

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

LARRY KLAYMAN, Individually

Plaintiff

v.

JOSEPH ROBINETTE BIDEN JR., Individually

And

ROBERT HUNTER BIDEN, Individually

And

KATE BEDINGFIELD, Individually

And

BIDEN FOR PRESIDENT, INC, a Delaware
Corporation

Defendants.

Case Number:

COMPLAINT FOR TORTIOUS INTERFERENCE

Plaintiff, LARRY KLAYMAN (“Plaintiff” or “Klayman”) hereby files this action against JOSEPH ROBINETTE BIDEN JR. (“Joe Biden”), ROBERT HUNTER BIDEN (“Hunter Biden”), KATE BEDINGFIELD (“Ms. Bedingfield”), and BIDEN FOR PRESIDENT, INC. (the “Campaign”) (collectively “Defendants”) for Tortious Interference.

JURISDICTION AND VENUE

1. This is an action for tortious interference with a business relationship and damages in excessive of \$15,000.00 but less than \$75,000.00, 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 and were perpetrated 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 on Radio America.

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. He is a resident of Palm Beach County.

4. Defendant Joe Biden is a democratic presidential nominee for the 2020 presidential election. He formerly served as President Barack Obama’s vice president.

5. Defendant Hunter Biden is Joe Biden’s son and an attorney and lobbyist.

6. Defendant Bedingfield is Joe Biden’s deputy campaign manager and communications director.

7. The Campaign is incorporated in the state of Delaware and is Joe Biden’s campaign for president in 2020.

STANDING

8. 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 and caused damage in this Circuit and the County of Palm Beach. His injuries are proximately related to the conduct of Defendants.

FACTS

9. Plaintiff Klayman, as the founder, president, chief operating officer, chairman and general counsel of Freedom Watch maintains a channel on YouTube named Freedom Watch TV, which is widely broadcast and disseminated in this jurisdiction in Palm Beach County and Florida. Freedom Watch is the name and registered trademark of the non-profit government watchdog public interest group that he conceived of, founded, and for which he serves as president, chief operating officer, chairman and general counsel.

10. Plaintiff Klayman naturally benefits from this appearances on YouTube, which is owned and operated by Google, Inc., which enhances his good will and reputation in his professional and personal capacities.

11. On October 1, 2019, Plaintiff Klayman's YouTube channel was suspended and all of its contents were removed over a span of many years.

12. This was done by YouTube as a result of undue and illegal political and other pressure and veiled threats from and exerted by Defendants, each and every one of them, working together in concert, jointly and severally.

13. In an email to counsel for YouTube, Plaintiff Klayman correctly asserted that the suspension of his channel was due to "criticism on [his] weekly radio show, 'Special Prosecutor with Larry Klayman,' of former Vice President Biden and his son Hunter Biden, regarding their apparent Ukrainian bribery scandal. During this broadcast on Radio America on or about September 29, 2019, [Plaintiff Klayman] stated and broadcast on Radio America to about 55

stations throughout the United States and throughout the nation and internationally on a podcast disseminated on Facebook, Twitter, Roku, Amazon Fire and by email, and which is also posted on Freedom Watch's and Radio America's websites, that the Bidens would be brought before a citizens grand jury and [he] would seek their indictment." Exhibit 1.

14. Plaintiff Klayman was forced to threaten YouTube with litigation in order to have Freedom Watch's account restored on October 3, 2019, and in his correspondence with the legal counsel for YouTube Mr. Klayman attributed his broadcast statements about the Bidens, which had been posted on Freedom Watch's YouTube channel, as the reason for the suspension. In response, legal counsel for YouTube neither directly nor explicitly denied Mr. Klayman's assertion, thereby confirming, validating and effectively admitting it.

15. This is not the only time that Defendants have threatened and retaliated through the use of media and/or social media in response to criticism, evidencing a pattern of conduct that is widespread.

16. On October 9, 2019, Peter Schweizer, an investigative journalist who uncovered the Bidens' corruption in the Ukraine and in China and who Plaintiff hopes to bring before the aforementioned citizens grand jury as a witness to seek the indictments of the Bidens, had published in the New York Times an opinion piece titled, "*What Hunter Biden Did Was Legal – And That's the Problem.*"¹

17. In this article, Mr. Schweizer set forth examples of Hunter Biden illegally landing numerous business deals as a result of his father, Joe Biden's, position of power.

18. The article stated *inter alia*:

¹ <https://www.nytimes.com/2019/10/09/opinion/what-hunter-biden-did-was-legal-and-thats-the-problem.html>

As vice president, Joe Biden served as point person on American policy toward China and Ukraine. In both instances, his son Hunter, a businessman, landed deals he was apparently unqualified to score save for one thing: his father....

With the Russian invasion of Crimea in 2014, Joe Biden became point person in Ukraine as well. That same year, Hunter Biden landed a board position with the Ukrainian energy giant Burisma Holdings. Despite having no background in energy or Ukraine, the vice president's son was paid as much as \$50,000 a month, according to financial records. (He left the board in early 2019.)

19. In response to this article, "Biden's campaign publicly called and branded Schweizer a 'discredited right-wing polemicist' and suggested the op-ed was part of a larger pattern of 'journalistic malpractice.'"²

20. Furthermore, and on behalf of the Defendants, each and every one of them, jointly and severally, Defendant Bedingfield wrote in a threatening letter to The New York Times, "Are you truly blind to what you got wrong in 2016, or are you deliberately continuing policies that distort reality for the sake of controversy and the clicks that accompany it?"³ This threatening letter obviously implied that as a result of the prospect of Defendant Joe Biden winning the Democrat nomination for president and then winning the presidency in 2020 against President Donald Trump, there would be retribution if not "hell to pay" once Biden became president if the opinion piece of Schweizer was not removed from the website of the New York Times.

21. It is clear that Defendants were simply trying to threaten and exert undue and illegal political and other pressure on The New York Times into giving what they deemed as favorable coverage of Joe Biden and his efforts to be elected as President in 2020, as well as to have the opinion piece of Peter Schweizer removed from the website of the New York Times, just as Plaintiff's YouTube channel was removed under undue and illegal political and other

² Tim Elfrink, *Biden campaign slams New York Times for op-ed by conservative author behind Ukraine claims*, The Washington Post, October 10, 2019, available at:

<https://www.washingtonpost.com/nation/2019/10/10/joe-biden-peter-schweizer-new-york-times-op-ed/>

³ *Id.*

pressure by Defendants, each and every one of them, acting in concert jointly and severally.

22. Defendants have not limited their strategy to try to unduly and illegally pressure their way to favorable coverage to just traditional print media. Defendants tried to have Facebook remove a campaign ad for President Trump due to what they claimed were false claims against Joe Biden. Facebook refused to do so.⁴ Defendants also pressured Twitter to do the same.⁵

23. Based on this pattern and practice, it is clear that Defendants tried to unduly and illegally pressure YouTube into suspending the Freedom Watch account, and succeeded in doing so, as a result of Plaintiff Klayman's criticism and statement that he would seek an indictment of the Bidens before a Freedom Watch citizens grand jury. The only difference is that YouTube succumbed to this pressure, while Facebook and Twitter correctly chose not to.

FIRST CAUSE OF ACTION
Tortious Interference with Business Relations

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

25. Mr. Klayman, through Freedom Watch, has had a long-time business relationship with YouTube, where Mr. Klayman, as the founder, president, chief operating officer and general counsel of Freedom Watch frequently published videos on the channel where he appeared, Freedom Watch TV.

26. Mr. Klayman had his good will and reputation damaged by the suspension of Freedom Watch's YouTube channel, as this created the false narrative and impression the he had done something illegal to warrant taking down the aforementioned Radio America broadcast and the total removal of all videos posted on Freedom Watch's YouTube channel, over many years.

⁴ *Id.*

⁵ *Id.*

27. Defendants knew of the business relationship between YouTube and Freedom Watch and Plaintiff Klayman's role at Freedom Watch and other professional endeavors, as set forth above.

28. Defendants intentionally interfered with the business relationship between YouTube and Freedom Watch by unduly and illegally pressuring and threatening YouTube into suspending the YouTube account as a result of Mr. Klayman criticism and stated intention to seek the indictment of the Bidens before a Freedom Watch's citizens grand jury.

29. YouTube did, in fact, suspend Freedom Watch's YouTube channel as a result of these threats and undue and illegal political and other pressure, thereby causing harm to Mr. Klayman as the chairman and general counsel of Freedom Watch, and as a columnist, author and syndicated radio talk show host on Radio America, where in a broadcast just days before Freedom Watch's YouTube channel was suspended and completely taken down and removed, Mr. Klayman had severely criticized the Bidens over their corruption and told listeners that he would seek the indictment of the Bidens before a Freedom Watch citizens grand jury.

30. Plaintiff Klayman has been harmed and damaged as set forth above by Defendants tortious interference.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Larry Klayman prays for judgment against Defendants, all 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, but less than \$75,000.00
- 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 once even more facts are uncovered in discovery.

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

Dated: October 17, 2019

Respectfully Submitted,

/s/ Larry Klayman
Larry Klayman, Esq.
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Plaintiff Pro Se

EXHIBIT 1



Oliver Peer <oliver.peerfw@gmail.com>

Freedom Watch v. Google (19-7030)

Larry Klayman <leklayman@gmail.com>

Wed, Oct 2, 2019 at 4:27 AM

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

Cc: John Schmidlein <jschmidlein@wc.com>, "Hentoff, Tom" <thentoff@wc.com>, "Primis, Craig S." <cprimis@kirkland.com>, Winn Allen <winn.allen@kirkland.com>, bwillen@wsgr.com, agressel@wsgr.com, Jonathan Jacobson <jjacobson@wsgr.com>, William Isaacson <wisaacson@bsflp.com>, James Kraehenbuehl <jkraehenbuehl@bsflp.com>, Joshua Riley <jriley@bsflp.com>, leklayman <leklayman@gmail.com>

Gentlemen:

Yesterday, Google/YouTube suspended our entire You Tube account and removed all of Freedom Watch's conservative and other content over criticism on my weekly radio show, "Special Prosecutor with Larry Klayman," of former Vice President Biden and his son Hunter Biden, regarding their apparent bribery Ukrainian bribery scandal. During this broadcast on Radio America, I stated that the Bidens would be brought before a citizens grand jury and I would seek their indictment.

Notwithstanding the pending case now before the DC Circuit, if Freedom Watch's YouTube account is not immediately restored, I will be forced to move the DC Circuit to remand the case for discovery over this latest anti-competitive and discriminatory action, likely taken in concert with all of the defendants as a restraint of trade among other causes of action, and also to file a new legal action.

It is clear that this total suspension was the result of pressure from the Biden presidential campaign (and Democrat pressure on Google/You Tube), notwithstanding the defendants' own leftist pro-Democrat inclinations.

I ask that all of you take appropriate action to have our Google/YouTube account restored immediately to mitigate the damage which has already been caused and inflicted on Freedom Watch and me.

Please advise IMMEDIATELY how your clients intend to proceed, before I am otherwise forced to take swift legal action.

Larry Klayman, Esq.
General Counsel
Freedom Watch, Inc.

[Quoted text hidden]