



IN THE SUPERIOR COURT FOR THE STATE OF DELAWARE

CANDACE OWENS, in her
individual capacity, and
CANDACE OWENS, LLC,
a Delaware limited liability company,

Plaintiffs,

v.

LEAD STORIES, LLC, a Colorado
limited liability company, and
GANNETT SATELLITE
INFORMATION NETWORK, LLC
d/b/a USA TODAY, a Delaware limited
liability company,

Defendants.

C.A. No. _____

JURY TRIAL DEMANDED

COMPLAINT

NOW COMES Plaintiffs Candace Owens and Candace Owens, LLC (“Plaintiffs”), by and through counsel, and states their Complaint against Defendants Lead Stories, LLC (“Lead Stories”) and Gannett Satellite Information Network, LLC d/b/a USA TODAY (“USA TODAY”) (collectively, the “Defendants”) as follows:

INTRODUCTION

1. This action arises from the Defendants' malicious publication of false "fact check" articles charging Plaintiffs with spreading misinformation about the Covid-19 pandemic on the internet in "an attempt to downplay the severity" of the pandemic.

2. The Defendants wrongfully leveraged their power as Facebook Third-Party Fact-Checking partners to place false or misleading information warning labels on Plaintiffs' posts for the purpose of redirecting web traffic away from Plaintiffs and directing it to their respective websites. By such a scheme, the Defendants sought to increase their number of clicks and advertising revenue by commandeering Plaintiffs' large Facebook following, enhance their status on the internet, and enhance their relationship with Facebook as Third-Party Fact-Checking partners.

3. The content published by Plaintiffs, alleged below, is not "obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable" within the meaning of Section 230 of the Communications Decency Act ("Section 230"), and the Defendants and Facebook did not censor Plaintiffs' content in good faith.

4. Defendants' Third-Party Fact-Checking agreement with Facebook is void against public policy because it allows Defendants to censor speech that does not fall within the specific categories of content enumerated in Section 230.

PARTIES

Candace Owens

5. Plaintiff Candace Owens is a citizen and domiciliary of the District of Columbia.

6. Candace Owens is a highly-regarded, free-thinking and popular African-American conservative commentator who offers her opinion on a variety of political issues.

7. For example, Candace recently authored a book entitled “Blackout,” which argues that liberal policies and ideals are actually harmful to Black Americans and hinders their ability to rise above poverty, live independent and successful lives, and be an active part of the American Dream.¹

8. Similarly, in 2018, Candace started a movement known as “Blexit,” which is a term used to describe and encourage the Black exit from the Democratic party in favor of the Republican party.

9. Between 2017 and 2019, Candace served as communications director for Turning Point USA, a conservative, pro-President Trump non-profit organization.

¹ See <https://www.simonandschuster.com/books/Blackout/Candace-Owens/9781982133276> (last visited Aug. 20, 2020).

10. In 2019, Candace married George Farmer, the son of a British Conservative Party peer Lord Michael Farmer, and their wedding was held at the Trump Winery in Virginia and attended by Brexit Party leader Nigel Farage.

11. Candace has her own podcast program called “The Candace Owens Show” on PragerU, a nonprofit organization whose stated mission is “[t]o promote what is true, what is excellent, and what is noble through digital media.”²

12. Candace is a prominent social media star. She maintains, through her company, Candace Owens, LLC, a popular Facebook page, which has well over 4 million active followers (the “Facebook Page”).³

13. Upon information and belief, prior to the publication of the Defendants’ articles (alleged below), the Facebook Page was not in danger of being suspended by or banned from Facebook.

14. Candace also maintains, through Candace Owens, LLC, a popular Twitter account, which has approximately 2.6 million followers.⁴

² The Court can view her program page at <https://www.prageru.com/series/candace/> (last visited Aug. 25, 2020).

³ Candace’s Facebook Page can be viewed by the Court at https://www.facebook.com/realCandaceOwens/?ref=page_internal (last visited August 20, 2020).

⁴ Candace’s Twitter account can be viewed by the Court at <https://twitter.com/RealCandaceO> (last visited August 20, 2020) (the “Twitter Account”).

15. Candace’s popular social media posts reveal her opinions on the state of Black America, the Democratic and Republican Parties, and her support for President Donald Trump.

16. But her popularity does not come without opposition. Facebook employees, motivated by hostility towards Candace’s conservative political viewpoint and open support of President Trump, have maliciously and falsely labeled her a “Hate Agent” and actively attempt to limit her use of Facebook’s platform.⁵

17. Nevertheless, Candace takes pride in her social media posts and is often a last bastion for truth in an online world of misinformation. Candace is popular and economically successful in her trade as a political commentator because her posts are meticulously researched, carefully argued, and strive to be accurate and truthful. Her followers recognize her as a champion of truth and continue to follow her because she is truthful and courageous in her social media posts.

⁵ See Chris Enloe, *Report: Facebook tracks list of ‘hate agents’ that includes Candace Owens*, The Blaze (May 20, 2019), <https://www.theblaze.com/news/facebook-hate-agents-candace-owens>.

Candace Owens, LLC

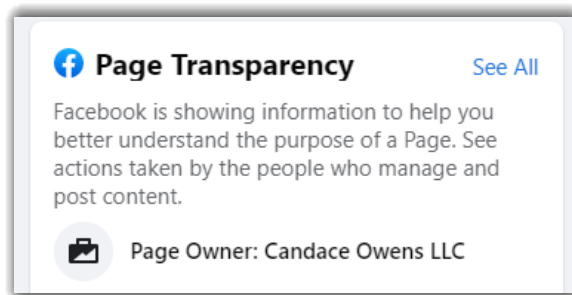
18. Plaintiff Candace Owens, LLC is a limited liability company existing under the laws of the State of Delaware. Candace Owens, LLC is citizen and domiciliary of the State of Delaware.

19. Candace Owens, LLC is a pass-through entity that is named after Candace and solely controlled and managed by Candace.

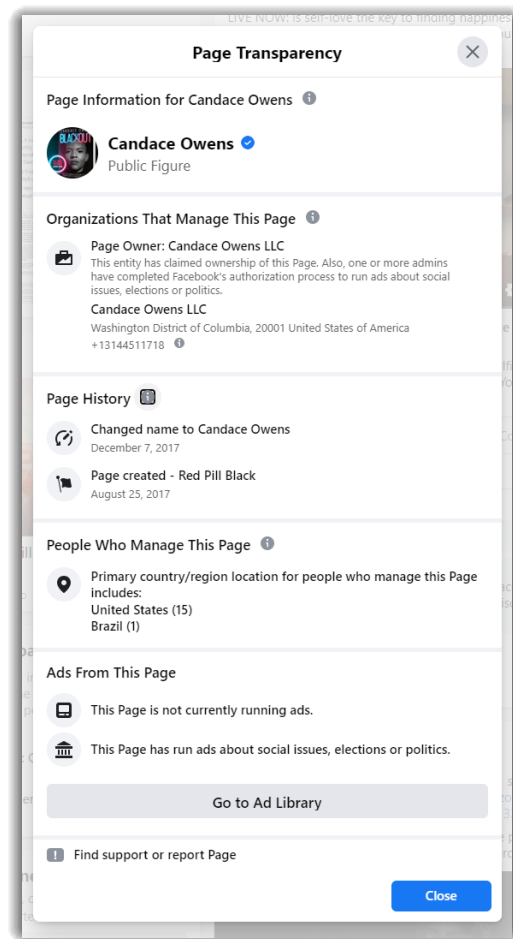
20. Candace Owens, LLC is the legal entity used by Candace Owens to, among other things, operate and manage Candace’s popular social media accounts, including the Facebook Page.

21. Candace Owens, LLC is named after Candace, and Candace has primary control over the management of Candace Owens, LLC.

22. In fact, Facebook shows, under a “Page Transparency” window, to all Facebook users who access Candace’s Facebook Page that it is Candace Owens, LLC who is the “Page Owner” of Candace’s Facebook Page, as depicted in the below screenshot:



23. In a more detailed Page Transparency view, a screenshot of which was taken on September 14, 2020 and attached below for the Court’s convenience, Facebook indicates that the name of the page is “Candace Owens.” Moreover, the same detailed Page Transparency view shows that Facebook banned Candace Owens, LLC from running ads and deriving revenue from the Facebook platform—it states that “This Page is Not Currently Running Ads”:



24. Candace herself writes the content that is published on the social media accounts managed by Candace Owens, LLC.

25. Candace Owens, LLC derives significant revenue from its posts on various social media websites, including Facebook, through advertising.

26. Candace Owens, LLC has a contract with Facebook that allows Candace Owens, LLC to publish content on Facebook. In return, the contract provides that Candace Owens, LLC will be compensated by Facebook and its network of advertisers.

27. On June 22, 2020, Facebook demonetized Candace Owens, LLC, suspending its ability to derive revenue from Facebook.

28. As a proximate consequence of Defendants' actions as alleged herein, and to the date of filing this Complaint, Candace Owens, LLC remains demonetized and unable to derive revenue from Facebook.

Lead Stories, LLC

29. Defendant Lead Stories, LLC is a foreign limited liability company existing under the laws of the State of Colorado. Lead Stories, LLC is a citizen and domiciliary of the State of Colorado, with its principal place of business being located at 31 N. Tejon St., Ste. 405, Colorado Springs, Colorado 80903. Lead Stories may be served by delivery of a copy of the summons and complaint to its duly-appointed registered agent, Sanders Law Firm, 31 N. Tejon St., Ste. 400, Colorado Springs, Colorado 80903, in accordance with the provisions of 10 Del. Code § 3101, et seq. and Del R. Super. Ct. R. Civ. P. 4.

30. Lead Stories has its own independent website at LeadStories.com, which is where it publishes its “fact check” articles. The Court can view Lead Stories’ website at <https://leadstories.com/> (last visited Sep. 11, 2020).

31. Lead Stories is a “Facebook Third-Party Fact-Checking Partner” as it is defined by Facebook.⁶

32. Upon information and belief, Lead Stories is paid by Facebook to publish a certain amount of “fact check” articles that analyze whether certain Facebook posts contain truthful information or not.

33. Lead Stories is a signatory to the International Fact Checking Network (“IFCN”), which is a unit of the Poynter Institute of Media Studies that promulgates a “code of principles” to promote “excellence in fact-checking.”⁷

34. One of the co-founders of Lead Stories is Alan Duke, who was a former editor of the Cable News Network (“CNN”) for 26 years. CNN is an organization with a provable political and journalistic bias in favor of the Democratic party over the Republican party.

35. Ryan Cooper, who was Lead Stories’ reporter who wrote the April 1 Article (as alleged later in this Complaint), formerly worked for CNN for more than

⁶ See <https://www.facebook.com/journalismproject/programs/third-party-fact-checking> (last visited Aug. 26, 2020).

⁷ See <https://ifcncodeofprinciples.poynter.org/> (last visited August 21, 2020).

22 years and has written a thesis on the “impact of fake news and disinformation on the 2016 U.S. presidential election,” which attacks the legitimacy of the Trump presidency.⁸

Gannett Satellite Information Network, LLC d/b/a USA TODAY

36. Defendant Gannett Satellite Information Network, LLC d/b/a USA TODAY (“USA TODAY”) is a limited liability company existing under the laws of the State of Delaware with its principal place of business being located at 7950 Jones Branch Drive, McLean, Virginia 22107. USA TODAY is a citizen of the State of Delaware and the State of Virginia. USA TODAY may be served by delivery of a copy of the summons and complaint to its duly-appointed registered agent, The Corporation Trust Company, Corporation Trust Center 1209 Orange Street, Wilmington, Delaware 19801.

37. USA TODAY publishes a popular online and print newspaper throughout the United States that is viewed by millions of people every day. USA TODAY has its own website at www.usatoday.com, which is where it publishes its “fact check” articles, as well as its other articles.

⁸ See <https://leadstories.com/ryan-cooper.html> (last visited Sep. 11, 2020).

38. USA TODAY is a member and “partner” of Facebook’s Third-Party Fact-Checking Program as it is defined by Facebook.⁹ In this way, USA TODAY has an agreement with Facebook to publish fact-check articles on various Facebook and other internet posts.

39. Upon information and belief, USA TODAY is paid by Facebook, and possibly others, to publish a certain amount of “fact check” articles that analyze whether certain Facebook posts contain truthful information or not.

JURISDICTION

40. The preceding paragraphs are hereby realleged as if fully restated herein.

41. This Court has subject matter jurisdiction over this action as the state court of general jurisdiction pursuant to 10 Del Code § 541.

42. This Court has personal jurisdiction over Defendant Gannett Satellite Information Network, LLC d/b/a USA TODAY because it is a Delaware citizen.

⁹ See <https://www.usatoday.com/story/news/pr/2020/03/12/usa-today-expands-its-fact-checking-efforts-new-partnership-facebook-identify-misinformation/5032239002/> (last visited Oct. 8, 2020); <https://www.facebook.com/journalismproject/programs/third-party-fact-checking> (last visited Aug. 26, 2020).

43. This Court has personal jurisdiction over nonresident Defendant Lead Stories, LLC pursuant to 10 Del. Code § 3104 and the minimum contacts due process requirements of the Constitution.

44. Lead Stories regularly contracts to supply fact-checking services to Facebook, which operates extensively in this State. By the same token, Lead Stories regularly engages in a persistent course of conduct in Delaware and derives substantial revenue from Delaware by providing fact-checking services to Delaware citizens through its website and through Facebook.

45. Lead Stories regularly circulates its articles in Delaware through Facebook and the internet, and Delaware citizens regularly interact with Lead Stories' articles through Facebook and the internet.

46. Lead Stories targeted a citizen of Delaware and caused reputational injury to be suffered in Delaware to a citizen of Delaware. In order to profit from redirecting Candace's visitors, and to further its policy preferences and mute those it opposes, Lead Stories purposely and with malice targeted Candace personally and Candace Owens, LLC by tortiously interfering with Candace and Candace Owens, LLC's contractual relationship with Facebook and her and the LLC's prospective business relationships that stemmed from her successful and widely read Facebook posts and blog posts.

47. Through the use of the internet and its network, Lead Stories caused tortious injury to be suffered inside Delaware by an act outside of Delaware.

48. Lead Stories caused tortious injury in Delaware to a citizen of Delaware, including by publication and injury in Delaware.

49. Plaintiffs' causes of action against Lead Stories arise from or relate to Lead Stories' contacts with Delaware, specifically with its targeting of Candace Owens, LLC, a Delaware corporation, thereby invoking specific personal jurisdiction.

50. Lead Stories' website, www.leadstories.com, is an interactive website. It allows and encourages users, including users who are citizens of Delaware, to engage with the articles posted thereon through the use of sharing links. By encouraging this sharing of links, Lead Stories seeks and obtains profitable relationships with citizens of Delaware.

51. Lead Stories' website contains and promotes numerous advertisements, links, banners, and other marketing devices that encourage its readers, including citizens of Delaware, to engage with and make purchases from Lead Stories' supporters and advertisers. On information and belief, it is alleged that Lead Stories is compensated for that advertising and marketing, and that these payments increase or rely on visitors who view the entire advertisement, or "click" on the offer or enticement, or make actual purchases from Lead Stories' advertisers and supporters.

FACTUAL BACKGROUND

52. The preceding paragraphs are hereby realleged as if fully restated herein.

Relevant Social Media Posts

The First Facebook Post

53. On March 29, 2020, Candace published a post via her Facebook Page that outlined facts and her opinion surrounding the method U.S. government officials were using to count the Covid-19 pandemic death toll (the “First Facebook Post”). Mirroring an argument that has been made in numerous publications by numerous commentators and expert analysts, Candace’s First Facebook Post argued that government measures of cause-of-death overstated the extent and danger of the Covid-19 pandemic.

Important information for everyone to know about #coronavirus. Obesity is the number 1 killer in America. Right now, they are giving everyone who dies a Covid-19 lab test. If people die from heart disease, but were asymptomatic carriers of Covid-19, their deaths are counted toward the total. Same with other viruses and illnesses. I am an asthmatic. If I die from an asthma attack today, and it is determined that I have Covid-19 in my system at the time of death, my death counts as “complications from coronavirus,” even if I never had any symptoms. They are trying desperately to get the numbers they need to justify this pandemic response.

Candace did not simply make an unsupported assertion that government officials were overstating Covid-19 fatalities. Her post cites to a research paper establishing this contention and described her personal research efforts on this topic and enlisted her readers' assistance in continuing her research project. Indeed, the Facebook Post continued:

Below is an article that explains how they are manipulating deaths. I spent all day today trying to look up daily death rates for any other diseases. You can't get it anywhere. They are reporting ONLY on coronavirus deaths. I suspect if we begin to demand the daily death toll numbers for heart disease, we will observe a deep decline. I am most interested in NYC overall deaths for this past month (Not just from Covid-19). If anyone knows where we can get this information, please let me know. They seem to be locking it down. If they can tell us how many people are dying from coronavirus daily— why can't they tell us how many people are dying otherwise?

Far from constituting a “false” posting, which is how Lead Stories would describe it, Plaintiffs' post was thoughtful, sourced, researched, and clearly furthered the important discussion of the most significant ongoing national crisis in decades.¹⁰ A true and correct copy of the Facebook Post is attached as *Exhibit A*.

54. Candace's First Facebook Post is true or substantially true.

¹⁰ The First Facebook Post is still online and can be viewed by the Court at <https://www.facebook.com/realCandaceOwens/posts/3598900840181091> (last visited August 25, 2020).

55. Candace’s First Facebook Post linked and referenced an article written by Dr. John Lee. Dr. Lee is a noted medical authority. He is a former professor of pathology and is a consultant pathologist with the National Health Service.¹¹ A true and correct copy of this article is attached as *Exhibit B*.

56. Dr. Lee’s article confirms that Candace’s First Facebook Post is accurate. Dr. Lee, consistent with the factual basis for Candace’s First Facebook Post, explains that, in general, the cause of death (here referencing the U.K. and respiratory infections) is not always recorded in a way that the public might expect. (Upon information and belief, the reporting criteria for cause of death are international: thus, the standards to be followed in the U.K. mirror those in the U.S.). Instead, specific causes of death by respiratory infection is not recorded unless the illness constitutes a “notifiable disease.” For respiratory illnesses, these diseases are “rare.”

But there’s another, potentially even more serious problem: the way that deaths are recorded. If someone dies of a respiratory infection in the UK, the specific cause of the infection is not usually recorded, unless the illness is a rare ‘notifiable disease.’ So the vast majority of respiratory deaths in the UK are recorded as bronchopneumonia, pneumonia, old age or a similar designation. We don’t really test for flu, or other seasonal

¹¹ Dr. Lee’s article is still online and can be viewed by the Court at <https://www.spectator.co.uk/article/The-evidence-on-Covid-19-is-not-as-clear-as-we-think?fbclid=IwAR2H45UElxXClpP4T1stxhKPCuGp0HgWb6SZ5cyBhMtJvn64p8fHJCZ0rXY> (last visited August 20, 2020).

infections. If the patient has, say, cancer, motor neurone (sic) disease or another serious disease, this will be recorded as the cause of death, even if the final illness was a respiratory infection. This means UK certifications normally under-record deaths due to respiratory infections.

Thus, explains Dr. Lee, the actual cause of death is not always listed as the reported cause of death. Then Dr. Lee takes his general point and applies it specifically to the problem of deaths from Covid-19. He points out that Covid-19 has been listed as a “notifiable disease.”

Now look at what has happened since the emergence of Covid-19. The list of notifiable diseases has been updated. This list — as well as containing smallpox (which has been extinct for many years) and conditions such as anthrax, brucellosis, plague and rabies (which most UK doctors will never see in their entire careers) — has now been amended to include Covid-19. But not flu. That means every positive test for Covid-19 must be notified, in a way that it just would not be for flu or most other infections.

This is important. Dr. Lee, an international expert and NHS consulting pathologist, explains precisely why Covid-19 would be potentially overstated as the cause of death. Covid-19 is listed, and therefore deaths from that disease will be “notified” or reported in a way that deaths from other, common respiratory diseases and maladies will not. The result, as Dr. Lee explains below, is that Covid-19 deaths will be reported and recorded in a way that deaths from other infections are not.

In the current climate, anyone with a positive test for Covid-19 will certainly be known to clinical staff looking

after them: if any of these patients dies, staff will have to record the Covid-19 designation on the death certificate — contrary to usual practice for most infections of this kind. There is a big difference between Covid-19 causing death, and Covid-19 being found in someone who died of other causes. Making Covid-19 notifiable might give the appearance of it causing increasing numbers of deaths, whether this is true or not. It might appear far more of a killer than flu, simply because of the way deaths are recorded.

As Dr. Lee explains, the method of reporting cause of death might make Covid-19 “appear far more of a killer than the flu, simply because of the way deaths are recorded.” Finally, Dr. Lee ties his explanation to public policy.

If we take drastic measures to reduce the incidence of Covid-19, it follows that the deaths will also go down. We risk being convinced that we have averted something that was never really going to be as severe as we feared. This unusual way of reporting Covid-19 deaths explains the clear finding that most of its victims have underlying conditions — and would normally be susceptible to other seasonal viruses, which are virtually never recorded as a specific cause of death.

It is this aberration, this “unusual way of reporting Covid-19 deaths,” that explains the “clear finding” that “most of its victims have underlying conditions.” This point is not contestable. It is a “clear finding,” one which Cadence Owens repeats and reports on to her vast network on Facebook. This “clear finding” in the expert view of the medical doctor is what the inexperienced journalist at Lead Stories terms “false” and a “hoax.”

57. Multiple credible United States officials, including Dr. Deborah Birx, a world-renowned global health official whose three-decade-long career has focused on HIV/AIDS immunology, vaccine research, and global health, and who is a prominent member of the White House Coronavirus Task Force, have likewise confirmed that the factual basis for Candace's First Facebook Post is true. On April 7, 2020, during a White House coronavirus press conference, Dr. Birx stated unequivocally:

There are other countries that if you had a preexisting condition and let's say the virus caused you to go to the ICU and then have a heart or kidney problem some countries are recording as a heart issue or a kidney issue and not a COVID-19 death. Right now we are still recording it and we will I mean the great thing about having forms that come in and a form that has the ability to market as COVID-19 infection the intent is right now that those if someone dies with COVID-19 we are counting that as a COVID-19 death.

There is no doubt from Dr. Birx's statement that, in America, if a person dies while testing positive for Covid-19, that person is counted as a Covid-19 death, even if something else caused that person's death.¹²

¹² See Tim Hains, *Dr. Birx: Unlike Some Countries, "If Someone Dies With COVID-19 We Are Counting That As A COVID-19 Death."* Real Clear Politics (April 8, 2020), https://www.realclearpolitics.com/video/2020/04/08/dr_birx_unlike_some_countries_if_someone_dies_with_covid-19_we_are_counting_that_as_a_covid-19_death.html (last visited Aug. 25, 2020).

58. Likewise, Dr. Ngozi Ezike, the Director of Public Health in Illinois, has confirmed this method of counting the death toll:

If you were in hospice and had already been given a few weeks to live, and then you also were found to have COVID, that would be counted as a COVID death. It means technically even if you died of a clear alternate cause, but you had COVID at the same time, it's still listed as a COVID death. So, everyone who's listed as a COVID death doesn't mean that that was the cause of the death, but they had COVID at the time of the death.¹³

59. Candace also published several tweets outlining how the U.S. government was counting Covid-19 deaths. For example, on March 29, 2020, Candace tweeted:

The number one killer in America is Heart disease. 1,002 people a day. Did you know that if you die from heart disease right now, and they determine you to be an asymptomatic carrier of Covid-19 in your post-Mortem (sic), they legally add your death to the #Coronavirus death toll?

This tweet is still available online and can be viewed by the Court at <https://twitter.com/RealCandaceO/status/1244380921329070081> (last visited August 21, 2020). This tweet was incorporated into Candace's First Facebook Post.

¹³ See Lauren Melendez, *IDPH Director explains how Covid deaths are classified*, Week.com (April 20, 2020), <https://week.com/2020/04/20/idph-director-explains-how-covid-deaths-are-classified/>.

60. Far from being “false,” or constituting a “hoax,” Candace’s First Facebook Post and the recordation of cause of death were carefully researched, cited leading medical experts, and were consistent with the views of leading medical authorities.

The Second Facebook Post

61. On April 28, 2020, Candace published a post via her Facebook Page that questioned the relationship between and the counting of flu deaths and Covid-19 deaths in early 2020 (the “Second Facebook Post”). The Second Facebook Post stated:

According to CDC reports—2020 is working out to be the lowest flu death season of the decade. 20,000 flu deaths took place before Covid-19 in January, and then only 4,000 deaths thereafter. To give you context: 80,000 Americans died of the flu in 2019.

The Second Facebook Post incorporated the text of a tweet published by Candace on her Twitter account that stated:

Possibly the greatest trade deal ever inked was between the flu virus and #coronavirus. So glad nobody is dying of the flu anymore, and therefore the CDC has abruptly decided to stop calculating flu deaths altogether. Agreements between viruses are the way of the future!¹⁴

¹⁴ The Second Facebook Post is still online and can be viewed by the Court at <https://www.facebook.com/realCandaceOwens/posts/3701928399878334> (last visited Oct. 8, 2020).

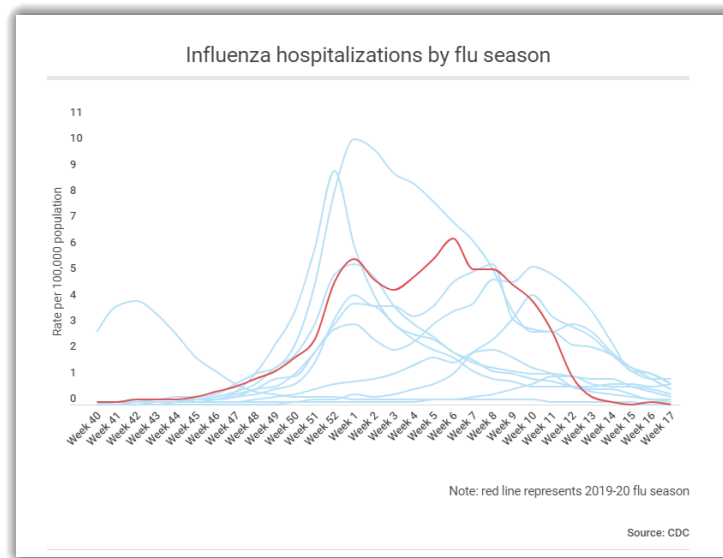
A true and correct copy of the Second Facebook Post is attached to this Complaint and hereby incorporated by reference as *Exhibit C*.

62. The Second Facebook Post communicates Candace’s opinion and was not interpreted by reasonable readers to convey actual statements of fact. To the extent that readers read the Second Facebook Post to convey statements of fact, those statements are true or substantially true.

63. Candace’s Second Facebook Post utilizes hyperbolic sarcasm—a literary technique—to pointedly highlight and question how immense public attention was being given to the Covid-19 pandemic and very little attention being given to regular flu deaths in early 2020.

64. The essence of the Second Facebook Post is to highlight the idea that the public could be giving undue attention to the Covid-19 pandemic and not to other diseases, such as the flu. Indeed, a chart produced by the Centers for Disease Control (“CDC”) shows that the 2019-2020 season of flu deaths was one of the most abrupt reduction in deaths on record, which tends to prove that public attention shifted away from flu deaths in early 2020 when the Covid-19 pandemic hit:¹⁵

¹⁵ <https://www.advisory.com/daily-briefing/2020/05/05/flu-update> (last visited Oct. 15, 2020).



65. The purpose of Candace’s Second Facebook Post was not to republish actual statistics but to raise an issue in an ongoing debate surrounding Covid-19. The purpose of the Second Facebook Post was to highlight an issue in the public perception of the Covid-19 pandemic. In this way, the Second Facebook Post reads more like a critique of the media response to the Covid-19 pandemic than it does a statistical exposé of the amount of flu deaths in recent years.

66. As alleged later in this Complaint, USA TODAY published an article “fact checking” the Second Facebook Post. USA TODAY should have known, like any reasonable reader would know, that Candace’s Second Facebook Post was not capable of being fact checked because the post was merely being sarcastic about the difference between flu deaths and Covid-19 deaths.

67. As a result of USA TODAY's article, alleged later in this Complaint, Facebook placed a false information warning label upon Candace's Second Facebook Post that blocks its viewability to readers, as depicted below:



68. Candace's Second Facebook Post was "fact checked" by USA TODAY because it desired to publish its own weblink on her Second Facebook Post, hijacking her large following to obtain clicks and views on USA TODAY's own article.

69. Candace has also published several other social media posts about the Covid-19 pandemic that are not the subject of this action.

Lead Stories Published False Statements About the Plaintiffs

70. On April 1, 2020, Lead Stories published an article written by its reporter Ryan Cooper with the headline, “Fact Check: COVID-19 NOT Being Blamed For Deaths Primarily Due To Unrelated Causes” (the “April 1 Article”).¹⁶ A true and correct copy of the April 1 Article is attached as *Exhibit D* and is hereby incorporated by reference in its entirety.

71. Data sourced from Facebook’s Crowdtangle web tool shows that the April 1 Article was interacted with over 2,600 times on Facebook.

72. Lead Stories republished its April 1 Article on Facebook on April 1, 2020. Facebook is an interactive website. By republishing the April 1 Article on Facebook, Lead Stories invited public comment on the April 1 Article.¹⁷

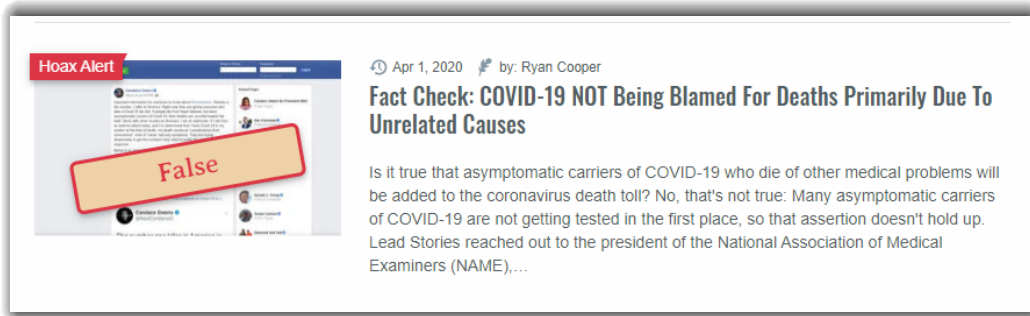
73. Lead Stories’ April 1 Article imputes to Candace the false charge that she is a liar who intentionally lied about the Covid-19 pandemic to “downplay the severity” of the disease, presumably in an effort to bolster President Trump’s successful handling of the pandemic and to increase Plaintiffs’ advertising revenue from Facebook.

¹⁶ The April 1 Article is still available online and can be viewed by the Court at <https://leadstories.com/hoax-alert/2020/04/Fact-Check-COVID19-NOT-Being-Blamed-For-Deaths-Primarily-Due-To-Unrelated-Causes.html>.

¹⁷ This republication is still available online and can be viewed by the Court at <https://www.facebook.com/LeadStoriesCom/posts/2881451205287498> (last visited Sep. 11, 2020).

74. Lead Stories’ April 1 Article terming Candace an intentional liar is unequivocally false.

75. On Lead Stories’ website, as a link to the April 1 Article, Lead Stories labeled a screenshot of Candace Owens’ Facebook Post with the words “Hoax Alert” and “False,” as pictured below:



These two statements are provably untrue because Candace’s Facebook Post was not a “hoax” nor was it “false.”

76. In its April 1 Article, Lead Stories published at least three false and defamatory statements about Plaintiffs and the Facebook Post. The three false statements are organized in the table below for the Court’s convenience:

SPECIFIC FALSE STATEMENTS IN LEAD STORIES’ APRIL 1 ARTICLE	
Statement 1	“The [false] claims [about the Covid-19 death counting method] originated in a post ... published on Facebook by Candace Owens on March 29, 2020.”

Statement 2	“[Owens’ First Facebook Post] is being shared to suggest that medical officials are – in Owens’ words – ‘trying desperately to get the numbers to justify this pandemic response.’ This comment is an attempt to downplay the severity of a global infectious disease that has killed more than 42,000 people as of March 31, 2020.”
Statement 3	There are several inaccuracies in Owens’ [First Facebook Post].”

USA TODAY Discredited Plaintiffs for Its Own Financial Gain

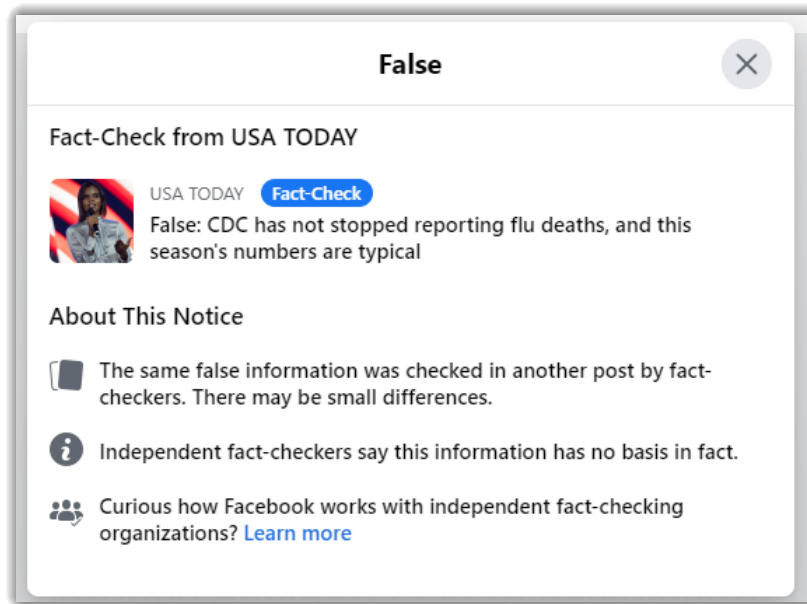
77. On April 30, 2020, USA TODAY published an article on its website with the headline, “Fact Check: CDC has not stopped reporting flu deaths, and this season’s numbers are typical” (the “April 30 Article”).¹⁸ A true and correct copy of the April 30 Article is attached to this Complaint and hereby incorporated by reference as *Exhibit E*.

78. The April 30 Article is false and references Candace’s Second Facebook Post and identifies Candace specifically by name.

79. The April 30 Article was used by Facebook to place a false information warning label upon Candace’s Second Facebook Post. When one clicks the false information warning label, Facebook identifies USA TODAY as the entity who fact

¹⁸ The April 30 Article is still available online and can be viewed by the Court at https://www.usatoday.com/story/news/factcheck/2020/04/30/fact-check-cdc-still-tracking-flu-deaths-2019-20-typical/3044888001/?fbclid=IwAR17Rl8OjBWnU_v0r2wCKhZkIpP60r_CdNxXLlpoV7fX7uV7Z7du (last visited Oct. 8, 2020).

checked Candace. Moreover, this allows one to be easily redirected to USA TODAY's website by clicking on the link that appears directly under the blue oval that states "fact-check," as depicted below:



80. The April 30 Article was wrongful and improper because USA TODAY intended that its article would be used by Facebook to place a false information warning label upon the Second Facebook Post so that traffic from Candace's page would be redirected to USA TODAY's webpage for USA TODAY's own financial gain. By redirecting Plaintiffs' large following to USA TODAY's webpage, USA TODAY generates clicks and views that increase its advertising revenue.

The Defendants' Articles Caused Facebook to Demonetize Plaintiffs

81. The Defendants' articles individually and collectively caused Facebook to restrict the viewability of Plaintiffs' First and Second Facebook Posts through the use of false information warning labels. Moreover, the Defendants' articles individually and collectively caused Facebook to demonetize Plaintiffs by suspending their ability to derive revenue from Facebook.

82. For example, after Lead Stories published its April 1 Article, Facebook used and linked to it as justification for placing a false information warning label on Candace's Facebook Post that labels it as "false." This false information warning label entirely blocks Candace's First Facebook Post. When clicked, the false warning label reads:

Independent facet-checkers at Lead Stories say [the Facebook Post] has false information. To help stop the spread of false news, a notice will be added to your post if you decide to share [the Facebook Post].

83. Facebook's warning label is based entirely upon the allegations made in Lead Stories' April 1 Article.

84. As a result of USA TODAY's April 30 Article, Facebook placed a similar warning label upon Candace's Second Facebook Post, as previously alleged in this Complaint.

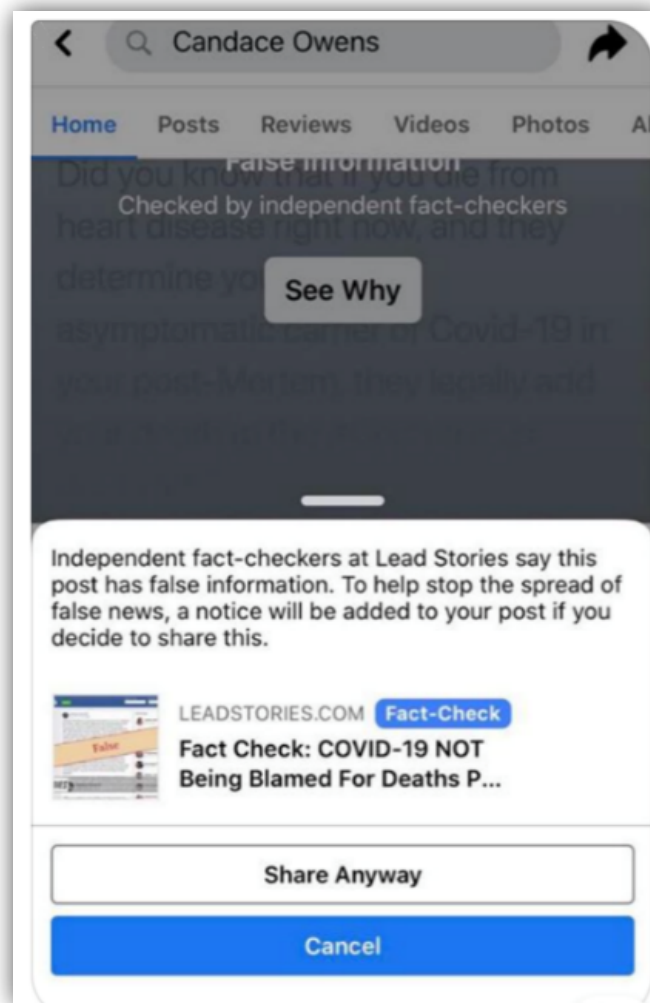
85. As Facebook Third-Party Fact-Checking Partners that are signatories to the IFCN, the Defendants knew that their respective articles would be used by Facebook to discredit Plaintiffs through the publication of false information warning labels. Moreover, the Defendants knew and were substantially certain that its articles would be used by Facebook as a justification to suspend Plaintiffs' ability to derive revenue from Facebook.

86. The Defendants, as Facebook Third-Party Fact-Checking Partners, knew that Facebook's false information warning label would serve to redirect Candace's viewers to Lead Stories' and USA TODAY's respective websites. In fact, the false information warning labels on both the First Facebook Post and Second Facebook Post contain clickable links that redirect Candace's viewers to Lead Stories' and USA TODAY's respective websites.

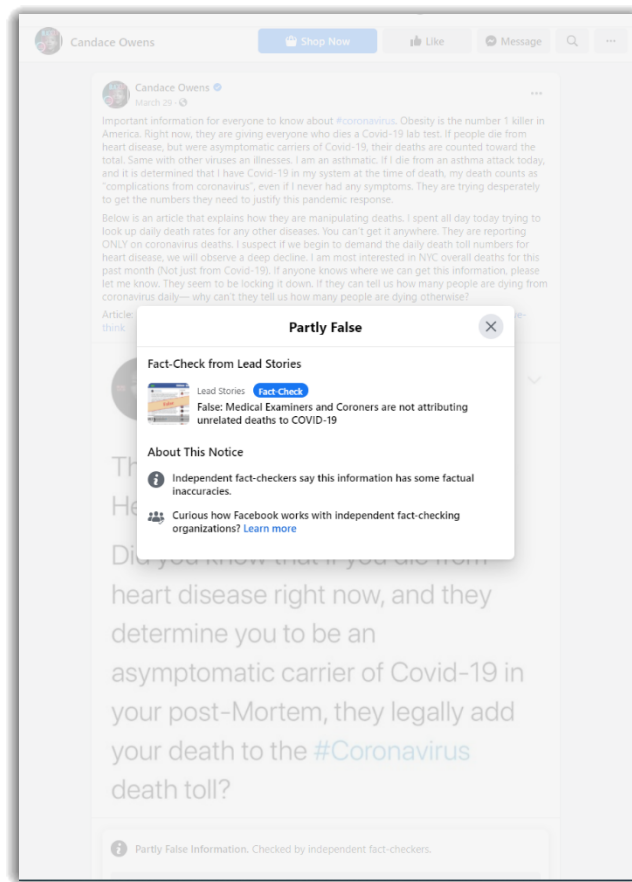
87. Upon information and belief, Facebook would not have placed false information warning labels upon Candace's First or Second Facebook Posts but for Lead Stories' April 1 Article and USA TODAY's April 30 Article.

88. Facebook's false information warning labels improperly block and obstruct the viewability of Candace's First and Second Facebook Posts to her 4.1 million followers and undermine the content contained therein. The false information warning labels actually blur the text of Candace's First and Second Facebook Posts so that viewers cannot read it. For example, screenshots of the false

information warning label from both the smartphone and desktop perspective for the First Facebook Post appear below:



Smartphone View



Desktop View

89. As depicted in the Desktop View, above, at the time of the publication of Lead Stories’ false Article, the Desktop View said “False” and not “Partly False.” Lead Stories subsequently changed its label to “Partly False” after Candace complained to Lead Stories about its erroneous labeling of her posts.

90. To the date of this filing of this Complaint, the false information warning labels still block or obscure the viewability of Candace's First and Second Facebook Posts on the internet, across both the smartphone and desktop view.¹⁹

91. All Facebook users are confronted with the false information warning labels on the First and Second Facebook Posts every time they view those posts on Facebook, regardless of who shares the posts and regardless of whether the posts are viewed on Plaintiffs' Facebook timeline, someone else's Facebook timeline, or elsewhere on Facebook. In this way, Facebook and the Defendants are inhibiting readers' ability to pass along or forward Candace's posts to friends, acquaintances, and other parties.

92. Facebook's false information warning labels state that Facebook will attach the label to users who pass along or forward Candace's First or Second Facebook Post. The Defendants were aware that Facebook would attach this label to all instances where users or followers of Candace would attempt to expand her influence or spread her message.

93. The Defendants acted with actual and common law malice to curtail and sever Candace's opportunities to expand her business, her market for her views, opinions, and publications, and her goodwill.

¹⁹ See <https://www.facebook.com/realCandaceOwens/posts/3598900840181091> (last visited Aug. 25, 2020).

94. The false information warning labels attach to Candace's name and likeness because users cannot engage with her First or Second Facebook Post without first clicking a button that acknowledges the existence of the false information warning label.

95. In May 2020, Facebook emailed Plaintiffs to inform them that Plaintiffs' account and Facebook Page were at risk of being suspended or outright eliminated from the Plaintiffs' contract with Facebook for purportedly spreading misinformation about the Covid-19 pandemic in its Facebook Post.

96. But for the Defendants' articles, Plaintiffs would not have received Facebook's threat to ban its account and break its contract. Upon information and belief, the Defendants' articles were a substantial factor in Facebook's decision to threaten Plaintiffs with suspension and demonetization.

97. Shortly after emailing its threat, Facebook demonetized Candace Owens' Facebook Page, banning Plaintiffs from deriving revenue from her presence on Facebook.

98. But for Defendants' articles, Plaintiffs would not have been demonetized by Facebook and would not have lost substantial revenue. Defendants' articles were a substantial factor in Facebook's decision to demonetize Plaintiffs and suspend them from deriving revenue from Facebook.

99. Candace Owens, LLC derives significant revenue from posts it makes on various social media websites, including Facebook. For example, between June 1, 2020 and June 21, 2020 alone, Candace Owens, LLC generated approximately \$780,000 in revenue from advertising on Facebook for an average of approximately \$35,500 per day.

100. On a monthly basis, Candace Owens, LLC loses \$1,065,000 in Facebook revenues. This along with other damages caused by Facebook's ban result in monthly damages of \$1,082,750.58.

Plaintiffs' Demands for Retraction Have Been Unsuccessful

101. Pursuant to the protocol established by Facebook for appealing the misinformation warning labels placed upon Facebook posts, Candace sent an email directly to Alan Duke, co-founder and a representative of Lead Stories, explaining to him why Lead Stories' Article was incorrect and should be edited or removed from the internet.

102. Instead of acknowledging Lead Stories' ironic failure to accurately fact check its own baseless allegations concerning Candace, Mr. Duke merely changed Lead Stories' Article rating of the Facebook Post from "False" to "Partly False." As Lead Stories knew, this was insufficient to cause Facebook to remove its false information warning label. It also did not properly respond to the well-researched and accurate statements made in Candace's Facebook Post. Although Candace

explained this situation to him in subsequent email communications, Mr. Duke ignored additional emails from Candace. True and correct copies of these emails are attached to this Complaint and hereby incorporated by reference as *Exhibit F*.

103. The fact that Lead Stories changed the label on the Facebook Post from “False” to “Partly False” is a practical demonstration that Lead Stories’ Article is false, yet Lead Stories has not retracted it or published a sufficient correction.

104. Moreover, Facebook representatives told Candace that they would not remove the Warning Label on her Facebook Post unless Lead Stories agreed to have it removed or Lead Stories removed its Article. A true and correct copy of this correspondence is attached to this Complaint and hereby incorporated by referenced as *Exhibit G*.

105. Without a further response from Mr. Duke, Plaintiffs propounded a written demand for retraction upon Lead Stories and Facebook on May 18, 2020, which identified the April 1 Article and explained why it was false and defamatory. A true and correct copy of Plaintiffs’ retraction demand is attached to this Complaint and hereby incorporated by reference as *Exhibit H*.

106. Although Facebook responded to Candace’s demand in a letter dated June 8, 2020, which denied responsibility and pointed the finger at Lead Stories accusing them of being wholly responsible for the April 1 Article, Lead Stories has,

to the date of the filing of this Complaint, failed to respond or issue a retraction of its April 1 Article.

107. Facebook's response letter to Candace states, as a matter of fact, that the defamatory statements in the April 1 Article were published by Lead Stories and not Facebook.

**Lead Stories Published Its April 1 Article with
Actual and Common Law Malice**

108. Lead Stories maliciously and falsely attacked Plaintiffs for its own financial and political gain.

109. Lead Stories stands to gain financially from its false attack on Candace. It profits from visitors being redirected from Candace's website and to its website and being exposed to Lead Stories' advertisers and sponsors. Lead Stories also profits from its contractual relationship with Facebook and has an economic incentive to fulfill its contractual obligation with Facebook to locate and label falsehoods and hoaxes.

110. By terming a prominent political commentator like Candace a liar who utters irresponsible falsehoods and conjures up hoaxes that impair the national interest, Lead Stories also advances its patent political or policy interest in promoting a leftist agenda and thwarting Candace's conservative agenda.

111. Lead Stories is an organization that knowingly employs reporters like Ryan Cooper who have a provable and demonstrable left-leaning political bias and an axe to grind with conservative thought leaders like Candace.

112. Lead Stories targeted Candace and deliberately aimed to censor her opinion on the Covid-19 pandemic. Lead Stories has a contractual relationship with Facebook and a patent interest in satisfying its mission to police Facebook posts. Facebook has incorrectly and maliciously labeled Candace a “Hate Agent,” of which Lead Stories is presumably aware.

113. Lead Stories actually knew and knows that that accusations made against Candace were false. It has been alerted to that fact by Candace’s demand for retraction. It has been made aware of statements such as those made by high-ranking U.S. officials, including Dr. Birx, a chief member of the White House Coronavirus Task Force, which support the factual basis for Candace’s Facebook Post as previously alleged in this Complaint.

114. Upon information and belief, Lead Stories purposely avoided publishing facts and including expert opinions that would have supported Candace’s position in her First Facebook Post.

115. To the extent that the First Facebook Post relied on its own expert, Dr. Lee, and Lead Stories Article relied on its own expert, Dr. Aiken, Lead Stories had actual knowledge that it could not “fact check” the Facebook Post and prove it

“false” because the competing expert opinions about how Covid-19 deaths are being counted reflected an inconclusive disagreement among experts.

116. Because Lead Stories knew that Candace’s Facebook Post could not be “false” because it in part illustrated a mere disagreement among experts, it was publication in reckless disregard of the truth for Lead Stories to accuse Candace of originating a viral lie that spread on Facebook.

117. Lead Stories’ actual malice is further evidenced by its failure to retract the Article in derogation of accepted journalistic standards and those articulated by the IFCN, an organization to which Lead Stories is a signatory, as previously alleged in this Complaint.

118. Even in May 2020—approximately one month after the Article’s publication—Lead Stories consciously disregarded contrary information presented to it by Candace to continue its attack on Plaintiffs.

119. Lead Stories—and its reporter Ryan Cooper—do not like Candace, her political viewpoint, or her support for President Trump.

120. Upon information and belief, Lead Stories condones Facebook’s incorrect labeling of Candace as a “Hate Agent.”

121. Lead Stories published its false and defamatory April 1 Article knowing full well that it would be used by Facebook to attack Candace and make her appear to be a liar in front of her followers.

122. Upon information and belief, Lead Stories itself selected Candace's Facebook Post for "fact checking" and it was not required, by contract or request, to specifically fact check Candace's Facebook Post. In this way, Lead Stories voluntarily chose to attack Candace and to interfere with her contract with Facebook and to impede her future business opportunities.

123. Upon information and belief, Lead Stories could have adequately published its April 1 Article without reference to Candace at all, but it instead chose to identify her by name and make her the centerpiece of its Article.

CAUSES OF ACTION

Count 1—Intentional Interference with Contractual Relations **(brought by Candace Owens, LLC against both Defendants)**

124. The preceding paragraphs are hereby incorporated by reference as if fully realleged herein.

125. Candace Owens, LLC, at all times relevant to this action, had a contract with Facebook pursuant to Facebook's terms of service that provided for, among other things, the ability for Candace Owens, LLC to derive revenue from the Facebook platform.

126. The Defendants had actual knowledge of the contract between Candace Owens, LLC and Facebook given that, among other things, the Defendants are

Facebook Third-Party Fact Checking Partners and themselves under a contract with Facebook.

127. Defendant Lead Stories committed an intentional act by publishing defamatory statements that it knew would be utilized by Facebook to justify banning Candace Owens, LLC from deriving advertising revenue from the Facebook platform.

128. Lead Stories' intentional act was improper and wrongful in that it constitutes a recognized tort (defamation), and because it intended to harm Candace Owens, LLC out of political motivation. It sought to hinder the LLC's ability to operate and derive revenue from the Facebook platform, seeking to diminish or eliminate a conservative opinion with which it disagreed. Instead of fighting free speech with free speech, Lead Stories used its financial and contractual relationship with Facebook to eliminate Candace's speech.

129. USA TODAY's intentional act was improper and wrongful in that another of its motives in publishing its April 30 Article was to redirect traffic from Candace's Facebook page to its own website so that it could obtain more advertising clicks and views. As such, USA TODAY sought to advance its sole financial interest.

130. The Defendants were not justified in publishing their respective articles.

131. But for the Defendants’ articles, Plaintiffs would not have suffered damages significant pecuniary harm and other damages resulting from Facebook’s demonetization of Plaintiffs.

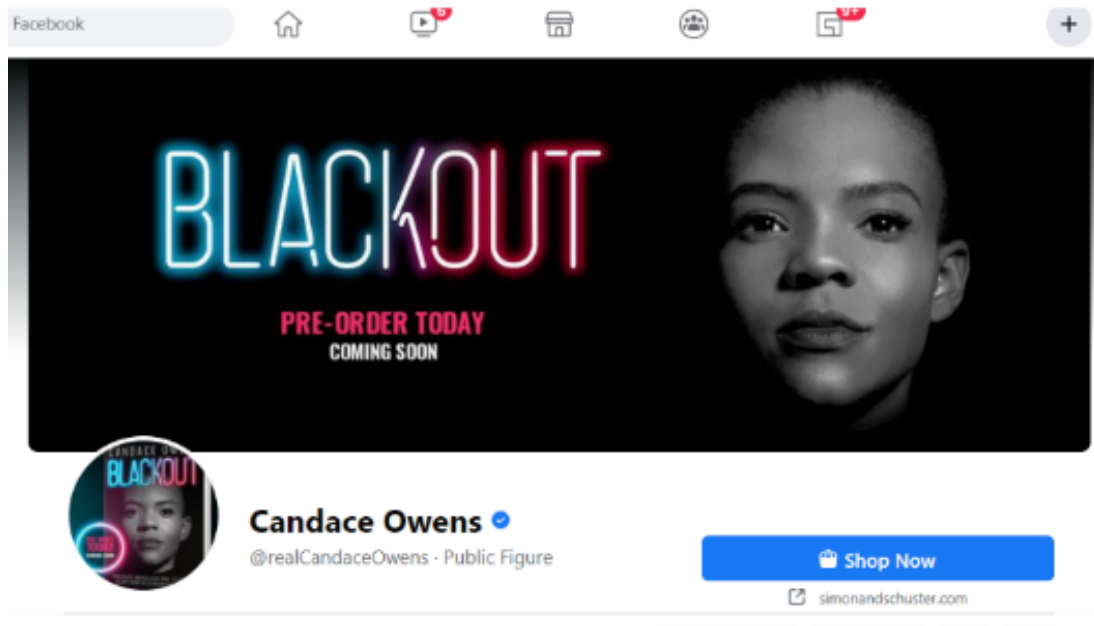
Count 2—Tortious Interference with Prospective Business Relations
(brought by both Plaintiffs against both Defendants)

132. The preceding paragraphs are hereby incorporated by reference as if fully realleged herein.

133. Before the publication of the Defendants’ articles, given Candace’s prior success, it was reasonably probable—and absolutely expected—that Plaintiffs would obtain future business opportunities and revenue derived from Facebook and other social media platforms.

134. In fact, Lead Stories knew or should have known, through the cover photo and profile picture of Candace Owens’ Facebook account, that Candace was advertising and encouraging pre-orders of her new book, “Blackout.” A copy of

this cover photo describing the presale, which is immediately viewable to all who access Plaintiffs' Facebook Page, is depicted below:



135. Plaintiffs' Facebook Page contains a large, blue "Shop Now" button that would allow viewers to immediately navigate to www.simonandschuster.com, where viewers could pre-order Candace's new book.

136. The Defendants knew and should have known that their respective articles would be used to place false information warning labels on Candace's First and Second Facebook Posts and that all who saw the First and Second Facebook Posts—regardless of who shared it—would be confronted with false information warning labels.

137. Lead Stories, through publication of its Article, unreasonably and intentionally interfered with:

- a. Plaintiffs' opportunity to advertise and sell Candace's book through the use of Facebook and other social media platforms;
- b. Plaintiff's opportunity to maximize the amount of pre-sale orders for Candace's book;
- c. Plaintiffs' opportunity to expand viewership of Candace's Facebook page and its accounts on other social media platforms; and
- d. Other opportunities for Candace to speak, teach, publish, comment, or engage in other activities that either immediately inured to the Plaintiffs' financial gain or contributed to Candace's goodwill.

138. But for Lead Stories' Article, Plaintiffs would not have suffered significant pecuniary and other damages resulting from Facebook's demonetization of Plaintiffs.

Count 3—Unfair Competition at Common Law
(brought by both Plaintiffs against both Defendants)

139. The preceding paragraphs are hereby incorporated by reference as if fully realleged herein.

140. Plaintiffs had a reasonable expectancy of entering into and continuing a valid business relationship with Facebook and various advertisers through Facebook. This expectancy was reasonable because it was based upon a contract and history of prior dealing between Facebook and Candace Owens, LLC whereby Plaintiffs would publish content on Facebook and Facebook, through various advertisers, would compensate Plaintiffs.

141. The Defendants wrongfully interfered with this expectancy by leveraging their power as Facebook Third-Party Fact-Checking Partners to place false or misleading information warning labels on Candace's posts for the purpose of redirecting web traffic away from Candace and directing it to their respective websites. By such a scheme, the Defendants sought to increase their number of clicks and advertising revenue by commandeering Plaintiffs' large Facebook

following, enhance their status on the internet, and enhance their relationship with Facebook as Third-Party Fact-Checking partners.

142. The Defendants were substantially certain that by publishing articles that sought to fact check Candace and identify her by name, Facebook would place a false information warning label on her First and Second Facebook Post and cite, through clickable URL links, to the Defendants' articles as justification.

143. Defendants' actions were unfair actions because they prevented Plaintiffs from legitimately earning revenue from Facebook, as well as from enhanced goodwill, book sales and other publication opportunities, speaking and teaching, and other business relationships.

144. Plaintiffs' reasonable expectancy was defeated by the Defendants' wrongful conduct. The Defendants' articles were a substantial factor in Facebook's decision to demonetize Candace Owens, LLC and prohibit Plaintiffs from deriving revenue from Facebook.

145. Candace Owens, LLC suffered substantial harm as a result of Defendants' wrongful and unfair conduct, including by being demonetized and losing revenue.

Count 4—Defamation with Actual Malice
(brought by both Plaintiffs against Defendant Lead Stories, LLC)

146. The preceding paragraphs are hereby incorporated by reference as if fully realleged herein.

147. Lead Stories' April 1 Article is demonstrably false.

148. Lead Stories' April 1 Article is of and concerning the Plaintiffs because it specifically identifies Candace by name several times, as previously alleged in this Complaint. Lead Stories' April 1 Article singles Plaintiffs out in specific accusations that charge the intentional dissemination of false information.

149. Lead Stories' April 1 Article imputes specific charges of conduct to Plaintiffs including but not limited to:

- a. intentionally spreading a lie;
- b. receiving advertising revenue from spreading misinformation on the internet; and
- c. attempting to "downplay the severity" of a deadly worldwide pandemic.

150. Lead Stories' April 1 Article is capable of a defamatory meaning because, when read by a reasonable reader in context, the aforementioned specific charges of conduct tend to, in no particular order:

- a. subject Plaintiffs to hatred, ridicule, and contempt;
- b. diminish Plaintiffs' standing in the community; and

- c. denigrate Plaintiffs' fitness for her occupation at PragerU and as a media commentator.

151. Lead Stories' April 1 Article is defamatory per se because it is defamatory on its face without any reference to outside material.

152. Lead Stories published its April 1 Article and false accusations therein as fact. Indeed, Lead Stories labels its work "fact checking."

153. Lead Stories did not publish its false statements as mere parody or opinion.

154. Lead Stories published its false accusations about Plaintiffs with actual malice, as previously alleged in this Complaint.

155. Lead Stories' Article was unprivileged.

156. Candace has suffered significant reputational harm as a result of Lead Stories' April 1 Article. She demands \$50,000,000 in damages for reputational harm.

157. Candace has suffered significant reputational harm as a result of Lead Stories' April 1 Article.

158. Even though the Article was defamatory per se and is actionable irrespective of allegations of special harm, but for Lead Stories' April 1 Article, Plaintiffs would not have suffered significant pecuniary damages resulting from Facebook's demonetization of Plaintiffs.

Count 5—Defamation with Common Law Malice
(brought by both Plaintiffs against Defendant Lead Stories, LLC)

159. The preceding paragraphs are hereby incorporated by reference as if fully realleged herein.

160. Lead Stories' April 1 Article is demonstrably false.

161. Lead Stories' April 1 Article is of and concerning the Plaintiffs because it specifically identifies Candace by name several times, as previously alleged in this Complaint. Lead Stories' April 1 Article singles Plaintiffs out in specific accusations that charge the intentional dissemination of false information.

162. Lead Stories' April 1 Article imputes specific charges of conduct to Plaintiffs including but not limited to:

- a. intentionally spreading a lie;
- b. receiving advertising revenue from spreading misinformation on the internet; and
- c. attempting to "downplay the severity" of a deadly worldwide pandemic.

163. Lead Stories' April 1 Article is capable of a defamatory meaning because, when read by a reasonable reader in context, the aforementioned specific charges of conduct tend to, in no particular order:

- a. subject Plaintiffs to hatred, ridicule, and contempt;
- b. diminish Plaintiffs' standing in the community; and

- c. denigrate Plaintiffs' fitness for her occupation at PragerU and as a media commentator.

164. Lead Stories' April 1 Article is defamatory per se because it is defamatory on its face without any reference to outside material.

165. Lead Stories published its April 1 Article and false accusations therein as fact. Indeed, Lead Stories labels its work "fact checking."

166. Lead Stories did not publish its false statements as mere parody or opinion.

167. Lead Stories published its false accusations about Plaintiffs with common law malice, as previously alleged in this Complaint.

168. Lead Stories' April 1 Article was unprivileged.

169. Candace has suffered significant reputational harm and humiliation as a result of Lead Stories' April 1 Article. She demands \$50,000,000 in damages for reputational harm.

170. Even though the April 1 Article was defamatory per se and is actionable irrespective of allegations of special harm, but for Lead Stories' Article, Plaintiffs would not have suffered significant pecuniary damages from Facebook's demonetization of Plaintiffs.

WHEREFORE, Plaintiffs respectfully pray:

- (a) That judgment be entered against the Defendants, jointly and severally, for substantial compensatory damages in an amount to be determined at trial;
- (b) That Lead Stories be held liable for the reputational harm it has caused Plaintiff;
- (c) That judgment be entered against the Defendants for punitive damages in an amount to be determined at trial;
- (d) That Plaintiffs recover pre- and post-judgment interest;
- (e) That Plaintiffs recover their reasonable attorneys' fees and expenses from the Defendants;
- (f) That trial by jury on all issues so triable;
- (g) That all costs of this action be taxed to the Defendants; and
- (h) That the Court grant all such other and further relief that the Court deems just and proper, including equitable relief.

Dated: October 19, 2020

/s/ Sean J. Bellew

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EXHIBIT A

 **Candace Owens** ✓
March 29 · 🌐

Important information for everyone to know about #coronavirus. Obesity is the number 1 killer in America. Right now, they are giving everyone who dies a Covid-19 lab test. If people die from heart disease, but were asymptomatic carriers of Covid-19, their deaths are counted toward the total. Same with other viruses and illnesses. I am an asthmatic. If I die from an asthma attack today, and it is determined that I have Covid-19 in my system at the time of death, my death counts as "complications from coronavirus", even if I never had any symptoms. They are trying desperately to get the numbers they need to justify this pandemic response.

Below is an article that explains how they are manipulating deaths. I spent all day today trying to look up daily death rates for any other diseases. You can't get it anywhere. They are reporting ONLY on coronavirus deaths. I suspect if we begin to demand the daily death toll numbers for heart disease, we will observe a deep decline. I am most interested in NYC overall deaths for this past month (Not just from Covid-19). If anyone knows where we can get this information, please let me know. They seem to be locking it down. If they can tell us how many people are dying from coronavirus daily— why can't they tell us how many people are dying otherwise?

Article: <https://www.spectator.co.uk/article/The-evidence-on-Covid-19-is-not-as-clear-as-we-think>

 **Candace Owens** ✓
@RealCandaceO

The number one killer in America is Heart disease. 1,002 people a day.

Partly False Information
Checked by independent fact-checkers

[See Why](#)

[See Photo](#)

   22K

5.6K Comments 15K Shares

EXHIBIT B

THE SPECTATOR



Dr John Lee

How deadly is the coronavirus? It's still far from clear

There is room for different interpretations of the data

From magazine issue: 28 March 2020



In announcing the most far-reaching restrictions on personal freedom in the history of our nation, Boris Johnson resolutely followed the scientific advice that he had been given. The advisers to the

government seem calm and collected, with a solid consensus among them.

In the face of a new viral threat, with numbers of cases surging daily, I'm not sure that any prime minister would have acted very differently.

But I'd like to raise some perspectives that have hardly been aired in the past weeks, and which point to an interpretation of the figures rather different from that which the government is acting on. I'm a recently-retired Professor of Pathology and NHS consultant pathologist, and have spent most of my adult life in healthcare and science – fields which, all too often, are characterised by doubt rather than certainty. There is room for different interpretations of the current data. If some of these other interpretations are correct, or at least nearer to the truth, then conclusions about the actions required will change correspondingly.

The simplest way to judge whether we have an exceptionally lethal disease is to look at the death rates. Are more people dying than we would expect to die anyway in a given week or month? Statistically, we would expect about 51,000 to die in Britain this month. At the time of writing, 422 deaths are linked to Covid-19 — so 0.8 per cent of that expected total. On a global basis, we'd expect 14 million to die over the first three months of the year. The world's 18,944 coronavirus deaths represent 0.14 per cent of that total. These figures might shoot up but they are, right now, lower than other infectious diseases that we live with (such as flu). Not figures that would, in and of themselves, cause drastic global reactions.

Initial reported figures from China and Italy suggested a death rate of 5 per cent to 15 per cent, similar to Spanish flu. Given that cases were increasing exponentially, this raised the prospect of death rates that no healthcare system in the world would be able to cope with. The need to avoid this scenario is the justification for measures being implemented: the Spanish flu is believed to have infected about one in four of the world's population between 1918 and 1920, or roughly 500 million people with 50

million deaths. We developed pandemic emergency plans, ready to snap into action in case this happened again.

At the time of writing, the UK's 422 deaths and 8,077 known cases give an apparent death rate of 5 per cent. This is often cited as a cause for concern, contrasted with the mortality rate of seasonal flu, which is estimated at about 0.1 per cent. But we ought to look very carefully at the data. Are these figures really comparable?

Most of the UK testing has been in hospitals, where there is a high concentration of patients susceptible to the effects of any infection. As anyone who has worked with sick people will know, any testing regime that is based only in hospitals will over-estimate the virulence of an infection. Also, we're only dealing with those Covid-19 cases that have made people sick enough or worried enough to get tested. There will be many more unaware that they have the virus, with either no symptoms, or mild ones.

That's why, when Britain had 590 diagnosed cases, Sir Patrick Vallance, the government's chief scientific adviser, suggested that the real figure was probably between 5,000 and 10,000 cases, ten to 20 times higher. If he's right, the headline death rate due to this virus is likely to be ten to 20 times lower, say 0.25 per cent to 0.5 per cent. That puts the Covid-19 mortality rate in the range associated with infections like flu.

But there's another, potentially even more serious problem: the way that deaths are recorded. If someone dies of a respiratory infection in the UK, the specific cause of the infection is not usually recorded, unless the illness is a rare 'notifiable disease'. So the vast majority of respiratory deaths in the UK are recorded as bronchopneumonia, pneumonia, old age or a similar designation. We don't really test for flu, or other seasonal infections. If the patient has, say, cancer, motor neurone disease or another serious disease, this will be recorded as the cause of death, even if the final illness was a

respiratory infection. This means UK certifications normally under-record deaths due to respiratory infections.

Now look at what has happened since the emergence of Covid-19. The list of notifiable diseases has been updated. This list — as well as containing smallpox (which has been extinct for many years) and conditions such as anthrax, brucellosis, plague and rabies (which most UK doctors will never see in their entire careers) — has now been amended to include Covid-19. But not flu. That means every positive test for Covid-19 must be notified, in a way that it just would not be for flu or most other infections.

In the current climate, anyone with a positive test for Covid-19 will certainly be known to clinical staff looking after them: if any of these patients dies, staff will have to record the Covid-19 designation on the death certificate — contrary to usual practice for most infections of this kind. There is a big difference between Covid-19 causing death, and Covid-19 being found in someone who died of other causes. Making Covid-19 notifiable might give the appearance of it causing increasing numbers of deaths, whether this is true or not. It might appear far more of a killer than flu, simply because of the way deaths are recorded.

If we take drastic measures to reduce the incidence of Covid-19, it follows that the deaths will also go down. We risk being convinced that we have averted something that was never really going to be as severe as we feared. This unusual way of reporting Covid-19 deaths explains the clear finding that most of its victims have underlying conditions — and would normally be susceptible to other seasonal viruses, which are virtually never recorded as a specific cause of death.

Let us also consider the Covid-19 graphs, showing an exponential rise in cases — and deaths. They can look alarming. But if we tracked flu or other seasonal viruses in the same way, we would also see an exponential increase. We would also see some countries behind others, and striking fatality rates. The United States Centers for Disease Control, for example,

publishes weekly estimates of flu cases. The latest figures show that since

September, flu has infected 38 million Americans, hospitalised 390,000 and killed 23,000. This does not cause public alarm because flu is familiar.

The data on Covid-19 differs wildly from country to country. Look at the figures for Italy and Germany. At the time of writing, Italy has 69,176 recorded cases and 6,820 deaths, a rate of 9.9 per cent. Germany has 32,986 cases and 157 deaths, a rate of 0.5 per cent. Do we think that the strain of virus is so different in these nearby countries as to virtually represent different diseases? Or that the populations are so different in their susceptibility to the virus that the death rate can vary more than twentyfold? If not, we ought to suspect systematic error, that the Covid-19 data we are seeing from different countries is not directly comparable.

Look at other rates: Spain 7.1 per cent, US 1.3 per cent, Switzerland 1.3 per cent, France 4.3 per cent, South Korea 1.3 per cent, Iran 7.8 per cent. We may very well be comparing apples with oranges. Recording cases where there was a positive test for the virus is a very different thing to recording the virus as the main cause of death.

Early evidence from Iceland, a country with a very strong organisation for wide testing within the population, suggests that as many as 50 per cent of infections are almost completely asymptomatic. Most of the rest are relatively minor. In fact, Iceland's figures, 648 cases and two attributed deaths, give a death rate of 0.3 per cent. As population testing becomes more widespread elsewhere in the world, we will find a greater and greater proportion of cases where infections have already occurred and caused only mild effects. In fact, as time goes on, this will become generally truer too, because most infections tend to decrease in virulence as an epidemic progresses.

One pretty clear indicator is death. If a new infection is causing many extra people to die (as opposed to an infection present in people who

would have died anyway) then it will cause an increase in the overall death rate. But we have yet to see any statistical evidence for excess deaths, in any part of the world.

Covid-19 can clearly cause serious respiratory tract compromise in some patients, especially those with chest issues, and in smokers. The elderly are probably more at risk, as they are for infections of any kind. The average age of those dying in Italy is 78.5 years, with almost nine in ten fatalities among the over-70s. The life expectancy in Italy — that is, the number of years you can expect to live to from birth, all things being equal — is 82.5 years. But all things are not equal when a new seasonal virus goes around.

It certainly seems reasonable, now, that a degree of social distancing should be maintained for a while, especially for the elderly and the immune-suppressed. But when drastic measures are introduced, they should be based on clear evidence. In the case of Covid-19, the evidence is not clear. The UK's lockdown has been informed by modelling of what might happen. More needs to be known about these models. Do they correct for age, pre-existing conditions, changing virulence, the effects of death certification and other factors? Tweak any of these assumptions and the outcome (and predicted death toll) can change radically.

Much of the response to Covid-19 seems explained by the fact that we are watching this virus in a way that no virus has been watched before. The scenes from the Italian hospitals have been shocking, and make for grim television. But television is not science.

Clearly, the various lockdowns will slow the spread of Covid-19 so there will be fewer cases. When we relax the measures, there will be more cases again. But this need not be a reason to keep the lockdown: the spread of cases is only something to fear if we are dealing with an unusually lethal virus. That's why the way we record data will be hugely important. Unless we tighten criteria for recording death due only to the virus (as opposed to

it being present in those who died from other conditions), the official figures may show a lot more deaths apparently caused by the virus than is actually the case. What then? How do we measure the health consequences of taking people's lives, jobs, leisure and purpose away from them to protect them from an anticipated threat? Which causes least harm?

The moral debate is not lives vs money. It is lives vs lives. It will take months, perhaps years, if ever, before we can assess the wider implications of what we are doing. The damage to children's education, the excess suicides, the increase in mental health problems, the taking away of resources from other health problems that we were dealing with effectively. Those who need medical help now but won't seek it, or might not be offered it. And what about the effects on food production and global commerce, that will have unquantifiable consequences for people of all ages, perhaps especially in developing economies?

Governments everywhere say they are responding to the science. The policies in the UK are not the government's fault. They are trying to act responsibly based on the scientific advice given. But governments must remember that rushed science is almost always bad science. We have decided on policies of extraordinary magnitude without concrete evidence of excess harm already occurring, and without proper scrutiny of the science used to justify them.

In the next few days and weeks, we must continue to look critically and dispassionately at the Covid-19 evidence as it comes in. Above all else, we must keep an open mind — and look for what is, not for what we fear might be.

John Lee is a recently retired professor of pathology and a former NHS consultant pathologist.

WRITTEN BY


Dr John Lee




EXHIBIT C

 **Candace Owens** ✓
April 28 · 🌐

According to CDC reports— 2020 is working out to be the lowest flu death season of the decade. 20,000 flu deaths took place before Covid-19 in January, and then only 4,000 deaths thereafter. To give you context: 80,000 Americans died of the flu in 2019. It's a miracle!

 **Candace Owens** ✓
@RealCandaceO


Possibly the greatest trade deal ever inked was between the flu virus and #coronavirus.



 **False Information**
Checked by independent fact-checkers

[See Why](#) [See Photo](#)

So glad nobody is talking of the flu anymore, and that the CDC has abruptly decided to stop calculating flu deaths altogether.

Agreements between viruses are the way of the future!

 34K 4.5K Comments 14K Shares

 Like  Comment  Share  ▾

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<https://www.facebook.com/realCandaceOwens/posts/3701928399878334>

https://www.usatoday.com/story/news/factcheck/2020/04/30/fact-check-cdc-still-tracking-flu-deaths-2019-20-typical/3044888001/?fbclid=IwAR17Rl8OjBWnU_v0r2wCKhZkIpP60r_CdNxXLlpoV7fX7uV7Z7duXus-pVA

False



Fact-Check from USA TODAY



USA TODAY

Fact-Check

False: CDC has not stopped reporting flu deaths, and this season's numbers are typical

About This Notice



Independent fact-checkers say this information has no basis in fact.



Curious how Facebook works with independent fact-checking organizations? [Learn more](#)

EXHIBIT D

Fact Check: COVID-19 NOT Being Blamed For Deaths Primarily Due To Unrelated Causes

leadstories.com/hoax-alert/2020/04/Fact-Check-COVID19-NOT-Being-Blamed-For-Deaths-Primarily-Due-To-Unrelate...

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Hoax Alert

Fact Check: COVID-19 NOT Being Blamed For Deaths Primarily Due To Unrelated Causes

Apr 1, 2020 by: Ryan Cooper

Share Tweet

STORY UPDATED: check for [updates below](#).



Is it true that asymptomatic carriers of COVID-19 who die of other medical problems will be added to the coronavirus death toll? No, that's not true: Many asymptomatic carriers of COVID-19 are not getting tested in the first place, so that assertion doesn't hold up.

Lead Stories reached out to the president of the National Association of Medical Examiners (NAME), who analyzed these claims. She told us there is a lot of false information in the posts.

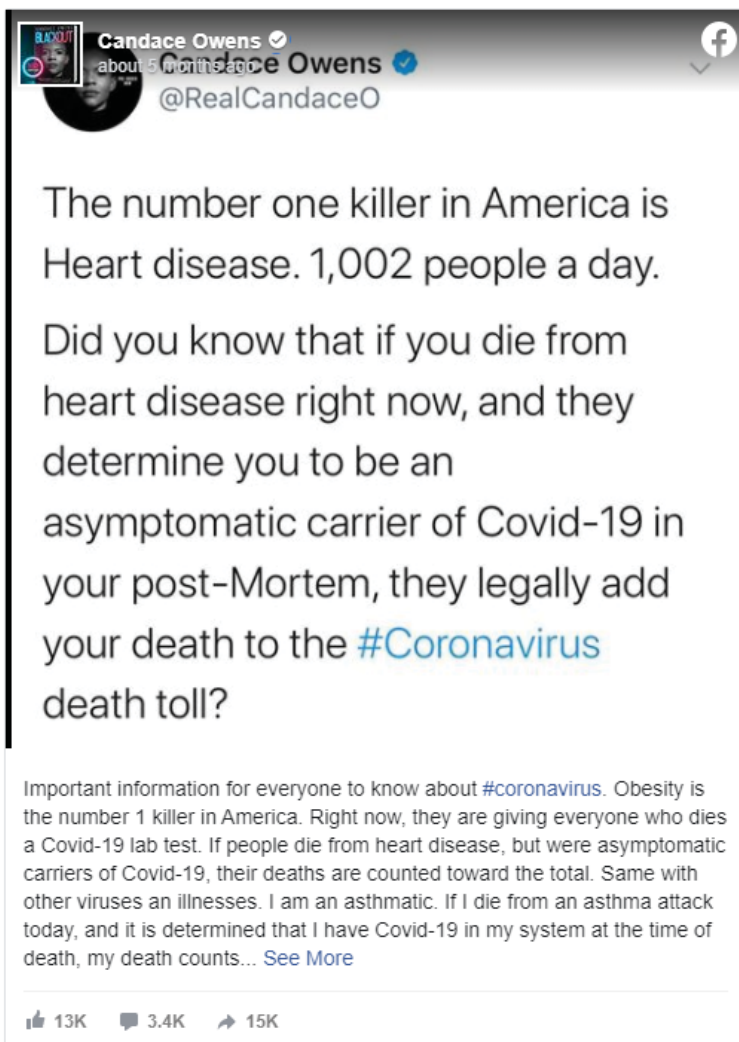
The claims originated in [a post](#) (archived [here](#)) published on Facebook by Candace Owens on March 29, 2020. It opened:

”

Important information for everyone to know about #coronavirus. Obesity is the number 1 killer in America. Right now, they are giving everyone who dies a Covid-19 lab test. If people die from heart disease, but were asymptomatic carriers of Covid-19, their deaths are counted toward the total. Same with other viruses an illnesses. I am an asthmatic. If I die from an asthma attack today, and it is determined that I have Covid-19 in my system at the time of death, my death counts as "complications from coronavirus", even if I never had any symptoms. They are trying desperately to get the numbers they need to justify this pandemic response.

Below is an article that explains how they are manipulating deaths. I spent all day today trying to look up daily death rates for any other diseases. You can't get it anywhere. They are reporting ONLY on coronavirus deaths. I suspect if we begin to demand the daily death toll numbers for heart disease, we will observe a deep decline. I am most interested in NYC overall deaths for this past month (Not just from Covid-19). If anyone knows where we can get this information, please let me know. They seem to be locking it down. If they can tell us how many people are dying from coronavirus daily-- why can't they tell us how many people are dying otherwise?

Users on social media only saw this:



The screenshot shows a Facebook post from Candace Owens, a verified user. The post's text is: "The number one killer in America is Heart disease. 1,002 people a day. Did you know that if you die from heart disease right now, and they determine you to be an asymptomatic carrier of Covid-19 in your post-Mortem, they legally add your death to the #Coronavirus death toll?". Below the text is a link to "See More" and engagement statistics: 13K likes, 3.4K comments, and 15K shares.

Candace Owens ✓
about 5 months ago
@RealCandaceO

The number one killer in America is Heart disease. 1,002 people a day. Did you know that if you die from heart disease right now, and they determine you to be an asymptomatic carrier of Covid-19 in your post-Mortem, they legally add your death to the #Coronavirus death toll?

Important information for everyone to know about [#coronavirus](#). Obesity is the number 1 killer in America. Right now, they are giving everyone who dies a Covid-19 lab test. If people die from heart disease, but were asymptomatic carriers of Covid-19, their deaths are counted toward the total. Same with other viruses an illnesses. I am an asthmatic. If I die from an asthma attack today, and it is determined that I have Covid-19 in my system at the time of death, my death counts... [See More](#)

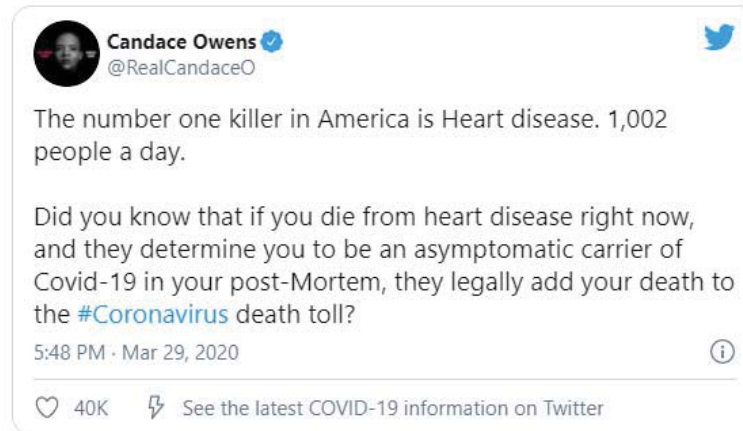
13K 3.4K 15K

The post also included a screenshot of Owens' tweet, which read:

”

The number one killer in America is Heart disease. 1,002 people a day.

Did you know that if you die from heart disease right now, and they determine you to be an asymptomatic carrier of Covid-19 in your post-Mortem, they legally add your death to the #Coronavirus death toll?



The post is being shared to suggest that medical officials are - in Owens' words - "trying desperately to get the numbers to justify this pandemic response." This comment is an attempt to downplay the severity of a global infectious disease that has killed more than 42,000 people as of March 31, 2020. By April 1, the United States - which has the highest number of cases in the world - recorded more than 4,000 deaths, a figure that doubled in a period of just days.

There are several inaccuracies in Owens' post. We consulted with Dr. Sally Aiken, M.D., the president of NAME, and a practicing medical examiner in Washington state. She said:

”

For decedents (dead persons) who are known to be positive for COVID-19, and who have symptoms, the vast majority have died during a hospitalization. If they were otherwise healthy, the deaths are being attributed to COVID-19 on the death certificate. The exact certification may vary from jurisdiction to jurisdiction.

Aiken said the Centers for Disease Control and Prevention had issued guidance for death certification [on its website](#). According to its [guidance](#), dated March 4, 2020:

”

It is important to emphasize that Coronavirus Disease 2019 or COVID-19 should be reported on the death certificate for all decedents where the disease caused or is assumed to have caused or contributed to death.

Owens' post used the example of people with heart disease. However, individuals with underlying medical conditions are in the higher-risk groups for the coronavirus, as Aiken detailed:

”

As most people are aware, people pre-existing disease like heart failure, and COPD, seem to be at higher risk for death due to COVID-19. If those individuals are positive for COVID-19 and have symptoms, COVID-19 is typically being listed on the death certificate as the cause of death, with their other diseases listed as contributory. This helps all of us, as we learn what the natural disease risk factors for COVID-19 death are. It is not a conspiracy, or any different than what occurs during non-COVID-19 times. (If someone dies of Influenza A or B, contributory causes are often listed on the death certificate as well.)

The post also refers to "asymptomatic carriers" of COVID-19 being identified on death certificates as having died of the coronavirus. But Aiken pointed out that this suggestion is flawed due to the lack of widespread testing:

”

As most people are aware, very few asymptomatic people in the U.S. have been tested for COVID-19. In the vast number of cases, living individuals are being tested because they have symptoms. Medical examiners and coroners are doing the same thing. We are performing autopsies on homicides, suicides, traffic accidents, etc. These decedents are not being tested for COVID-19 as a matter of course. Medical Examiners and Coroners are testing decedents who had symptoms, but were undiagnosed during life. MEs and Coroners are not identifying any 'asymptomatic carriers,' because we aren't testing for them, as it is not pertinent for death certification.

Owens also suggested in her Facebook post that if she were to die from an asthma attack, her death would be added to the coronavirus tally. Aiken called out that claim:

”

The statement, 'If I die from an asthma attack today, and have COVID-19 in my system,' shows a lack of understanding about triggers for asthma. A viral infection with respiratory symptoms is often a trigger for a severe asthma attack. I would suspect that in these circumstances, COVID-19 would justifiably be listed on the death certificate along with asthma.

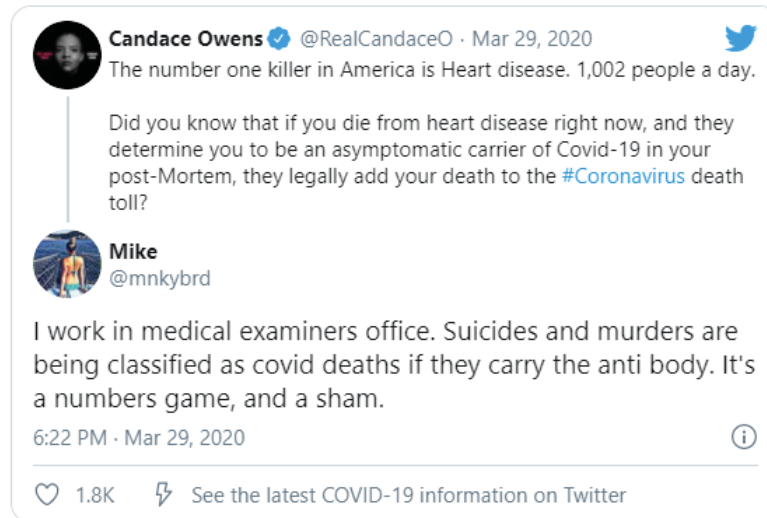
Owens' Facebook post contradicts the screenshot of her own tweet. On Facebook, she said the number one killer in the United States is obesity. But her screenshot from Twitter said the number one killer is heart disease. Certainly, obesity is associated with an increased risk of heart disease, but her post is contradictory. The CDC does not list obesity as a cause of death, according to [NBC News](#).

Many other posts are being shared that include Owens' tweet along with a circled response from a user name @mnkybrd who claims to work in a medical examiners office. The tweet reply said:

”

I work in medical examiners office. Suicides and murders are being classified as covid deaths if they carry the anti body. It's a numbers game, and a sham.

Here is an example:



That unsourced statement is not true. Aiken said, "It is categorically false that 'suicides and murders' are being categorized as COVID-19 deaths."

The Washington Post published an investigative story on April 5, 2020, titled [Coronavirus death toll: Americans are almost certainly dying of covid-19 but being left out of the official count](#), which found that the number of COVID-19 related deaths is likely undercounted:

”

The U.S. Centers for Disease Control and Prevention counts only deaths in which the presence of the coronavirus is confirmed in a laboratory test. "We know that it is an underestimation," agency spokeswoman Kristen Nordlund said.

A widespread lack of access to testing in the early weeks of the U.S. outbreak means people with respiratory illnesses died without being counted, epidemiologists say. Even now, some people who die at home or in overburdened nursing homes are not being tested, according to funeral directors, medical examiners and nursing home representatives.

Postmortem testing by medical examiners varies widely across the country, and some officials say testing the dead is a misuse of scarce resources that could be used on the living. In addition, some people who have the virus test negative, experts say.

There is a lot of misinformation online about the coronavirus. Here are some other fact checks by Lead Stories you may want to check out:

- [Fact Check: Black People Are NOT Immune To The Dangers Of Coronavirus](#)
- [Fact Check: 60 Democrats Did NOT Vote Against Coronavirus Stimulus Bill](#)
- [Fact Check: Photos Do NOT Show People Falling Dead Of COVID-19 On Italy's Streets](#)
- [Fact Check: Coronavirus Test DOES Require Swab To Be Inserted Clear Through Nasal Passage](#)
- [Fact Check: Sky News Video About Coronavirus Victims In Italian Hospital Did NOT Get Taken Down](#)
- [Fact Check: Using A Sauna Or Hairdryer Will NOT Kill Coronavirus](#)
- [Fact Check: Helicopters Are NOT Spraying Disinfectants To Try To Eradicate Coronavirus](#)
- [Fact Check: Tanks NOT Arriving In San Diego. NO Martial Law](#)
- [Fact Check: Massachusetts State Police DO Warn Of Possible Scam Related To Coronavirus](#)
- [Fact Check: NOT A Photo Of Hundreds Of Coronavirus Dead In Italy](#)
- [Fact Check: Coronavirus Cases In U.S. NOT Linked To 5G Rollout](#)
- [Fact Check: Joe Biden Did NOT Test Positive For Coronavirus, As African Hoax Website Claims](#)
- [Fact Check: Homeland Security Is NOT Preparing To Mobilize The National Guard To Combat Coronavirus](#)
- [Fact Check: Italy Has NOT Mandated No Treatment Of All Elderly With Coronavirus](#)
- [Fact Check: A Banana A Day Does NOT Keep The Coronavirus Away](#)
- [Fact Check: 15 Minutes In Sauna Will NOT Kill The Coronavirus](#)
- [Fact Check: A Dog Vaccine Can NOT Be Used To Inoculate People Against Coronavirus](#)
- [Fact Check: The CDC Is NOT Warning People The Morel Mushroom Increases Coronavirus Risk By 200%](#)
- [Fact Check: Baby Formula NOT Necessarily Being Shipped For Free During Coronavirus Outbreak](#)
- [Fact Check: Train Was NOT Marked With "COVID-19" On Its Side](#)
- [Fact Check: NOT 10,000 Deaths In Virus Outbreak in Michigan, Washington, Idaho, North Dakota, Missouri, Mississippi](#)
- [Fact Check: CDC Did NOT Recommend Men Shave Their Beards To Protect Against Coronavirus](#)
- [Fact Check: Florida Man NOT Arrested For Robbery Using Cough As A Weapon](#)
- [Fact Check: Lysol Products Can Kill Older Strains Of Coronavirus, But Tests Have NOT Scientifically Proven They Kill Novel Coronavirus](#)
- [Fact Check: Hair Weaves And Lace Front Wigs Made In China NOT Likely To Contain Coronavirus](#)
- [Fact Check: Scientists Did NOT Discover That Cocaine Kills Coronavirus](#)
- [Fact Check: NO Evidence Coronavirus Is Bioweapon Leaked From Wuhan Lab](#)
- [Fake News: Six Coronavirus Cases NOT Confirmed In Wichita, Kansas \(Or Several Other U.S. Cities\)](#)
- [Fake News: 20 Million Chinese Did NOT Convert To Islam, And It Was NOT Proven That Coronavirus Epidemic Did Not Afflict Muslims](#)
- [Fake News: NO Evidence To Support Claim From Bioweapons Expert Who Says Coronavirus Is Biological Warfare Weapon](#)
- [Fake News: Popping Bubble Wrap Does NOT Expose People To Coronavirus](#)
- [Fake News: Data From Windy.com Does NOT Show Massive Release Of Sulfur Dioxide Gas Near Wuhan](#)
- [Fake News: Latest Research Published By Chinese Scientists Did NOT Say Coronavirus Will Render Most Male Patients Infertile](#)
- [Fake News: NO Proof That High-Rise Buildings Have Become Human Incinerators To Combat Coronavirus](#)

Updates:

5 months
ago
12:21

Updated 4/5/2020: Adding quotes from Washington Post investigation finding number of COVID-19 deaths is likely undercounted.

Want to inform others about the accuracy of this story?

<https://leadstories.com/hoax-alert/2020/04/Fact-Check-COVID19-NOT-Being-Blamed-For-Deaths-Primarily-Due-To-Unrelate...>

Click this link to copy it to your clipboard

See who is sharing it (it might even be your friends...) and leave the link in the comments.:



Lead Stories is working with the [CoronaVirusFacts/DatosCoronaVirus Alliance](#), a coalition of more than 100 fact-checkers who are fighting misinformation related to the COVID-19 pandemic. [Learn more about the alliance here.](#)

”



Ryan Cooper, a staff writer and fact-checker for Lead Stories, is the former Director of Programming at CNN International, where he helped shape the network's daily newscasts broadcast to more than 280 million households around the world. He was based at the network's Los Angeles Bureau. There, he managed the team responsible for a three-hour nightly program, *Newsroom LA*.

Formerly, he worked at the headquarters in Atlanta, and he spent four years at the London bureau. An award-winning producer, Cooper oversaw the network's Emmy Award-winning coverage of the uprising in Egypt in 2011. He also served as a supervising producer during much of the network's live reporting on the Israel-Hezbollah conflict in 2006, for which CNN received an Edward R. Murrow Award.

[Read more about or contact Ryan Cooper](#)

EXHIBIT E



FACT CHECK

Fact Check: CDC has not stopped reporting flu deaths, and this season's numbers are typical

Devon Link USA TODAY

Published 2:41 p.m. ET Apr. 30, 2020 | Updated 11:35 a.m. ET May 12, 2020

The claim: The CDC has stopped reporting flu deaths because they are so low

On April 28, conservative commentator and political activist Candace Owens accused the Centers for Disease Control and Prevention of misreporting flu deaths.

"According to CDC reports – 2020 is working out to be the lowest flu death season of the decade," she posted on Facebook. "It's a miracle!"

Owens posted a photo of a tweet she'd written the same day alongside her comment.

"Possibly the greatest trade deal ever inked was between the flu virus and #coronavirus," she tweeted. "So glad nobody is dying of the flu anymore, and therefore the CDC has abruptly decided to stop calculating flu deaths altogether."

Some Facebook and Twitter users questioned the validity of Owens' statistics. Others read between the lines of her sarcasm to comment on what she may be implying.

"Not just lowest flu death, but also cancer deaths, diabetes deaths, heart disease deaths, and many other know(n) diseases," one Facebook user wrote. "When hospitals are guaranteed payment from the federal government if it is classified as covid19 hospitalization, it becomes a business plan."

According to CDC data, none of Owens' statistics is correct.

Owens did not respond to USA TODAY's request for comment.

How the CDC tracks flu deaths

The CDC uses mathematical estimates to retroactively measure the burden of each flu season. "The model uses a ratio of deaths-to-hospitalizations in order to estimate the total influenza-associated deaths from the estimated number of influenza-associated hospitalizations," the CDC states, describing its methodology.

This in-hospital mortality FluSurv-NET data is the basis from which larger, annual estimates are made. This data excludes all influenza-associated deaths that are misdiagnosed or occur outside a hospital.

After each flu season, the CDC considers in-hospital death data and investigates death certificates to account for the total flu deaths. "(B)ecause not all deaths related to influenza occur in the hospital, we use death certificate data to estimate how likely deaths are to occur outside the hospital," the CDC website explains.

Defining flu season

Flu seasons vary from year to year and don't have a strict timeline. Last year, flu season was the longest in a decade, lasting 21 weeks.

"In the United States, flu season occurs in the fall and winter. While influenza viruses circulate year-round, most of the time flu activity peaks between December and February, but activity can last as late as May," the CDC website explains.

To account for this ambiguous period the CDC releases weekly U.S. influenza summary updates from October through May.

Influenza-associated deaths last year were much lower than claimed

According to the CDC's 2018-2019 estimates, there were 34,200 influenza-associated deaths from October 2018 to May 2019 – not 80,000 as Owens claimed on Facebook.

The CDC estimated 61,000 influenza-associated deaths in the 2017-2018 season.

So where did Owens' 80,000 statistic come from?

For the preliminary 2017-2018 season estimates the CDC approximated 79,400 influenza-associated deaths, which it later updated to 61,000 deaths and archived for historical

purposes.

"All estimates from the 2017-2018 influenza season are preliminary and may change as data from the season are cleaned and finalized," the CDC estimated disclosed.

The National Foundation for Infectious Diseases estimated 80,000 deaths for the same season. This NFID's estimate came from unpublished CDC data and used estimation methodology that the CDC has since altered for better accuracy.

The NFID is a nonprofit "dedicated to educating the public and healthcare professionals about the burden, causes, prevention, diagnosis, and treatment of infectious diseases across the lifespan," its website states.

CDC continues to report flu deaths

The FluSurv-NET data for 2020 has not dipped after January as Owens claimed. It increased in February.

The CDC reported fewer than 2,000 influenza-associated deaths in January – not 20,000 as Owens claimed. Since January, the CDC reported more than 5,000 influenza-associated deaths – not 4,000, as claimed.

Keep in mind, this data only accounts for the patients who died in a hospital from diagnosed influenza. The CDC's anticipated estimates for the season will be much larger than the 7,000 documented cases so far.

From October 2018 to May 2019 the FluSurv-NET data accounted for about 7,000 influenza-associated deaths, which CDC ultimately used to estimate 34,200 total deaths for the 2018-2019 flu season.

How this flu season compares so far

FluSurv-NET data shows there have been nearly as many influenza-associated deaths to date in 2020 as there were in all of 2019.

This year's total will continue to rise as the U.S. enters the 2020-2021 flu season in October, but it's unlikely that increase will be significant since the majority of annual flu seasons decrease at the beginning of each year.

The 2017-2018 flu season was the most deadly in the past decade with a CDC estimate of 61,000 deaths. The FluSurv-NET data for 2018 totaled nearly 15,000 in-hospital influenza-associated deaths.

In the last decade, 2011-2012 was the least deadly, with 12,000 deaths, according to CDC data.

The early FluSurv-NET data indicates that this 2019-2020 flu season isn't shaping up to be the decade's most or least deadly.

Our ruling: False

We rate the claim that the CDC has stopped reporting flu deaths because the death rates are so low as FALSE because it is not supported by our research. The CDC continues to report weekly on the 2020 influenza season. Its data shows this season's rates are similar to rates of past years. Further, the rate of flu deaths did not decrease in January, as stated, nor was the total number of deaths in 2018-19 as high as claimed.

Our fact-check sources:

CDC "How CDC Estimates the Burden of Seasonal Influenza in the U.S."

Centers for Disease Control and Prevention "Weekly U.S. Influenza Surveillance Report"

USA TODAY "U.S. flu season is now the longest in a decade"

CDC "The Flu Season"

CDC "Past Seasons Estimated Influenza Disease Burden"

National Foundation for Infectious Diseases "INFLUENZA AND PNEUMOCOCCAL DISEASE CAN BE SERIOUS, HEALTH OFFICIALS URGE VACCINATION"

CDC "Archived Estimated Influenza Illnesses, Medical Visits, Hospitalizations, and Deaths in the United States-- 2017-2018 influenza season"

NCBI "Influenza Illness and Hospitalizations Averted by Influenza Vaccination in the United States, 2005–2011"

CDC "National Press Conference Kicks Off 2018-2019 Flu Vaccination Campaign"

USA TODAY "This flu season is the worst in nearly a decade – and it's not getting better"

USA TODAY "Fact check: Hospitals get paid more if patients listed as COVID-19, on ventilators"

EXHIBIT F

From: Candace Owens <candaceoh@candaceowens.com>

Date: Friday, May 8, 2020 at 10:14 PM

To: Alan Duke <alan@leadstories.com>, "daniellectyr@fb.com" <daniellectyr@fb.com>

Cc: "katcanfield@fb.com" <katcanfield@fb.com>, "appeals@leadstories.com" <appeals@leadstories.com>

Subject: Re: False Stories: Candace Owens

Following up to include another article, from today in which Deputy Health officer Dr. Mark Fox confirms that:

“For example, if a patient dies from a heart attack but has tested positive for COVID-19, it's up to the judgment of the patient's physician to decide if there's probable cause this was coronavirus related.”

<https://www.wndu.com/content/news/Fact-Check-Are-COVID-19-case-numbers-accurate-570184681.html>

This is EXACTLY what my post stipulated. There is no getting around this. Your pathologist is not more well informed than our government, other pathologists and health ministers in this country.

Your doctor was either sincerely mistaken, or being dishonest about how deaths are reported.

Candace Owens

On May 8, 2020, at 8:08 PM, Candace Owens <candaceoh@candaceowens.com> wrote:

Alan,

Dr. Sally Aiken is a pathologist, just as the Doctor who wrote the article that I quoted is a pathologist.

How do you determine that your pathologist is more reliable than another pathologist? I am not going to edit my post on your fallacious assumption that “my pathologist is

better than yours”.

Also, how does your randomly selected doctor from Washington top what Dr. Deborah Birx—the lead doctor of our nation’s coronavirus response task force—, stated during a Presidential press conference?

Here are her exact words, which is exactly what I intimated in my Facebook post.

“I think in this country, we’ve taken a very liberal approach to mortality,” The intent is if someone dies WITH COVID-19, we are counting that as a COVID-19 death,”

Here is a video of her confirming just what I stated on Facebook—that UNLIKE in other countries where people who die of heart disease are not counted toward covid-19 death toll—in America, they are . https://twitter.com/greg_price11/status/1247669966939262977

Danielle— I am asking Facebook to review this case outside of Leadstories. They are clearly in the wrong to claim that our nation’s lead doctor on the coronavirus task force

made statements that can be considered false because they independently found one doctor that agreed with them. As I stated, the CDC website even verifies exactly what my post stipulated. I find this action taken on my account from Facebook to be discriminatory. Especially considering the fact that Alan Duke here worked at CNN for 26 years, the home of biased news. If anything, he is honing in on skills he developed at his previous network by utilizing selective information, to further a storyline he believes in.

This is completely fraudulent behavior and should be consider unacceptable at Facebook when weighed against the evidence here. How is a CNN editor of 26 years deemed an unbiased fact-checker?

Respectfully,

Candace Owens

On May 7, 2020, at 11:09 AM, Alan Duke <alan@leadstories.com> wrote:

Ms. Owens,

We at Lead Stories are part of Facebook's third-party fact-checking program. Facebook works with independent fact-checking organizations around the world that are certified by the International Fact-Checking Network (IFCN). We review and rate the veracity of articles, images, videos and text posts, focused on claims that are spreading virally. You can read more about Lead Stories' methodology here: <https://leadstories.com/how-we-work.html>.

We reviewed your post, and rated revised the rating from "False" to "Partly False" for the following reasons:

You wrote: "Right now, they are giving everyone who dies a Covid-19 lab test. If people die from heart disease, but were asymptomatic carriers of Covid-19, their deaths are counted toward the total. Same with other viruses an illnesses. I am an asthmatic. If I die from an asthma attack today, and it is determined that I have Covid-19 in my system at the time of death, my death counts as "complications from coronavirus", even if I never had any symptoms. They are trying desperately to get the numbers they need to justify this pandemic response."

Lead Stories consulted with Dr. Sally Aiken, M.D., the president of NAME, and a practicing medical examiner in Washington state. On April 1, she said:

"As most people are aware, very few asymptomatic people in the U.S. have been tested for COVID-19. In the vast number of cases, living individuals are being tested because they have symptoms. Medical examiners and coroners are doing the same thing. We are performing autopsies on homicides, suicides, traffic accidents, etc. These decedents are not being tested for COVID-19 as a matter of course. Medical Examiners and Coroners are testing decedents who had symptoms, but were undiagnosed during life. MEs and Coroners are not identifying any 'asymptomatic carriers,' because we aren't testing for them, as it is not pertinent for death certification."

Also note our reference to a Washington Post interview with CDC spokeswoman Kristen Nordlund titled [Coronavirus death toll: Americans are almost certainly dying of covid-19 but being left out of the official](#)

count:

The U.S. Centers for Disease Control and Prevention counts only deaths in which the presence of the coronavirus is confirmed in a laboratory test. "We know that it is an underestimation," agency spokeswoman Kristen Nordlund said.

A widespread lack of access to testing in the early weeks of the U.S. outbreak means people with respiratory illnesses died without being counted, epidemiologists say. Even now, some people who die at home or in overburdened nursing homes are not being tested, according to funeral directors, medical examiners and nursing home representatives.

Postmortem testing by medical examiners varies widely across the country, and some officials say testing the dead is a misuse of scarce resources that could be used on the living. In addition, some people who have the virus test negative, experts say.

You can read more detail in our fact-check article: https://leadstories.com/hoax-alert/2020/04/Fact-Check-COVID19-NOT-Being-Blamed-For-Deaths-Primarily-Due-To-Unrelated-Causes.html?fbclid=IwAR0d4FQ_FT28IsVP7dx5Ni8OOJAU_7a7S-kK17gEOUD5JLKHfa0A-asGZwA

If you issue a correction, we will review it and can update the rating on your content.

Please note that deleting a post or removing a URL will make it impossible for us to process your appeal.

Per Facebook's Help Center:

- For corrections to URLs, please ensure the relevant information has been corrected on both your website and the relevant Facebook post (including headline).
- For corrections to image or video posts, please update the post text to correct the false content and clearly state that a correction was made. You may also link to an additional post that includes an updated, accurate version of the image or video, or to a fact-check article.

Let me know if you have any questions, or if you'd like to discuss further.

Alan Duke
Lead Stories

EXHIBIT G

From: Danielle Cyr <daniellecyr@fb.com>
Date: Monday, May 11, 2020 at 5:55 PM
To: Candace Owens <candaceoh@candaceowens.com>
Cc: Kathleen Marie Canfield <katcanfield@fb.com>
Subject: Re: False Stories: Candace Owens

Hi Candace,

Thank you for your reply.

Facebook's fact-checking partners apply their ratings independently and are responsible for responding to appeals. Therefore, disputes between publishers and fact-checkers are independent from Facebook.

Facebook is responsible for setting the policies that guide its program. For example, Facebook asks that fact-checking partners focus on viral misinformation, particularly the type that could harm or mislead people. More information about the program generally can be found [here](#).

For some additional background on the program, Facebook requires fact-checking organizations to be certified by the International Fact-Checking Network (IFCN). IFCN has a [Code of Principles](#) to promote higher standards on accountability, transparency, and better signals in fact-checking. Fact-checking organizations applying to IFCN's Code go through a rigorous process supervised by independent assessors to get verified as a signatory by its board of advisors. IFCN's Code of Principles includes a series of commitments that organizations must adhere to in order to promote excellence in fact-checking: nonpartisanship and fairness; transparency of sources; transparency of funding and organization; transparency of methodology; open and honest corrections policy.

With that said, I encourage you to continue working with the third party fact-checkers on this appeal. I hear your concerns though and will communicate them to the team who works on the program.

If you have additional questions about this process, please let me know.

Thank you,

Danielle

--



Danielle Cyr

U.S. Politics & Government Outreach

Facebook | Washington, DC

e: daniellecyr@fb.com

From: Candace Owens <candaceoh@candaceowens.com>

Date: Sunday, May 10, 2020 at 7:39 PM

To: "alan@leadstories.com" <alan@leadstories.com>, Danielle Cyr <daniellecyr@fb.com>

Cc: Kathleen Marie Canfield <katcanfield@fb.com>, "appeals@leadstories.com" <appeals@leadstories.com>

Subject: Re: False Stories: Candace Owens

Hi Danielle,

I wanted to update this by including a link of a press conference by the Director of Public Health, Dr. Ngozi Ezike. **These are her exact words**, which again, prove Alan Duke's doctor friend, is wrong.

"I just want to be clear in terms of the definition of "people dying of COVID". The case definition is very simplistic. It means, at the time of death, there was a COVID positive diagnosis. That means that if you were in hospice and had already been given a few weeks to live, and then you also were found to have COVID, that would be counted as a Covid death. It means technically even if you died of a clear alternate cause, but you had COVID at the same time, it's still listed as a COVID death. Everyone who is listed as a COVID doesn't mean that was the cause of the death, but they had COVID at the time of death."

Here is a link, if you would like to watch her say it verbatim— which is EXACTLY WHAT MY FACEBOOK POST SAID. <https://week.com/2020/04/20/idph-director-explains-how-covid-deaths-are-classified/>

I am again requesting to have the strike removed from Facebook account, immediately—on the basis that the fake fact-checking organization comprised of CNN editors is completely biased and

fraudulent.

Thank you,

-C

EXHIBIT H



Todd V. McMurtry
tmcmurtry@hemmerlaw.com

May 18, 2020

Via Federal Express & Electronic Mail

Facebook, Inc.
c/o Jennifer Newstead, General Counsel
1 Hacker Way
Menlo Park, CA 94025
jnewstead@fb.com

Lead Stories LLC
c/o Sanders Law Firm, Registered Agent
31 N. Tejon St., Suite 405
Colorado Springs, CO 80903
slf@perrysanderslaw.com

Re: Candace Owens

To Whom it May Concern:

I write on behalf of my client, Candace Owens (“Ms. Owens”), with regard to a “fake news” warning Facebook published on its platform by which Facebook accused Ms. Owens of spreading false information about the Covid-19 pandemic (the “Defamatory Notice”). Facebook’s accusation is patently false, defamatory, and was published with reckless or intentional disregard of the truth. Indeed, Facebook’s accusation is solely designed to maliciously suppress and silence Ms. Owens’ conservative perspective of the U.S. government’s response to the Covid-19 pandemic. In fact, the truth of the matter is that Ms. Owens’ post—which Facebook says contains false information—is purely her opinion based upon facts that are completely and provably true but which were wholly ignored by Facebook’s “independent fact-checker,” LeadStories.com (“Lead Stories”).¹

Ms. Owens is a highly-regarded, free-thinking and popular conservative commentator who offers her opinion on a variety of political issues. Accordingly, on March 29, 2020, Ms. Owens published an opinion that questioned the method that U.S.

¹ This letter is not intended to contain an exhaustive recitation of every claim and/or argument Ms. Owens could make in a civil action against Facebook and/or Lead Stories. Ms. Owens reserves her right to assert claims and/or arguments not mentioned herein.

government officials were using to count the number of deaths caused by the Covid-19 pandemic (“the Post”).² The Post contained a screenshot of a tweet she posted on her Twitter account (@RealCandaceO), which read:

The number one killer in America is Heart disease. 1,002 people a day. Did you know that if you die from heart disease right now, and they determine you to be an asymptomatic carrier of Covid-19 in your post-Mortem, they legally add your death to the #Coronavirus death toll?

The Post linked and directed her readers to an article from a reputable source, which lends factual support for her opinion.³ Multiple credible U.S. officials, including Dr. Ngozi Ezike, the Director of Public Health in Illinois, and Dr. Deborah Birx, a member of the White House Coronavirus Task Force, have expressed that the factual basis for Ms. Owens’ Post is true. For example, Dr. Ngozi Ezike said:

If you were in hospice and had already been given a few weeks to live, and then you also were found to have COVID, that would be counted as a COVID death. It means technically even if you died of a clear alternate cause, but you had COVID at the same time, it’s still listed as a COVID death. So, everyone who’s listed as a COVID death doesn’t mean that that was the cause of the death, but they had COVID at the time of the death.⁴

However, in complete disregard of this truth, Facebook published the Defamatory Notice on the Post—stonewalling its viewability to her 1,500,000 followers.⁵ Facebook’s Defamatory Notice read:

Independent fact-checkers at Lead Stories say [the Post] has false information. To help stop the spread of false news, a

² The Post and the Defamatory Notice are still available online and can be accessed at <https://www.facebook.com/realCandaceOwens/posts/3598900840181091>.

³ Dr. John Lee, *How deadly is the coronavirus? It’s still far from clear*, THE SPECTATOR (March 28, 2020), https://www.spectator.co.uk/article/The-evidence-on-Covid-19-is-not-as-clear-as-we-think?fbclid=IwAR1hsNKscw7rsxDqDWrv1qFsV9-5AT48w2Ow_HOmOalveK9JrEGwBHQNYE.

⁴ Lauren Melendez, *IDPH Director explains how Covid deaths are classified*, Week.com (April 20, 2020), <https://week.com/2020/04/20/idph-director-explains-how-covid-deaths-are-classified/>.

⁵ The Defamatory Notice is also visible to Facebook users who do not follow Ms. Owens but who otherwise see her Post on Facebook.

notice will be added to [the reader's] post if [the reader] decide[s] to share [the Post].⁶

Facebook's Defamatory Notice recklessly referenced and relied on an article published by Lead Stories entitled "Fact Check: COVID-19 NOT Being Blamed For Deaths Primarily Due To Unrelated Causes" ("the Article").⁷ Lead Stories is an organization that has a provable left-leaning bias and an axe to grind with conservative thought leaders like Ms. Owens who offer fresh perspectives on public issues. As a consequence of that bias, the Article incompetently and incorrectly assesses the underlying facts of the Post.⁸ Indeed, it is clear that the Article is not so much a "fact-check" as it is a vehicle to communicate Lead Stories' own combative opinion about the U.S. government's methods of counting deaths caused by Covid-19.

But instead of allowing these two competing opinions to coexist and be displayed as equally valid, Facebook and Lead Stories concertedly engaged in a tortious campaign to subvert the public debate in their favor by branding the Post as being "false news" and communicating "false information." Instead of facilitating and protecting a marketplace of ideas on its online public forum, Facebook's Defamatory Notice weaponized its platform, for reasons deeply rooted in its political ideology, for the purpose of discrediting Ms. Owens' opposing opinion and her inquisition into the methods the U.S. government is currently using to count deaths caused by Covid-19.

Facebook's Defamatory Notice and Lead Stories' Article recklessly and intentionally convey the false and defamatory gist that Ms. Owens' is a liar, is paid to lie, and insinuate that she profits from disseminating misinformation on the internet. In reality, nothing could be further from the truth. Moreover, Facebook published its Defamatory Notice with actual malice. Facebook employees maintain a spreadsheet of "hate agents" containing the names of conservative thought leaders who Facebook employees actively seek to attack, discredit, and vilify.⁹ Ms. Owens' name is on that list.

⁶ Another iteration of the Defamatory Notice read: "[P]artly false information, checked by independent fact-checkers; the information in this post is a mix of true and false statements or it could simply be incomplete. In some cases, the information is misleading."

⁷ Ryan Cooper, *Fact Check: COVID-19 NOT Being Blamed For Deaths Primarily Due To Unrelated Causes*, Lead Stories (Apr. 1, 2020), https://leadstories.com/hoax-alert/2020/04/Fact-Check-COVID19-NOT-Being-Blamed-For-Deaths-Primarily-Due-To-Unrelated-Causes.html?fbclid=IwAR0yCaK5FfSI-LucwOrzNPHJuOx2cMHGZ9cI54YqdEXOlgWiqqDegqOGB_M.

⁸ Ms. Owens contacted Lead Stories and Facebook on multiple occasions to explain why the Article and Defamatory Notice is incorrect. However, Ms. Owens was repeatedly ignored.

⁹ Chris Enloe, *Report: Facebook tracks list of 'hate agents' that includes Candace Owens*, THE BLAZE (May 20, 2019), <https://www.theblaze.com/news/facebook-hate-agents-candace-owens>.

Facebook, Inc.
Lead Stories LLC
May 18, 2020
Page 4 of 4

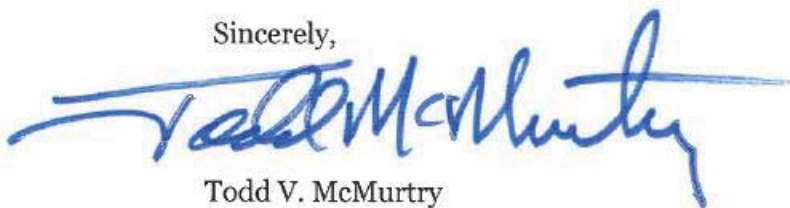
Finally, if Facebook believes that it is shielded from civil liability by Section 230 of the Communications Decency Act ("Section 230"), it would be wrong for two primary reasons. First, Facebook itself, and not a third-party user, published the Defamatory Notice. Moreover, and even if it were not the publisher, Facebook could not escape liability by republishing the false and defamatory statements of Lead Stories. And second, Section 230's "Good Samaritan" provision would not apply because Facebook and Lead Stories acted in bad faith, and the Post is not the type of content that falls within the scope of that provision.

In light of the above, I hereby demand that Facebook remove its Defamatory Notice from the internet, remove it from the Post, and remove all reference to the Article. Furthermore, I hereby demand that Lead Stories remove its Article from the internet. Should Facebook and/or Lead Stories refuse to comply with our request, Ms. Owens may be forced to pursue legal action against both entities to vindicate her rights, including filing an action for defamation and related causes of action.

I further request that Facebook and Lead Stories provide written confirmation that they have complied with these instructions **no later than June 1, 2020.**

Govern yourselves accordingly.

Sincerely,



Todd V. McMurtry

cc: Candace Owens
Jeffrey A. Seaman



IN THE SUPERIOR COURT FOR THE STATE OF DELAWARE

CANDACE OWENS, in her
individual capacity, and
CANDACE OWENS, LLC,
a Delaware limited liability company,

Plaintiffs,

v.

LEAD STORIES, LLC, a Colorado
limited liability company, and
GANNETT SATELLITE
INFORMATION NETWORK, LLC
d/b/a USA TODAY, a Delaware limited
liability company,

Defendants.

C.A. No. _____

JURY TRIAL DEMANDED

SUMMONS

**THE STATE OF DELAWARE,
TO SEAN J. BELLEW:
YOU ARE COMMANDED:**

To summon the above named Defendant, LEAD STORIES LLC, c/o its Registered Agent, Sanders Law Firm, 31 N. Tejon St., Ste. 400, Colorado Springs, Colorado 80903, so that, within 20 days after service hereof upon Defendant, exclusive of the day of service, Defendant shall serve upon Sean J. Bellew, Plaintiffs' counsel, whose address is Bellew LLC, 2961 Centerville Road, Suite 302, Wilmington, DE 19808, an Answer to the Complaint (and, if an Affidavit of Demand has been filed, an Affidavit of Defense).

To serve upon Defendant LEAD STORIES LLC a copy here to of the Complaint (and if an Affidavit of Demand if any has been filed by Plaintiff).

Date: _____, 2020

Myrtle A. Thomas
Prothonotary

Per Deputy

TO THE ABOVE NAMED DEFENDANT:

In case of your failure, within twenty (20) days after service hereof upon you, exclusive of the day of service, to serve on Plaintiff's attorney named above an Answer to the Complaint (and, if an Affidavit of Demand has been filed, an Affidavit of Defense), judgment by default will be rendered against you for the relief demanded in the Complaint (or in the Affidavit of Demand, if any).

Myrtle A. Thomas
Prothonotary

Per Deputy



IN THE SUPERIOR COURT FOR THE STATE OF DELAWARE

CANDACE OWENS, in her
individual capacity, and
CANDACE OWENS, LLC,
a Delaware limited liability company,

Plaintiffs,

v.

LEAD STORIES, LLC, a Colorado
limited liability company, and
GANNETT SATELLITE
INFORMATION NETWORK, LLC
d/b/a USA TODAY, a Delaware limited
liability company,

Defendants.

C.A. No. _____

JURY TRIAL DEMANDED

SUMMONS

**THE STATE OF DELAWARE,
TO THE SHERIFF OF NEW CASTLE COUNTY:
YOU ARE COMMANDED:**

To summon the above named Defendant, GANNETT SATELLITE INFORMATION NETWORK, LLC d/b/a USA TODAY., c/o its Registered Agent, The Corporation Trust Company, Corporation Trust Center 1209 Orange Street, Wilmington, DE 19801, so that, within 20 days after service hereof upon Defendant, exclusive of the day of service, Defendant shall serve upon Sean J. Bellew, Plaintiffs' counsel, whose address is Bellew LLC, 2961 Centerville Road, Suite 302, Wilmington, DE 19808, an Answer to the Complaint (and, if an Affidavit of Demand has been filed, an Affidavit of Defense).

To serve upon Defendant GANNETT SATELLITE INFORMATION NETWORK, LLC d/b/a USA TODAY a copy here to of the Complaint (and if an Affidavit of Demand if any has been filed by Plaintiff).

Date: _____, 2020

Myrtle A. Thomas
Prothonotary

Per Deputy

TO THE ABOVE NAMED DEFENDANT:

In case of your failure, within twenty (20) days after service hereof upon you, exclusive of the day of service, to serve on Plaintiff's attorney named above an Answer to the Complaint (and, if an Affidavit of Demand has been filed, an Affidavit of Defense), judgment by default will be rendered against you for the relief demanded in the Complaint (or in the Affidavit of Demand, if any).

Myrtle A. Thomas
Prothonotary

Per Deputy

**SUPERIOR COURT
CIVIL CASE INFORMATION STATEMENT (CIS)**

Filed: Oct 19 2020 04:18PM EDT
Transaction ID 66034255
Case No. S20C-10-016 CAK



COUNTY: Sussex

CIVIL ACTION NUMBER: _____

<p>Caption: CANDACE OWENS and CANDACE OWENS, LLC</p> <hr/> <p>Plaintiffs</p> <hr/> <p>v.</p> <hr/> <p>LEAD STORIES, LLC and GANNETT SATELLITE INFORMATION NETWORK, LLC d/b/a USA TODAY</p> <hr/> <p>Defendants</p> <hr/>	<p>Civil Case Code: CDEF _____</p> <p>Civil Case Type: Defamation _____ <small>(SEE REVERSE SIDE FOR CODE AND TYPE)</small></p> <p>MANDATORY NON-BINDING ARBITRATION (MNA) _____</p> <p>Name and Status of Party filing document: Candace Owens and Candace Owens LLC - Plaintiff</p> <hr/> <p>Document Type: (E.G.; COMPLAINT; ANSWER WITH COUNTERCLAIM) Complaint</p> <hr/> <p align="right">JURY DEMAND: YES <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
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<p>ATTORNEY NAME(S): Sean J. Bellew</p> <hr/> <p>ATTORNEY ID(S): 4072</p> <hr/> <p>FIRM NAME: Bellew LLC</p> <hr/> <p>ADDRESS: 2961 Centerville Rd., Suite 302 Wilmington, DE 19808</p> <hr/> <p>TELEPHONE NUMBER: (302) 353-4951</p> <hr/> <p>FAX NUMBER:</p> <hr/> <p>E-MAIL ADDRESS: sjbellew@bellewllc.com</p> <hr/>	<p>IDENTIFY ANY RELATED CASES NOW PENDING IN THE SUPERIOR COURT OR ANY RELATED CASES THAT HAVE BEEN CLOSED IN THIS COURT WITHIN THE LAST TWO YEARS BY CAPTION AND CIVIL ACTION NUMBER INCLUDING JUDGE'S INITIALS: None.</p> <hr/> <p>EXPLAIN THE RELATIONSHIP(S): N/A</p> <hr/> <p>OTHER UNUSUAL ISSUES THAT AFFECT CASE MANAGEMENT: None.</p> <hr/> <p>(IF ADDITIONAL SPACE IS NEEDED, PLEASE ATTACH PAGE)</p>
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THE PROTHONOTARY WILL NOT PROCESS THE COMPLAINT, ANSWER, OR FIRST RESPONSIVE PLEADING IN THIS MATTER FOR SERVICE UNTIL THE CASE INFORMATION STATEMENT (CIS) IS FILED. THE FAILURE TO FILE THE CIS AND HAVE THE PLEADING PROCESSED FOR SERVICE MAY RESULT IN THE DISMISSAL OF THE COMPLAINT OR MAY RESULT IN THE ANSWER OR FIRST RESPONSIVE PLEADING BEING STRICKEN.

SUPERIOR COURT CIVIL CASE INFORMATION STATEMENT (CIS) INSTRUCTIONS

CIVIL CASE TYPE

Please select the appropriate civil case code and case type (e.g., **CODE - AADM** and **TYPE - Administrative Agency**) from the list below. Enter this information in the designated spaces on the Case Information Statement.

<p>APPEALS AADM - Administrative Agency ACER - Certiorari ACCP - Court of Common Pleas AIAB - Industrial Accident Board APSC - Public Service Commission AUIB - Unemployment Insurance Appeal Board</p> <p>COMPLAINTS CABT – Abatement CASB – Asbestos CAAA - Auto Arb Appeal CMIS - Civil Miscellaneous CACT - Class Action CCON – Condemnation CCLD – Complex Commercial Litigation Division (NCC ONLY) CDBT - Debt/Breach of Contract CDEJ - Declaratory Judgment CDEF - Defamation CEJM - Ejectment CATT - Foreign & Domestic Attachment CFJG - Foreign Judgment CFRD - Fraud Enforcement CINT - Interpleader CLEM - Lemon Law CLIB - Libel CMAL - Malpractice CMED - Medical Malpractice CPIN - Personal Injury CPIA - Personal Injury Auto CPRL - Products Liability CPRD - Property Damage CRPV - Replevin CSPD - Summary Proceedings Dispute CCCP - Transfer from CCP CCHA - Transfer from Chancery</p> <p>MASS TORT CABI - Abilify Cases CBEN - Benzene Cases CFAR - Farxiga Cases CHON - Honeywell Cases CMON - Monsanto Cases CPEL - Pelvic Mesh Cases CPLX - Plavix Cases CPPI - PPI Cases CTAL - Talc Cases CTAX - Taxotere Cases CXAR - Xarelto Cases</p> <p>INVOLUNTARY COMMITMENTS INVC- Involuntary Commitment</p>	<p>MISCELLANEOUS MAGM - AG Motion - Civil/Criminal Investigations * MADB - Appeal from Disability Board * MAFF - Application for Forfeiture MAAT - Appointment of Attorney MGAR - Appointment of Guardianship MCED - Cease and Desist Order MCON - Civil Contempt/Capias MCVP - Civil Penalty MSOJ - Compel Satisfaction of Judgment MSAM - Compel Satisfaction of Mortgage MCTO - Consent Order MIND - Destruction of Indicia of Arrest * MESP - Excess Sheriff Proceeds MHAC - Habeas Corpus MTOX - Hazardous Substance Cleanup MFOR - Intercept of Forfeited Money MISS - Issuance of Subpoena MLEX - Lien Extension MMAN - Mandamus MWIT - Material Witness * MWOT - Material Witness - Out of State MRAT - Motion for Risk Assessment MROP - Petition for Return of Property MCRO - Petition Requesting Order MROD - Road Resolution MSEL - Sell Real Estate for Property Tax MSEM - Set Aside Satisfaction of Mortgage MSSS - Set Aside Sheriff's Sale MSET - Structured Settlement MTAX - Tax Ditches MREF - Tax Intercept MLAG - Tax Lagoons MVAC - Vacate Public Road MPOS - Writ of Possession MPRO - Writ of Prohibition</p> <p>MORTGAGES MCOM - Mortgage Commercial MMED - Mortgage Mediation MORT - Mortgage Non-Mediation (Res.)</p> <p>MECHANICS LIENS LIEN - Mechanics Lien</p>
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*** Not eFiled**

DUTY OF THE PLAINTIFF

Each plaintiff/counsel shall complete the attached Civil Case Information Statement (CIS) and file with the complaint.

DUTY OF THE DEFENDANT

Each defendant/counsel shall complete the attached Civil Case Information Statement (CIS) and file with the answer and/or first responsive pleading.



IN THE SUPERIOR COURT FOR THE STATE OF DELAWARE

CANDACE OWENS, in her
individual capacity, and
CANDACE OWENS, LLC,
a Delaware limited liability company,

Plaintiffs,

v.

LEAD STORIES, LLC, a Colorado
limited liability company, and
GANNETT SATELLITE
INFORMATION NETWORK, LLC
d/b/a USA TODAY, a Delaware limited
liability company,

Defendants.

C.A. No. S20C-10-016-CAK

JURY TRIAL DEMANDED

PRAECIPE

TO: The Prothonotary
Superior Court of the State of Delaware
Leonard L. Williams Justice Center
500 North King Street
Wilmington, DE 19801

PLEASE ISSUE A SUMMONS directing Sean J. Bellew, Esquire of Bellew
LLC, 2961 Centerville Rd., Suite 302, Wilmington, DE 19808 to serve the
complaint and summon upon the Defendants listed below in the manner indicated in
accordance with the Rules of Civil Procedure.

Certified Mail, Return Receipt Requested:

**Lead Stories, LLC
c/o Sanders Law Firm
31 N. Tejon St., Ste. 400
Colorado Springs, Colorado 80903**

PLEASE ISSUE A SUMMONS to the Sheriff of New Castle County, commanding him to summon and direct the below-listed Defendant, to appear and answer the Complaint in this case, by delivering copies of the aforesaid Summons and Complaint to the Defendants listed below in accordance with the Rules of Civil Procedure

**Gannett Satellite Information Network, LLC d/b/a USA TODAY
c/o The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801**

Dated: October 20, 2020

/s/ Sean J. Bellew

Sean J. Bellew, Esq. (#4072)

BELLEW LLC

2961 Centerville Road, Suite 302

Wilmington, DE 19808

Telephone: (302) 353-4951

Email: sjbellew@bellewllc.com

Counsel for Plaintiffs