

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA**

ROY S. MOORE,

Plaintiff,

v.

**TIANA LOWE, JERRY DUNLEAVY,
TIMOTHY CARNEY, PHILLIP KLEIN,
BRAD POLUMBO, THE WASHINGTON
NEWSPAPER PUBLISHING
COMPANY, LLC, MEDIA D.C.,
CLARITY MEDIA GROUP, PHILIP
ANSCHUTZ, AND
A, B, AND/OR C DEFENDANTS
WHO OTHERWISE EXERCISED
CONTROL OR DECISION
MAKING OVER PUBLICATIONS
WHICH ARE THE BASIS OF THIS
LAWSUIT.**

Defendants.

Case No. _____

AMENDED COMPLAINT

INTRODUCTION

Plaintiff Roy S. Moore, former Chief Justice of the Supreme Court of Alabama (“Judge Moore”), brings this action for defamation and intentional infliction of emotional distress against Tiana Lowe, Jerry Dunleavy, Phillip Klein, Timothy Carney, Brad Polumbo, The Washington Newspaper Publishing Company, LLC (“WNPC”), Media D.C., Clarity Media Group, Philip Anschutz, and such other parties known to the Plaintiff at this time or who shall become known, and who acted in concert or connection with the named Defendants who are otherwise responsible for Plaintiff’s damages.

JURISDICTION AND VENUE

1. This Court has diversity jurisdiction. 28 U.S.C. § 1332 because 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.

PARTIES

3. Plaintiff Roy S. Moore is over the age of nineteen (19) years and is a citizen and resident of the State of Alabama.
4. Defendant WNPC is a limited liability company organized under the laws of the State of Delaware. At all times material hereto, WNPC has owned and operated the *Washington Examiner* (washingtonexaminer.com), an online and print newspaper with a place of business at 1152 15th St. NW, Suite 200, Washington, D.C. 20005. In October 2019, washingtonexaminer.com had 14,689,000 unique visitors, second only to foxnews.com among conservative websites.¹ Defendant *Washington Examiner's* articles are published throughout Alabama and the Northern District of Alabama, as well as nationally and internationally.
5. Defendant Tiana Lowe is a Commentary Writer and agent for the *Washington Examiner*, and upon information and belief, is a citizen of the District of Columbia.
6. Defendant Jerry Dunleavy is a Political Reporter and agent of the *Washington Examiner*, and upon information and belief, is a citizen of the District of Columbia.
7. Phillip Klein is the acting Executive Editor in Chief of the *Washington Examiner*, and upon information and belief, is a citizen of the District of Columbia.

¹ “US Conservative Websites Ranked by Unique Visitors, June 2019,” <https://therighting.com/june-2019-top-conservative-website-traffic>.

8. Timothy Carney is a Commentary Editor of the *Washington Examiner*, and upon information and belief, is a citizen of the District of Columbia.

9. Brad Polumbo is a Deputy Contributors Editor and Commentary Writer of the *Washington Examiner*, and upon information and belief, is a citizen of the District of Columbia.

10. Media D.C. is a subsidiary of Clarity Media Group, and upon information and belief, is located in Washington, D.C.

11. Clarity Media Group is a media organization, and upon information and belief, is located in New York, NY.

12. Philip Anschutz is the owner of Clarity Media Group, and upon information and belief, is a citizen of Colorado and resident of Denver.

13. Fictitious parties A, B, and C are persons, entities, corporations, or firms currently unknown to the Plaintiff who acted in concert with Defendants whose actions are the basis for this lawsuit.

FACTS

A recitation of the following facts is essential to a proper understanding of the background for the case.

14. On September 25, 2017, Plaintiff Roy Moore won a run-off election to become the Republican nominee for the unexpired term of Alabama Senator Jeff Sessions who had resigned to be appointed Attorney General of the United States. Judge Moore had been in public service for over 40 years, serving as a deputy district attorney, circuit court judge, Chief Justice of the Alabama Supreme Court on two separate occasions, and President of the Foundation for Moral Law. Allegations of misconduct against him had never been made in 8 previous county, state, and federal elections.

15. From September through December 2017, a number of Democratic, high-tech social media companies funded by billionaire Red Hoffman created “Project Birmingham,” a “false flag” operation to spread “disinformation” about Roy Moore and influence “650,000 Alabama voters” ... “to hurt the campaign of Republican Roy Moore.”²

16. On Nov 9, 2017 as part of the disinformation campaign described above,³ the *Washington Post* published an article alleging allegations of sexual misconduct, dating back 40 years, against Judge Roy Moore (only 32 days before the election), which allegations were strongly denied by Plaintiff Judge Roy Moore as false and malicious and politically motivated.

On Dec 12, 2017, Judge Moore narrowly lost that Special Election to Democrat Doug Jones.

17. Nearly 16 months later on May 28, 2019, three weeks before Judge Moore’s official announcement to again run for the United States Senate in 2020, and prompted by news reports that Judge Moore was contemplating running (see *Washington Examiner* article entitled “GOP nightmare as Alabama’s Roy Moore signals he might run again” Feb 28, 2019 attached and incorporated herein as “Exhibit A”) the *Washington Examiner* published an article written by Tiana Lowe entitled “If Alabamans [sic] vote for Roy Moore, they deserve Doug Jones,” in which she stated, “Roy Moore, famous for being banned from a mall because he sexually preyed on underage girls and losing a Senate race in an R+14 state, apparently wants another round at the rodeo.” In that article she referred to the Plaintiff as an “accused sexual assailant and pedophile[,]” “a comic book villain” and a “skunk.” (Exhibit B)

² Craig Silverman, “*New York Times* Reporter Spoke at an Event Organized by Alabama Dirty Tricksters,” Dec 27, 2018, <https://www.buzzfeednews.com/article/craigsilverman/alabama-dirty-tricksters-invited-a-new-york-times-reporter>.

³ Jeff Giese, “BREAKING: Here’s the After-Action Report From the Alabama Senate Disinformation Campaign,” December 27, 2018, <https://medium.com/@jeffgiesea/breaking-heres-the-after-action-report-from-the-alabama-senate-disinformation-campaign-e3edd854f17d>.

18. Lowe's animus and political motivation and that of the *Washington Examiner* is summarized in the concluding paragraph of the article, "If you back Roy Moore in a primary, every pro-life bill that fails in the Senate means you have extra blood of babies on your hands..." (Exhibit B)

19. Lowe's Comments are libelous and lack a factual basis. There is no evidence that the Plaintiff "sexually preyed" on underage girls, nor is there any evidence that he was banned from the mall for doing so. There is also zero evidence that Plaintiff's election would result in the death of babies.

20. On May 29, the next day, Lowe continued her tirade in an article entitled "Let's examine all the reasons Roy Moore is a terrible human being." (Exhibit C), again revealing her obvious bias and animus.

The article was relentlessly and maliciously negative, characterizing Judge Moore as "a despicable person," "an indefensible person, someone whose record disqualifies him from any position in public life," "homophobic," "probably racist," and a "terrible human being." (Exhibit C)

Lowe repeated allegations of "sexual misconduct," as reported by the *Washington Post* asserting that said allegations were "overwhelmingly likely to be true," and intertwining factual inaccuracies, caused severe damage to Plaintiff's character and reputation. Lowe's biased analysis regarding the truthfulness of allegations against the Plaintiff in combination with factual inaccuracies and a complete failure to investigate the facts sets a new standard for actual malice in press reporting. (Exhibit C)

Relying on secondhand, anonymous, and unverifiable informants as the basis for a factual assertion violates the requirement that assertions of fact be made in good faith. *St. Amant v.*

Thompson, 390 US 727, 732 (1968) “Recklessness may be found where there are obvious reasons to doubt the veracity of the informant or the accuracy of his reports.” *Id.*

Lowe failed by all investigative standards to discover, and at a minimum exhibited a reckless disregard for, the truth. She failed, for example, to state that the allegations were strongly denied, that Judge Moore had taken and passed a polygraph examination⁴ wherein he denied ever having relationships with either Leigh Corfman or Beverly Nelson, that a civil action against his accusers for defamation and conspiracy had been filed in state court, and omitted other factual evidence reported in the media, such as Nelson’s forgery of the yearbook that Nelson claimed Judge Moore signed.⁵

21. Defendant Lowe described Plaintiff as an “accused sexual assailant and pedophile” (Exhibit B) despite the fact that there was no evidence or accusation of such conduct, and that “multiple people allege that Moore was banned from the Gadsden Mall” (Exhibit C) but ignored numerous reports that many other people, to include the former Mall Manager and former security personnel, had stated that no such “ban” ever existed, nor was there any evidence of such a ban.

22. Lowe expressly described an incident with Beverly Nelson regarding an alleged assault (Exhibit C) stating that Nelson accused Moore of “attempting to rape her,” but Nelson never accused Moore of “attempting to rape her,” nor that an attempted rape ever occurred, and Lowe conveniently neglected to report the polygraph examination taken by Moore that showed that such

⁴ Olivia Beaver, “Moore says he took polygraph after election to confirm accusations were false,” *The Hill*, December 28, 2017, <https://thehill.com/homenews/campaign/366650-moore-says-he-took-polygraph-test-after-election-to-confirm-accusations>.

⁵ Ian Mason, “Don Jr. Blasts Gloria Allred After Bombshell Admission of Forgery,” *Breitbart*, December 8, 2017, <https://www.breitbart.com/politics/2017/12/08/don-jr-mocks-gloria-allred-bombshell-admission-forgery/>, and “Roy Moore accuser admits she wrote part of yearbook inscription attributed to Alabama Senate candidate,” *Fox News*, December 8, 2017, <https://www.foxnews.com/politics/roy-moore-accuser-admits-she-wrote-part-of-yearbook-inscription-attributed-to-alabama-senate-candidate>.

incident never happened. An accusation of attempted rape is a felony and a crime of moral turpitude presumed as a matter of law to be defamatory *per se*.

23. After Lowe discussed multiple “sexual misconduct allegations,” “two intimate encounters” with Leigh Corfman, “second degree sexual abuse,” and “attempt[ed] rape” of Nelson, she summarily concludes that “[a] handful of other women independently alleged having intimate relationships with Moore in their teens.” However, there were never any of such intimate “sexual” behavior with teens. (Exhibit C)

24. Lowe further stated that “Wendy Miller accused Moore of ‘hitting on her’ while she was under the age of consent in Alabama.” (Exhibit C)

25. Numerous other factual inaccuracies exist in Lowe’s article to include that Judge Moore allowed neo-Confederates to hold events at his Foundation, that Judge Moore suggested eliminating all Constitutional Amendments after the Tenth, and that Judge Moore was dismissed for “defying *Obergefell*,” all of which demonstrate Lowe’s animus toward the Plaintiff.

26. Lowe has been accused by other journalists of being an “absolute liar,” and some have characterized her “work” as “fraud” presented to readers.”⁶

27. Defendants knew, or should have known, Lowe’s reputation for not telling the truth and the Defendants should have taken appropriate actions to control her behavior.

28. On June 3, 2019, Plaintiff gave notice to Defendant *Washington Examiner*, Tiana Lowe, and Phillip Klein, Executive Editor, that the publication of May 29, 2019, was highly defamatory and filled with “factual inaccuracies” and “outright falsehoods” to include accusations of

⁶ Andrew Meyer, “Source: Washington Examiner Investigating Tiana Lowe’s So-Called ‘Exclusive’ Reporting,” Loomered, June 24, 2019, <https://loomered.com/2019/06/24/washington-examiner-tiana-lowе-thot-patrolled/>.

attempted “rape,” “picking up teen girls,” a “mall ban,” and that a “handful of other women independently alleged having intimate relationships with Moore in their teens.” (Exhibit D)

29. Plaintiff demanded a retraction and properly notified the *Washington Examiner* of the defamatory and libelous statements, but no response was ever received. (Exhibit D)

30. In a subsequent *Washington Examiner* article dated June 20, 2019, entitled “Roy Moore says he will run for Senate again in 2020” (Exhibit E) by Jerry Dunleavy, after the Plaintiff’s demand on *Washington Examiner* to retract their libelous publication of May 29, 2019, Dunleavy repeated the accusations regarding Nelson that “Moore attempted to rape her in a car.” Complete disregard of Plaintiff’s warning demonstrates actual malice.

31. On July 12, 2019, again after failure to retract their prior defamatory article, another article was published by the *Washington Examiner* entitled “Watchdog files complaint over possible forged signatures on documents from Roy Moore charity,” (Exhibit F) by Jerry Dunleavy regarding a matter relating to a Maryland notary of the public who allegedly forged signatures of certain officers of the Foundation for Moral Law. Though the article had nothing to do with actions of Judge Roy Moore, the article begins by describing the Foundation for Moral Law as “a Christian nonprofit activist group founded by accused sexual predator and current Senate candidate Roy Moore.” (Exhibit F)

32. In that article, Dunleavy states, “A number of women came forward during the campaign to claim that Moore had sexually assaulted them, including two accusers who were underage at the time of the alleged incidents,” in clear disregard of Plaintiff’s demands to retract their earlier article concerning the same defamation per se. (Exhibit F)

33. Only two women ever accused the Plaintiff of sexual assault: Leigh Corfman and Beverly Nelson both alleged to be in their teens. Plaintiff has denied both allegations.

34. In August 2019, Tiana Lowe again described Moore falsely as a “credibly accused sexually pedophilic predator” in an article entitled “Laura Loomer may be a laughing stock, but it’s pretty unfunny when republicans back her,” August 6, 2019. (Exhibit G) The *Washington Examiner* and Tiana Lowe had been previously warned by the Plaintiff that her earlier article was filled with “factual inaccuracies and falsehoods.” Her clear disregard of the truth is evidence of “actual malice.”

35. On November 27, 2019, again after failure to retract their defamatory article, yet another article was published by defendant *Washington Examiner* entitled “Sorry not sorry, Roy Moore, the GOP is done with you,” (Exhibit H) written by Brad Polumbo.

36. In that article, Polumbo referred to “the former judge” (Roy Moore) as an “alleged sexual predator,” who had been “credibly accused of sexual misconduct by multiple women who were just teenagers at the time,” which had nothing to do with the subject of the article. Nor did “multiple” teenagers ever accuse the plaintiff of sexual misconduct.

37. Polumbo’s allegations are libelous per se and lack a factual basis, done only to disparage, humiliate, embarrass, disgrace, and expose the Plaintiff, Judge Roy Moore, to public ridicule, odium, and contempt.

38. Polumbo acted with actual malice and/or reckless disregard for the truth, and like Lowe and Dunleavy, failed by all investigative standard to discover the truth, as stated in para. 20 above.

39. Polumbo’s animus and political motivation and that of defendant, *Washington Examiner*, are clearly evident in citing that “55% of Republican-leaning adults,” “2/3^{rds} of Alabama Republican primary voters,” and certain Republicans to include President Donald Trump and Senate Majority Leader, Mitch McConnell, were “done” with Judge Roy Moore.

40. Polumbo, like Lowe and Dunleavy, acted within the line and scope of his duties while under the supervision, control, and direction of the *Washington Examiner*, its officers, directors, and superior officials.

41. Defendant *Washington Examiner* falls under the authority of Media D.C., a subsidiary of Clarity Media Group, owned by Defendant Philip Anschutz, who ultimately controls the management and direction of the *Washington Examiner*, its officers, agents, and employees and knew or should have known of the malicious publications of his staff, but took no action to correct them, thus ratifying the false, misleading and defamatory publications.

42. Plaintiff has been materially detrimented by Defendants' actions. He has suffered losses of speaking engagements resulting in a loss of income, losses of invitations to events, losses of job opportunities, personal and professional embarrassment, mental anguish and emotional distress.

I. DEFAMATION PER SE

43. Plaintiff repeats and realleges all proceeding paragraphs as if fully set out herein.

44. The specific defamation involved in this case concerns repeated libelous statements published online, throughout the country and throughout the Plaintiff's constituency during a special election for U.S. Senate. Defendants' statements were made with actual malice and/or a reckless disregard for the truth.

45. Defendants Lowe, Dunleavy, and Polumbo and the *Washington Examiner* knowingly and willfully made libelous publications with a blatant disregard of whether or not their statements were true, holding Judge Moore out to public ridicule, shame, disgrace, and harassment, deterring third persons from even associating with him; proximately resulting in loss of income from public appearances, speaking engagements, job opportunities, and a drastically diminished market for books and written materials, as well as loss of good will and reputation.

46. Statements of Lowe, Dunleavy, Polumbo, and The Washington Examiner are libelous per se because, without resort to extrinsic facts, their statements expose the Plaintiff, Judge Moore, to disgrace, to public ridicule, odium, or contempt, as having committed crimes.

47. Statements by Defendants regarding attempted “rape,” sexual misconduct, sexual assault, and acts of pedophilia are not only false but lack any factual basis and are libel per se because they contain an imputation of an indictable offense involving infamy or moral turpitude. Rape, sexual assault, acts of pedophilia, for instance, are felony crimes.

48. Defendants knew or should have known the statements they made – and continued to make – to be untrue. In the least, the Defendants’ failure to investigate, deliberate ignorance of facts that refuted, mitigated, or completely disproved the defamatory statements constitutes a reckless disregard for the truth.

49. Certainly after the Defendants were put on notice that their statements were untrue and had caused harm to the Plaintiff and Defendants not only failed to retract their libelous statements, but repeated them time and again in the same publication, Defendants action demonstrates their continued motives that were not made in good faith and with actual malice toward the Plaintiff.

50. Defendants failed to properly investigate and, with actual malice aforethought, deliberately ignored facts which would refute, mitigate, or completely disapprove defamatory statements made regarding Judge Roy Moore, painting the Plaintiff in a false light.

51. Statements made by Defendants Tiana Lowe, Jerry Dunleavy, and Brad Polumbo and the *Washington Examiner* are false, misleading, and made without any factual basis and unsupported by any credible evidence. Defendants Lowe, Dunleavy, and Polumbo not only failed to investigate the circumstances surrounding their false allegations but also ignored contradictory evidence and

facts and should entertain serious doubts as to the truth of their own statements. In the very least, Defendants' actions demonstrate a reckless disregard for the truth.

52. Defendants were not merely negligent in publishing false statements, their statements – particularly after the Plaintiff put them on notice on June 3, 2019, whereafter Lowe, Dunleavy, and Polumbo continued their libelous assault upon the Plaintiff.

53. Defendants Lowe, Dunleavy, and Polumbo had no absolute or conditional privilege to make statements alleged in their articles and made such statements intentionally, with actual malice and/or with reckless disregard for the truth. Furthermore, Defendants published false, defamatory, and libelous statements about Judge Roy Moore unsupported by the evidence, and in fact, had serious doubts as to the truth of those statements, making such statements with ill will or spite.

54. Defendant Lowe, Dunleavy, and Polumbo made the above libelous and defamatory publications within the line and scope of their duties and employment while acting for and under the control and direction of the *Washington Examiner*, its owners, supervisors, directors, and management, who showed reckless disregard for the truth and thus failed in their supervision and control of above named individuals to ensure that their reporting standards met with the higher level of competence and professionalism expected of the media.

II. DEFAMATION BY IMPLICATION

55. Plaintiff repeats and realleges all proceeding paragraphs as if fully set out herein.

56. Defendants were put on notice of the falsity of their statements and not only failed to retract their libelous statements, but continued their defamatory accusations.

57. After defendant Lowe described two “intimate” encounters between Plaintiff and Corfman and stating that Plaintiff attempt[ed] to “rape” Beverly Nelson, Defendant Lowe then states, “[a]

handful of other women independently alleged having ‘intimate’ relationships with Moore in their teens.” (Exhibit C)

Lowe falsely and maliciously implies that a number of “other” teens had intimate “sexual” relationships with Moore. (Exhibit C) There exists no such evidence or allegation.

58. Lowe further stated that “Wendy Miller accused Moore of hitting on her while she was under the age of consent in Alabama.” (Exhibit C)

Merriam Webster’s Collegiate Dictionary Tenth ed. defines the term “hit on” as “to make sexual overture to,” and § 13 A-6-70 (c)(1)(d) Code of Alabama 1975 provides that a person is incapable of giving consent to engage in sexual intercourse...sexual acts, or sexual contact if he or she is under the age of 16.

Lowe’s article referenced the *Washington Post* article but deliberately, with actual malice, misstates the facts, implying that the Plaintiff solicited sexual acts from Miller while she was underage.

Miller never made such an accusation.

Such “purposeful avoidance of the truth” is evidence of actual malice in Alabama. *Harte-Hanks Communications, Inc. v. Connaughton*, 491 US 657, 697 (1989).

59. Defendant Lowe in separate articles (Exhibit B) and (Exhibit G) both before and after she had been notified by the Plaintiff that her published statements were “filled with inaccuracies and outright falsehoods,” continued to imply that Judge Moore was a “pedophile” and a “credibly accused sexually pedophilic predator.” There was no accusation that Judge Moore was ever accused of having a “preoccupation with a prepubescent child or children (generally 13 years of age or younger) that occurs over a period of at least six months, as defined by the Diagnostic and

Statistical Manual of Mental Disorders (DSM V 5th ed 2013) Id § 302.2 was ever made. Her callous disregard for the truth is the epitome of actual malice.

No person accused the Plaintiff of such behavior, but Lowe asserts this as a “credible” fact despite contrary published evidence to the contrary. See Rachel Hope Cleves and Nicholas L. Syrett, “Roy Moore is not a pedophile,” *WashingtonPost.com* (November 19, 2017), which Lowe conveniently ignored.⁷

60. On May 28, 2019, (Exhibit B) Defendant Tiana Lowe published together with other Defendants that “if you back Roy Moore in a primary, every pro-life bill that fails in the Senate means you have extra blood of babies on your hands,” implying that voting for Moore would lead to the death of children.

61. Defendant Lowe began her article (Exhibit B) stating that “Roy Moore, famous for being banned from a mall because he sexually preyed on underage girls...” implying a recognition of official action taken for sexual solicitation of underage girls in a mall, but no such ban was shown to exist. Nor was there ever any evidence that Plaintiff sexually preyed on underage girls at a mall as a reason for such ban.

62. Defendant Lowe summarily published together with other Defendants that Beverly Young Nelson accused Moore of “attempting to rape her in a car,” (Exhibit C) implying that Moore did something toward commission of the crime of rape and that Nelson testified to his actions after the event in question. No factual basis exists for such an allegation, and the statement itself is defamation per se because it contains the imputation of an indictable offense involving infamy or moral turpitude. Plaintiff denies her allegations entirely.

⁷ Rachel Hope Cleves and Nicholas L. Syrett, “Roy Moore is not a pedophile,” *Washington Post*, November 19, 2017, https://www.washingtonpost.com/opinions/roy-moore-is-not-a-pedophile/2017/11/19/1a9ae238-cb21-11e7-aa96-54417592cf72_story.html.

63. Defendant Dunleavy also published together with other Defendants regarding Nelson, “Moore attempted to rape her in a car,” (Exhibit D) implying that Moore committed acts toward the commission of the crime of rape. Plaintiff denied her allegations entirely, and no factual basis exists for such an allegation; and the statement itself is defamation per se because it contains the imputation of an indictable criminal offense involving infamy or moral turpitude.

64. Defendant Dunleavy on June 20, 2019, (Exhibit E) further stated that “a number of women came forward during the campaign to claim that Moore had sexually assaulted them. Two of the accusers were underage at the time of the alleged incidents.” (Exhibit E). No other women ever claimed sexual assault by Moore. Dunleavy’s statement implied that more than two women had accused the Plaintiff of sexual assault.

A few weeks later on July 12, 2019, (Exhibit F) Dunleavy described the Foundation for Moral Law as one founded by “accused sexual predator” and current Senate candidate Judge Roy Moore, implying that the Plaintiff was a “predator.”

65. Brad Polumbo published together with other Defendants that the Plaintiff had been accused of “sexual misconduct by multiple women who were just teenagers at the time,” and was an “alleged sexual predator,” (Exhibit H), implying that Judge Moore sexually assaulted and preyed on multiple teenage women.

66. As a major news reporting organization, the *Washington Examiner* holds itself out to provide “diligent investigative reporting and thoughtful commentary” as well as “in depth news coverage.” (Exhibit I)

67. Defendants Lowe and Polumbo have violated the above standards by stating, in the case of Lowe, that allegations against the Plaintiff were “overwhelmingly likely to be true,” (Exhibit C),

and, in the case of Polumbo, that Plaintiff was “credibly accused of sexual misconduct by multiple women who were just teenagers at the time.” (Exhibit H)

68. Defendants Lowe and Polumbo intentionally with actual malice or at a very minimum, with reckless disregard, ignored credible evidence of a polygraph examination which Plaintiff took and passed,⁸ wherein he denied ever having any relationships with either Corfman or Nelson, the “only two” women who ever alleged any sexual misconduct by the Plaintiff, which he strongly denies. (Neither Corfman nor Nelson have taken a polygraph.)

69. Defendants Lowe and Polumbo also failed to mention that Nelson admitted to a forgery of the yearbook⁹ she used to describe her contact with the Plaintiff or other factual inaccuracies about their alleged relationship.

70. Lowe and Polumbo further failed to mention that the Plaintiff has filed a civil lawsuit for conspiracy against 5 individuals to include the only two women who made allegations of sexual misconduct against the Plaintiff.

71. Both Lowe and Polumbo in their haste to disparage and disgrace Judge Moore ignored with impunity in their analysis of the facts, that Plaintiff had been married for approximately 34 years, reared four children, 5 granddaughters, and has never had one complaint of any sexual or criminal nature filed against him. They further disregarded the fact that Plaintiff had served in public office as a deputy prosecutor, circuit judge, chief justice on two separate occasions, and President of the Foundation for Moral Law over a span of 40 years and had never had a complaint of any sexual

⁸ Beaver, “Moore says he took polygraph after election to confirm accusations were false,” December 28, 2017.

⁹ Mason, “Don Jr. Blasts Gloria Allred After Bombshell Admission of Forgery,” December 8, 2017, and “Roy Moore accuser admits she wrote part of yearbook inscription attributed to Alabama Senate candidate,” December 8, 2017.

impropriety alleged until 32 days before a general election for the U.S. Senate, all of which affects the “credibility” of the allegations.

72. In fact, Lowe and Polumbo did not investigate the facts, were biased in their judgment, ignored Plaintiff’s request for retraction, and implied by their publications that Plaintiff was guilty of the most heinous crimes, and deserved to be disparaged, defamed, humiliated, and exposed to public ridicule, odium, and contempt, setting a new standard for actual malice.

III. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

73. Plaintiff repeats and realleges all proceeding paragraphs as if fully set out herein.

74. Defendants acted falsely with actual malice and reckless disregard for the truth and with intent to disrupt and preclude Judge Roy Moore’s successful candidacy for the United States Senate in 2020, causing the articles named and set forth above to be published on the eve of an expected announcement of his candidacy to cause the maximum harm to his reputation, character, and integrity.

75. The publication of the above articles intentionally slandered and defamed Judge Moore to proximately cause him extreme emotional distress, mental anguish, embarrassment, and severe psychological distress utterly intolerable in a civilized society so as to deter him from again running for office and to dissuade others from supporting him.

RELIEF REQUESTED

76. Plaintiff demands judgment against all defendants jointly and severally for compensatory damages for impairment of reputation and standing in the community, pain and suffering, personal humiliation, mental anguish, and emotional distress in the sum of \$10 million dollars, plus costs and interest from the date of injury, and such further relief as the court may deem just and proper.

Plaintiff further demands judgment against all Defendants jointly and severally for punitive damages in that Defendants acted intentionally, willfully, and with actual malice or reckless disregard of the truth, and engaged in fraud, wantonness, and oppression with regard to Plaintiff, especially by publishing libelous per se statements after a formal demand to retract earlier and similar libelous publications which Defendants simply ignored. Plaintiff demands judgment against all defendants jointly and severely for punitive damages in excess of the sum of \$30 million not only to punish Defendants for their willful and malicious misconduct, but also to prevent and stop Defendants from repeating such defamation of the Plaintiff of others.

PLAINTIFF DEMANDS TRIAL BY JURY ON ALL ISSUES TRIABLE

Respectfully submitted this the 27th day of January, 2020.

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Pro Hac Vice Application
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CERTIFICATE OF SERVICE

I certify that I have served a copy of this complaint upon all parties hereto via first class mail postage prepaid, e-mail, or facsimile transmission

/s/ Melissa Isaak

Melissa Isaak