

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

DEVIN G. NUNES )  
)  
Plaintiff, )  
)  
v. )  
)  
)  
WP COMPANY, LLC )  
d/b/a The Washington Post )  
)  
-and- )  
)  
SHANE HARRIS )  
)  
Defendants. )  
\_\_\_\_\_ )

Case No. 3:20-cv-146

**TRIAL BY JURY  
IS DEMANDED**

**COMPLAINT**

Plaintiff, Devin G. Nunes, by counsel, pursuant to Rule 3 of the Federal Rules of Civil Procedure (the “Rules”), files the following Complaint against defendants, WP Company, LLC d/b/a The Washington Post (“WaPo”) and Shane Harris (“Harris”), jointly and severally.

Plaintiff seeks (a) compensatory damages and punitive damages in the amount of **\$250,350,000.00**, plus, (b) prejudgment interest on the principal sum awarded by the Jury from February 20, 2020 to the date of Judgment at the rate of six percent (6%) per year pursuant to § 8.01-382 of the Virginia Code (1950), as amended (the “Code”), and (c) court costs pursuant to Title 28 U.S.C. § 1920 – arising out of the Defendants’ defamation and common law conspiracy.

## I. INTRODUCTION

1. Billionaire, Jeff Bezos (“Bezos”), purchased WaPo in 2013 for the purpose of using WaPo’s mighty pen to influence Federal elections. Bezos failed to defeat the GOP in 2016, in spite of WaPo’s notoriously libelous reporting. Bezos’ WaPo heavily promoted the Russian “collusion” hoax between 2017 and 2019, in spite of the fact that there was no evidence that any member of the Trump campaign colluded with any “Russian” to influence the 2016 Presidential Election. This is 2020. As this case illustrates, Bezos and his printing press remain desperate to defame the President of the United States and his allies in Congress. This defamation must end.

2. Libelous speech is not protected by the First Amendment. There is “no constitutional value in false statements of fact.” *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 349-350 (1974); *id. Bose Corp. v. Consumers Union of the United States, Inc.*, 466 U.S. 485, 504 (1984) (“there are categories of communication and certain special utterances to which the majestic protection of the First Amendment does not extend because they ‘are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality ... Libelous speech has been held to constitute one such category”) (quoting *Chaplinsky v. New Hampshire*, 315 U.S. 568, 572 (1942)).

3. This action arises out of a WaPo hit piece that was manufactured out of whole cloth. On February 20, 2020, WaPo published an article about Plaintiff written by Harris and others titled, “**Senior intelligence official told lawmakers that Russia wants to see Trump reelected**” [<https://www.washingtonpost.com/national-security/after-a->

[congressional-briefing-on-election-threats-trump-soured-on-acting-spy-chief/2020/02/20/1ed2b4ec-53f1-11ea-b119-4faabac6674f\\_story.html](https://www.washingtonpost.com/news/energy-environment/wp/2020/02/20/congressional-briefing-on-election-threats-trump-soured-on-acting-spy-chief/2020/02/20/1ed2b4ec-53f1-11ea-b119-4faabac6674f_story.html) (the “WaPo Hit Piece”)]. WaPo published the WaPo Hit Piece in Virginia to millions of print and online subscribers, and to its millions of followers on Twitter and Facebook.

4. WaPo and Harris intentionally falsified the following facts:

<b><i>WAPo</i></b> <b>(Intentional Misrepresentations)</b>	<b><i>THE TRUTH</i></b>
<p>Devin Nunes told President Trump that Shelby Pierson had given the assessment (that “Russia wants to see President Trump reelected, viewing his administration as more favorable to the Kremlin’s interests”) “exclusively to Rep. Adam B. Schiff (D-Calif.), the chairman of the House Intelligence Committee” and “the lead impeachment manager, or prosecutor, during Trump’s Senate trial on charges of abuse of power and obstruction of Congress”</p>	<p><b>Devin Nunes never told the President or anyone else that Shelby Pierson had given an exclusive briefing to Schiff</b></p> <p><b>Devin Nunes did not meet or speak with the President on February 13, 2020 – the day of the “classified hearing” - or on February 14, 2020, and never conveyed to him any indication that Schiff was given an exclusive assessment of Russian actions</b></p> <p><b>In fact, WaPo and Harris knew that Devin Nunes was in Tulsa, Oklahoma, on February 14, 2020 for a breakfast hosted by the Republican Party of Tulsa County</b></p> <p><a href="https://www.facebook.com/events/576441702906601/">https://www.facebook.com/events/576441702906601/</a></p>
<p>“Trump’s opinion [of Maguire] shifted last week when he heard from a Republican ally about the official’s remarks”</p>	<p><b>Devin Nunes did not say or do anything to “ruin” Maguire’s chances of becoming the permanent intelligence chief</b></p> <p><b>Maguire’s term was already due to expire pursuant to Federal Law on March 11, 2020</b></p>

5. The defamatory gist of the WaPo Hit Piece is that Plaintiff lied to and deceived the President of the United States, which caused the President to become “angry at his acting director of national intelligence, Joseph Maguire, in the Oval Office, seeing Maguire and his staff as disloyal for speaking to Congress about Russia’s perceived preference”, which “furious response” “ruined Maguire’s chances of becoming the permanent intelligence chief”.<sup>1</sup>

6. The WaPo Hit Piece imputes to Plaintiff criminal conduct in violation of Title 18 U.S.C. § 1001(a), dishonesty, deceit, sharp and unethical practices, and independently actionable tortious acts, all of which severely impugns Plaintiff’s integrity and prejudices him in the performance of his duties as a United States Congressman.

7. The WaPo Hit Piece falsely represents that the anonymous sources of its misrepresentations are “people familiar with the matter” and/or “one person familiar the matter” and/or a “committee official”.<sup>2</sup> In truth, as WaPo and Harris knew full well, the

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<sup>1</sup> WaPo and Harris’ statements that the President “became angry” and/or was “furious” with Maguire during a special briefing on February 14, 2020 are also falsehoods. [See, e.g., <https://www.nytimes.com/2020/02/20/us/politics/russian-interference-trump-democrats.html> (“The president did not erupt at Mr. Maguire, and instead just asked pointed questions, [according to a person familiar with the briefing]. But the message was unmistakable: He was not happy.”)].

<sup>2</sup> As proof of the falsity of the Plaintiff’s putative statements to the President, the WaPo Hit Piece circles back with a self-verifying quote from House Democrats and/or their staff: “‘Members on both sides participated, including ranking member Nunes, and heard the exact same briefing from experts across the intelligence community,’ a committee official said. ‘No special or separate briefing was provided to one side or to any single member, including the chairman.’” WaPo and the House Democrats created the false narrative that Plaintiff told the President that Pierson had given House Intelligence Committee Chairman Adam Schiff (“Schiff”) an “exclusive” briefing and then WaPo and the House Democrats self-verified the falsity of Plaintiff’s statement. This exercise of self-verification evidences the intentional and malicious nature of WaPo’s premeditated defamation. Significantly, the briefing to House lawmakers was “classified”. Accordingly, if WaPo’s anonymous source/sources leaked the substance of the briefing to WaPo, that would constitute multiple Federal crimes.

only source of the falsehoods about Plaintiff was the House Democrats and their agents. Acting in concert with House Democrats, WaPo and Harris republished false statements in order to impugn Plaintiff's reputation and undermine his relationship with the President.

## **II. PARTIES**

8. Plaintiff, Devin G. Nunes ("Nunes" or "Plaintiff"), is a citizen of California. Born October 1, 1973, Nunes has served in the United States House of Representatives since 2003. He currently represents California's 22<sup>nd</sup> Congressional District, which is located in the San Joaquin Valley and includes portions of Tulare and Fresno Counties. He and his wife have three daughters. He is the author of the book, *Restoring the Republic*, which was published in September 2010. Nunes serves as Ranking Member of the House Permanent Select Committee on Intelligence (the "House Intelligence Committee"), having been appointed to the Committee in the 112<sup>th</sup> Congress and serving as Committee Chairman during the 114<sup>th</sup> and 115<sup>th</sup> Congresses. He was appointed to the Ways and Means Committee in the 109<sup>th</sup> Congress and now serves as a Ranking Member of the Health Subcommittee and a member of the Trade Subcommittee, having served as Chairman of the Trade Subcommittee in the 113<sup>th</sup> Congress. Nunes previously served as a member of the House Budget Committee during the 111<sup>th</sup> Congress. In the 108<sup>th</sup> Congress, his first term in the House of Representatives, he served on the House Resources Committee, in which he was Chairman of the National Parks Subcommittee, and on the Agriculture and Veterans Affairs Committees. Congressman Nunes has traveled extensively to war zones to meet with soldiers and examine first-hand their status. As a member of the House Intelligence Committee, he participates in

oversight of the U.S. national security apparatus, including the intelligence-related activities of seventeen agencies, departments, and other elements of the United States Government, most of which is located in Virginia. Nunes authored the Hubbard Act of 2008 (H.R. 5825), which was named in honor of the Hubbard brothers of California – Jared, Nathan, and Jason. Jared and Nathan lost their lives serving in Iraq. Jason was discharged as a sole survivor, but was denied separation benefits upon leaving the Army. The Hubbard Act, which was enacted into law, provides sole survivors with numerous benefits that were already offered to other soldiers honorably discharged. It relieves sole survivors from repaying any portion of their enlistment bonus; entitles them to the educational benefits of the Montgomery GI Bill; and allows them to receive separation pay and transitional healthcare coverage. [<https://nunes.house.gov/about/>; <https://www.devinnunes.com/bio>]. Nunes’ career as a United States Congressman is distinguished by his honor, dedication and service to his constituents and his country, his honesty, integrity, ethics, and reputation for truthfulness and veracity.

9. Defendant, WaPo, is a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business in Washington, D.C. None of WaPo’s members is a citizen of California. WaPo has the largest print circulation (1,900,000/week) in the District of Columbia/Maryland/Virginia area. WaPo has more than 1,500,000 digital subscribers in the United States. Nearly 88,000,000 people visited the Washington Post online in January 2020. [[https://www.washingtonpost.com/pr/2020/02/19/nearly-88-million-people-visited-washington-post-online-january-2020/?itid=sf\\_pr](https://www.washingtonpost.com/pr/2020/02/19/nearly-88-million-people-visited-washington-post-online-january-2020/?itid=sf_pr); <https://www.washingtonpost.com/mediakit/audience-local/>;

<https://twitter.com/davidnakamura/status/1072964676546428928?lang=en>;

[https://money.cnn.com/2017/09/26/media/washington-post-digital-](https://money.cnn.com/2017/09/26/media/washington-post-digital-subscriptions/index.html)

[subscriptions/index.html](https://money.cnn.com/2017/09/26/media/washington-post-digital-subscriptions/index.html)]. 14,900,000 people follow WaPo on Twitter.

[[https://twitter.com/washingtonpost?ref\\_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ct](https://twitter.com/washingtonpost?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor)

[wgr%5Eauthor](https://twitter.com/washingtonpost?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor)]. Over 6,424,700 people follow WaPo using Facebook.

[<https://www.facebook.com/washingtonpost/>].

10. Defendant, Harris, upon information and belief, is a citizen of the District of Columbia. He is a staff writer with WaPo, covering “intelligence and national security”. [<https://www.washingtonpost.com/people/shane-harris/>]. Harris is also a

“National security analyst” for the Cable News Network, Inc. (“CNN”).

[<https://twitter.com/shaneharris>]. Harris is well-known as a puppet of the FBI and CIA,

employed to selectively leak talking points and classified information and to smear targets. Harris is the “national security” reporter who infamously and falsely declared

that the “[Steele] dossier was not used as the basis for a FISA warrant on Carter Page”.

[[https://twitter.com/shaneharris/status/951676252427038720?ref\\_src=twsrc%5Etfw](https://twitter.com/shaneharris/status/951676252427038720?ref_src=twsrc%5Etfw);

<https://theintercept.com/2019/12/12/the-inspector-generals-report-on-2016-fb-i-spying-reveals-a-scandal-of-historic-magnitude-not-only-for-the-fbi-but-also-the-u-s-media/>].

Harris has a reputation in the community in which he works for being very untruthful.

[*See, e.g.,* [https://twitter.com/Techno\\_Fog/status/1204550607417286656](https://twitter.com/Techno_Fog/status/1204550607417286656) (“WaPo

reporter @shaneharris has been lying to the public this whole time”)].

### **III. JURISDICTION AND VENUE**

11. The United States District Court for the Eastern District of Virginia has subject matter jurisdiction over this action pursuant to Title 28 U.S.C. § 1332 (Diversity) and § 1367 (Supplemental Jurisdiction). The parties are citizens of different States. The amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

12. The Defendants are subject to personal jurisdiction in Virginia pursuant to Virginia's long-arm statute, § 8.01-328.1(A)(1), (A)(3) and (A)(4) of the Code, as well as the Due Process Clause of the United States Constitution. The Defendants are subject to general personal jurisdiction and specific personal jurisdiction. They engage in continuous and systematic business in Virginia. They committed multiple intentional torts and acts of defamation in whole or part in Virginia, causing Plaintiff substantial injury in Virginia. They have minimum contacts with Virginia such that the exercise of personal jurisdiction over them comports with traditional notions of fair play and substantial justice and is consistent with the Due Process Clause of the United States Constitution.

13. Venue is proper in this Court pursuant to Title 18 U.S.C. §§ 1391(b)(1) and (b)(2).

### **IV. STATEMENT OF FACTS**

14. In addition to publishing the WaPo Hit Piece in print and online, WaPo targeted Plaintiff by excessively republishing the WaPo Hit Piece to a new audience – its 14,900,000 followers on Twitter:



 **The Washington Post**   
@washingtonpost 

Trump erupted in the Oval Office at his acting director of national intelligence, derailing Joseph Maguire's shot at getting the job permanently



Senior intelligence official told lawmakers that Russia wants to see Trump reel... The analysis infuriated the president and cost the official's boss, Joseph Maguire, a shot at becoming the permanent director of national intelligence, ...  
[washingtonpost.com](https://www.washingtonpost.com)

3:52 PM · Feb 20, 2020 · [MainRevere](#)

[\[https://twitter.com/washingtonpost/status/1230596078208192514\]](https://twitter.com/washingtonpost/status/1230596078208192514).

Harris likewise republished the WaPo Hit Piece to his 90,400 followers on Twitter:



[<https://twitter.com/shaneharris/status/1230587167866576896>]. Indeed, Harris went to lengths to separately republish select component parts of the WaPo Hit Piece. [See, e.g., <https://twitter.com/shaneharris/status/1230591193131683840> (“The president erroneously believed that Pierson had given information exclusively to Rep. Adam Schiff (D-Calif.), the committee chairman, and it would be helpful to Democrats if released publicly”)].

15. The WaPo Hit Piece was instantly republished millions upon millions of times, including by WaPo's many employees and agents in the ordinary course of WaPo's business, by CNN and its agents, by MSNBC and its agents, by Politico and its agents in Virginia, by political operatives in Richmond, Virginia, by Donna Brazile, and by many others in Virginia and elsewhere, *e.g.*:

<https://twitter.com/tribelaw/status/1230623007019798528>

("This truly looks like TREASON in all but the narrowest possible sense. If confirmed, it's utterly devastating. It points to an enemy of the nation sitting in the White House. This cannot stand if we are to survive as a sovereign constitutional republic");

<https://twitter.com/NoahBookbinder/status/1230868333802786819>

("So apparently it is now 'disloyal' for intelligence officials to report accurate intelligence if that information could be seen to reflect negatively on the President. We drift ever closer to authoritarianism");

[https://twitter.com/Eugene\\_Robinson/status/1230678908867153920](https://twitter.com/Eugene_Robinson/status/1230678908867153920)

("Another new low: Trump ousts his acting DNI because a staffer told House Intel the truth – Russia, right now, is helping Trump steal the 2020 election. Fired for warning Congress about a threat to our democracy! Why do Republicans so hate America?");

<https://twitter.com/SenJeffMerkley/status/1230918850788691968>

("America, this is a RED ALERT. @realDonaldTrump fired the acting Director of National Intelligence for doing his job to keep America safe and protect our election from Russian attacks. Our democracy is under attack. From without and from within");

<https://twitter.com/jonswaine/status/1230600848163692547>

("After a congressional briefing on election threats, Trump soured on acting spy chief");

<https://twitter.com/jaketapper/status/1230608165760360450>

("Trump soured on Joseph Maguire, acting DNI, over perceived disloyalty – The Washington Post");

<https://twitter.com/nakashimae/status/1230588533628379141>

("Trump gave acting DNI Joseph Maguire a 'dressing down' in the Oval Office on Friday, angered by a congressional election threat briefing he perceived could help Democrats if leaked");

<https://twitter.com/ericgeller/status/1230588043746316300>

(“Just wild: Trump replaced Acting DNI Maguire because he learned that ODNI’s top election security official had briefed HPSCI on 2020 preparations and wrongly believed she’d given exclusive info to Schiff”);

<https://twitter.com/joncoopertweets/status/1230641942641414144>

(“Trump soured on Joseph Maguire, the acting DNI, over his perceived disloyalty — even though Maguire was reporting factually on the threat assessment of U.S. intelligence agencies”);

<https://twitter.com/jdawsey1/status/1230588169877323782>

(“Trump grew angry at Joe Maguire, his acting intel chief, on Friday, per officials, after an election threat briefing on Capitol Hill. POTUS believed there was disloyalty on Maguire's staff and they were helping Schiff”);

<https://twitter.com/gregpmiller/status/1230621562795155456>

(“Amazing sequence – DNI official briefs house intel on elec threats (her job) – Trump decides with no basis that this was ploy to give ammo to Schiff. He fires DNI over this false idea and replaces with Grennell”);

<https://twitter.com/kylegriffin1/status/1230605565803536384>

(“Trump erupted at ex-acting DNI Maguire last week. He’d heard from a GOP ally that an official under Maguire briefed the House Intel Cmte. on election security. Trump erroneously believed the official had given info to Schiff that would be helpful to Dems”);

<https://twitter.com/RepCohen/status/1230923276257579009>

(“Trump is actively preventing us from securing our elections. He fired acting director of national intelligence (DNI) Joseph Maguire for doing his job & providing Congress with a classified briefing on Russian interference”);

<https://twitter.com/TVietor08/status/1230918747172429824>

(“Trump installed Ric Grenell at DNI to help facilitate Russian interference in the 2020 election. That is the story. It’s hiding in plain sight”);

<https://twitter.com/DavidCornDC/status/1230731480709517313>

(“Trump is a national security threat: Senior intelligence official told lawmakers that Russia wants to see Trump reelected – The Washington Post”);

<https://twitter.com/RVAwonk/status/1230711415314321409>

(“Trump learned about last week’s briefing on Russia interference in the 2020 election from Devin Nunes, who was also with Trump on Wednesday when he announced that he was ousting acting DNI Joseph Maguire and replacing him with loyalist Richard Grenell”);

<https://twitter.com/RVAwonk/status/1230712644081840131>

(“Somehow, Trump reportedly walked away with the erroneous impression that the intelligence assessment had been given exclusively to Adam Schiff, rather than to a bipartisan group of lawmakers. Wonder who gave him that impression?”);

<https://twitter.com/RVAwonk/status/1230714080555462658>

(“Conveniently for Nunes, when Trump ousted then-acting DNI Maguire after learning about the briefing, it paved the way for Richard Grenell to take his place. And guess who was just tapped to be Grenell’s senior adviser? Kash Patel, a former top Nunes aide”);

<https://twitter.com/RVAwonk/status/1230715709426024453>

(“Devin Nunes told Trump about the intelligence briefing on Russian interference, which made Trump so mad that he got rid of the acting DNI”);

<https://twitter.com/ktumulty/status/1230599593244712967>

(“Backstory on why Trump put Grenell in the DNI job: Trump got furious when an intelligence official briefed House Intel on 2020 election security. So there will be no more of that, apparently”);

<https://twitter.com/donnabrazile/status/1230724892368101387>

(“Senior intelligence official told lawmakers that Russia wants to see Trump reelected”);

<https://twitter.com/mikercarpenter/status/1230662861262749699>

(“Horrific, and ironically it demonstrates that Russia is indirectly influencing the choice of America’s top intelligence official”);

<https://twitter.com/agearan/status/1230600388795039744>

(“After a congressional briefing on election threats, Trump soured on acting spy chief”);

<https://twitter.com/nedprice/status/1230590701064331274>

(“It sure sounds like an adversary may be prepared to or in the process of placing a thumb on the scale for Trump in the 2020 election — and that Trump doesn’t want that known. This is among the many reasons why we can’t have a lackey serve as DNI”);

[https://twitter.com/Amy\\_Siskind/status/1230588272298070016](https://twitter.com/Amy_Siskind/status/1230588272298070016)

(“Any regime member who does not show complete loyalty to the dictator is shown the door”);

<https://twitter.com/DrDinD/status/1230756095058038786>

(“Once again, Trump’s man on Capitol Hill is Devin Nunes: ‘Trump learned about Pierson’s remarks [on Russia working to reelect Trump] from Rep. Devin Nunes (Calif.)’”);

<https://twitter.com/markseibel/status/1230608749280276481>

(“Trump’s new acting DNI is soft on Russian election interference and comes to his role after Trump became angry over something briefed to Congress about elections. We need to know more about that briefing”);

<https://twitter.com/davecclarke/status/1230592995642290176>

(“After a congressional briefing on election threats, Trump soured on acting spy chief”);

<https://twitter.com/VeraMBergen/status/1230590722807672833>

(“It’s unclear what the official specifically said at the briefing that angered Trump, But the president erroneously believed that she had given info exclusively to Schiff, the committee chairman, and it would be helpful to Democrats if released publicly”);

<https://twitter.com/AndrewDesiderio/status/1230589377014837253>

(“Wow. WaPo reports Trump soured on Maguire last week after he heard from a GOP ally that a Maguire deputy gave a classified briefing last week to House Intel on 2020 election security. Trump ‘erroneously believed’ the official fed exclusive info to Schiff”);

<https://twitter.com/swingleft/status/1230606810018656257>

(“Trump fired the Acting Director of National Intelligence because he briefed the House on 2020 election security. Now he’s putting a flunky with no intelligence experience in his job”);

<https://twitter.com/adegrandpre/status/1230589711049203712>

(“News --> ‘It’s unclear what the official, Shelby Pierson, specifically said that angered Trump. But the president erroneously believed that she had given information exclusively to Rep. Adam Schiff & that it’d be helpful to Democrats if made public”);

<https://twitter.com/byamberphillips/status/1230620366713782274>

(“‘The president likes acting [officials] better,’ one White House official told my colleagues. Yet another way the president is skirting Congress’s oversight of the executive”);

<https://twitter.com/rolandsmartin/status/1230600327092723714>

(“The greatest threat to the U.S. is Donald Trump. This tyrant MUST be defeated. He’s sick and demented.”);

[https://twitter.com/moscow\\_project/status/1230589609270272005](https://twitter.com/moscow_project/status/1230589609270272005)

(“Trump reportedly replaced his acting Director of National Intelligence because he thought a classified briefing on election threats was a sign of disloyalty—all because he wrongly believed House Intel chairman Adam Schiff was the only one there to hear it”);

<https://twitter.com/PostRoz/status/1230588899812089856>

(“Trump soured on acting spy chief Maguire after a GOP ally briefed Trump on a closed-door briefing on election security that a Maguire deputy had given the House Intelligence committee”);

[https://twitter.com/akarl\\_smith/status/1230588805796827142](https://twitter.com/akarl_smith/status/1230588805796827142)

(“It’s unclear what the official, Shelby Pierson, specifically said at the briefing that angered Trump, But the president erroneously believed that she had given information exclusively to Rep. Adam Schiff, and it would be helpful to Dems if released”);

<https://twitter.com/AaronBlake/status/1230588174424039425>

(“Trump is replacing his acting DNI because Trump ‘erroneously believed that [a DNI staff member] had given information exclusively to Rep. Adam Schiff ... and it would be helpful to Democrats if released publicly”);

<https://twitter.com/blakehounshell/status/1230588374211268608>

### **COUNT I – DEFAMATION *PER SE***

16. Plaintiff restates paragraphs 1 through 15 of his Complaint, and incorporates them herein by reference.

17. WaPo, using its enormous printing press, its vast digital network, social media network, and its legion of employees and agents, including Harris, made, published and republished numerous false factual statements of and concerning Plaintiff. These statements are detailed verbatim above. WaPo and Harris published the false statements without privilege of any kind.

18. WaPo and Harris’ false statements constitute defamation *per se*. The statements accuse and impute to Plaintiff criminal misconduct, and an unfitness to perform the duties of an office or employment for profit, or the want of integrity in the

discharge of the duties of such office or employment, including dishonesty, deceit, fraud, lack of ethics, lack of veracity, and independently tortious acts. WaPo and Harris' false statements also prejudice Plaintiff in his profession and employment as a United States Congressman.

19. By publishing the WaPo Hit Piece on the Internet and by tweeting the WaPo Hit Piece to over 15,000,000 followers on Twitter, WaPo and Harris knew or should have known that their defamatory statements would be republished over and over by third-parties to Plaintiff's detriment. Indeed, there have been millions of republications to date. [See, e.g., <https://www.msnbc.com/rachel-maddow-show/devin-nunes-inside-man-trump-congress-n1140296> (“**Did Devin Nunes dish to Trump on intelligence briefing? How did the president know what was said during the intelligence briefing to members of Congress? By one account, because Devin Nunes told him**”)]. Republication by both WaPo/Harris followers, WaPo subscribers, main stream media, and users of Twitter was the natural and probable consequence of WaPo and Harris' actions and was actually and/or presumptively authorized by WaPo and Harris. In addition to their original publications online and on Twitter, WaPo and Harris are liable for the millions of republications of the false and defamatory statements by third-parties under the doctrine (the “republication rule”) announced by the Supreme Court of Virginia in *Weaver v. Home Beneficial Co.*, 199 Va. 196, 200, 98 S.E.2d 687 (1957) (“where the words declared on are slanderous per se their repetition by others is the natural and probable result of the original slander.”).

20. WaPo and Harris' false statements have harmed Plaintiff and his reputation.



21. WaPo and Harris made the false statements with actual or constructive knowledge that they were false or with reckless disregard for whether they were false. WaPo and Harris acted with actual malice and reckless disregard for the truth for the following reasons:

a. WaPo and Harris manufactured the statements out of whole cloth. The events never happened.

b. WaPo and Harris conceived the story line in advance of any investigation and then consciously set out to publish statements that fit the preconceived story.

c. WaPo and Harris knew their anonymous sources had supplied false information. For instance, prior to publication Harris represented that “We know from the WH that Nunes and the president met at the WH on Thursday [February 13, 2020]”. WaPo and Harris knew this statement was false. They did not include it in the WaPo Hit Piece. In spite of their knowledge of falsity and/or serious doubts as to the veracity of their sources, WaPo and Harris published the scandalous statements about Plaintiff.

d. WaPo, Harris and their editors and publishers abandoned all journalistic standards and integrity, including WaPo’s own code of ethics, in writing, editing, and publishing the WaPo Hit Piece. WaPo and Harris did not seek the truth or report it. WaPo and Harris betrayed the truth for the sake of their institutional bias against Plaintiff and President Trump. The WaPo Hit Piece is another example of opposition research published by WaPo and Harris acting as alter egos for others, including Schiff. Rather than minimize harm, WaPo and Harris set out to inflict maximum pain and suffering on Plaintiff in order to harm Plaintiff’s reputation and

undermine the President. WaPo never once considered the long-term implications of the extended reach and permanence of its various publications. WaPo and Harris refuse to be accountable; refuse to acknowledge their mistakes; refuse to retract; refuse to correct; and, of course, refuse to apologize. [<https://members.newsleaders.org/resources-ethics-wapo>; <https://www.spj.org/ethicscode.asp>].

e. WaPo and Harris published the statements about Plaintiff in the face of unambiguous evidence of falsity, including the fact that Plaintiff was in Tulsa on February 14, 2020 – the day WaPo reports that the President learned of the “classified briefing” – and out of a desire to get Plaintiff, destroy his reputation and impair his ability to serve the United States and the President.

f. The words chosen by WaPo and Harris, and their accusation that Plaintiff intended to harm Maguire, which is categorically false, evince their ill-will, spite and actual malice.

g. WaPo and Harris harbor an institutional hostility, hatred, extreme bias, spite and ill-will towards Plaintiff, the GOP and President Trump, going back many years. WaPo and Harris’ enmity towards Plaintiff is evidenced, *inter alia*, by the many leaks of information by Harris to undermine Plaintiff in his role as Chairman of the House Intelligence Committee. [*See, e.g.*, [https://www.washingtonpost.com/politics/risk-to-intelligence-source-who-aided-russia-investigation-at-center-of-latest-showdown-between-nunes-and-justice-dept/2018/05/08/d6fb66f8-5223-11e8-abd8-265bd07a9859\\_story.html](https://www.washingtonpost.com/politics/risk-to-intelligence-source-who-aided-russia-investigation-at-center-of-latest-showdown-between-nunes-and-justice-dept/2018/05/08/d6fb66f8-5223-11e8-abd8-265bd07a9859_story.html) (leaking FBI and “national intelligence officials” alleged concern that information being sought by Plaintiff “could endanger a top-secret intelligence source”); [18](https://www.washingtonpost.com/politics/the-enigma-of-the-entire-</a></p></div><div data-bbox=)

[mueller-probe-focus-on-origins-of-russian-investigation-puts-spotlight-on-maltese-professor/2019/06/30/b374fe8c-8185-11e9-bce7-40b4105f7ca0\\_story.html](https://www.washingtonpost.com/archive/local/2019/06/30/b374fe8c-8185-11e9-bce7-40b4105f7ca0_story.html) (promoting the fake story that Joseph Mifsud was a “Russian” agent, and attacking as a “fringe idea” Plaintiff’s position that Mifsud’s connections with Western intelligence agencies make it unlikely he was a Russian agent)]. WaPo and Harris’ bias and prejudice motivated WaPo and Harris to publish intentionally false statements about Plaintiff.

h. WaPo, Harris and WaPo’s many employees and agents reiterated, repeated and excessively published and republished the false defamatory statements about Plaintiff out of a desire to hurt Plaintiff and to permanently stigmatize him.

i. WaPo and Harris published the WaPo Hit Piece out of reprisal for the findings in the December 11, 2019 Inspector General (IG) Report. The IG Report vindicated Plaintiff’s position concerning the role of the Steele dossier in procuring FISA warrants against Carter Page, and exposed Harris and WaPo as liars. WaPo and Harris were exposed on national television. [See, e.g., <https://www.foxnews.com/transcript/ig-report-confirms-steele-dossier-used-to-justify-spying-on-carter-page> (“The [IG] report was a disaster for the credibility of our bureaucratic class in Washington. But it’s also a big, big problem for the American news media. They were exposed as liars and know-nothings, as well. We could [cite] you a million examples of this, but we’re going to give you just a few because they paint the picture. Here’s one. In early 2018, Washington Post intelligence and national security correspondent, Shane Harris, lectured Kim Strassel of The Wall Street Journal – someone who’s frequently on this show – about how little she knew about the story. ‘Yes,’ he wrote condescendingly, ‘I am telling you the dossier was not used as the basis for a FISA warrant on Carter Page,’ – end quote. Now, you

may wonder how he could have known that since the FISA warrant was classified. He's never explained. But it doesn't matter. It was false. And now we know it's false. But here's the key: Harris has not apologized or even acknowledged his role in repeating falsehoods. 'Democracy dies in darkness,' right? No. His motives remain shrouded in darkness.'). The WaPo Hit Piece was a malicious act of revenge by WaPo and Harris against Plaintiff.

j. WaPo and Harris disregard Plaintiff's communications regarding the WaPo Hit Piece, and continue to stand by this fake news. *Daniczek v. Spencer*, 2016 WL 153086, at \* 12 (E.D. Va. 2016) ("Spencer neglects that malice may be inferred under aggravating circumstances, including disregard for communications by others and the appearance of reprisal.').

23. As a direct result of WaPo and Harris' defamation, Plaintiff suffered presumed damages and actual damages, including, but not limited to, insult, pain, embarrassment, humiliation, mental suffering, injury to his reputation, special damages, costs, and other out-of-pocket expenses, in the sum of \$250,000,000 or such greater amount as is determined by the Jury.

## **COUNT II – COMMON LAW CONSPIRACY**

24. Plaintiff restates paragraphs 1 through 23 of his Complaint, and incorporates them herein by reference.

25. It is a matter of public record that House Democrats, including the Democratic Chairman of the House Intelligence Committee, harbor spite, ill-will, and great animus towards both Plaintiff and the President. Schiff has a history of accusing Plaintiff of deceiving the President. [See, e.g., <https://www.thedailybeast.com/top->

[democrats-call-for-nunes-to-be-removed-from-intel-committee](#) (“Rep. Adam Schiff (D-CA) claimed that Nunes personally altered the memo before it was sent to the White House for review”); <https://www.washingtonpost.com/news/morning-mix/wp/2018/02/01/adam-b-schiff-and-devin-nunes-from-bromance-to-bitter-adversaries/>; <https://www.wsj.com/articles/schiffs-surveillance-state-11575506091> (“Democrats are trying to convince Americans that President Trump should be ousted for trying to ‘dig up dirt’ on a rival. They’d have more credibility if they didn’t abuse their surveillance powers for drive-by smears of Republicans and a free press”); <https://thefederalist.com/2020/01/02/a-new-years-resolution-for-the-left-and-never-trump-apologize-to-devin-nunes/>].

26. Beginning on or before February 13, 2020, WaPo and its agents (including Harris), combined, associated, agreed or acted in concert with House Democrats (including members of their staff or agents acting within the scope of their authority and at their direction) for the express purpose of defaming and injuring Plaintiff. House Democrats manufactured a statement – that Shelby Pierson had given an “exclusive” briefing to Schiff. They then falsely attributed that statement to Plaintiff, and claimed that Plaintiff had told the President that Pierson had given an “exclusive” briefing to Schiff. House Democrats then gave WaPo and Harris quotes that supposedly proved that Plaintiff’s putative statement to the President was false. WaPo and Harris agreed to publish the House Democrats’ false statements as part of the joint scheme to defame Plaintiff. WaPo and Harris communicated with House Democrats and their staff members and agents, and carried out the conspiracy via email, text messages or telephone between February 13, 2020 and February 21, 2020. WaPo, Harris and House Democrats

(whose identities are as yet unknown) pursued a common scheme, which was to injure Plaintiff's reputation.

27. WaPo and Harris acted intentionally, purposefully, without lawful justification, and with the express knowledge that they were defaming Plaintiff.

28. WaPo and Harris' actions constitute a conspiracy at common law.

29. As a direct result of WaPo and Harris' willful misconduct, Plaintiff suffered actual damages, including, but not limited to, insult, pain, embarrassment, humiliation, mental suffering, injury to his reputation, special damages, costs, and other out-of-pocket expenses, in the sum of \$250,000,000 or such greater amount as is determined by the Jury.

Plaintiff alleges the foregoing based upon personal knowledge, public statements of others, and records in his possession. Plaintiff believes that substantial additional evidentiary support, which is in the exclusive possession of WaPo, Harris, and their agents and other third-parties, will exist for the allegations and claims set forth above after a reasonable opportunity for discovery.

Plaintiff reserves his right to amend this Complaint upon discovery of additional instances of WaPo and Harris' wrongdoing.

### **CONCLUSION AND REQUEST FOR RELIEF**

WHEREFORE, Devin G. Nunes respectfully requests the Court to enter Judgment against WaPo and Harris, jointly and severally, as follows:

- A. Compensatory damages in the amount of \$250,000,000 or such greater amount as is determined by the Jury;
- B. Punitive damages in the amount of \$350,000.00 or the maximum amount allowed by law;
- C. Prejudgment interest from February 20, 2020 until the date Judgment is entered at the maximum rate allowed by law;
- D. Postjudgment interest at the rate of six percent (6%) per annum until paid;
- E. Such other relief as is just and proper.

**TRIAL BY JURY IS DEMANDED**

DATED: March 2, 2020

DEVIN G. NUNES

By: /s/ Steven S. Biss

Steven S. Biss (VSB # 32972)  
300 West Main Street, Suite 102  
Charlottesville, Virginia 22903  
Telephone: (804) 501-8272  
Facsimile: (202) 318-4098  
Email: [stevenbiss@earthlink.net](mailto:stevenbiss@earthlink.net)

*Counsel for the Plaintiff*