

# Exhibit 4



**IN THE CIRCUIT COURT OF ETOWAH COUNTY, ALABAMA**

**ROY S. MOORE,** )  
**KAYLA MOORE** )

**Plaintiffs,** )

**v.** )

**Case No.:** \_\_\_\_\_

**ADAM MUHLENDORF,** )  
**LONGLEAF STRATEGIES, INC.,** )  
**EDWARD STILL,** )  
**HIGHWAY 31 SUPER PAC,** )  
**BULLY PULPIT INTERACTIVE,** )  
**JIM MARGOLIS,** )  
**WATERFRONT STRATEGIES,** )  
**PRIORITIES USA,** )  
**JOSH SCHWERIN,** )

**FICTITIOUS DEFENDANTS: No. 1, whether singular or plural, the party that defamed, conspired to defame, knowingly funded false material or conspired to produce false material with the purpose of disseminating said material and whose actions caused the plaintiffs' injuries on the occasion made the basis of this suit; No. 2, whether singular or plural, the owner or owners and responsible party of the company used to defame, conspired to defame, knowingly fund false material or conspire to produce the false material with the purpose of disseminating said material and whose actions caused the plaintiffs' injuries on the occasion made the basis of this suit; No. 3, whether singular or plural, the person, firm or corporation who was responsible for the rental, sale, or lease of the advertisements who knew or should have known that same were false and defaming which made the basis of this suit; No. 4, whether singular or plural, the individual or individuals and/or that entity or those entities who or which provided oversight or quality control and allowed, certified, approved and/or permitted the defaming material to be produced, involved in the occurrence made the basis of this lawsuit; No. 5 whether singular or plural, that entity or those entities who or work in conjunction with the intent to defame and/or conspired to defame by editing or funding with knowledge that the advertisement were**

false or which a reasonably prudent person should have discovered were false involved in the occurrence made the basis of this complaint; No. 6, whether singular or plural, that entity or those entities who or which manufactured and/or distributed the defaming material involved in the occurrence made the basis of this lawsuit, or any of the component parts thereof; No. 7, whether singular or plural, that entity or those entities who or which were the master or principal of the agents of the producer and distributor of the defaming material involved in the occurrence made the basis of this lawsuit; No. 8, whether singular or plural, that entity or those entities for whom the source of the defaming material which was produced or distributed was performing some type of service or employment duty at the time; No. 9, whether singular or plural, that entity or those entities who or which negligently hired, produced, conspired to produce, distribute, conspired to distribute the defaming material involved in the occurrence made the basis of this lawsuit; No. 10, whether singular or plural, that entity or those entities on whose behalf the defaming material involved in the distribution made the basis of this lawsuit; No. 11, whether singular or plural, that entity or those entities who or which issued, or had a duty to issue, warnings or instructions regarding the use of the defaming material involved in the occurrence which made the basis of this lawsuit, any component part thereof, or any equipment used or available for use therewith; No. 12, whether singular or plural, that entity or those entities who or which inspected, approved, or issued any approval of any of the material knowing same was false or with the exercise of reasonable care could have discovered same were false involved in the occurrence made the basis of this lawsuit; No. 13, whether singular or plural, that entity or those entities who or which had supervisory authority relating to the operation, or to the selection, training and hiring of parties of any of the entities involved in the occurrence made the basis of this lawsuit; No. 14, whether singular or plural, that individual or entity or those entities who or which issued any funding which provided the occasion made in the basis of this lawsuit and who knew the funded material was false; No. 15, whether singular or plural, that entity or those entities other than those entities described above whose agents contributed to cause the occurrence made the basis of this lawsuit; No. 16, whether singular or plural, that entity or those entities other than those entities described above, which is the successor in interest

of any of those entities described above; No. 17, whether singular or plural, that entity or those entities other than those entities described above, which was the predecessor corporation of any of the entities described above; No. 18, whether singular or plural, the person, firm or corporation who was responsible for the use, distribution, or lease of the material which made the basis of this suit; No. 19, whether singular or plural, that entity or those entities other than those entities described above, which provided oversight, supervision, funding, or benefits to the party defendants in the actions made the basis of this Complaint; No. 20, whether singular or plural, that individual or entity or those entities other than those entities described above, who conspired to defame the Plaintiffs. Plaintiffs aver that the identities of the fictitious party defendants are otherwise unknown to Plaintiffs at this time, or if their names are known to Plaintiffs at this time, their identities as proper parties defendants are not known to Plaintiffs at this time, but their true names will be substituted by amendment when ascertained,

**Defendants.**

## **PLAINTIFFS' COMPLAINT**

### **PARTIES & VENUE**

1. Plaintiff, **Roy Moore**, is an individual over the age of nineteen (19) years and is a resident of the State of Alabama.

2. Plaintiff, **Kayla Moore**, is an individual over the age of nineteen (19) years and is a resident of the State of Alabama.

3. Defendant, **Adam Muhlendorf** (hereinafter referred to as "Mr. Muhlendorf"), is an individual over the age of nineteen (19) years and is, upon information and belief, a resident of Alabama.

4. Defendant, **Longleaf Strategies, Inc.** (hereinafter referred to as

“Longleaf Strategies”), is a domestic corporation with its principal place of business located in Montgomery, Alabama.

5. Defendant, **Edward Still** (hereinafter referred to as “Mr. Still”), is an individual over the age of nineteen (19) years and is, upon information and belief, a resident of Alabama.

6. Defendant, **Jim Margolis** (hereinafter referred to as “Mr. Margolis”), is an individual over the age of nineteen (19) years and has, upon information and belief, conducted business in the State of Alabama.

7. Defendant, **Highway 31 Super PAC** (hereinafter referred to as “Highway 31”), was a domestic corporation with its principal place of business located in the State of Alabama.

8. Defendant, **Waterfront Strategies** (hereinafter referred to as “Waterfront Strategies”), is an out-of-state corporation with its principal place of business in the District of Columbia that worked with Highway 31 and the other defendants.

9. Defendant, **Bully Pulpit Interactive** (hereinafter referred to as “Bully Pulpit”) is an out-of-state corporation with its principal place of business in the District of Columbia that worked with Highway 31 and the other defendants.

10. Defendant, **Priorities USA** (hereinafter referred to as “Priorities USA”) is an out-of-state corporation with its principal place of business in the District of Columbia that worked with Highway 31 and the other defendants.

11. Defendant, **Josh Schwerin** (hereinafter referred to as “Mr. Schwerin”), is an individual over the age of nineteen (19) years and has, upon information and belief, had minimum significant contact and conducted business in the State of Alabama and is, upon information and belief, a resident of the District of Columbia.

12. Fictitious Defendants, described above as numbers one (1) through twenty (20), are those persons or entities whose names will be substituted upon learning their true identities and liability.

### **FACTUAL BACKGROUND**

13. Plaintiff Roy Moore qualified for and in September 2017 won the Republican nomination for United States Senate. He campaigned for said Senate seat which was determined in a special election set for December 12th, 2017. This was the only race set for vote that day.

14. Doug Jones qualified as the Democratic candidate for United States Senate and was elected on December 12th, 2017.

15. The facts and allegations set out herein stem from that U.S. Senate race.

16. The Senate Majority PAC, which is a political action committee formed to raise resources in support of and in opposition to political candidates, did raise significant resources and, in fact, did funnel those resources to and through Highway 31.

17. Highway 31 began operation and filed a Statement of Organization

with the Federal Election Commission on November 6, 2017.<sup>1</sup>

18. Defendant Edward Still was the Treasurer and Registered Agent for service of process for Defendant Highway 31.

19. Following Highway 31's creation, it was stated to NBC News by Chris Hayden, spokesman for the Senate Majority PAC on December 26, 2017 some two (2) weeks after the election that "the group was the primary backer of the PAC called Highway 31, which spent more than \$4 million on hard-hitting advertising and mailings to help defeat Republican Roy Moore".<sup>2</sup>

20. After the election the Campaign Legal Center filed with the Federal Election Commission a complaint against Highway 31 and Edward Still alleging failure to timely report on its behalf presumptive expenditure guarantees to vendors by Senate Majority PAC and Priorities USA.

21. Hayden commenting on the PACs support of Highway 31 went on to say: "the Senate Majority PAC spent more than \$6 million in Alabama." That included: \$2 million on television and radio; \$2 million on a voter turnout operation...; \$1.5 million on digital advertising in partnership with Priorities USA; and \$700,000 on direct mailings. NBC News noted that "Priorities USA is another Democratic super PAC."<sup>3</sup>

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<sup>1</sup> Highway 31, Statement of Organization, FEC Form 1, at 1, 2 (filed 6, 2017), <http://docquery.fec.gov/pdf/522/201711069086611522/201711069086611522.pdf>

<sup>2</sup> <https://www.nbcnews.com/politics/elections/mysterious-democratic-funded-highway-31-super-pac-spent-4m-defeat-n832871>

<sup>3</sup> <https://www.nbcnews.com/politics/elections/mysterious-democratic-funded-highway-31-super-pac-spent-4m-defeat-n832871>

22. Thus, it is believed that the defamation was not limited to Television and Digital Campaigns, but also included radio ads and direct mailings of approximately \$700,000.

23. These entities collectively and/or individually, albeit while maintaining a conspiracy, did, in fact, purchase television airtime, fund digital campaigns (such as Social Media “boosted” posts, “banner ads”, etc.) and other commercial advertisements which defamed Roy Moore.

24. These advertisements were false, misleading and misrepresented statements and facts with the intent to mislead residents and misrepresent facts. As the Anniston Star recently stated: “The trove of shadowy Facebook ads that flooded our state last year during the special U.S. Senate election between Roy Moore and Doug Jones was a textbook case of outside, unnamed groups attempting to influence our election with misleading or false claims. Voters are either lied to, led to believe half-truths or considered too disinterested or poorly educated to see through the charade. We deserve better.” *Editorial: Misleading claims in an Alabama Election*, Anniston Star (May 29, 2018)

25. These advertisements included false content, which a reasonably prudent person knew or should have known to be false and the advertisements were so published with a reckless disregard as to their falsity.

26. It is believed that these advertisements were approved and or certified by named Defendants and/or Fictitious Defendants which discovery will solidify.



27. Defendants intentionally or recklessly failed to confirm the accuracy of the advertisement(s) before airing or allowing them to remain in public view.<sup>4</sup>

**FALSE ADS REGARDING NON-EXISTENT “MALL BAN”**

28. Some of the television advertisements were reported to the Alabama Secretary of State, John H. Merrill, in December 2017 by John Wahl, Vice-Chairman, of the 5th District Republican Party.

29. The reported advertisements were investigated by the Secretary of State and Defendants were notified that they were providing false and defaming information.

30. One of the ads attributed to Highway 31 made claims that Roy Moore was “banned” from the shopping mall in Gadsden, Alabama where Roy Moore was, at the time, a deputy district attorney. John Wahl notified, by official letter, TV stations across the state of the false and defamatory statements made in the advertisement.

31. Mr. Wahl was informed by the majority of the TV stations that they had started their review process with their legal departments. On December 6, 2017 he was informed that Highway 31 had decided to remove or pull the “shopping mall” advertisement from its rotation.

32. Pulling an ad before it can be legally reviewed by stations is a tactic

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<sup>4</sup> *New York Times Co. v. Sullivan*, 376 US 254, 261 (1964).

used by ad agencies to avoid scrutiny and to avoid a finding of the inappropriateness of the ad. The removal can and should be construed as an admission of inappropriate content.

33. Johnny Adams was employed by the Gadsden Mall for 26 years and was Operations Manager for 14 years overseeing mall security. He stated that: "In my 26 years working at Gadsden Mall, I never heard anything about Roy Moore being banned from the mall or any other mention of issues concerning him. As the Operations Manager overseeing mall security, I would have been aware of something like that."

34. Barnes Boyle, Former Manager of the Gadsden Mall (1981-1986) said: "To my knowledge, he (Moore) was not banned from the mall." <sup>5</sup>

35. Johnnie V. Sanders, employee of Gadsden Mall from late 70's to mid-2000's said in a statement: "As an employee of the Gadsden Mall for Morrison's Cafeteria Corporation from the late 1970's through the mid-2000's, I would like to put forth a statement in regard to the allegations against Judge Roy Moore. During my time at the Gadsden Mall, I formed many lifelong relationships including one with Barnes Boyle and his wife, Brenda. Barnes Boyle was manager of the Gadsden Mall and Brenda was my manager at Morrison's Cafeteria for many years. Because of this relationship, I was abreast on the latest situations that happened throughout the Gadsden Mall during that time period. There was a prominent man of Etowah County, whom is now deceased that was

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<sup>5</sup> <http://www.wbrc.com/clip/13905910/former-gadsden-mall-manager-says-roy-moore-wasnt-banned>

banned for reasons such as the allegations against Judge Moore. However, due to respect for the family, I decline to reveal his name. Despite allegations against other patrons of the mall, I never heard of Roy Moore's name come in conversation with any such misconduct against women or a supposed banning from the Gadsden Mall."

36. Jimmie Flanagan, a Gadsden Police Officer who patrolled the area during the time period represented in the Highway 31 ad, has provided an Affidavit attesting that Roy Moore was not banned from the mall and was not accused of any inappropriate acts.

37. Defendants refused to immediately remove defamatory ads and false and defaming material. This was reported to the public by the Secretary of State's Office and has been confirmed through several media outlets.

38. Despite knowing that the content was false or in reckless disregard thereof each one of these entities or individuals did in fact run advertisements that contained false and defaming material.

39. The extent of the falsity of the ads required the Alabama Secretary of State, John Merrill, to administratively order and direct that certain campaigns advertisements be removed from television and internet circulation. The Secretary of State's action constituted a finding of fact and an administrative order.

40. The mall-ban ad also falsely stated in intentional or reckless disregard for the truth that Judge Moore "was actually banned from the Gadsden

mall ... for soliciting sex from young girls.”

41. The “shopping mall” ad ran hundreds of times on network TV in Alabama during the two weeks before the election. Yet, by Monday, November 27, the day the ad began running, defendants had information available to them and known to them that the mall ban story was fictitious. A *New Yorker* article of November 13, cited in the shopping-mall ad, quoted a former Gadsden mall manager as saying that he did not recall Roy Moore being banned from the mall. The Barnes Boyle interview with WBRC (FOX-Birmingham), in which the former manager of the Gadsden Mall stated that to his knowledge Judge Moore “was not banned from the mall,” took place on November 16, 11 days before the shopping mall ad began running on TV.

42. Between November 16 and November 18, the Barnes Boyle interview on WBRC was widely reported in conservative media, including the *Washington Examiner*, *Breitbart News*, *The Gateway Pundit*, *Western Journalism Review*, *Daily Wire*, and *American Thinker*.

43. On November 20, the Moore campaign issued a press release that included the Barnes Boyle statement and also the statements of Johnny Adams and Johnnie V. Sanders that refuted the mall-ban story. AL.com ran a full story on those statements quoting them in full. See “Roy Moore campaign disputes reports he was banned from mall” (AL.com Nov. 20, 2017). Other media that ran this story on November 20 and 21 include the *Alabama Reporter*, *New American*, *The Blaze*, and *Talking Points Memo*.

44. Defendants intentionally ignored or recklessly disregarded those stories in crafting the shopping mall ad, which falsely stated that Judge Moore “was actually banned from the Gadsden mall.”

45. Furthermore, the statement in the shopping mall ad that Judge Moore was banned from the mall “for soliciting sex from young girls” was taken from a single website that did not identify its sources. Defendants recklessly relied on that statement as the theme of the shopping-mall ad despite the absence of any supporting facts in the rest of the ad or elsewhere.

#### **“DIGITAL CAMPAIGN” FALSE ADS**

46. One of the advertisements claimed that: “Your vote is public record and your community will know whether or not you helped stop Roy Moore.

47. Ads featured on digital platforms, to include Facebook, YouTube, in-game banners and other platforms, included a picture of Plaintiff Moore and the word “PEDOPHILE”.

48. One digital campaign featured video clips of a smiling young girl, video clips of the Plaintiff Moore and a female audio reading from a transcript that states: “If you don’t vote, then Roy Moore a child predator wins. Could you live with that? Your vote is public record and your community will know whether or not you helped stop Roy Moore. On Tuesday, December 12th, vote for Doug

Jones for Senate.”<sup>6</sup>

49. The false and defaming video contains text displayed on the screen as the audio is read and ends with a text statement of responsibility:

“Paid for by Highway 31 and not authorized by any candidate or candidates committee. [WWW.HIGHWAY31.COM](http://WWW.HIGHWAY31.COM)”

50. It is believed that this defaming video ran on YouTube and may have also run on the television airways.

51. Secretary of State, John Merrill’s response to the advertisements was that Highway 31 was misleading the public, and that “A voter’s appearance at the polls is recorded, but not their ballot choices.”

52. The Secretary of State, John Merrill, stated regarding this video in a post on the official state website:

“Reports from several sources indicate a targeted effort to misinform and confuse voters regarding whether an individuals' voting record would be available to the public. No individual voting record is made available to anyone at anytime, including the voter who cast the ballot.”<sup>7</sup>

53. Secretary Merrill made it extremely clear which false ad he was, among others, then addressing by posting an actual link within the statement to the defaming and false video. *To wit:*

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<sup>6</sup> The video is viewable at: <https://tinyurl.com/y7obeyzs>

<sup>7</sup>

<https://sos.alabama.gov/newsroom/secretary-state-john-h-merrill-provides-clarification-inaccurate-information-highway-31>

*“A link to a recorded copy of the ad as reported to the Secretary of State's Office is available below.*

*<https://tinyurl.com/y7obeyzs>*

*We have communicated with the individual(s) that created the video and have expressed to them the misinterpretations presented in this political commercial. Monday, the PAC responded to the Office and indicated they would not amend nor take out any of the information in the ad.”*

54. When Secretary of State John Merrill made an official finding of “misinterpretations” and misrepresentations, Highway 31 “indicated they would not amend nor take out any of the information in the ad.”

55. Secretary of State Merrill addressed the advertisements in an interview saying that there was a “targeted effort to misinform and confuse voters.”<sup>8</sup>

56. Secretary of State Merrill caused the digital ads to be removed by Google and YouTube when Highway 31 refused to take action.<sup>9</sup>

57. Adam Muhlendorf, a Highway 31 spokesman, in a statement on or about December 7, 2018 said that the PAC “was in contact with Google to ensure the ad runs through Election Day.”<sup>10</sup>

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<sup>8</sup><https://www.montgomeryadvertiser.com/story/news/politics/2017/12/05/anti-moore-voting-record-ad/924554001/>

<sup>9</sup><https://sos.alabama.gov/newsroom/secretary-state-john-h-merrill-provides-clarification-inaccurate-information-highway-31>

<sup>10</sup><https://www.montgomeryadvertiser.com/story/news/politics/2017/12/07/secretary-state-asks-google-remove-anti-moore-ad/932868001/> [and]

<https://sos.alabama.gov/newsroom/secretary-state-works-google-remove-misleading-highway-31-advertisement-internet>

58. On January 18, 2018, Highway 31 filed a 43-page year-end report that reflected \$3,194,000 in contributions from Senate Majority PAC.<sup>11</sup>

59. On January 19, 2018, Highway 31 filed a “termination report” which is similar to a corporate dissolution. The termination report was approved by the Federal Elections Commission on February 8, 2018.<sup>12</sup>

60. Waterfront Strategies received \$2,258,097 for their services to Highway 31, which included the advertising against Roy Moore, as indicated by the Federal Election Commission data released March 26, 2018.

61. Bully Pulpit received \$1,419,525 for their services to Highway 31 in the advertising against Roy Moore as indicated by the Federal Election Commission data released March 26, 2018.

62. Highway 31 reported independent expenditures of \$4,232,566 by December 12, 2017.<sup>13</sup>

63. Chris Hayden verified that Senate Majority PAC was Highway 31’s main financial support. Hayden a “spokesperson” for the Senate Majority PAC told the *Associated Press*, that “Yes, Senate Majority PAC was the contributor to

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<sup>11</sup> Highway 31, Year-End Report, FEC Form 3X, at 1 (filed January 19, 2018), <http://docquery.fec.gov/pdf/548/201801199090457548/201801199090457548.pdf>

<sup>12</sup> Highway 31, Termination Report , FEC Form 3X, at 1 (Filed January 19, 2018) <http://docquery.fec.gov/pdf/955/201801199090466955/201801199090466955.pdf>

<sup>13</sup> Highway 31, Year-End Report, FEC Form 3X, at 4, 43 (filed January 21, 2018) <http://docquery.fec.gov/pdf/779/201711309087675779/201711309087675779.pdf>



Highway 31.”<sup>14</sup>

64. Priorities USA holds itself out as a “voter-centric progressive advocacy organization and service center for the grassroots progressive movement.”<sup>15</sup>

65. Priorities USA is believed to be a 501(c)(4) organization recognized by the Internal Revenue Service (IRS).

66. Priorities USA is said to be a “sister PAC” to the Super PAC Priorities USA Action. It is believed in the first quarter alone of 2018 Defendant Priorities USA raised \$2.2 million dollars.<sup>16</sup>

67. Josh Schwerin holds himself out as the “Communications Director, Priorities USA”.<sup>17</sup>

68. Schwerin said spending in the campaign against Plaintiffs included “\$1.5 million on digital advertising in partnership with Priorities USA.”<sup>18</sup>

69. These digital ads were false and defaming and form the basis of the Plaintiffs’ cause of action.

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<sup>14</sup> Associated Press, Mysterious Democratic-funded ‘Highway 31’ super PAC spent \$4M to defeat Moore in Alabama, NBC News (Dec. 27, 2017), <https://www.nbcnews.com/politics/elections/mysterious-democratic-funded-highway-31-super-pac-spent-4m-defeat-n832871>. 11 Id. Notably, although both SMP and Priorities

<sup>15</sup> <https://priorities.org>

<sup>16</sup> <https://www.politico.com/story/2018/04/14/priorities-usa-fundraising-2018-523113>

<sup>17</sup> <https://www.linkedin.com/in/joshschwerin>

<sup>18</sup>

<http://abcnews.go.com/amp/Politics/wireStory/senate-majority-pac-backed-jones-winning-alabama-campaign-52011839>

70. Josh Schwerin, who in an ABC article is identified as “a spokesman for Priorities USA”, said “the group was proud to be a major contributor to Highway 31 and work with it on the digital campaign”.<sup>19</sup>

71. “Digital campaigns” are a contemporary means of marketing and may include, but are not limited to, “boosted Facebook ads”, “Instagram targeted ads”, “in game banner ads”, “Google Search banner ads”, “Facebook Messenger inbox ads” and other like digital impressions intended to convey information over a digital medium.

72. Schwerin said “the organization got [sic] involved early in the race in the traditionally red state because it believed Jones was a strong candidate.” He went on to say: “Hopefully this race can serve as a blueprint for campaigns in 2018.

73. Roy Moore individually was in fact damaged due to the defamation and publication of the false ads by the Defendants.

74. Not only did Roy Moore suffer a loss of reputation, but the people of the State of Alabama, to include the 650,432 Alabamians who voted for him, suffered a severe loss when he was not successful in his bid for U.S. Senate.

75. Roy Moore and his entire family suffered damages because of the

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<sup>19</sup> *Id*

publication of said defaming false material.

76. Roy and Kayla Moore suffered a loss of the right of consortium, including their marital interest in being able to peaceably appear in public places without suffering unwarranted humiliation. The emotional anguish suffered by both spouses from the false and defamatory attacks of the defendants impaired the enjoyment of their marriage and diminished their capacity to provide the customary love, companionship, affection, society, comfort, solace, and support they had experienced prior to the defamatory attacks. Those attacks lowered their standing in the community and caused them to experience disgrace, shame, ridicule, and contempt.

77. It is believed that \$43,764,291.55 was spent in advertisements opposing Plaintiff Roy Moore in his bid for U.S. Senate or bolstering his opponents.<sup>20 21</sup> Yet, Defendant Schwerin purported that “\$1.5 million” was spent in digital campaigns alone which were false and defaming.<sup>22</sup>

78. Judge Roy Moore for US Senate, the duly authorized principal campaign committee for Judge Moore, spent \$6,151,648 in support of Judge Moore’s candidacy.

79. Plaintiff Moore announced on April 26, 2017 his bid for the U.S.

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<sup>20</sup> <https://www.fec.gov/data/elections/senate/AL/2018/?tab=totals>

<sup>21</sup> <https://www.fec.gov/data/elections/senate/AL/2018/?tab=spending-by-others>

<sup>22</sup> *Id.*

Senate, with wife Kayla by his side and worked for seven (7) months and sixteen (16) days campaigning or a total of no less than two-hundred thirty (230) days. This time and the related efforts could have been spent in other ventures and due to the tortious, defaming and villainous actions of the Defendants was for naught and is therefore a damage.

80. Defendants did commit defamation, slander, libel, calumny, vilification and traducement, both individually and jointly through their the communication of a false statement or support of the communication of a false statement.

81. The Defendants are jointly and severally liable for said conduct and tortious actions.

82. As a proximate cause of the intentional or reckless actions of the defendants and/or Fictional Defendants, Plaintiffs Roy and Kayla Moore were injured, harmed and damaged as follows:

- (a) Roy and Kayla Moore suffered damage to their reputations;
- (b) Judge Moore was unduly brought into “public contempt”;<sup>23</sup>
- (c) He was unsuccessful in his bid for U.S. Senate seat notwithstanding significant investments of time, resources and personal commitment;
- (d) Roy and Kayla Moore suffered financial damages in the form of lost wages and opportunities;
- (e) Roy Moore’s likelihood of holding a future political office has been damaged, thus decreasing his potential for future employment;

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<sup>23</sup> *New York Times Co. v. Sullivan*, 376 US 254 - Supreme Court 1964 at 263

- (f) Roy Moore has suffered actual pecuniary loss;
- (g) Roy and Kayla Moore suffered undue mental and emotional anguish;
- (h) Roy and Kayla Moore suffered a loss of the right of consortium, as detailed above, for which they are entitled to compensation;
- (i) Other damages have been suffered for which compensatory damages are due;
- (j) Punitive damages are due.

### **COUNT ONE - WANTONNESS**

83. Plaintiffs re-allege all preceding paragraphs of the Complaint as if fully set forth herein.

84. At the aforesaid times and manners, Defendants wantonly and recklessly produced, funded and disseminated the defaming material throughout the State of Alabama using TV, Social Media and other Media outlets, as aforesaid.

85. Defendants made the conscious decision to produce defamatory statements that were both false and misleading about Roy Moore with total disregard for the truth or innocence of others.

86. As a proximate consequence of the wantonness and/or recklessness of the Defendants and/or fictitious defendants, Plaintiffs were injured and damaged as set forth above, herein.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs demand judgment

against Defendants and Fictitious Party Defendants listed and described in the caption hereinabove, for general and compensatory damages, together with interest from the date of the injury plus the costs of this action. Further, Plaintiffs request that the jury selected to hear this case render a verdict for Plaintiffs and against each Defendant, and that it award punitive damages to Plaintiffs in an amount which will adequately reflect the enormity of the Defendants' wrongful acts and/or omissions and which will effectively prevent other similar wrongful acts/omissions.

**COUNT TWO – DEFAMATION (LIBEL/SLANDER)**

87. Plaintiffs re-allege all preceding paragraphs of this Complaint as if fully set forth herein.

88. At the time and place of the incidents made the basis of this suit, Defendants did publish, fund or allowed to be published, statements with actual malice or reckless disregard as to their veracity. The Defendants intentionally made these false statements with actual malice that harmed Plaintiffs Roy and Kayla Moore's reputations or made them in reckless disregard of their falsity. Said conduct was a proximate cause of the Plaintiffs' injuries and damages described above, herein. The defamation by the Defendants lowered the reputation of Roy and Kayla Moore in the eyes of the general public.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs demand judgment

against Defendants and Fictitious Party Defendants listed and described in the caption hereinabove, for general and compensatory damages, together with interest from the date of the injury plus the costs of this action. Further, Plaintiffs request that the jury selected to hear this case render a verdict for Plaintiffs and against each Defendant, and that it award punitive damages to Plaintiffs in an amount which will adequately reflect the enormity of the Defendants' wrongful acts and/or omissions and which will effectively prevent other similar wrongful acts/omissions.

**COUNT THREE – INTENTIONAL INFLICTION OF EMOTIONAL  
DISTRESS**

89. Plaintiffs re-allege all preceding paragraphs of this Complaint as if fully set forth herein.

90. At the aforesaid time and place, and for some time prior Defendants thereto, with the intent to cause damage to Roy and Kayla Moore, did intentionally produce, fund and disseminate false and defamatory material to cause damage to the reputation and character of Roy and Kayla Moore. Aforesaid acts were done with the intent of causing extreme emotional distress and injury to Roy and Kayla Moore. Said intentional conduct was a proximate cause of the Plaintiffs' injuries and damages described above, herein.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs demand judgment against Defendants and Fictitious Party Defendants listed and described in the caption hereinabove, for general and compensatory damages, together with interest from the date of the injury plus the costs of this action. Further, Plaintiffs request that the jury selected to hear this case render a verdict for Plaintiffs and against each Defendant, and that it award punitive damages to Plaintiffs in an amount which will adequately reflect the enormity of the Defendants' wrongful acts and/or omissions and which will effectively prevent other similar wrongful acts/omissions.

#### **COUNT FOUR – LOSS OF CONSORTIUM**

91. Plaintiffs re-allege all preceding paragraphs of this Complaint as if fully set forth herein.


92. At the aforesaid time and place, and for some time prior Defendants thereto, with the intent to cause damage to Roy and Kayla Moore, did intentionally produce, fund and disseminate false and defamatory material to cause damage to the reputation and character of Roy and Kayla Moore. Those acts caused a loss of consortium for Plaintiffs Kayla Moore and Roy Moore. Aforesaid acts were done with the intent of causing injury to Roy and Kayla Moore. Said intentional conduct was a proximate cause of the Plaintiffs' injuries and damages described above, herein.



WHEREFORE, PREMISES CONSIDERED, Plaintiffs demand judgment against Defendants and Fictitious Party Defendants listed and described in the caption hereinabove, for general and compensatory damages, together with interest from the date of the injury plus the costs of this action. Further, Plaintiffs request that the jury selected to hear this case render a verdict for Plaintiffs and against each Defendant, and that it award punitive damages to Plaintiffs in an amount which will adequately reflect the enormity of the Defendants' wrongful acts and/or omissions and which will effectively prevent other similar wrongful acts/omissions.

Done this 25th day of July, 2018.

Respectfully submitted,



/s/ Trenton Rogers Garmon  
Trenton Rogers Garmon (GAR093)  
trent@garmonlawfirm.com

/s/ Jeremy Richards  
Jeremy Richards (RIC114)  
jeremy.richards@garmonlawfirm.com

**Of Counsel:**

Garmon & Liddon, LLC  
Offices: Birmingham & Gadsden  
750 Forrest Avenue  
Gadsden, Alabama 35901  
Telephone: 877-717-5342  
Facsimile: 205-588-0057

/s/ Melissa Isaak  
Melissa Isaak (ISA007)  
melissa@protectingmen.com

**Of Counsel:**

The Isaak Law Firm  
Offices: Montgomery, Troy & Enterprise  
2815 B Zelda Road  
Montgomery, AL 36106  
Telephone: 334-262-8200

**CERTIFICATE OF SERVICE**

I certify that I have served a copy of the foregoing upon all parties hereto via AlaFile, U.S. first class mail with postage prepaid, e-mail or facsimile transmission.

/s/ Trenton Rogers Garmon  
TRENTON ROGERS GARMON