

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

PROJECT VERITAS,

Plaintiff,

v.

CABLE NEWS NETWORK, INC.,

Defendant.

Case No. _____

COMPLAINT

TRIAL BY JURY DEMANDED

Plaintiff Project Veritas, through its undersigned attorneys, brings the following Complaint against Defendant Cable News Network, Inc. (“CNN”), and alleges as follows:

SUMMARY OF THE ACTION

1. This action arises from Defendant CNN’s knowingly false and defamatory claim that Twitter suspended Plaintiff Project Veritas due to “spreading misinformation,” made during a broadcast by Defendant Ana Cabrera in the course of her work as a CNN employee.

2. CNN’s Ana Cabrera made the February 15, 2021, claim knowing it was false, having herself reported on her Twitter account (@AnaCabrera) on February 11, 2021, that Twitter had permanently banned Project Veritas for what it claimed were “repeated violations of Twitter’s policies prohibiting the sharing—or threats of sharing—of other people’s private information without consent.”

3. Project Veritas is an investigative journalism organization whose reputation depends on its ethical and transparent conduct, and its production of reliable and accurate news reporting. By claiming Project Veritas was “spreading misinformation,” CNN directly damaged and impugned Project Veritas’s reputation.

4. On February 11, 2021, Project Veritas published a video showing Project Veritas reporters seeking to interview Facebook vice president Guy Rosen outside a residence. This video was then published on Project Veritas’s Twitter account.

5. Also on February 11, 2021, Twitter suspended Project Veritas’s account, claiming the Guy Rosen video violated Twitter’s policy prohibiting the publication of “private information.”

6. CNN was aware of Twitter’s basis for the Project Veritas ban, as on February 11, 2021, and subsequent, it widely reported that Project Veritas was permanently banned from Twitter for a video/tweet that violated “the platform’s policies prohibiting sharing—or threats of sharing—other people’s private information without consent.” *See, e.g.*, Brian Fung, “Twitter permanently bans Project Veritas account,” CNN.COM (February 11, 2021), <https://www.cnn.com/2021/02/11/tech/twitter-project-veritas/index.html>; Ana Cabrera

(@AnaCabrera), Twitter (February 11, 2021), <https://twitter.com/anacabrera/status/1359977301312761857?lang=en>.

7. Twitter’s “authenticity” regulations prohibit the “manipulation” of “civic processes” and the “distribution of false or misleading information.” See *Civic Integrity Policy*, TWITTER.COM (January 2021), <https://help.twitter.com/en/rules-and-policies/election-integrity-policy>.

8. Despite Twitter’s stated basis for banning Project Veritas having been widely reported in the news media, on February 15, 2021, CNN made a provably and knowingly false statement of fact to the effect that Twitter had banned Project Veritas on February 11, 2021, because Project Veritas violated Twitter’s rules related to “authenticity” by “promoting misinformation”—*not*, as Twitter itself had claimed, for the violation of Twitter’s policy regarding the *truthful* dissemination of “private information.”

9. CNN’s factual claim that Project Veritas was banned for “promoting misinformation,” instead of truthful reporting of private facts, is patently and demonstrably false, and CNN maliciously made its claims with knowledge they were false or with reckless disregard for their falsity.

10. CNN was aware of Twitter’s stated reason for banning Project Veritas, had itself widely reported on this stated reason, and yet, falsely and maliciously

published a statement suggesting that Project Veritas was banned due to its promotion of false, rather than true, content.

11. The distinction between Defendant's false statements about Project Veritas's ban from Twitter and the statements Twitter itself made about the ban is immensely important and speaks directly to Project Veritas's fitness to engage in investigative journalism, as that term has been historically defined. Until recent times, truthful and accurate factual reporting was the hallmark of investigative journalism, and great journalism was marked by its neutral portrayal of facts rather than its ability to further a preferred narrative. Project Veritas's mission requires its faithful adherence to traditional notions of journalistic integrity, and CNN's false statement Twitter banned Project Veritas for "promoting misinformation," is injurious to Project Veritas's professional reputation.

12. Even after Project Veritas provided CNN written notice informing it of the falsity of its statements, CNN demonstrated its malicious intent by refusing to retract or correct the defamatory statements of its employee.

13. CNN knowingly and maliciously defamed Project Veritas by stating that Twitter banned the organization's Twitter account for "misinformation" in violation of Twitter's authenticity policy, injuring Project Veritas's professional reputation as investigative journalists.

PARTIES

14. Plaintiff Project Veritas is a non-profit, nonstock Virginia corporation doing business primarily in Mamaroneck, New York.

15. Cable News Network, Inc. is a corporation organized and existing under the laws of the State of Delaware with its principal place of business being located in Atlanta, Georgia.

JURISDICTION AND VENUE

16. Project Veritas is citizen of the Commonwealth of Virginia with its principle place of business in Mamaroneck, New York, for purposes of jurisdiction under 28 U.S.C. § 1332.

17. CNN is citizen of the states of either Georgia or Delaware for purposes of jurisdiction under 28 U.S.C. § 1332.

18. This Court has original subject matter jurisdiction of this action pursuant to 28 U.S.C. § 1332, as there exists complete diversity of citizenship between Project Veritas and CNN, and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

19. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because many of the acts, omissions and harms took place in this District, and Defendant CNN is found in this District.

ALLEGATIONS

Project Veritas

20. Project Veritas is a non-profit, 501(c)(3) public benefit corporation founded by its present chief executive officer and president, James O’Keefe, in 2011, along with Project Veritas Action, a non-profit 501(c)(4) separate legal entity, to investigate and expose corruption, dishonesty, self-dealing, waste, fraud, and other misconduct in both public and private institutions.

21. The goal of Project Veritas is enhancing ethical conduct and institutional transparency in American society.

22. Project Veritas journalists often work undercover and enlist the help of whistleblowing insiders to identify and expose institutional corruption through the use of audio or video recordings, to corroborate what they learn concerning the subjects of their investigations.

23. Project Veritas often investigates high profile institutions and persons that traditional media outlets such as CNN do not scrutinize.

24. Since founding Project Veritas, Mr. O’Keefe has successfully exposed bias and politically motivated reporting by national news outlets, including CNN.

25. Because of Project Veritas’s success at exposing biased reporting by the national news media, those such as CNN who benefit from the news media’s

status quo reporting, or share traditional news outlets' ideological orientation, have targeted Project Veritas, by, among other things, attempting to silence it.

CNN's Involvement in Twitter "Actions" Against Project Veritas' and James O'Keefe's Accounts

26. Project Veritas and Project Veritas Action operated corporate Twitter accounts until February 2021. These were the official accounts of Project Veritas and Project Veritas Action, by which their respective official communications would be published on Twitter.

27. On February 11, 2021, Project Veritas published a video showing Project Veritas reporters seeking to interview Facebook vice president Guy Rosen outside a residence. This video was then published on Project Veritas' Twitter account.

28. Later on February 22, 2021, Twitter suspended the official Project Veritas account, claiming the Guy Rosen video/tweet violated Twitter's policy prohibiting the publication of "private information." Twitter offered no explanation as to why this video/tweet supposedly violated this policy. The video depicted nothing more than the reporters asking Mr. Rosen questions which he refused to answer. No personal information of Mr. Rosen (or anyone else for that matter) was disclosed. Though the video briefly showed the house number of the residence in the video, it did not show the street, city, or even state in which the house was located. This is common journalistic practice. So much so, in fact, that Twitter

does not typically deem such conduct a prohibited publication of private information. Indeed, examples of other news organizations and Twitter users that have not been sanctioned, much less banned without warning, for similar actions or even actual publication of actual private information, abound.

29. Indeed, CNN itself engaged in the same type of journalism, as seen in a video tweet with over 2.2 million views, in which CNN reporter Drew Griffin confronted a private individual, accused her of spreading Russian disinformation, and even exposed her private residential address for the world to see, as shown on *Figure 2*, below:



Figure 1

30. CNN and its tweet showing the address of this private individual remains active on Twitter to this day. *See* @CNN, TWITTER.COM (February 20, 2018), <https://twitter.com/cnn/status/966134015337140229?s=21>.

31. Initially, Twitter claimed Project Veritas' suspension was just temporary—giving Project Veritas the option to delete the Guy Rosen video/tweet, or appeal Twitter's decision that the tweet violated Twitter's rules.

32. CNN, however, reported that the suspension was permanent, again claiming the Guy Rosen video/tweet violated “the platform's policies prohibiting sharing—or threats of sharing—other people's private information without consent.” Brian Fung, “Twitter permanently bans Project Veritas account,” CNN.COM (February 11, 2021), <https://www.cnn.com/2021/02/11/tech/twitter-project-veritas/index.html>.

33. After CNN began reporting the Project Veritas suspension was permanent, upon information and belief, Twitter made the decision to make the ban permanent rather than temporary.

34. In fact, nothing in the Project Veritas tweets concerning the encounter disseminated private, i.e., confidential information.

35. Days later after CNN's published reporting, Twitter permanently suspended the Twitter account of the separate legal entity Project Veritas Action, Project Veritas's 501(c)(4), without warning. Despite Project Veritas Action having

operated its account independently to publish its own content for many years, Twitter claimed the account was created to improperly attempt to get around the Project Veritas' permanent suspension.

36. Although the Project Veritas and Project Veritas Action's Twitter accounts were suspended permanently in February of this year, James O'Keefe's personal Twitter account remained active until April 15, 2021, on which date Twitter banned James O'Keefe for, on information and belief, publishing an exposé that Twitter found objectionable.

37. The subject of the exposé that Plaintiff believes Twitter found objectionable was Defendant CNN.

CNN's Defamatory Statements about Project Veritas

38. As alleged above, on February 11, 2021, CNN widely reported that Project Veritas was banned from Twitter on the ground that it had violated Twitter's "personal information" prohibition. CNN host and employee Ana Cabrera herself reported on February 11, 2021, on her Twitter account that Twitter permanently banned Project Veritas due to alleged sharing of "personal information."

39. Reporting for CNN regarding the Twitter ban on February 15, 2021, CNN employee Ana Cabrera disregarded this information to make a very different, and plainly false and defamatory, claim about Project Veritas's suspension.

40. CNN’s dissemination of the false statements at issue occurred in a February 15, 2021 on-air discussion between CNN reporters Brian Stelter and Ana Cabrera, during which each offered unsubstantiated, false and defamatory explanations for Twitter’s ban of Project Veritas. Cabrera first stated as follows:

We’re starting to see companies cracking down to try to stop the spread of misinformation and to hold some people who are spreading it accountable, Brian. For example, Twitter has suspended the account of Project Veritas, a conservative activist, uh, activist organization. At least that how they couch themselves with followers . . . But this is part of a much broader crackdown, as we mentioned, by social media giants that are *promoting misinformation*.

41. In response, Stelter did not correct the record. Instead, he reinforced Cabrera’s false claim by responding, “Uh, yes . . . Project Veritas, a very controversial conservative group, uh, got swept up in a Twitter policy *by violating multiple rules on the site.*”

42. Ana Cabrera and Brian Stelter are CNN employees, and CNN is responsible for the acts and omissions of its employees made in the course of their employment duties through the principle of respondeat superior.

43. CNN was fully aware, and had extensively reported, on Twitter’s given reason for banning Project Veritas: alleged violations of Twitter’s privacy policy. CNN host Ana Cabrera herself had already reported, by way of Twitter, this stated reason. CNN had no basis for claiming Project Veritas was banned for “promoting

misinformation.” And these false statements regarding the reason for Project Veritas’s ban directly injured Project Veritas’s reputation.

**CNN Knew Its Statement about Project Veritas Was
False or Recklessly Disregarded the Truth**

44. CNN’s defamatory statements, stating that Twitter banned Project Veritas for “promoting misinformation,” were known by CNN to be false, or were made with reckless disregard for the truth, because they contradicted CNN employee Ana Cabrera’s own tweets, and the article published by CNN’s Brian Fung reporting Twitter’s sole claimed reason for its banning of Project Veritas as being the putative publication of “private information.”

45. Cabrera’s allegations, affirmed by Stetler, also malign Project Veritas’s integrity in a way that speaks directly to its fitness to engage in journalism. CNN employee Cabrera’s statement that Twitter banned Project Veritas for “promoting misinformation” speaks directly to Project Veritas’s trustworthiness as a news source. Her statement that Project Veritas was banned for publishing false or misleading content, rather than publishing true content allegedly in violation of Twitter’s privacy policy, avers that Project Veritas is unfit to engage in its chosen profession.

46. On February 15, 2021, Project Veritas’s general counsel emailed the general counsel of CNN, as well as CNN employees Cabrera, Stelter and Fung, objecting to the misrepresentation of the reason given by Twitter for Project

Veritas's banning in the February 15th broadcast and demanding a retraction and correction. CNN's sole response was to refuse to issue a correction on the basis that the defamatory statement was not, in CNN's opinion, defamation "per se." CNN offered no other explanation or defense of its employees' false reporting.

47. No retraction or correction was made by CNN.

CLAIM FOR RELIEF

Defamation

48. Project Veritas hereby incorporates and realleges the foregoing allegations of the Complaint as if fully set forth herein.

49. On February 15, 2021, CNN, through its employee Cabrera in the performance of her employment duties, published false statements to multiple third parties stating that Project Veritas was banned from Twitter for "promoting misinformation."

50. CNN's statements are provably false because Twitter stated its claimed reason for banning Project Veritas was because Project Veritas truthfully published supposed "private information."

51. CNN's statements were made with full knowledge the statements were false, because CNN and employee Cabrera herself four days earlier reported Twitter banned Project Veritas for truthfully published supposed "private information."

52. CNN's statements were made with malice as CNN has been a regular subject of Project Veritas's reporting. Project Veritas has published numerous exposés in recent years that call into question the accuracy and integrity of CNN's reporting. These exposés include videos of CNN employees making statements that appear to show significant bias in reporting, and leaked tapes of network executives and staffers in editorial meetings discussing coverage in a way that suggests CNN's intent to bolster a stated position on controversial issues. CNN has publicly suggested it believes Project Veritas has broken the law with "questionable" undercover tactics in its CNN reporting.

53. The damaging effect of CNN's false statement that Twitter banned Project Veritas for "misinformation" speaks directly to Project Veritas's core mission of conducting investigative journalism. The false statement asserts that Project Veritas lacks journalistic integrity when, if CNN had reported the truth—that Twitter claimed Project Veritas disseminated private information without consent—Project Veritas' truthfulness would not have been falsely maligned by CNN.

54. CNN acted with intent to injure Plaintiff's good name and reputation.

55. CNN acted in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties.

56. CNN's statements wrongfully and unlawfully place Project Veritas in a false, misleading, and damaging light in the eyes of the public.

57. CNN's false statements subject Project Veritas to hatred, contempt, and ridicule, and tend to diminish the esteem, respect, goodwill, or confidence in which Project Veritas is held.

58. CNN's statements further falsely ascribe to Project Veritas characteristics or a condition incompatible with the proper conduct of its lawful business, trade, and profession as an investigative journalism organization.

59. Accusing Project Veritas of misleading its readership by promoting misinformation is extremely damaging to its reputation and imputes general disqualification to fulfill its function as an investigative journalism organization by lowering the credibility of its reporting and general reputation for veracity.

60. As a news organization with broad distribution and decades of experience, CNN could reasonably foresee and indeed intended all the damage suffered by Project Veritas as a result of CNN's malicious, reckless, and negligent conduct.

PRAYER FOR RELIEF

WHEREFORE, Project Veritas respectfully prays for judgment as follows:

- A. For judgment in its favor against CNN;
- B. For general, special, and compensatory damages according to proof;

C. For punitive and exemplary damages according to proof in an amount no less than \$1,000,000;

D. For a permanent injunction enjoining CNN, its officers, agents, servants, employees, and all other persons acting in concert or participation with CNN from further disseminating the false, misleading, and defamatory representations of fact concerning Project Veritas discussed above, and requiring CNN to remove such statements in all forums in which they are posted and to publish appropriately prominent corrective retractions and corrections;

E. That this Court award Project Veritas all reasonable costs; and

F. That this Court grant such other and further relief as this Court deems equitable and just under the circumstances.

Respectfully submitted,

Date: April 26, 2021

/s/ Douglas Chalmer, Jr.

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Project Veritas

DEMAND FOR JURY TRIAL

Plaintiff Project Veritas demands trial by jury on all claims in this action of all issues so triable.

Date: April 26, 2021

/s/ Douglas Chalmer, Jr.

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