arizona Senate Seat*. Exhibit 2. (the "Rolling Stone Article").

28. In the Rolling Stone Article, Defendant Stuart falsely and with reckless disregard for the truth referred to Plaintiff Arpaio as an "ex-felon." Plaintiff Arpaio has never been convicted of a felony.

29. At a later time and date, Defendants Rolling Stone and Stuart silently changed the contents of its article to say that "Arpaio was convicted of contempt of court, a misdemeanor, in 2017 and pardoned by Trump less than one month later." Exhibit 3.

30. However, as of today, there is no indication on the Rolling Stone Article that a mistake had previously been made in referring to Plaintiff Arpaio as an "ex-felon."

31. Thus, persons who read the Rolling Stone Article when it falsely referred to Plaintiff Arpaio as an "ex-felon" are not aware that this statement is patently false.

32. Plaintiff Arpaio's distinguished 55-year law enforcement and political career has been severely harmed, as his reputation has been severely damaged among and with the Republican establishment, which is centered in the District of Columbia. The false publications alleged herein all occurred in this district and are continuing.

33. Plaintiff Arpaio's chances and prospects of election to the U.S. Senate in 2020 have been severely harmed by the publication of false and fraudulent facts in the Defamatory Article. This also harms Plaintiff financially, as his chances of obtaining funding from the Republican establishment and donors for the 2020 election have been damaged by the publication of false and fraudulent representations in the Defamatory Article.

34. Plaintiff Arpaio's reputation has also been severely harmed in the law enforcement community, which is centered in this judicial district, and includes the DEA, where he served for 26 years as an agent and top official.

FIRST CAUSE OF ACTION
Defamation Per Se

35. Plaintiff Arpaio repeats and re-alleges all of the previous allegations of the entirety of this Complaint with the same force and effect, as if fully set forth herein again at length.

36. Defendants made and published false and defamatory statements concerning Plaintiff Arpaio by calling, representing and publishing within this district, the nation and the world, with malice, that Plaintiff Arpaio had been convicted of a felony.

37. Defendants Zucker, Cuomo, and CNN acted in concert, as Defendant Cuomo acted at the direction of Defendant Zucker or alternatively his false statements were ratified by Defendant Zucker, and they all are therefore jointly and severely liable as joint tortfeasors. The statements were made by Defendant Cuomo and ratified by Defendant Zucker and then

published and/or broadcast in this district, nationwide and throughout the world by Defendant CNN.

38. Defendants Robillard and HuffPo acted in concert and are therefore jointly and severely liable as joint tortfeasors. The statements were made by Defendant Robillard and then published and/or broadcast in this district, nationwide and throughout the world by Defendant HuffPo.

39. Defendants Stuart and Rolling Stone acted in concert and are therefore jointly and severely liable as joint tortfeasors. The statements were made by Defendant Stuart and then published and/or broadcast in this district, nationwide and throughout the world by Defendant Rolling Stone.

40. Defendants acted with actual malice insofar as they knew that the statements made against Plaintiff Arpaio were false and/or recklessly disregarded their falsity.

41. Defendants' statements are defamatory per se insofar as they falsely accuse and with reckless disregard Plaintiff Arpaio of having been convicted of a felony.

42. Defendants' statements and the publishing/broadcasting thereof were made without any privilege.

43. As a direct and proximate result of Defendants and their agents' extreme, outrageous and malicious defamatory conduct set forth above, Plaintiff Arpaio has been the subject of widespread ridicule and humiliation and has suffered severe loss of reputation, which has in turn also caused him pain and financial damage.

SECOND CAUSE OF ACTION
Tortious Interference with Prospective Business Relations

44. Plaintiff Arpaio repeats and re-alleges all of the previous allegations of the entirety of this Complaint, including with the same force and effect, as if fully set forth herein again at length.

45. Plaintiff Arpaio has a prospective business relationship with the Republican National Committee (“RNC”), and its National Republican Senate Campaign Committee (“NRSC”) which is headquartered in Washington D.C., as well as their affiliated political action committees and entities and persons, including donors.

46. The RNC and its RNCC, in conjunction with affiliated political action committees and entities and donors routinely provide funding to Republican political candidates for their campaigns. Plaintiff Arpaio ran for U.S. Senate in 2018 as a Republican, and intends to run again for a U.S. Senate seat or other public office in 2020 as a Republican and ardent supporter of President Donald J. Trump and his administration.

47. Defendants are aware of these prospective business relationships and thus, given their malice and leftist enmity of Arpaio sought to destroy them with the publication of the subject Defamatory Publications.

48. Defendants published the Defamatory Publications to influence the RNC, the RNCC and affiliated political action committee and persons, and other donors, to withhold funding for Plaintiff Arpaio’s 2020 political campaign by smearing and destroying his reputation and standing in his law enforcement, government and political community.

49. Plaintiff Arpaio has been harmed as to his reputation as “America’s Toughest Sheriff” and financially by the publication of the Defamatory Article.

THIRD CAUSE OF ACTION
False Light

50. Plaintiff Arpaio repeats and re-alleges all of the previous allegations of the entirety of this Complaint, including with the same force and effect, as if fully set forth herein again at length.

51. The Defamatory Publications falsely and very publically portrayed Plaintiff Arpaio in a negative, false light.

52. The Defamatory Publications contained false statements, representations, or imputations understood to be of and concerning Plaintiff Arpaio.

53. The Defamatory Publications all falsely accuse Plaintiff Arpaio of having been convicted of a felony.

54. These statements are misleading and false and made with a reckless disregard for the truth.

55. These statements, made with malice, place Plaintiff in a false light that would be offensive to a reasonable person.

56. As a direct and proximate result of Defendants and their agents' extreme, outrageous and malicious conduct set forth above, Plaintiff Arpaio has been the subject of widespread ridicule and humiliation and has suffered severe loss of reputation, which has in turn also caused him pain and financial damage.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for relief and judgment against each Defendant, jointly and severally, as joint tortfeasors as follows: actual, compensatory, and punitive damages in excess of \$300,500,000 USD, as well as attorneys' fees and costs, and any other relief that this Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all counts, as to all issues so triable.

DATED: December 10, 2018

Respectfully submitted,

/s/ Larry Klayman

Larry Klayman, Esq.
Chairman and General Counsel
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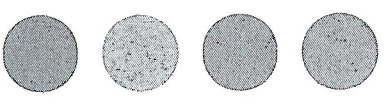
Kyrsten Sinema Wants You To Know She's Not A Progressive

Republicans are highlighting her leftist past. But progressives have their own grumbles, even as they line up behind her Senate run in Arizona.

By Kevin Robillard

11/05/2018 03:42 pm ET Updated 22 hours ago

X Updated Report



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PHOENIX — Democratic Rep. Kyrsten Sinema didn't have to think about her answer. She was holding a press conference focused on health care at the Crescent Ballroom, a music venue on the outskirts of this city's downtown, when an unsurprising question came.

"Do you support 'Medicare for all'?"

"I do not," Sinema responded quickly to the reporter, later giving the same answer to a question about whether she supported adding a public health insurance option to Obamacare.

"I've been laser-focused on supporting realistic proposals that help Arizonans get access to affordable coverage," she said. She went on to talk about her work with Republicans to delay a tax hike included in the Affordable Care Act and to increase the number of employees a small business must employ to 100 (instead of 15) before it is subject to the act.

Sinema is her party's nominee for U.S. Senate in this state. It's a former Republican bastion — home to Barry Goldwater, the founder of the modern conservative movement — that is slowly turning into a swing state. She's in a tight race with GOP Rep. Martha McSally, one of the first American women to fly in combat, in a race Democrats must win to have a chance of taking back the U.S. Senate.

By the time Sinema was elected to Congress in 2012, she was a full-fledged moderate. She became a favorite of House Minority Whip Steny Hoyer (D-Md.) and an annoyance to his more liberal boss, House Minority Leader Nancy Pelosi (D-Calif.). She joined the Blue Dog Caucus, a shrinking group of conservative Democrats, and the New Democrats, a group of pro-business members who mostly hail from suburban areas. She earned the endorsement of the U.S. Chamber of Commerce in 2014. Since the beginning of President Donald Trump's administration, she has voted with him nearly two-thirds of the time.

A few weeks before launching her Senate bid, rumors began to swirl that Trump was going to pardon the state's notorious former Maricopa County sheriff, Joe Arpaio, who had been sent to prison for contempt of court. In August, a letter asking the president not to pardon Arpaio was signed by every Democratic member of the Arizona congressional delegation — except Sinema. Despite this, multiple progressives in the state noted Sinema's campaign has sent out dozens of online fundraising missives invoking Arpaio. (As recently as last week, a Sinema email noted Vice President Mike Pence was visiting Arizona. "The last time he was here, he attacked Kyrsten and praised convicted criminal Joe Arpaio!" the email read.)

INITIAL
REPORT

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X
UPDATED
REPORT

CORRECTION: A previous version of this story mistakenly indicated Joe Arpaio went to prison for his conviction.

Huffington Post News: Nov 5, 2018
Case 1:18-cv-02894 Document 1-1 Filed 12/10/18 Page 4 of 4
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FB

In reference to Huffington Post article dated November 6, 2018. Kevin Robillard writes "rumors began to swirl that Trump was going to pardon the states notorious former Maricopa county Sheriff, Joe Arpaio, who had been sent to prison for contempt of court." Arpaio has never been sentenced nor was he ever sent to prison. Arpaio says the completely, misleading, defamatory statements by the Huffington Post is calculated to harm his reputation.

Arpaio has already shown that he is not one to sit back and not take action against wrongdoing // Fake News by the media.

Twitter: Nov 6, 2018
Huffington Post News Says Sheriff Joe Arpaio, has been sent to prison. Arpaio has never been sentenced nor was he ever sent to prison. Arpaio says the completely, misleading, defamatory statements by the Huffington Post is calculated to harm his reputation. He is fighting back.



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NOVEMBER 13, 2018 1:07PM ET

How Trump Accidentally Helped Democrat Kyrsten Sinema Flip Jeff Flake's Arizona Senate Seat

The president claimed he "retired" Jeff Flake. He — and the GOP — will regret it

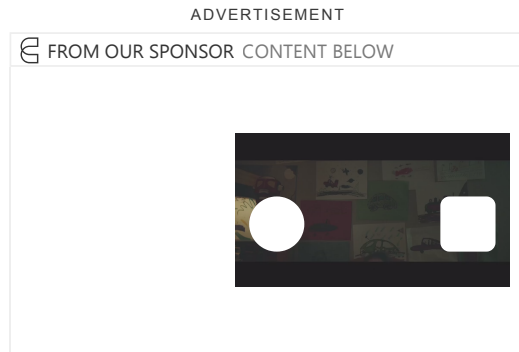
By **TESSA STUART**



Dem. Kyrsten Sinema, D-Ariz. performs the coin toss before an NCAA college football game between Arizona State and Utah, in Tempe, Arizona, Nov. 3, 2018.

Rick Scuteri/AP/Shutterstock

Congresswoman **Kyrsten Sinema** has officially captured a Republican-held Senate seat in Arizona. Sinema, who at 41 is one of the youngest women ever elected to the Senate, will be the **first openly bisexual senator in U.S. history**. (She also happens to be the first Arizona Democrat elected to the Senate in over 30 years.) The results, which took almost a full week to tabulate, will come as a disappointment to the president, who bragged the day after the election when Republican **Martha McSally** was still leading that he personally “retired” Republican Sen. **Jeff Flake**.



“In Jeff Flake’s case it’s me, pure and simple. I retired him. I’m very proud of it, I did the country a great service,” Trump said during a press conference at the White House a day after the midterm elections. “He is retired. I’d like to call it another word, but we’re going to treat him with great respect.”

Democrats are likely thrilled with whatever help the president believes he offered. Not only did they figure out the path to victory in Arizona two years before a special election set to fill a second Senate seat, Democrats defended the Congressional seat Sinema vacated and flipped the one McSally gave up, too. And they did it by winning the hearts and minds of a large share of registered Republicans.

McSally and outside groups supporting her bid tried to paint Sinema as too extreme for Arizona, pointing to the former Green Party candidate’s **protest of the Iraq war** — in a *pink tutu*, no less — and her remark, to a radio host in 2003, that **she wouldn’t care if he joined the Taliban**. The gambit failed, hard: **Sinema peeled off 12 percent of Arizona’s Republican voters** — the highest share of any Democratic Senator, save West Virginia’s Joe Manchin.

Sinema seems well aware of the fact. In her victory speech, she paid tribute to the late Republican senator (and Trump critic) **John McCain**. “Senator McCain is irreplaceable, but his example will guide our next steps,” Sinema told supporters Monday evening. “He taught us to assume the best in others, to seek compromise instead of sewing division, and to always put country ahead of party. As your Senator, that’s exactly what I’ll do.”

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Flake announced he was retiring from the Senate back in October 2017, telling *Morning Joe* that his brand of conservatism just didn't appeal to enough Arizona Republicans. "The bottom line is if I were to run a campaign that I could be proud of and where I didn't have to cozy up to the president and his positions or his behavior, I could not win in a Republican primary," Flake said. "That's the bottom line."

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But McSally, by far the most moderate of the candidates competing, won the Republican primary decisively. She earned roughly double the number of votes as her closest rival, tea party conspiracist Kelli Ward, and triple the number of votes of ex-felon and former Maricopa County Sheriff Joe Arpaio.

In This Article: Donald Trump, Jeff Flake, Kyrsten Sinema, Martha McSally



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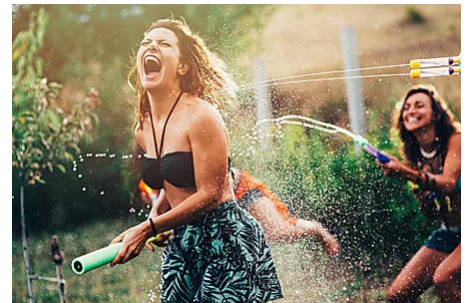
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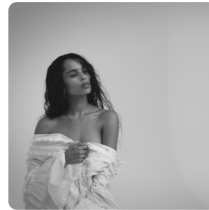
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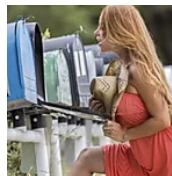
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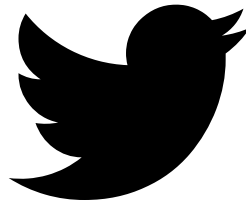
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How Trump Accidentally Helped Democrat Kyrsten Sinema Flip Jeff Flake's Arizona Senate Seat

The president claimed he “retired” Jeff Flake. He — and the GOP — will regret it

By **TESSA STUART**



Dem. Kyrsten Sinema, D-Ariz. performs the coin toss before an NCAA college football game between Arizona State and Utah, in Tempe, Arizona, Nov. 3, 2018. Rick Scuteri/AP/Shutterstock

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