

**FILED**

**NOV 27 2019**

**JOHN T. FREY**  
Clerk of the Circuit Court  
of Fairfax County, VA

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF FAIRFAX

KASHYAP "KASH" PATEL

Plaintiff,

v.

ADAM GOLDMAN

-and-

THE NEW YORK TIMES COMPANY

Defendants.

**2019 16270**

Case No. \_\_\_\_\_

**TRIAL BY JURY  
IS DEMANDED**

## **COMPLAINT**

Plaintiff, Kashyap "Kash" Patel ("Plaintiff" or "Kash"), by counsel, files the following Complaint against defendants, Adam Goldman ("Goldman") and The New York Times Company (the "Times"), jointly and severally.

Plaintiff seeks (a) compensatory damages and punitive damages in an amount not less than **\$44,950,000.00**, (b) prejudgment interest on the principal sum awarded by the Jury from October 23, 2019 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 – arising out of Defendants' defamation and common law conspiracy.

## I. INTRODUCTION

1. Adam Goldman is a propagandist. He is a conduit. He masquerades as a “journalist”. He is a distribution channel for leakers. He leaks and promotes false facts in furtherance of the agendas and preconceived narratives of the New York Times. Since November 8, 2016, Goldman and his “team” at the Times have had one goal in mind: the character assassination and annihilation of the President of the United States of America. At all costs. No matter who gets hurt. No matter who suffers. Goldman and the Times will say *anything*.

2. On October 23, 2019, in an article published online and tweeted to millions, Goldman and the Times, directly and by implication, falsely accused Kash Patel of lying, deceit, federal crimes, and illegal, conniving and unethical conduct.<sup>1</sup> The

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<sup>1</sup> See, e.g., *Carwile v. Richmond Newspapers*, 196 Va. 1, 8, 82 S.E.2d 588 (1954) (“Every false and unauthorized imputation, spoken, written, or printed which imputes to a business or professional man conduct which tends to injure him in his business or profession is libelous and actionable without allegation or proof of special damages. Hence, words and statements which charge an attorney at law with unethical or unprofessional conduct and which tend to injure or disgrace him in his profession are actionable *per se*.”) (cited in *Fleming v. Moore*, 221 Va. 884, 890, 275 S.E.2d 632 (1981) (“because an attorney is required to adhere to the disciplinary rules, charging an attorney with unethical conduct is defamatory *per se*”); *id. Tronfeld v. Nationwide Mutual Insurance Company*, 272 Va. 709, 713, 636 S.E.2d 447 (2006) (insurance adjuster’s statements that attorney “just takes people’s money” and clients received less for their claims because of attorney’s services were actionable); *Donner v. Rubin*, 2008 WL 8201377, at \* 6 (Chesapeake Cir. 2008) (defendant’s letter falsely accused the plaintiff, a lawyer, of “unethical and unprofessional conduct”, various “frivolous actions”, and suggested that “plaintiff could be subjected to disciplinary proceedings by the State Bar” – demurrer overruled); *Foreman v. Griffith*, 81 Fed.Appx. 432, 433 (4<sup>th</sup> Cir. 2003) (“The primary accusation against Foreman [a Deputy City Attorney] in the Report was that he engaged in unethical favoritism of Tidewater Towing, Inc. at the City’s expense and to enrich himself. Foreman alleges that the accusation is false and damaged his professional reputation.”); *Cretella v. Kuzminski*, 640 F.Supp.2d 741, 747 (E.D. Va. 2009) (statement “questioning Plaintiff’s ethical conduct as a practicing attorney, accusing him of the criminal act of extortion, and stating that Plaintiff had been discharged from his employment with a law firm as a result of such conduct”).

qualities disparaged by Goldman and the Times – Kash’s honesty, veracity, integrity, loyalty, morality, ethics and performance as an attorney, as an aide to the House Intelligence Committee, and as a member of the President’s National Security Council (NSC)<sup>2</sup> – are peculiarly and particularly valuable to Kash and are absolutely necessary in the practice and profession of any lawyer and senior policy advisor.

3. With reckless disregard for the truth, Goldman and the Times, *inter alia*, falsely stated or implied that:

- Kash aided and abetted obstruction of justice;
- Kash impeded a lawful investigation by the House Intelligence Committee into Russian meddling in the 2016 Presidential Election;
- Kash engaged in conduct that warranted scrutiny by House investigators;
- Kash was under scrutiny by House investigators;
- Senior White House officials suspected Kash had effectively created a back channel to the President that could warp American policy on Ukraine;
- President Trump referred to Kash as one of his top Ukraine policy specialists and that the President wanted to discuss related documents with Kash;
- Kash was involved in a scheme to go around American policymakers on Ukraine issues and to shape policy toward Kiev;
- Kash played a role in shadow foreign policy that the President was conducting as he pushed the Ukrainian government to incriminate his political rivals by announcing investigations into them;

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<sup>2</sup> The NSC is the President’s principal forum for considering national security and foreign policy matters with his senior national security advisors and cabinet officials. Since its inception under President Truman, the Council’s function has been to advise and assist the President on national security and foreign policies. The Council also serves as the President’s principal arm for coordinating these policies among various government agencies. [<https://www.whitehouse.gov/nsc/>].

- Kash provided documents to the President in furtherance of the impeachable scheme;
- An aide from the White House executive secretary's office told Fiona Hill that President Trump wanted to talk to Kash and identified him as the National Security Council's 'Ukraine director' and that President Trump wanted to meet with Kash about documents he (the President) had received from Kash on Ukraine;
- Kash's communications with the President prompted Fiona Hill to raise concerns with her superiors that Kash was meddling outside his portfolio;
- Beginning in May 2019, Fiona Hill had concerns about whether Kash was running a shadow effort on Ukraine at the White House; and
- Kash began getting involved in Ukraine matters in April 2019, as Rudy Giuliani pushed the Ukrainian government to discredit evidence against Paul Manafort, Mr. Trump's former campaign chairman.

Goldman and the Times published the false statements, false implications and insinuations of wrongdoing in order to undermine Kash's credibility, cast doubt on his motives and intent, impair his ability to serve the United States of America and the President, and to fan the flames of the sputtering impeachment "inquiry".

4. In this action, Kash seeks compensatory and punitive damages as a result of the intentionally contrived "news" manufactured by Goldman and the Times.

## **II. PARTIES**

5. Kash Patel graduated from the University of Richmond in 2002 with a B.A. in history and criminal justice. He obtained an International Law Certificate from University College London Faculty of Laws in 2004. Kash earned his Juris Doctor from Pace University School of Law in 2005. He is admitted to the Bars of the State of Florida and the State of New York, and is licensed and in good standing. Kash served for several years as assistant public defender with the Miami-Dade Public Defender's Office. In 2009, he became Assistant Federal Public Defender for the Southern District of Florida.

He tried federal jury trials involving charges of international drug trafficking, murder (death penalty waived), fraud, bulk cash smuggling, arson, and firearms. He organized and conducted international investigations in 6 countries, engaged in foreign relations with governments to secure witnesses and evidence, and handled pre-trial matters on cases ranging from multi-million-dollar fraud, Middle-East arms trafficking, human trafficking, as well as wiretap and document intensive cases. In 2014, Kash joined the United States Department of Justice (DOJ), National Security Division (NSD) – Counter Terrorism Section, as a Terrorism Prosecutor. In this important position, he ran a wide range of high-profile counterterrorism prosecutions; utilized sensitive and restricted intelligence from across the intelligence community (IC) to prosecute international terrorism suspects in the United States and in foreign courts of law. Kash successfully investigated, prosecuted, and incarcerated dozens of international terrorists, led prosecutions of ISIS, Al-Qaeda (AQ), Al-Shabab (AS), Al-Nusra Front (ANF), and other known terrorist organizations. Kash assisted in the prosecution and conviction of 12 AS members involved in the World Cup Bombings in Uganda, which killed 74 individuals including one American. He led a law enforcement operation to monitor and dismantle an international ISIS network that spanned Europe, the Middle East and the homeland; and assisted in convictions in Switzerland and in multiple jurisdictions in the, U.S. He was a member of the prosecution team for high profile prosecutions, including the attacks on the United States Special Mission Compound in Benghazi, Libya, ISIS leadership members around the World, and Westgate Mall attacks in Kenya. Over many years, Kash built trust and strong relationships throughout the IC, engaged directly with foreign heads of state, leaders of the military, and ambassadors to prosecute dozens of terrorists

globally. In 2015, he received the Central Intelligence Agency Award (HUMINT) for combating terrorism in East Africa. He was the only member of DOJ to receive the award. In 2017, Kash received the AAG Award for Excellence (DOJ) for his successful investigation, prosecution, and convictions of 12 AS terrorists responsible for the 2010 World Cup Bombings. Between March 2016 and April 2017, Kash served on the Department of Defense (DOD), Joint Interagency Task Force – National Capital Region, as the DOJ’s liaison officer (LNO) to the Special Operations community. Embedded with Tier I Special Forces operators at a secure facility, Kash represented DOJ senior leadership interests to the Joint Special Operations Command (JSOC), where, *inter alia*, he led collaborative global targeting efforts against international terrorists. In April 2017, Kash joined the Staff of the United States House Permanent Select Committee on Intelligence (HPSCI) (the “House Intelligence Committee”),<sup>3</sup> as Senior Counsel for Counterterrorism (April 2017 to March 2018) and National Security Advisor (March 2018 to January 2019). Kash spearheaded the House Intelligence Committee’s investigation of Russian interference in the 2016 Presidential election. He also lead a top-priority investigation into FISA abuse and created an investigative plan that led to national disclosure of Steele dossier funding. As staff counsel, Kash was responsible for identifying, locating, and successfully acquiring hundreds of thousands of documents from across the IC and private sectors to further the investigations. He conducted over 70 interviews of former/current high-ranking (including cabinet-level) government officials and private citizens. He led the Committee’s investigation and discovered abuses of

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<sup>3</sup> The House Intelligence Committee oversees the nation’s intelligence agencies, including components of the Departments of Defense, Homeland Security, Justice, State and Energy. Most of the agencies and individuals subject to oversight by the Committee live and work in Virginia.

power by high-ranking officials within the Federal Bureau of Investigation (FBI) and DOJ. He also formulated strategy to hold individuals accountable for violations of law and policy. In February 2019, Kash accepted a position on the National Security Council's Directorate of International Organizations and Alliances. In July 2019, Kash was promoted to the position of Senior Director of the Counterterrorism (CT) Directorate of the National Security Council (NSC).<sup>4</sup> In connection with his position, Kash holds a Top Secret/SCI security clearance.

6. In October 2019, before Goldman and the Times brutally defamed him, Kash enjoyed an excellent reputation amongst colleagues, members of Congress and the IC, as a brilliant attorney, trusted advisor, staunch proponent and defender of the rule of law, and CT expert.

7. Defendant, Goldman, lives in Washington, D.C. He works for the Times. At all times relevant to this action, Goldman was acting as an agent of the Times within the scope of his employment. In connection with his business, Goldman operates a Twitter account, @adamgoldmanNYT. Goldman has 131,000 followers on Twitter. Goldman and the Times have been on a multi-year defamation campaign against Kash. The prior false and defamatory statements are evidence of their actual malice. *See, e.g., Williams Printing Co. v. Saunders*, 113 Va. 156, 73 S.E. 472, 474 (1912) ("Any other words written or spoken by the defendant of the plaintiff, either before or after those sued on, or even after the commencement of the action, are admissible to show the animus of the defendant ... The more the evidence approaches proof of a systematic practice of libeling or slandering the plaintiff, the more convincing it will be."). For instance, prior

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<sup>4</sup> Many of Kash's colleagues at the NSC live in Virginia.

to October 23, 2019, Goldman and the Times published numerous false statements about Kash, *e.g.*:

<https://www.nytimes.com/2018/02/01/us/politics/republicans-secret-memo-nunes.html>

(“The [secret memo] was primarily written by Kashyap Patel, a committee staff member for Representative Devin Nunes, Republican of California and the chairman of the Intelligence Committee”);

<https://twitter.com/adamgoldmannyt/status/959245403635011584?lang=en>

(“The memo was primarily written by Kashyap Patel, a committee staff member for Representative Devin Nunes”);

<https://www.nytimes.com/2018/02/02/us/politics/kashyap-patel-nunes-memo.html>

(“over the summer [of 2016], in a trip arranged outside official channels, [Kash] traveled to London, where he tried unsuccessfully to meet with Christopher Steele, the author of the dossier that purported to details links between the Trump campaign and Russia ... Mr. Nunes dispatched Mr. Patel and another member of the committee’s Republican staff to London, where they showed up unannounced at the offices of Mr. Steele, a former British intelligence official”).

8. Defendant, Times (NYSE:NYT), is a New York corporation. Its headquarters and principal place of business is in New York. The Times is a nationwide company that publishes *The New York Times* newspaper and [www.nytimes.com](http://www.nytimes.com). The Times falsely advertises that its “mission” is to “seek the truth and help people understand the world”. The Times’ content reaches a broad audience in Virginia through both digital and print platforms. As of December 30, 2018, the Times had approximately 4.3 million paid subscriptions across 217 countries and territories to its digital and print products.

[\[https://s1.q4cdn.com/156149269/files/doc\\_financials/annual/2018/updated/2018-](https://s1.q4cdn.com/156149269/files/doc_financials/annual/2018/updated/2018-Annual-Report-(1).pdf)

[Annual-Report-\(1\).pdf\]](https://s1.q4cdn.com/156149269/files/doc_financials/annual/2018/updated/2018-Annual-Report-(1).pdf). In addition to its digital and print products, the Times targets viewers in Virginia and elsewhere via social media. The Times has over 44.6MM followers on Twitter (@nytimes) and 16,500,000+ followers on Facebook.

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



Eauthor]; <https://www.facebook.com/nytimes/>]. Upon information and belief, the Times has millions of social media followers who live, work and read tweets and posts in Virginia.

9. Goldman and the Times use Twitter to broadly disseminate their libelous statements. The article and tweets at issue in this case, identified *in haec verba* below, were published and read in Fairfax County. *See, e.g., Davis v. Heflin*, 130 Va. 169, 172, 107 S.E. 673 (1921) (“A letter is deemed to be published both where it is posted and where it is received and opened”) (quotation and citation omitted); *Galustian v. Peter*, 561 F.Supp.2d 559, 565 (E.D. Va. 2008) (“the place of publication is deemed to be the place where the email was received (i.e., opened and read).”); *Keeton v. Hustler Magazine, Inc.*, 465 U.S. 770, 776 (1984) (“[f]alse statements of fact harm both the subject of the falsehood **and** the readers of the statement ... The tort of libel is generally held to occur wherever the offending material is circulated. Restatement (Second) of Torts § 577A, Comment a (1977). The reputation of the libel victim may suffer harm even in a state in which he has hitherto been anonymous. The communication of the libel may create a negative reputation among the residents of a jurisdiction where the plaintiff’s previous reputation was, however small, at least unblemished.”).

10. Fiona Hill (“Hill”) is a former senior advisor and European and Russian Affairs specialist who served on the NSC between April 2017 and July 2019.

11. Adam Schiff (“Schiff”) is the current chairman of the House Intelligence Committee. Schiff is the Democratic congressman who was infamously pranked by two Russian comedians who offered to provide him nude photos of President Trump. [\[https://www.realclearpolitics.com/video/2018/02/06/russian\\_comedians\\_prank\\_call\\_rep](https://www.realclearpolitics.com/video/2018/02/06/russian_comedians_prank_call_rep)

adam schiff promise him naked photos of trump from fsb.html]. Schiff is leading the impeachment inquisition currently going on before the House Intelligence Committee. Schiff has been described as a congenital liar and an inveterate leaker. His extreme bias towards the President of the United States is open and notorious. [<https://twitter.com/repadamschiff?lang=en>].

12. On October 14, 2019, Hill appeared for a closed-session interview before a select group of Representatives in Room HVC-304, Capitol Visitor Center.

13. In conducting the closed-door interview of Hill, Schiff completely ignored forty-five (45) years of bipartisan procedures, intentionally ignored the custom and course of dealing established in and by prior impeachment inquiries, violated the public's First Amendment right of access and hid the proceedings from the American public, applied "Schiff's Rules of Evidence" – meaning no rules, and refused to afford and extend basic constitutional safeguards, such as the right to present evidence, the right to confront accusers and to cross-examine witnesses, so as to ensure that the interviews were conducted in such a way as to promote the constitutional interests of fundamental fairness and due process.

14. Schiff conducted the interviews like a Star Chamber or Kangaroo Court, and, in so doing, stripped Hill of any privilege or immunity from defamation that she may have enjoyed.<sup>5</sup>

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<sup>5</sup> Because Schiff's closed-door interviews were not conducted before a quasi-judicial body or as part of a judicial proceeding, the testimony of Hill is not protected by any privilege.

15. Schiff conducted the closed-door interviews with one goal in mind – to create click-bait headlines and soundbites to feed to his co-conspirators and media sympathizers, including the Times.

16. Between October 14, 2019 and November 8, 2019, Goldman and the Times colluded, collaborated and conspired with Schiff to defame Kash. Schiff, or members of his staff or aides acting at his direction,<sup>6</sup> leaked to Goldman the closed-door testimony that Hill gave in the subfloor of the Capitol Visitor Center. The leaks occurred in real-time. Schiff leaked the testimony to Goldman because Schiff knew that it would be a violation of House Rules and Committee Rules for Schiff to publish the substance of the testimony himself. The joint collaborative purpose of the leaks was to publish Hill's false and defamatory statements, including Hill's egregious personal attacks on Kash, so as to further Schiff and the Times' interests in harming the President and advancing the impeachment inquisition. In furtherance of the conspiracy, Goldman secretly communicated with Schiff or his staff via encrypted email, including protonmail, and/or encrypted messaging, including Signal.

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

17. The Circuit Court for the County of Fairfax has jurisdiction of this matter pursuant to § 17.1-513 of the Virginia Code (1950), as amended.

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<sup>6</sup> Upon information and belief, the staff/aides who collaborated with Bertrand include Abigail Grace, who worked at the NSC until 2018 and was hired by Schiff in February, Sean Misko, an NSC aide until 2017 who joined Schiff's committee staff in August, Schiff's Chief of Staff, Jeff Lowenstein, and Deputy Chief of Staff, Patrick Boland, Staff Director, Timothy Bergreen, Professional Staff Member, Thomas Eager, General Counsel, Maher Bitar, Senior Counsel, Daniel Nobe, and/or Schiff Staff Attorney, Daniel Goldman.

18. 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 in Virginia. They each 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.

19. Venue is proper in the Fairfax Circuit Court pursuant to §§ 8.01-262(3-4) and 8.01-263(2) of the Code.

#### **COUNT I – DEFAMATION PER SE**

20. Kash restates paragraphs 1 through 19 of his Complaint, and incorporates them herein by reference.

21. From the beginning of recorded time, the law has faithfully protected a person's "absolute" right to an unimpaired reputation. In *Fuller v. Edwards*, the Virginia Supreme Court recognized that "[o]ne's right to an unimpaired limb and to an unimpaired reputation are, in each instance, absolute and has been since common law governed England. Indeed, an impaired reputation is at times more disastrous than a broken leg." 180 Va. 191, 198, 22 S.E.2d 26 (1942) (cited in *Gazette, Inc. v. Harris*, 229 Va. 1, 7, 325 S.E.2d 713 (1985) ("In Virginia, as in other states, the law of defamation historically has protected a basic interest. The individual's right to personal security includ[ing] his uninterrupted entitlement to enjoyment of his reputation.")); *id. Milkovich v. Lorain Journal Co.*, 497 U.S. 1, 12 (1990) ("Good name in man and woman, dear my lord, Is the immediate jewel of their souls. Who steals my purse steals trash; 'Tis something,

nothing; 'Twas mine, 'tis his, and has been slave to thousands; But he that filches from me my good name Robs me of that which not enriches him, And makes me poor indeed.”) (quoting WILLIAM SHAKESPEARE, *OTHELLO*, act 3 sc. 3)); *Rosenblatt v. Baer*, 383 U.S. 75, 92-93 (1966) (““Society has a pervasive and strong interest in preventing and redressing attacks upon reputation.’ The right of a man to the protection of his own reputation from unjustified invasion and wrongful hurt reflects no more than our basic concept of the essential dignity and worth of every human being—a concept at the root of any decent system of ordered liberty”).

22. The law that fastidiously guards a person’s reputation does not grant Goldman or the Times a license to lie. The Virginia Supreme Court has squarely addressed the matter:

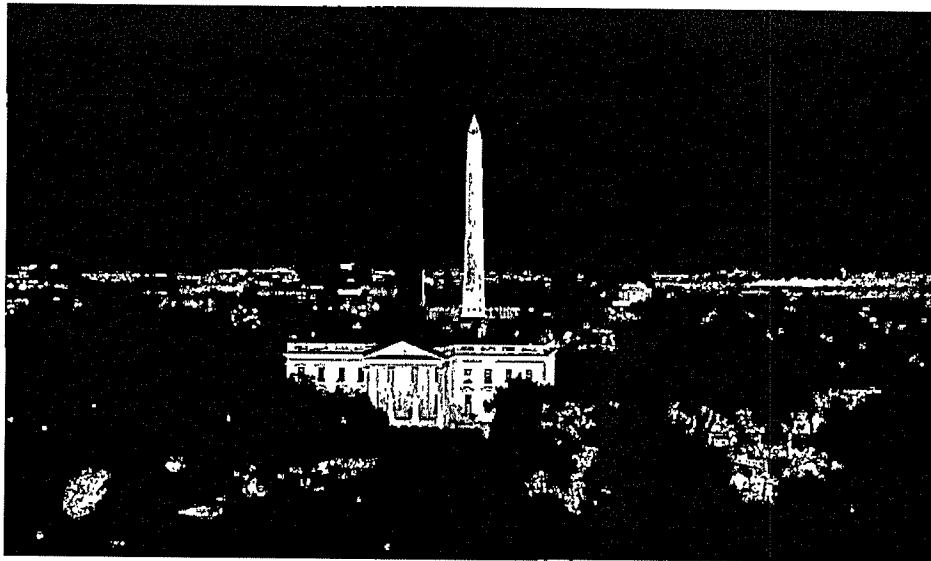
“Liberty of the press is not license, and newspapers have no privilege to publish falsehoods or to defame under the guise of giving the news. It is held that the press occupies no better position than private persons publishing the same matter; that it is subject to the law, and if it defames it must answer for it.”

*Williams Printing Co. v. Saunders*, 113 Va. 156, 73 S.E. 472, 477 (1912) (quoting Cooley on Torts (3<sup>rd</sup> ed) 443)).

23. On October 23, 2019, Goldman and the Times, acting in concert with Schiff and relying on unverified leaks from Schiff and/or his staff, published the following article about Kash:

# ***White House Aides Feared That Trump Had Another Ukraine Back Channel***

Senior national security officials grew concerned about Kash Patel, a colleague who had been involved in Republicans' efforts to undermine the Russia investigation.



House investigators are scrutinizing the actions of a White House official who previously worked for Republicans on the House Intelligence Committee. Doug Mills/The New York Times

**By Julian E. Barnes, Adam Goldman and Nicholas Fandos**

Oct. 23, 2019

[<https://www.nytimes.com/2019/10/23/us/politics/kash-patel-ukraine.html>] (the “Times Article”).

24. The Times Article contains multiple false statements and defamatory implications and insinuations about Kash, including the following:

a. “When Kashyap Patel was an aide to the House Intelligence Committee in the first years of the Trump administration, he played a key role in helping Republicans try to undermine the Russia investigation”;

b. “Colleagues there initially questioned the role of Mr. Patel, who took few notes in meetings and had little expertise for his initial portfolio, which covered the United Nations. Within months, senior White House officials began to suspect he had won Mr. Trump’s ear and had effectively created a back channel to the president that could warp American policy, according to congressional testimony and interviews”;

c. “Colleagues grew alarmed<sup>7</sup> after hearing that Mr. Trump had referred to Mr. Patel as one of his top Ukraine policy specialists and that the president wanted to discuss related documents with him, according to people briefed on the matter. Mr. Patel sought to discuss allegations of surveillance abuses by law enforcement officials with Mr. Trump, an administration official said”;

d. “Any involvement by Mr. Patel in Ukraine issues would signal another attempt by Mr. Trump’s political loyalists to go around American policymakers to shape policy toward Kiev”;

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<sup>7</sup> “Alarmed” is a word that Goldman and the Times repeatedly use to falsely portray a person’s state of mind or emotional reaction to an event. [See, e.g., <https://www.nytimes.com/2019/10/04/us/politics/second-trump-whistleblower.html>] (“A second intelligence official who was alarmed by President Trump’s dealings with Ukraine is weighing whether to file his own formal whistle-blower complaint and testify to Congress, according to two people briefed on the matter”); <https://www.nytimes.com/2018/05/18/us/politics/trump-fbi-informant-russia-investigation.html>] (“According to people familiar with Mr. Flynn’s visit to the intelligence seminar, the source was alarmed by the general’s apparent closeness with a Russian woman who was also in attendance”)].

e. “House impeachment investigators are scrutinizing Mr. Patel’s actions as well, the people said. The investigators have asked witnesses about Mr. Patel and are trying to determine any role he played in the shadow foreign policy Mr. Trump was conducting as he pushed the Ukrainian government to incriminate his political rivals by announcing investigations into them”;

f. “The contents of the documents were not clear, nor was it clear how Mr. Trump got them”;

g. “Fiona Hill ... testified to House investigators last week that she believed Mr. Patel was improperly becoming involved in Ukraine policy and was sending information to Mr. Trump, some of the people said”;

h. “Ms. Hill grew alarmed earlier this year when an aide from the White House executive secretary’s office told her that Mr. Trump wanted to talk to Mr. Patel and identified him as the National Security Council’s ‘Ukraine director,’ a position held by one of Ms. Hill’s deputies. The aide said Mr. Trump wanted to meet with Mr. Patel about documents he had received on Ukraine”;

i. “Mr. Patel’s apparent communications with the president prompted Ms. Hill to raise concerns with her superiors, including John R. Bolton, then the national security adviser, that Mr. Patel was meddling outside his portfolio. As early as May, Ms. Hill had begun discussing with colleagues her concerns about whether Mr. Patel was running a shadow effort on Ukraine at the White House, according to four people briefed on the discussions”;

j. “Mr. Patel joined the National Security Council in February and began getting involved in Ukraine matters in April, as Mr. Giuliani pushed the Ukrainian



government to discredit evidence against Paul Manafort, Mr. Trump's former campaign chairman".

25. On October 23, 2019, Goldman simultaneously republished the Times Article to a new target audience – his 131,000 followers on Twitter:

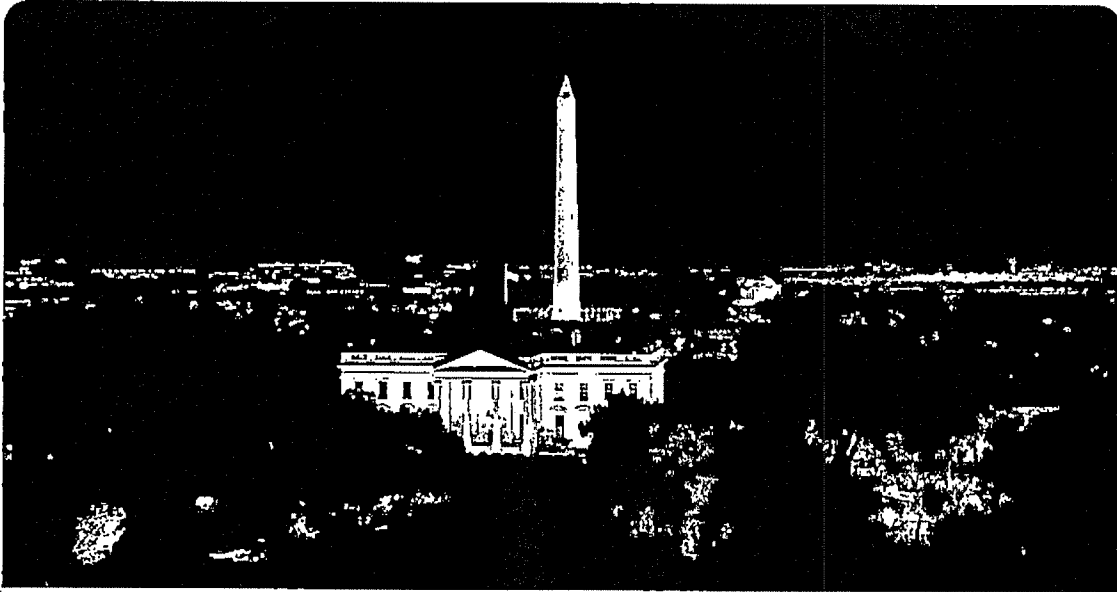




Adam Goldman  
@adamgoldmanNYT



UPDATE: Mr. Patel sought to discuss allegations of surveillance abuses by law enforcement officials with Mr. Trump, an administration official said.



White House Aides Feared That Trump Had Another Ukraine Back Channel  
Senior national security officials grew concerned about Kash Patel, a colleague who had been involved in Republicans' efforts to undermine the Russia ...

[nytimes.com](https://www.nytimes.com)

6:40 PM · Oct 23, 2019 · Twitter for iPhone

<https://twitter.com/adamgoldmanNYT/status/1187081234788298754>;

<https://twitter.com/adamgoldmanNYT/status/1187136819579756544>].

26. The NYT Article was retweeted and republished thousands, perhaps millions of times by other Times reporters, by media outlets who were promoting the same falsehoods as Goldman and the Times, and by third-parties, *see, e.g.:*

<https://twitter.com/StevenErlanger/status/1187230967121043456>;

<https://twitter.com/katherinemiller/status/1187068058050928641;>

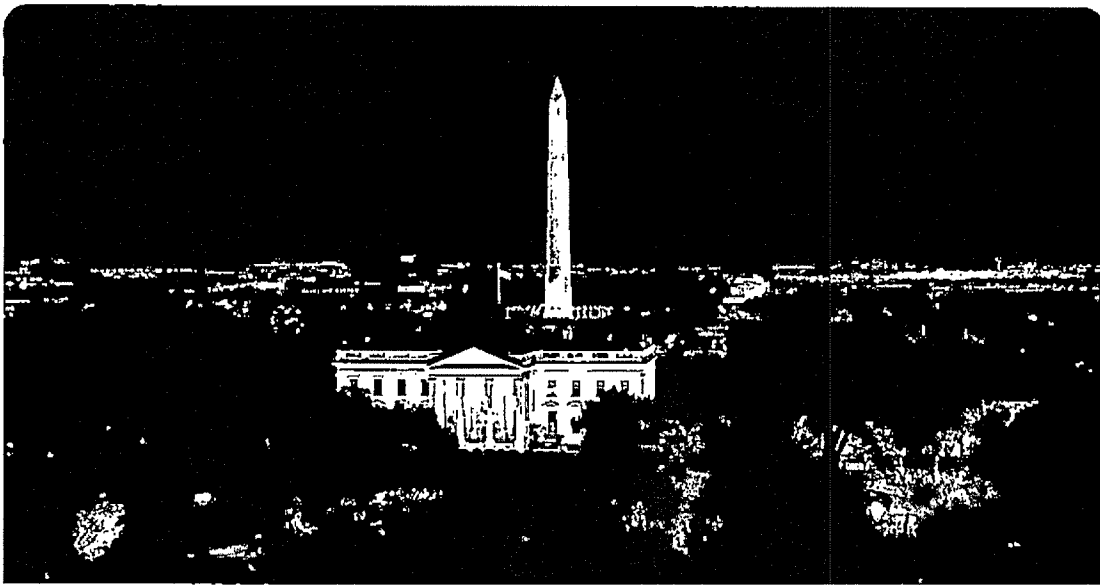


**Kyle Cheney**   
@kyledcheney



WOW: House impeachment investigators are looking at whether a former top NUNES aide -- now a Trump national security official -- was sending Trump unverified Ukraine-related info.

Per NYT, White House officials suspected this was occurring:



White House Aides Feared That Trump Had Another Ukraine Back Channel.  
Senior national security officials grew concerned about Kash Patel, a colleague who had been involved in Republicans' efforts to undermine the Russia ...  
[nytimes.com](https://www.nytimes.com)

1:47 PM · Oct 23, 2019 · TweetDeck

[<https://twitter.com/kyledcheney/status/1187062921815310336>].

27. The defamatory implications and insinuations of the NYT Article were crystal clear to those who read the Article, *see, e.g.*:

<https://twitter.com/MiekeEoyang/status/1189620948770705408>  
("Kash Patel, former Nunes staffer, back in the news, now for creating an additional backchannel to Trump on Ukraine and pushing \*actual\* Ukraine expert, Vindman, out of meetings");

<https://twitter.com/grantstern/status/1187107482168152065>  
("Trump has a second back-channel for Ukraine propaganda. Great");

<https://twitter.com/kylegriffin1/status/1187073730972999682>  
("Breaking via NYT: House impeachment investigators are scrutinizing the actions of a W.H. official who used to worked for Republicans on the House Intel Cmte. He's suspected of ferrying docs about Ukraine to Trump, effectively creating another back channel");

<https://twitter.com/julianbarnes/status/1187061072244756483>  
("NEW: White House aids [sic] feared Trump had another informal Ukraine back channel involving former House Intel Committee staffer").

28. Goldman and the Times knew that by publishing false statements about Kash online and via social media, they would cause extensive damage to Kash's reputation. *See, e.g., James v. Powell*, 154 Va. 96, 113-114, 152 S.E 539 (1930) ("one who publishes a libel in a newspaper ... thereby evidences his intention that the readers shall read it, so that the natural and probable effect of publishing a libel is far more permanent, extensive and injurious to the victim than the mere speaking of the words it contains to one or more persons.") (quotation omitted).

29. On November 8, 2019, Schiff released the transcript of Hill's closed-door, secret interview. [<https://twitter.com/RepAdamSchiff/status/1192858873130037248>]. The transcript completely undercuts Goldman and the Times' story, and demonstrates the folly of relying on the word of leakers with an obvious bias. The transcript demonstrates that Goldman and the Times, Schiff, and his staffers misled the public in the NYT

Article, and intentionally lied about the substance of Hill's interview and statements. Goldman and the Times in fact harbored serious doubts as to the veracity of their sources. They knew that Schiff had a preconceived agenda that he was actively promoting through the guise of an impeachment "inquiry". Goldman and the Times knew about Schiff's extreme bias and hatred of President Trump. Significantly, they also knew that Schiff was a wholly unreliable source because of his penchant to tell lies and to mislead. [*E.g.*, <https://www.washingtonexaminer.com/opinion/op-eds/rep-jim-banks-house-democrats-decide-adam-schiff-can-lie-and-get-away-with-it>; <https://www.washingtonpost.com/politics/2019/10/04/schiffs-false-claim-his-committee-had-not-spoken-whistleblower/> (**"Schiff's false claim his committee had not spoken to the whistleblower"**)]. Yet, hungry to support Schiff and to proselytize an unwitting American public in Schiff's false narrative, Goldman and the Times published the NYT Article without even waiting for an accurate transcript of Hill's interview.<sup>8</sup> Incredibly, these Defendants and others of similar ilk relied upon Schiff – a demagogue with an axe to grind against the President, against Congressman Nunes, and against Kash.

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<sup>8</sup> If Goldman and the Times had bothered to wait for the transcript, they would have learned that Hill **completely fabricated** the story about Kash. Hill did not even remember the name of the person in the White House executive secretary's office with whom she allegedly spoke. Goldman and the Times would also have learned that Schiff spoon-fed Hill grossly leading questions in a clear effort to fabricate a narrative about Kash. But Goldman and the Times were not interested in the truth. They and Schiff had come to Hill for soundbites, and Hill did not disappoint. In furtherance of the conspiracy, Hill gratuitously offered Schiff baseless opinions, such as "I was alarmed", "this is just not appropriate", "[i]t alarmed everybody", and "it's a red flag when somebody who you barely know is involved on ... one of our policy issues and is clearly providing ... materials outside of the line that we don't even know what those materials were."

30. Goldman and the Times' "reporting" was categorically and knowingly 100% false. Contrary to every principle of journalistic integrity, the NYT Article relied on leaks from Schiff of testimony by Hill who had *no firsthand knowledge* of the allegations she was making.<sup>9</sup> Goldman and the Times intentionally falsified the identity of their "sources". They cited anonymous "people briefed on the matter", when, in truth, the source was Schiff and his leaking skills. The NYT Article falsely asserts that Kash was referred to by President Trump as "one of his top Ukraine policy specialists" and that President Trump "wanted to discuss related documents with him." The NYT Article falsely states that Kash's NSC and White House colleagues "grew alarmed" over all this. All lies manufactured out of whole cloth. The NYT Article falsely implies that Kash was involved in an effort by the President to circumvent established channels on Ukraine matters. The problem with the NYT Article and its unreliable source (Schiff) is that the entire premise is untrue. [[https://www.breitbart.com/politics/2019/10/24/exclusive-fake-news-echo-chamber-new-york-times-prints-lies-by-adam-schiff-witness-made-in-secret-testimony/?utm\\_medium=social&utm\\_source=facebook](https://www.breitbart.com/politics/2019/10/24/exclusive-fake-news-echo-chamber-new-york-times-prints-lies-by-adam-schiff-witness-made-in-secret-testimony/?utm_medium=social&utm_source=facebook)]. In truth, at no time prior to October 23, 2019 had Kash ever communicated with the President on any matters involving Ukraine. Kash never supplied any Ukraine "materials" to the President. Kash is proud of his record as a dedicated national security professional who is entrusted to handle our nation's most sensitive matters. At no time did Kash stray from his mission to protect the homeland in service to the President and the NSC.

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<sup>9</sup> Goldman and the Times concealed the fact that House Democrats involved in the impeachment interviews were tipped off that Hill planned to invent the story about Kash. That is why Schiff and his lawyer brought up Kash's name to Hill, then leaked the exchange to their lackeys at the Times. It was a coordinated, scripted, weaponized circus.

[<https://www.axios.com/national-security-council-staffer-denies-secret-ukraine-conversations-trump-e850964a-a743-4a81-94f4-6630f7f8cc77.html>].

31. Goldman and the Times knew that Hill's claims were false because a separate White House correspondent at the Times was aware of Kash's meetings with the President at the time of the meetings, well before Hill's testimony happened, and well before Schiff and his Democrats even launched an impeachment "inquiry". The Times was well-aware that the content of Kash's meetings with the President had nothing to do with Ukraine. In spite of its actual knowledge, the Times printed the fake news story anyway. In addition to deep-seeded animus towards Kash and the President, the motive for Goldman and the Times' hit piece was, in part, revenge. Goldman and the Times wanted to smear Kash and attempt to tie him into the impeachment inquisition because Kash was critical of previous attempts by the "deep state" and media stooges, like the Times, to entangle President Trump in the Russia collusion narrative. Both the Times and Schiff had a vendetta against Kash because he helped blow up their three-year Russia hoax.

32. Defendants' false statements constitute defamation *per se*. The statements accuse and impute to Kash the commission of multiple criminal offenses, an unfitness to perform the duties of an office or employment for profit, and the want of integrity in the discharge of the duties of such office or employment. Defendants' false statements also prejudice Kash in his profession as an attorney and senior advisor on the NSC.

33. Kash is a private individual. Defendants' false statements caused substantial harm to Kash and his reputation.

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

a. Defendants intentionally employed a scheme or artifice to defame Kash with the intent to undermine the President's confidence in Kash and to further Schiff's impeachment inquisition. Defendants acted in concert with Schiff to accomplish an unlawful purpose through unlawful means, without regard for Kash's rights and interests.

b. Defendants knew that Kash did not engage in the unlawful and salacious behavior described in the NYT Article. Defendants relied on sources that were known to be inherently unreliable. Defendants fabricated statements. They made up statements out of whole cloth.

c. Defendants chose to manufacture and publish false and scandalous statements and use insulting words that were unnecessarily strong and that constitute violent, abusive and hateful language, disproportionate to the occasion, in order to undermine public confidence in Kash and smear Congressman Nunes and the President. The words chosen by the Defendants evince their ill-will, spite and actual malice.

d. Defendants did not act in good faith because, in the total absence of evidence, they could not have had an honest belief in the truth of their statements about Kash.

e. Defendants reiterated, repeated and continued to republish false defamatory statements out of a desire to hurt Kash and to permanently stigmatize him.



f. Defendants abandoned all journalistic integrity and violated their own code of ethics in order to further the conspiracy with Schiff. Defendants did not seek truth; did not report truth; did not minimize harm; did not act independently; and they most certainly were not transparent. [<https://www.nytc.com/company/standards-ethics/>; <https://www.spj.org/ethicscode.asp>].

g. Defendants refused to retract or clarify their false and defamatory statements, even after Schiff released the transcripts of Hill's interview.

35. Defendants lacked reasonable grounds for any belief in the truth of their statements, and acted negligently in failing to determine the true facts.

36. As a direct result of Defendants' defamation, Kash 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 \$44,600,000.00 or such greater amount as is determined by the Jury.

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

37. Kash restates paragraphs 1 through 36 of his Complaint, and incorporates them herein by reference.

38. Beginning in October 2019 and continuing through the present, Goldman and the Times combined, associated, agreed or acted in concert with Schiff or one or more of his staff/aides for the express purposes of injuring Kash, intentionally and unlawfully interfering with Kash's business and employment on the NSC, and defaming Kash. In furtherance of the conspiracy and preconceived plan, the Defendants pursued a joint scheme with Schiff the unlawful purpose of which was to destroy Kash's reputation

as an attorney and senior advisor to the President as a means of furthering Schiff's baseless Ukrainian quid pro quo hoax.

39. The Defendants acted intentionally, purposefully, without lawful justification, and with the express knowledge that they were defaming Kash. As evidenced by their use of Twitter to republish and spread poisonous lies to millions, the Defendants acted with the express and malicious intent to cause Kash permanent injury.

40. The Defendants' actions constitute a conspiracy at common law.

41. As a direct result of the Defendants' willful misconduct, Kash 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 \$44,600,000.00 or such greater amount as is determined by the Jury.

Kash alleges the foregoing based upon personal knowledge, public statements of others, and records in his possession. Kash believes that substantial additional evidentiary support, which is in the exclusive possession of Goldman, the Times, Schiff, Schiff's staffers and aides, Schiff's confederates, and their agents and other third-parties, will exist for the allegations and claims set forth above after a reasonable opportunity for discovery.

Kash reserves his right to amend this Complaint upon discovery of additional instances of Defendants' wrongdoing.

**CONCLUSION AND REQUEST FOR RELIEF**

WHEREFORE, Kash Patel respectfully requests the Court to enter Judgment against the Defendants, jointly and severally, as follows:

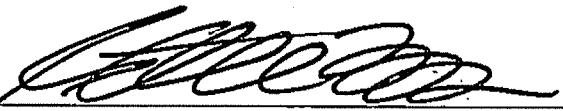
- A. Compensatory damages in the amount of \$44,600,000.00 or such greater amount as is determined by the Jury;
- B. Punitive damages in the amount of \$350,000.00 or the maximum amount allowed by law;
- C. Prejudgment interest from October 23, 2019 until the date Judgment is entered at the rate of six percent (6%) per annum;
- D. Postjudgment interest at the rate of six percent (6%) per annum until paid;
- E. Costs;
- F. Such other relief as is just and proper.

**TRIAL BY JURY IS DEMANDED**

DATED: November 27, 2019

KASHYAP "KASH" PATEL

By: \_\_\_\_\_

  
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