

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

1:20-cv-05484 (LTS) (SDA)

Steven E. Greer

Plaintiff;

v.

**Fox Corporation,
Fox News Media,
Fox News Network LLC,
Lachlan Murdoch,
Suzanne Scott,
Justin Wells,
Blake Neff,
Charles Gasparino,
Fox Business Network,
Brian Jones, and**

**News Corporation,
Dow Jones,
The Wall Street Journal,
Gerard Baker**

Defendants.

DEMAND FOR JURY TRIAL

COMPLAINT FOR:

- 1- Unfair Competition by Misappropriation
- 2- Unjust Enrichment
- 3- Misappropriation of “hot news”
- 4- Defamation
- 5- Tortious Interference with Contractual Relations
- 6- Tortious Interference with Prospective Economic Advantage
- 7- Intentional Infliction of Emotional Distress
- 8- Eighth Cause of Action: Violation of California Bus. & Prof. Code, § 17200, (unfair competition law)

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Plaintiff Steven E. Greer (“Greer” or “Plaintiff”), acting *pro se*, hereby complains and alleges as follows:

NATURE of the CASE

1. **This complaint is amended per Magistrate Judge Aaron’s report of December 24, 2020 (ECF 121) that was adopted on January 28, 2021 by Judge Swain (ECF 133).**

2. Plaintiff is the victim of misappropriation of his work (i.e., unfair competition laws) and misappropriation of “hot news”. Defendants used Plaintiff’s original and unique writings for their own television show content without permission and without giving credit to Plaintiff as the originator.

3. Plaintiff is also the victim of unjust enrichment from Defendants’ use of his labor and creative content.

4. Plaintiff is also the victim of a conspiracy by Defendants to “blacklist” him from appearing on national media platforms, including television and radio (i.e., tortious interference with contractual relations, tortious interference with prospective economic advantage, (both common law), and violation of California Bus. & Prof. Code, § 17200, (unfair competition law).

5. Plaintiff is also the victim of defamation. Before and during the course of perpetrating the blacklisting, Defendants committed defamation.

6. Plaintiff is also the victim of intentional infliction of emotional distress when Defendants engaged in the blacklisting as well as abused their power to mobilize the ominous power of the FBI by misleading that agency into investigating Plaintiff when there was no cause whatsoever to do so.

THE PARTIES

Steven E. Greer, MD

7. Plaintiff Steven E. Greer, MD is a citizen of the United States of America, domiciled in Florida (see Judge Aaron decision on ECF 121). He is a medical doctor licensed in multiple states and has a small private practice. He is also an author and financial expert with Wall Street experience.

8. Plaintiff is an experienced federal litigator, having won motions in courts ranging from the district court level to the Supreme Court of the United States. He orchestrated a settlement for a large sum of money in district court while the remaining defendants were ousted from their positions in New York government. In the Supreme Court, Greer successfully had the opposing counsel removed and his *writ certiorari* went unopposed.¹

9. Plaintiff's political views are centrist, or best described as "populist". He has disdain for both the old Democrat and Republican parties and believes that the nation is now suffering from corruption in all aspects of government because of those parties. Plaintiff supported President Trump who rose to power by appealing to populism, but has voted for President Obama in the past as well. Plaintiff no longer supports Donald Trump and will support a different candidate in 2024.

10. As a professional writer and medical doctor, Plaintiff also became in the year of 2000 a Wall Street financial analyst for the investment bank of Donaldson Lufkin & Jenrette.

¹ In *Greer v Mehiel* 19-1262, SCOTUS, Greer learned that the opposing counsel duplicitously obtained an order (extending more time for them to file their opposition) by failing to ever serve him the motion. He tried to vacate the order while also lodging a complaint with the court. The result was the opposing counsel abandoning the efforts to extend time while also being removed from the case entirely. Therefore, the *writ certiorari* proceeded as originally scheduled. The writ was ultimately not accepted by the court, not surprisingly. However, no writs were accepted on merit from that session, perhaps due to illness by Chief Justice Roberts, *pro se* bias by the courts, other matters related to the coronavirus upheaval of the courts, or mere statistical odds.

Then, after a corporate merger, he worked for Credit Suisse having survived the culling of redundant staff. He then became a partner at a well-known hedge fund. He eventually became a portfolio manager for the healthcare sector at Merrill Lynch managing \$250 Million of the \$10 Billion in assets controlled by the proprietary trading desk.

11. Plaintiff became a credible expert with unique experiences in multiple fields. As such, he was recruited by national media outlets, such as Fox News, to be a television guest discussing Wall Street healthcare and medical topics.

12. This led to him founding The Healthcare Channel in 2006. At a time when YouTube was first becoming established, The Healthcare Channel was the first Internet-based video portal for Wall Street medical investors and healthcare professionals. The Healthcare Channel partnered with Thomson Reuters in 2008 and The University of Miami medical system in 2010, whereby Greer was paid to create video interviews and expert discussion panels. Large financial institutions, such as Blackrock and Janus, also purchased \$10,000 subscriptions for access to the content. Healthcare Channel subscribers represented more than \$4 Trillion in assets under management.

13. Around this same time, Plaintiff began doing interviews for cable television business networks, such as CNBC and the Fox Business Network. In 2007, Brian Jones of Fox Business saw Plaintiff on CNBC and recruited him to be their featured morning guest, appearing at 7:00 AM as the lead-off interview dozens of times over several years. He was their primary source for healthcare topics. In October of 2008, Fox Business made Plaintiff a written offer of employment as a contributor, which he declined (Ex. A).

14. Plaintiff also became an unpaid contracted freelance writer for The Wall Street Journal (“WSJ”), which is owned by the News Corp and Dow Jones defendants (Ex. B). Several

of his opinion pieces and letters led to changes at the center for Medicare and Medicaid services or CMS.²

15. Having been mostly out of the national television limelight for a decade due to the blacklisting alleged in this complaint, Plaintiff became in March of 2020 a leading voice in the New York radio market on topics related to the Wuhan coronavirus pandemic. His interviews with Joe Piscopo on radio station AM 970 (Ex. C) were the first of their kind to predict important events and received high praise from listeners. This led to a competing New York radio station, WABC (770 AM), recruiting him to be a guest on their radio shows as well (Ex. D).

16. Rudy Giuliani, the former U.S. Attorney, former New York City, and current personal lawyer to President Trump, also invited Plaintiff to be interviewed on his 77 WABC radio show and then invited him to be a guest on his video podcast as well.

Tucker Carlson

17. Tucker Carlson is no longer a defendant (see magistrate judge report on the motion to dismiss, ECF 121). However, his actions remain relevant and central to this complaint.

18. Tucker Swanson McNear Carlson (also referred to as “The Serial Plagiarist” by Plaintiff) was born in San Diego, California on May 16, 1969 (age 51). He is the show-runner and host for his television show on Fox News called *Tucker Carlson Tonight*. He is a U.S. citizen with several homes. This Court determined that he is now domiciled in Florida (ECF 121).

19. Carlson’s home address in Lee County, Florida remains sealed. However, an agreement was made whereby Carlson will not challenge the venue of New York and proper service should Plaintiff decide to also bring a separate copyright lawsuit against him (ECF 129).

² “CMMI Director Leaves After Healthcare Channel Investigates” The Healthcare Channel. September 29, 2013. <https://thehcc.tv/2019/10/01/cmmi-director-leaves-after-healthcare-channel-investigates/>

20. Carlson films his Fox News TV show from the houses he uses in Maine and Florida. He has not explained why he does this despite attempts at interrogatory during jurisdictional discovery requests.

21. Carlson attended Trinity College in Connecticut, as opposed to Yale or other Ivy League schools. However, ever since college, Carlson's false TV persona has been one of the messy-haired, bow-tie-wearing, Skull and Bones Yale conservative, like William Buckley. In other words, the "Tucker Carlson" one sees on TV is just an act, a persona.

22. Until 2016, Tucker Carlson was struggling in the national cable TV genre, having been fired by CNN and then MSNBC. Network bosses at both outlets cited not only low TV ratings but also a personal dislike for Carlson.³

23. Liberal guests on Carlson's show would often get the best of him. Notably, in 2004 on his CNN show called *Crossfire*, Jon Stewart "dressed down" Carlson and ended the interview by calling him a "dick". The show was cancelled soon thereafter. In 2005, Carlson was hired by MSNBC to run an evening show called *Tucker*. It too was cancelled in 2008 for low ratings.

24. Jonathan Klein, the head of CNN in 2004 when Carlson was fired, commented about Carlson leaving, "I guess I come down more firmly in the Jon Stewart camp",⁴ referring to the infamous time that Stewart called Carlson a dick.

25. In 2009, Fox News hired Carlson as a contributor and his career languished for seven years. Then, in November of 2016, right after President Trump stunned the world and won the election with support from the populist movement, Fox gave him the 8:00 PM slot for *Tucker*

³ <https://web.archive.org/web/20121025110901/http://www.foxnews.com/story/0,2933,336470,00.html>

⁴ <https://web.archive.org/web/20070509183431/http://www.cbc.ca/arts/story/2005/01/05/tucker050105.html>

Carlson Tonight. The scandalous firing of Bill O'Reilly had opened up the time slot.

26. Tucker Carlson is a chameleon of sorts. His on-air political views depend on whichever national sentiment he feels might generate TV ratings. For example, he started his TV career as a far-right spokesperson of the NRA until too many school children were shot to death. When it became unpopular to carry water for the NRA, he pivoted. After it became clear in 2016 that populism was a powerful uprising and the source for TV ratings, he successfully became one himself on TV. Now that President Trump has lost the election of 2020, Carlson has pivoted to the center of the political spectrum.⁵

27. At age 51, Carlson seems to be under significant stress. On November 7, 2018, fifteen or so protestors invaded Carlson's personal space by chanting outside of his home in Northwest Washington, D.C.⁶ His wife was at home and he discussed it on his show. He then sold that house and moved. Now, with the current rioting near him in D.C., he moved again, this time to Florida on a remote island.

28. Perhaps from the stress, Tucker Carlson is now repeating his past self-destructive behavior from his days at CNN and MSNBC where he was fired. His Fox show is the subject of frequent boycotts and advertisers have left.

29. In June of 2020, Carlson's long monologues critical of President Trump drew the ire of many of his fans. He apologized to viewers for being too distressing.

30. On July 13, 2020, Carlson announced on his show that senior writer Blake Neff "resigned" after CNN uncovered online racist and misogynistic rants.⁷ Carlson then claimed to

⁵ As was predicted in the first version of this complaint filed in July of 2020

⁶ <https://archive.thinkprogress.org/i-was-at-the-protest-outside-tucker-carlsons-house-heres-what-actually-happened-665c2dc0cb67/>

⁷ According to CNN, "Just this week, the writer, Blake Neff, responded to a thread started by another user in 2018 with the subject line, "Would u let a JET BLACK congo n****er do lasik eye surgery on u for 50% off?" Neff wrote, "I wouldn't get LASIK from an Asian for free, so no." (The subject line was not censored on the forum.) On

be going off the air for a “planned vacation”. Plaintiff believes Carlson was forced to take time away from his show, yet again, by Fox News management.

31. Of note, Plaintiff has a certificate of default against Mr. Neff (ECF 65) and is awaiting a decision from this Court on the dispositive default judgment.

32. In summary, Carlson’s personal and professional lives are plagued with serial crises often caused by self-destructive behavior. His actions toward Plaintiff are part of this reckless pattern.

Fox Corporation

33. The crown jewel of the Murdoch media empire, Fox Corporation is the newly created American company that is the spin-off product of the merger between Disney and 21st Century Fox. It is publicly traded under the ticker symbols of FOXA and FOX, and worth approximately \$15 Billion in market capital. Its headquarters is located at 1211 Avenue of the Americas, New York, New York 10036.

34. In addition to New York, Fox has numerous studios and offices in California. Fox sells its product to all 50 states.

35. Fox Corporation is the parent company of the other defendants, Fox News Media, Fox News Network LLC, and Fox Business Network. Lachlan Murdoch is the CEO and Suzanne Scott is the CEO of Fox News media. Collectively, they will be referred to as (“Fox-related defendants”).

June 5, Neff wrote, "Black doods staying inside playing Call of Duty is probably one of the biggest factors keeping crime down." On June 24, Neff commented, "Honestly given how tired black people always claim to be, maybe the real crisis is their lack of sleep." On June 26, Neff wrote that the only people who care about changing the name of the NFL's Washington Redskins are "white libs and their university-'educated' pets." And over the course of five years, Neff has maintained a lengthy thread in which he has derided a woman and posted information about her dating life that has invited other users to mock her and invade her privacy. There has at times also been overlap between some material he posted or saw on the forum and Carlson's show.”

36. Fox Corporation is a struggling company facing many business challenges, such as “cord cutting” and shrinking viewership. According to industry standard ratings, Fox News lost as much as 50% of its viewership since the 2020 election.

37. Compounding the problems for Fox have been a series of high-profile lawsuits by women who alleged systemic sexual harassment at the network. A large-screen Hollywood movie was made in 2019 about the saga called *Bombshell*. Suzanne Scott was promoted presumably to clean up the mess. Also, a voting machine company called Smartmatic sued Fox, *et al* for \$2.7 Billion with the cause of action being defamation like this instant complaint.

38. However, the culture at Fox seems not to have improved much despite those costly and embarrassing lawsuits. On July 1, 2020, it was announced that on-air anchor Ed Henry was allegedly fired for a long history of what seems to have been a “sex addiction”. Lou Dobbs was let go in February of 2021 after the Smartmatic lawsuit.

39. With the death of Roger Ailes, the man who created Fox News, and the sale of the parent company to Disney, the new CEO, Lachlan Murdoch, seems to be taking the conservative news company in a far more liberal direction. This too is alienating the loyal viewers.

40. Even former President Trump had contempt for Fox News now. On July 13, 2020, he tweeted:

“So hard to watch @FoxNews anymore. They are working so hard against the people (viewers) that got them there. Their contributors are a disaster, and all over the place. The Radical Left has scared Fox into submission, just like they have so many others. Sad, but we will WIN!”

Fox News Media

41. Fox News Media is the division of Fox Corporation that oversees the Fox News Network LLC, and Fox Business Network. It too is located at 1211 Avenue of the Americas, New York, New York 10036. Defendant Suzanne Scott is the CEO.

42. In addition to New York, Fox News media has numerous studios and offices in California. Fox sells its product to all 50 states.

43. Fox News has always been a cult of personality. Roger Ailes' own personality traits influenced corporate culture. Many reports indicate that he was paranoid, fearing death threats that did not exist, etc. Fox News relies heavily on security guards and private investigators to intimidate employees that leave the cult or retaliate against outside threats.^{8,9}

44. In addition to the sexual harassment scandals that have plagued Fox News since 2016, the network also fell into the quagmire of racism allegations. In June of 2020, as the Black Lives Matter protests were erupting, black staff felt that the Fox coverage was insensitive. Then, when it was revealed that Tucker Carlson's head writer was fired for making racist comments online, matters got worse. "They created a cell—they created a white supremacist cell inside the top cable network in America, the one that directly influences the president... This is rank racism excused by Murdoch."¹⁰ Promptly, black anchor Harris Faulkner was promoted with a show of her own.

⁸ Roger Wemple. "Roger Ailes paranoid? More evidence" The Wash Post. January 8, 2014.

⁹ Connor Simpson. "Inside the Paranoid World of Fox News's Roger Ailes" The Atlantic. January 8, 2014.

¹⁰ Lachlan Cartwright, et al. "Fox News Staff Erupts Over Network Racism: Bosses "Created a White Supremacist Cell"" The Daily Beast. July 18, 2020.

Fox News Network LLC

45. The Fox News Network LLC is the division of Fox Corporation that runs the cable TV channel known as Fox News. It too is located at 1211 Avenue of the Americas, New York, New York 10036.

46. In addition to New York, Fox News Network LLC has numerous studios and offices in California. Fox sells its product to all 50 states.

47. Defendant Suzanne Scott is the CEO.

48. It is unclear why this separate LLC exists. It seems to be a legal mechanism to shield the parent company from large lawsuits that could bankrupt it, such as this instant complaint.

Fox Business Network

49. The Fox Business Network is a brand that falls under the umbrella of Fox News Media and Fox Corporation. Defendant Brian Jones was the senior executive until December of 2019. Defendant Suzanne Scott is the CEO overseeing this brand now.

50. Fox Business Network does not seem to be an LLC like that of Fox News Network LLC.

Lachlan Murdoch

51. Lachlan Murdoch (DOB 09/08/1971, age 49) is the CEO of News Corporation and oversees all of the defendants. He is the son of Rupert Murdoch, the founder of the Fox media empire as well as many other newspapers globally. Mr. Murdoch is a U.S. citizen and works from the offices at 1211 Avenue of the Americas, New York, New York 10036.

52. He owns a large estate at 2800 W. Buttermilk Rd., Aspen, CO, 81611-2538. Records show that he has owned properties in California located at 13160 Boca De Canon Lane,

Los Angeles, CA 90049. His New York address is unknown to Plaintiff at this time.

53. In these hyper-partisan times, Lachlan and his brother James are now under immense pressure by the rest of the media to steer Fox News to the left of the political spectrum. HBO has a show called *Succession* based on the Murdoch family and portrays the sons as bumbling idiots. The big-screen film *Bombshell* prominently featured the sons in a negative light despite they having little to do with the plot.

Suzanne Scott

54. Suzanne Scott (DOB 11/02/65, age 55) is the CEO of Fox News Media. She is a U.S. citizen and works from the offices at 1211 Avenue of the Americas, New York, New York 10036.

55. Her personal residence is at 24 Homewood Dr. Morristown, NJ, 07960-7907. She has also lived in Los Angeles.

56. Scott was promoted to run Fox News after the numerous high-profile sexual scandals that led to the firing of Bill O'Reilly and others. However, under her watch, the scandals have continued. On July 1, 2020, show anchor Ed Henry was fired for sexual scandal. On July 13, 2020, it was announced that Tucker Carlson was in yet another scandal. Mentioned above in the Carlson section, his senior writer was ousted after CNN uncovered racist online rants.¹¹

57. Under the leadership of Scott, scandals have gone unabated, ratings have

¹¹ According to CNN "In a memo sent to employees Saturday afternoon, after this story was first published, Fox News CEO Suzanne Scott and President Jay Wallace condemned "horrific racist, misogynistic and homophobic behavior." "Neff's abhorrent conduct on this forum was never divulged to the show or the network until Friday, at which point we swiftly accepted his resignation," Scott and Wallace wrote. "Make no mistake, actions such as his cannot and will not be tolerated at any time in any part of our work force.""

imploded, cord-cutting has accelerated, and efforts to modernize with online streaming content have been a dismal failure.

Justin Wells

58. Justin Wells (DOB 02/25/1983, age 38) is the senior producer for Tucker Carlson and was recently promoted to Vice President at Fox News. He is a U.S. citizen living at 117 Edgecombe Ave. Apt 2, New York, NY, 10030.

59. He owns an additional property at 46 Pinecrest Dr. West Shokan, NY 12494-5327 with his domestic partner Ryan Nicholas Dreyer.

60. As the senior producer for Tucker Carlson, many of the causes of action in this complaint, such as misappropriation and unjust enrichment, likely were caused in part by Mr. Wells. By the nature of his job, he is implicated.

Blake Neff

61. Blake Neff (To the best of Plaintiff's knowledge, his date of birth is August, 1990, and is 30-years-old) was the senior writer for Tucker Carlson until being fired on July 13, 2020.

62. He is a U.S. citizen last known to be living at 1505 28th St S Apt 8 Arlington, VA, 22206, to the best of Plaintiff's knowledge.

63. As mentioned above in the Carlson and Scott sections, Mr. Neff was fired after CNN uncovered online posts he made with racists and misogynistic comments.

64. According to CNN, "In a recent article in the Dartmouth Alumni Magazine, Neff said, "Anything [Carlson is] reading off the teleprompter, the first draft was written by me.""

65. The office of the clerk of this Court issued a certificate of default judgment

against Neff (ECF 65). The final dispositive judgment is pending (ECF 79).

Charles Gasparino

66. Charles (“Charlie”) Gasparino (DOB 01/28/1962, age 59) is a reporter for the Fox Business Network. He is a U.S. citizen and works from the offices at 1211 Avenue of the Americas, New York, New York 10036.

67. His is domiciled in New York at 530 E. 20th St. Apt 8A, New York, NY, 10009-1324.

68. Gasparino is a loose cannon with a temper, frequently engaging in feuds either on the air or via email, as will be detailed below. He has used crude references to bestiality and other profanity in corporate emails. Not surprisingly, he is still employed by the Fox-related defendants.

Brian Jones

69. Brian Jones (DOB 7/22/1960, age 60) is the former head of the Fox Business Network until being let go in late 2019. He is a U.S. citizen and had worked from the offices at 1211 Avenue of the Americas, New York, New York.

70. Jones is domiciled in New York at 43 W. 119 St. New York, NY 10026.

71. Mr. Jones was a congressional staffer and campaign manager for President Bush, which led him to meet Roger Ailes, the eventual founder of Fox News. Jones was the only African American senior executive in the company at the time, to Plaintiff’s knowledge.

72. Mr. Jones does not seem to be currently employed by a large media company.

News Corporation

73. Part of the Murdoch media empire, News Corporation is a publicly traded

company with the ticker (NWSA), among others. It is worth approximately \$7 Billion in market capital. The CEO is Robert Thomson. It too is located at 1211 Avenue of the Americas, New York, New York 10036.

74. In addition to New York, News Corp has offices in California. It sells its product to all 50 states.

75. The company is primarily an old-fashioned print content creator with assets, such as The Wall Street Journal and HarperCollins. As such, it is part of a dying industry with shrinking revenue. The company has made several series of layoffs. It was spun out of the larger Fox company due to these problems.

Dow Jones

76. Dow Jones is a brand and asset under the News Corp parent company. It operates The Wall Street Journal, inter alia.

77. The WSJ is another failing operation with a rapidly shrinking subscriber base.

Gerard Baker

78. Gerard Baker (DOB 01/24/1962, age 59) is the, “former Editor-in-Chief of Dow Jones and The Wall Street Journal. He served as Editor-in-Chief between 2013 and 2018, and was Deputy Editor-in-Chief between 2009 and 2013. Previously, he was U.S. editor and an assistant editor of the Times of London.”¹² He still works for News Corp in some capacity.

79. Mr. Baker is a British citizen. It is unknown whether or not he is also a U.S. citizen. He is domiciled in New York at 504 E. 87th St. New York, NY, 10128.

80. Plaintiff is not the only person who has a complaint against Mr. Baker. In June of

¹² Per the bio on the Wall Street Journal website.

2020, more than 150 Wall Street Journal employees signed a group letter complaining about how the paper was being managed and singled out Mr. Baker. “Faulting columns Mr. Baker had written on race, that letter said his work had violated newsroom standards. Mr. Baker was moved to the opinion staff the day after the letter was sent.”¹³

Jennifer Strasburg

81. No longer a defendant (see order on ECF 121), Jennifer Strasburg (DOB 6/11/1970, age 50) is a reporter for The Wall Street Journal.

82. She was determined by this Court to be domiciled in the U.K., in Hertfordshire near London. The actual address is sealed at this time.

83. Strasburg is a U.S. citizen and owns a house in New York that she rents.

GMSC Security

84. No longer a defendant, GMSC Security, also known as Guard Management Services Corp., seems to have made an effort to shield its true corporate identity. However, there is evidence that it is a New York LLC with an office listed at Eleven Penn Plaza, Suite 110, New York, New York 10001.

85. A person named Michael Doherty seems to be the owner.

Rudolph Giuliani

86. No longer a defendant, Rudolph “Rudy” William Louis Giuliani (DOB 5/28/1944, age 76) is a U.S. citizen.

87. He is domiciled in New York at 45 E 66th Street, 10th Floor, New York, NY

¹³ Mark Tracy and Ben Smith. “Wall Street Journal Staff Members Push for Big Changes in News Coverage” The New York Times. July 10, 2020.

10065.

88. Giuliani is the former U.S. Attorney for the Southern District of New York, former mayor of New York City, unsuccessful senate and presidential candidate, and current lawyer for former President Trump.

89. Giuliani has numerous media platforms from which he is expressing his opinions daily.

JURISDICTION AND VENUE

90. The Plaintiff's complaint has federal jurisdiction due to diversity of citizenship pursuant to 28 U.S.C. §1332(a)(1). This matter in controversy exceeds \$75,000, exclusive of interest and costs, and is between citizens of different states. The Judge Aaron report on the motion to dismiss (ECF 121) confirmed this jurisdiction as it pertains to the current set of defendants and Judge Swain adopted that report (ECF 133).

91. Former defendants Tucker Carlson and Jennifer Strasburg have been removed in this amended complaint due to lack of diversity jurisdiction.

92. Venue in this Court is proper pursuant to 28 U.S.C. § 1391(b)(1) because Defendants are domiciled within the region of the Southern District of New York.

BACKGROUND

Plaintiff's Path into Journalism and Media

93. Plaintiff Steven E. Greer, MD has unique experiences in multiple professional fields that have made him an expert used by TV and radio for interviews. In 1991, he obtained is undergraduate finance degree. Then, after medical school, he started his career in surgery. Then, he became a Wall Street “sell-side” analyst at two banks in the year 2000 (first hired by Donaldson Lufkin & Jenrette, Credit Suisse then acquired that bank). Plaintiff then went to the “buy-side” at a large hedge fund. In 2005, he became the portfolio manager for Merrill Lynch’s internal hedge fund where he managed the \$250 Million-in-assets healthcare book as part of the \$10 Billion overall fund.

94. In 2004, Plaintiff made his first cable TV news appearance on CNBC and was interviewed by Jim Cramer.¹⁴ He made subsequent appearances on Cramer’s show.

95. As previously detailed, Plaintiff then ventured into the media industry by creating the first of its kind Internet video channel called The Healthcare Channel.

96. As previously detailed, in 2008, Plaintiff partnered The Healthcare Channel with Thomson Reuters to create interviews with industry experts for a fee. In 2010, he partnered with the University of Miami’s medical system to create similar content. Plaintiff also met with several major national news networks, such as ABC, for other partnership deals and was represented by top Hollywood talent agent Ari Emanuel.

¹⁴ <https://youtu.be/9G9s4JU7Xjg>

Enter Fox

97. In 2008, Brian Jones of The Fox Business Network recruited Plaintiff to be their healthcare expert. Plaintiff began to appear at the start of the hour, 7:00 AM, on their flagship morning show hosted by Alexis Glick, produced by Brian Donlon. After numerous appearances, Fox Business made Plaintiff a written offer to work as a contributor (Ex. A). The contract offer was significantly lower than Greer had requested and he rejected the offer.

98. After that, Plaintiff sent an email to Brian Jones informing him that he would no longer be available as a guest.

99. Producer Donlon then emailed Plaintiff on April 29, 2009:

“Dr. Greer:

My staff passed on this note to me this morning. I certainly understand conflicts -- schedule and otherwise that prevent people from appearing -- I just wanted to make sure it was nothing something on our end that forced you to make this decision. **We always enjoyed having you as a guest and I believe our audience found your information thoughtful and insightful.**

Regards,
Brian Donlon

Brian Donlon
Executive Producer
Fox Business Morning & Money for Breakfast
212.601.7995” (Emphasis added)

100. As time passed, Brian Jones invited Plaintiff back on the network and he continued again to serve as a guest, without pay, until March of 2013. Plaintiff was expecting to get a show or job offer.

101. Plaintiff has been interviewed by many of the staff at Fox Business. Charles Payne and David Asman were two of the network staff who found Plaintiff's commentary newsworthy. Producer "Jake" Novak was also a fan of Plaintiff and the two worked on many stories together.

102. Charlie Gasparino of Fox Business particularly found Plaintiff's Wall Street experience valuable, interviewing him and also using his news tips. In 2011, for example, Plaintiff broke the important story about "expert networks" and their role in the insider trading prosecutions that were underway by the U.S. Attorney for the Southern District of New York.¹⁵

103. Also, in 2011, Fox News, with a much larger audience than Fox Business, began to use Plaintiff as an expert for interviews. He appeared on the top-viewed O'Reilly Factor show and millions of people saw the segment.¹⁶

Enter News Corp

104. In 2012, Plaintiff published several Op-Eds and letters in the Wall Street Journal¹⁷ ("WSJ") and became a contracted freelance contributor. Plaintiff's work eventually led to the ouster of a senior official at The Centers for Medicare and Medicaid Services.¹⁸ The WSJ is a newspaper owned by Dow Jones, which is a division of the News Corporation.

105. In December of 2012, Plaintiff approached the head of News Corp's Dow Jones division, Lex Fenwick, about creating a video website as part of the WSJ that would be an extension of his Healthcare Channel. It would have legally provided healthcare experts to viewers and avoided the insider-trading flaw of the "expert network" business model.

¹⁵ <https://youtu.be/oPquTIXQhLA>

¹⁶ <https://youtu.be/J0di06ZeTdU>

¹⁷ <https://thehcc.tv/2012/10/22/wall-street-journal-articles/>

¹⁸ <https://thehcc.tv/2019/10/01/cmami-director-leaves-after-healthcare-channel-investigates/>

106. Mr. Fenwick had been the CEO of Bloomberg providing computer terminals to investors and knew Plaintiff from his Merrill Lynch days. On February 19, 2013, the two met over lunch at a Japanese sushi restaurant near News Corp and Mr. Fenwick liked the idea.

107. However, unbeknownst to either men, Mr. Fenwick was on his way out, soon to be replaced by Gerard Baker. Mr. Baker had run tabloid newspapers in London for Rupert Murdoch.

108. Plaintiff's idea for a healthcare website under the WSJ brand never materialized after Mr. Fenwick departed. Plaintiff soon noticed that the WSJ had pursued the idea on their own, without credit or payment to Plaintiff. Plaintiff hired a law firm and sent a legal warning letter on April 17, 2014 (Ex. E), but he lacked the resources at the time to pursue actual litigation.

The Blacklisting

The Jenny Strasburg ordeal

109. Meanwhile, more than a decade ago, Plaintiff had also begun helping a News Corporation employee, Jenny Strasburg, who is still a reporter for the WSJ. Starting in late 2010 and going through to 2013, Plaintiff was the source of tips crucial to a series of front-page WSJ stories by Strasburg^{19,20}. The articles were about "expert networks" that matched up hedge fund investors with medical doctors conducting stock-moving clinical trials (i.e., the same topic that Charlie Gasparino used for stories²¹). At the time, this secretive industry was not well known to

¹⁹ Example #1 of several front-page WSJ articles by Strasburg made possible only because of Greer's tips: "Insider case Alleges Doctor's Tips" By Jenny Strasburg and Jean Eaglesham. The WSJ. November 2, 2010.

²⁰ A second example: "Hedge Funds Seek Clarity on 'Expert Networks'" by Steve Eder and Alicia Mundy. The WSJ. February 1, 2011.

²¹ <https://youtu.be/oPquTlXQhLA>

people outside of the hedge fund community.

110. Plaintiff met with Strasburg for coffee in Tribeca sometime in the Fall of 2010. Plaintiff had been a coworker of Chip Skowron, the hedge fund investor arrested for insider trading, and also knew the “expert network” industry well. Strasburg had never heard of expert networks before. In fact, at first, she was skeptical that Plaintiff was really giving her reliable information.

111. While Plaintiff did not expect to be quoted or credited in the first news article by Strasburg, he began to wonder after several articles made the front page of the WSJ without mentioning him whether or not she was unethically concealing from her editor the true nature of her sources. Given Plaintiff’s legal emails and letters sent to Strasburg’s bosses related to their theft of his healthcare blog idea, it seemed logical and likely that she would use Plaintiff’s help while not crediting him.

112. Plaintiff spoke with Strasburg’s editor and confirmed that Strasburg had never informed him of Plaintiff’s contributions.

113. After that, the cordial cooperative relationship between Plaintiff and Strasburg changed. Plaintiff believes that Strasburg was reprimanded by her bosses and was not on the front page of the WSJ again for quite some time.

114. On April 11, 2012, Plaintiff called Strasburg at work to ask whether she had been responsible for smearing Plaintiff’s name with other journalists he had worked well with, such as Alicia Mundy. Strasburg failed to deny the accusation.

115. At no point during the call did Plaintiff threaten her, or even raise his voice (The audio of the call is recorded but no transcript has been made at this time). In fact, Plaintiff continued throughout the rest of the year on his business negotiations with Gerard Baker and

Dow Jones. They were working on creating a legal version of the “expert networks” in the form of a WSJ Internet site.

116. On March 26, 2013, Plaintiff was invited by Jones to be a guest on Fox Business. He was driven by a Fox-paid car service to the headquarters at 1211 Avenue of the Americas. However, the security desk in the lobby, staffed by the GMSC defendant, would not let Plaintiff pass. The employees were clearly reading some sort of warning message on their computer screen that cautioned against allowing Plaintiff through. Only after Plaintiff called Brian Jones did they clear him through security and the Fox Business segment was filmed.²²

117. Being humiliated in public, no explanation was given for the security desk embarrassment. Plaintiff assumed that the News Corporation people might have been behind it all. Brian Jones later confirmed that.

118. The next day, on March 27, 2013, Plaintiff called a man named Tom O’Shea (sp?) working as a security expert for the Fox companies. He explained what had happened the day before and asked him to investigate. Mr. O’Shea said that he would, but no one ever got back with Plaintiff with any explanation for the embarrassing incident (Audio records of the call exist).

119. Defendants knowingly and maliciously allowed the defamatory statements in the computer security system, that caused embarrassment to Plaintiff at the security desk, that were likely placed there by false reports from Strasburg, to go uncorrected and uninvestigated. In the Gasparino sections to follow, the notations about Plaintiff likely persist to this day. If Plaintiff were to try to enter the Fox/News-Corp building, there would likely be false statements about Plaintiff, essentially accusing him of a serious crime, *inter alia*, still in the computer system.

²² <https://youtu.be/JigJBHN724A>

120. At no time did any News Corp or Fox employee ever communicate to Plaintiff that he had done anything wrong or was not allowed into the building. Consistent with classic blacklisting, Plaintiff, the victim of the conspiracy, was in the dark.

121. This is further evidence that any statements made by Defendants to their security about Plaintiff were/still are maliciously false. If they were true, Plaintiff should have been contacted and the matter should have been explained to him.

122. In the months after the incident, Brian Jones would continue to accept calls from Greer and act as if there were no problems. However, Plaintiff was not being invited to do any further Fox Business segments despite having newsworthy story ideas. He directly asked Brian Jones whether or not he had been blacklisted and Jones assured Plaintiff that he had not been.

The Gasparino admission to blacklisting

123. The Charlie Gasparino interview of Plaintiff on Fox Business in 2011, described above, was the culmination of months of Plaintiff providing story ideas and tips to Gasparino. Listed below are some of the emails from Gasparino to Plaintiff showing his gratitude for Plaintiff's help. For examples, (typos from the original texts are preserved):

December 20, 2010: "Thanks ill touch base w u later and promise not to scream Doing a hit in 10 mins"

December 20, 2010: "Thanks steve will be making calls"

December 23, 2010: "Sounds good to me Im out till jan 3 but lets do this then when people are watching"

January 5, 2011: "I remember u called it"

Janaury 7, 2011: "This is great let's talk monday morn I'm in scottsdale on a biz trip today"

January 25, 2011: "Ok made the formal request lets see

what they say”

January 25, 2011: “Brian Jones says it ok so ill run by my direct person and we shld be in biz Lets shoot for next week; im out of town after today poss back fri but next tues or weds depending on news shld work”

February 5, 2011: “I'm in dallas at sb my direct boss has no problem w u coming on w me I've ccd my producer Sital so we can get ball moving I ur still into it next week Sital Stevens number is at bottom of email I want to discuss expert networks the rise of them and misuses w Steven since he knows a lot abt that so call him Monday and flesh out and discuss a time w 1pm show”

February 24, 2011: “Thanks When r u free for tv?”

April 14, 2011: “Sital will call u in a few to narrow the interview --wanna get a feel for the bigger invest into experts how the spec is that another hoe will soon drop -- how pervasive insider trading is Does that work??”

April 15, 2011: “Thanks so much Steven! Sital”

May 5, 2011: “I just proposed getting u on to discuss w Larry McDonald and unpack this”

August 3, 2011: “How well did u know this guy Skowron... U got a few mins later today for a de brief?”

124. As the subsequent years went by, Plaintiff focused on his clinical medicine business and less on The Healthcare Channel. He kept members of the media, such as Gasparino, on his blast email lists.

125. Before and after the 2013 lobby incident detailed above, when security held up Greer before taping a Fox Business segment, Charlie Gasparino continued to read Plaintiff's emails with news tips and turn them into stories on the air (details will be provided after discovery). However, Gasparino never credited Plaintiff as being his source and never invited

him to be interviewed on-air in their studios.²³

126. In 2016, while on a West Coast trip, Plaintiff randomly encountered Gasparino in Beverly Hills at Spago restaurant and the two were cordial. In October of 2018, the two again randomly ran into one another. This time, it was at a New York eatery, and they were cordial again.

127. In March of 2019, when Plaintiff was getting ready to publish a book and wanted some testimonials for the inside cover, he asked Charles Payne and Charlie Gasparino. They both made evasive excuses (detailed more later) for why they could not assist Plaintiff, which is likely circumstantial evidence of the blacklisting.

128. On July 13, 2019, Plaintiff was in possession of knowledge relating to convicted pedophile Jeffrey Epstein that no other person in the media was reporting. The national media was lazily regurgitating the unsubstantiated description of Epstein as being a wealthy “hedge fund manager” However, Plaintiff knew that no one in the hedge fund industry had heard of Epstein and this false job description was a ruse, much like Bernie Madoff. He gave the tip to Gasparino via email.

129. Instead of Gasparino admitting that had been wrong on Epstein in his reporting, he replied essentially that he already knew what Plaintiff had given him in the tip. He claimed to have previously reported in an obscure blog the fact that Epstein was in fact being paid by billionaire Les Wexner.

130. Plaintiff then replied with a scathing reality check, essentially calling Gasparino a liar. He detailed how Gasparino had evaded scrutiny of his bogus reporting.

²³ For example, in August of 2011, Greer knew about a secret fundraising dinner in Manhattan being hosted by President Obama and informed Brian Jones and Charlie Gasparino. Mr. Gasparino promptly took a film crew to the location for a live segment. Greer was never credited.

131. To emphasize the point, Plaintiff watched Gasparino segments on Fox Business for about a week and easily found cases of Gasparino revising history or making up sources.^{24,25}

132. As part of the July 13th email exchange, Gasparino made his first of several threats to sue Plaintiff (typos from the original texts are preserved):

Gasparino: “LSuing rich people who say stuff that demonstrably false is fun” — my lawyer He says you can quote him on that”j

Greer: “Please, I am begging you, sue me”

Gasparino: “Ok dummy you got it Make sure you can prove that blonde (a marketing professional) is a bimbo because she will sue you as well And thanks for confirming the CNBC producer was there as were others This is gonna be easy” (Gasparino was referring to the October 2018 encounter between the two)

Gasparino: “I am So will he alleged bimbo But please keep sending me scoop on Epstein I already know Cg”

133. One day later on July 14, 2019, Gasparino was still apparently obsessed with Plaintiff and revived the spat. He initiated another email exchange with Plaintiff:

Gasparino: “I’d invite you to the Fox News offices to discuss **if you could get in**” (emphasis added)

134. He was implying that Plaintiff was banned from the building. This was the first insinuation by Gasparino that Fox was blacklisting Plaintiff.

135. Plaintiff then replied immediately:

“So, you are admitting that Fox News has defamed me with a blacklisting security policy, and is thwarting my ability to promote a book, which is millions in damages. Thank you” (emphasis added)

²⁴ <https://greerjournal.com/sources-say-charlie-gasparino-doubles-down-on-the-wild-guessing-about-cbs-viacom/>

²⁵ <https://greerjournal.com/sources-say-charlie-gasparino-the-fortune-teller-on-t-mobile-merger/>

136. The two men did not correspond over the next 11-months.

137. Then, on June 6th, 2020, Plaintiff received reports from readers of his GreerJournal.com (formerly called BatteryPark.TV) that Gasparino was insinuating President Trump had committed a crime in manipulating economic data. The 2.5 Million jobs added in May shocked the media and the markets leading some commentators on TV, such as Gasparino, to maliciously suggest that Trump fudged the numbers. Plaintiff emailed Gasparino stating:

Greer: "People watched you yesterday and were so appalled by your conspiracy theory that Trump fudged the labor numbers that they told me about it. They had no idea that I knew you.

So, you have now pivoted to NeverTrump in order to pander to the Paul Ryan faction within Fox. Funny.

I do give you credit for surviving this long. You are a true embarrassment to journalism and yet you have managed to stay on the air."

Gasparino replied promptly on June 6th with the following (typos from original texts preserved):

Gasparino: "I never reported on that but tell me **what's the weather like in Russia?** Now I'm sending his email to the FBI

Every harassing email you send me goes to my lawyer and the fbi and yes i will sue you for defamation, Comrade" (emphasis added)

Greer: "I demand that you have these likely fictional lawyers contact me, and I am forwarding this to real FBI to make sure they know you are using their name. The last time you threatened me I demanded they contact me and you never did. Speaking of defamation, what does the Russia comment you made mean?"

Greer: “The fact that you think the real FBI (not some ex-FBI who is a Fox contributor) would lift a finger to protect a nobody working on a small cable channel few people watch is mind boggling. This goes to my point about your delusions of grandeur. It is like you are a small boy dreaming up things from a comic book.”

Gasparino: “I’m going to sue you for slander and report you to the fbi which i have been covering for years dummy Enjoy golf !”

Gasparino: “Btw **why are you banned from the fox building? Who got you banned? Wasn’t me. Did you stalk someone else? That’s why the fbi is involved**” (emphasis added)

138. For the second time within 12-months, Gasparino memorialized via email the fact that Plaintiff had been banned from the Fox building and blacklisted by insinuating Plaintiff had been sent to Siberia, Russia.

139. More concerning, Gasparino claimed that valuable FBI resources had been diverted from real crimes to deal with the intentional and maliciously false complaints about Plaintiff, accusing him of federal crimes, unbecoming of his professions, lodged by Defendants. The false reports to the FBI were defamation *per se*.

Fox’s sabotage of Plaintiff’s new books

140. In March of 2019, Plaintiff published his book of essays called *Rules to Stop Radicals*.²⁶ It was an important book that correctly predicted the eventual riots in the streets and the ongoing Second Civil War that are happening now. It has received positive reviews from conservatives in politics, academia, and media.

141. In September of 2019, Plaintiff published his book *The Medical Advocate*.²⁷

²⁶ Steven E. Greer, “Rules to Stop Radicals” Amazon.com. 2019.

²⁷ Steven E. Greer, “The Medical Advocate” Amazon.com. 2019.

Among other things, it predicted the poor healthcare that was soon thereafter delivered in New York, which led to the inordinately high death rates in certain hospitals and the massacre of thousands in nursing homes. The book idea and content are unique. It has received rave reviews from the best doctors in the world. It impacts the lives of all Americans. Therefore, it has “best-seller” potential if it could be properly marketed in the mainstream media.

142. Plaintiff and his books are the type of media story that Fox News or One America News would normally have on their shows. Of note, HarperCollins is a major publisher and is owned by News Corp.

143. On May 29, 2019, Plaintiff spoke to Brian Jones on the phone to inquire whether Jones had received the book *Rules to Stop Radicals* that was mailed to him at the Fox building. Jones denied any knowledge of a book. Plaintiff then called the building mail room security and learned that packages are not delivered to on-air talent unless they approve the shipment. Plaintiff then notified Charles Payne, Brian Jones, and Charlie Gasparino that another book would be arriving via Amazon package in a second attempt to deliver. However, again, no one at Fox acknowledged receiving them. The books were either never authorized to get past the mail room or they were received by the recipients and those Fox employees lied to Plaintiff about not receiving them.

144. Also, in March, 2019 Plaintiff emailed Fox Business’ Charles Payne and Charlie Gasparino to see if they could provide a quote of endorsement for the book.

145. On March 24, 2019, Charles Payne declined via email stating, “I’ll check it out...doubt I will get clearance for blurb or endorsement but congratulations”.

146. Gasparino declined via email, stating, “I didn’t but I cant review anyway because of some rule around here that has nothing to do w you”. (typos preserved)

147. That last portion of Gasparino's comment, "has nothing to do w you", is circumstantial evidence of the blacklisting. Why would Gasparino feel the need to assure Plaintiff that he was not being blacklisted if there were no such effort actually underway?

148. Charles Payne's decline to help Plaintiff is also evidence. Plaintiff has been a guest on Payne's Fox shows many times. Plaintiff and he are still cordial to this day. Why would Payne refuse to do something as simple as give Plaintiff a testimonial for his book? Have Payne or Gasparino given book cover comments for other authors?

149. Meanwhile, Plaintiff had mailed copies of the book to Tucker Carlson in Washington, DC. Plaintiff's publicist, Trevor FitzGibbon, had also contacted Tucker Carlson *via* text message and email too. Carlson knows Mr. FitzGibbon from other stories pitched to him and normally replies to FitzGibbon, yet Tucker Carlson replied to none of these outreaches.

150. Plaintiff's publicist had also directly contacted the head of One America News ("OANN"), Charles Herring, and received no offer for an interview of Plaintiff either. Plaintiff also asked via email whether Mr. Herring could help him publish his books.

151. Of note, Mr. Herring talks with people at Fox and knows about Plaintiff's past on-air relationship with Fox. Herring knows Plaintiff well and has a high regard for him, based on emails and comments. He has asked Plaintiff for favors on more than one occasion.

152. For example, Herring had one of his producers, Ryan Girdusky, contact Plaintiff asking for the strange favor of locating the personal pilot to Jeffrey Epstein. News reporters are supposed to have those skills. On July 19, 2019, Girdusky asked:

Girdusky: "Would you be able to get the phone number of Larry Visoski. He was Epstein's main pilot and I believe he lives in Florida but I'm not 100% sure."

153. Plaintiff promptly provided the information to Girdusky and cc'd Herring.

154. Herring has also been highly complementary of Plaintiff's work. On August 12, 2019, he emailed Plaintiff:

Herring: "I give you 5,000 bonus points for calling the explosion in Russia a "nuclear" related explosion. NYT's reporting today believes a small fission mobile reactor May have exploded."

155. On April 9, 2020, Herring emailed Plaintiff, "**Good Morning, What is the best email you have for Tucker. Best, Charles Herring**"

156. His network, OANN, had gotten into a tussle with the West Wing's White House Correspondents' Association over seating assignments and Mr. Herring wanted Tucker Carlson to cover their story. Plaintiff provided the information. Presumably, Herring and Carlson communicated.

157. Then, perhaps as a reward for Plaintiff's help, Herring had his Washington, DC team arrange to interview Plaintiff about pandemic issues. The segment was posted on OANN on April 16, 2020.²⁸

158. John Hines, the man who conducted the interview, wrote to Plaintiff on April 20,

Hines: "Dr. Greer, Our interview. Thank you for your help ! John Hines"

159. As established above, the owner and operator of OANN, Charles Herring, knows Plaintiff and has a high regard of him. For Herring then to have ignored Plaintiff's book publicist in 2019, and not have him back on OANN given Plaintiff's track record at predicting important pandemic events is highly suspect. It is circumstantial evidence of a blacklisting by Fox that other conservative outlets have been chilled into obeying.

160. Plaintiff's publicist, Mr. FitzGibbon, provided a sworn statement detailing his

²⁸ <https://greerjournal.com/steven-e-greer-md-delivers-another-superb-tv-interview-on-covid-19/>

efforts to pitch Plaintiff's books (Ex F). He stated that the topics of Plaintiff's books and articles were intriguing enough to generate a greater than average percentage of the blast email recipients to open the URL links more than average (click-open rate). However, no media outlet producer or booker followed up. Even when Mr. FitzGibbon contacted them, they were reluctant to reply. He said that this is very unusual in his experience.

161. Plaintiff is a reputable professional with no scandals that haunt him on the Internet. To the contrary, his reputation is quite good to the world outside of media. Even among the New York radio shows, Plaintiff's reputation was stellar.

162. A reasonable jury would find the inability of Mr. FitzGibbon to have any success at promoting Plaintiff to be evidence of a chilling of the media against Plaintiff. It smacks of backlisting.

163. An appearance by a book author on a cable TV show that garners millions of viewers, such as Carlson's, can turn a book into a best-seller overnight. For example, former New York Times reporter Alex Berenson self-published his book called *Unreported Truths about COVID-19 and Lockdowns*. He was a guest on the Tucker Carlson show in June 10, 2020 to promote the book launch.²⁹ The book immediately became a New York Times best-seller despite having no traditional publisher to market the book. The book is self-published on Amazon.com, and Amazon tried to block the book until Tucker Carlson exposed the scheme.

164. If the national media, such as Fox News, blacklists a new book, as they have done with Plaintiff's, it destroys the commercial value. Conversely, a single appearance by an author on a show, such as Carlson's, can sell hundreds of thousands of copies overnight.

²⁹ <https://news.yahoo.com/alex-berenson-theres-almost-no-004726635.html>

Fox's sabotage of Greer's radio career

165. In March of 2020, when the SARS-CoV-2 coronavirus³⁰ pandemic started to cause governors to issue lockdown orders across the country, Plaintiff was at the time only doing interviews for the small webcast video show called *Liquid Lunch*. The producer for the show, Frank Morano, had Plaintiff on March 9, 2020 to discuss the pandemic.³¹

166. It was an important interview because Plaintiff was the first person in the country to urge that facemasks be worn by the general public. At the time, Anthony Fauci, the Surgeon General, and the CDC were all flagrantly lying to the American public to prevent a run on supplies they thought were needed by hospital workers.

167. Unlike China, where many people wear masks for air pollution, facemasks were stigmatized in the U.S. at the time. Therefore, Plaintiff's comments were contrarian and prescient. Listeners noticed. On July 8, 2020, producer Frank Morano acknowledged this months later on his radio show.³²

Enter WABC (770 AM) radio

168. In April of 2020, because Plaintiff's performance on *Liquid Lunch* was received well by viewers, it prompted Mr. Morano, who also produced the *Joe Piscopo Show* on New York radio station AM970, to invite Plaintiff onto that show.

169. On radio, Plaintiff quickly became one of the leading voices in the national media on pandemic issues. His comments were heard by the White House, Anthony Fauci, and billionaire media company owners, such as John Catsimatidis.

³⁰ "COVID-19" is not a proper scientific name for the virus. It is slang created by the W.H.O. and media. The proper medical terms are either SARS-COV-2, the coronavirus, or The Wuhan coronavirus

³¹ <https://greerjournal.com/my-appearance-on-newsmax-on-covid-19-coronavirus/>

³² <https://greerjournal.com/frank-morano-of-77wabc-interviews-steven-e-greer-md-july-8-2020/>

170. Plaintiff was the first person to correctly predict and note many of the most important developments in the pandemic. For example, long before it was considered appropriate to doubt Anthony Fauci, Plaintiff stated that Fauci’s predictive models and estimates of deaths were fraudulent. Plaintiff was correct (Ex. C).

171. Joe Piscopo frequently acknowledged this on the air (Ex. C), such as:

April 2, 2020- **“Wow. Dr. Greer, this is the most vital 20-minutes we’ve done on the radio, and we’re just so privileged to have you.”** (emphasis added)

April 9, 2020- “This is the man who told us about hydroxychloroquine and the Z-Pak weeks ago. Weeks ago, he said...”

May 4, 2020, “Well, you are the man. You are the man. You are so ahead of the curve. I got to tell you right now—and-and I’m telling you—everything that you talked about, Dr. Greer—and I keep giving you a shoutout on the program, and I did-as I did today—you talked about—and we played the audio, uh last week, played the audio—of you just saying very casually, “oh, we have-we have some drugs for this virus.” And you said Rem-Remdesivir. You said-you talked about hydroxychloroquine and Z-PAK. You were there...”

May 12, 2020- “You were the first to talk about remdesivir... You know, Dr. Greer we appreciate your expertise. We appreciate you being with us. Come back soon. **Yeah, let’s talk soon, uh, because everything you’ve said comes to fruition.**” (emphasis added)

Greer appearances on May 22, June 3, June 18 drew similar comments (Ex. C).

172. Plaintiff became a weekly regular on the Piscopo show. Producer Morano would often notify Plaintiff when listeners complimented him. On June 3, for example, he stated:

Morano: **“You always make a splash. I’ll tell you that.”**

173. In radio industry terms, Plaintiff “lit up the switchboard”.

174. Listening to Greer's performances were staff from nearby New York radio station WABC (770 AM), including the owner, John Catsimatidis. The president of that station, Chad Lopez, reached out to Plaintiff on May 4, 2020 to invite him to be on their morning show, *Bernie & Sid*³³, as well as an afternoon show hosted by former mayor Rudy Giuliani.³⁴ Both appearances went very well.

175. On May 21, 2020, David LaBrozzi, the head of programming at 77WABC, wrote Greer:

LaBrozzi: "Dr. Greer, The segment was great!! Thanks for making the time for us. **We will definitely have you back.** Thanks again!" (emphasis added)

176. Chad Lopez called and stated that Plaintiff could come on any of his station's shows whenever he had a news story to break, as opposed to waiting for an invitation. Plaintiff began to email the WABC staff whenever he had a good idea for a topic to discuss. However, the recipients of the emails never replied and Plaintiff removed them from his email list.

177. Of note, the cast of the *Bernie & Sid* show used to be part of Don Imus' show that was on in the morning at Fox Business. It was eventually cancelled. Plaintiff suspects they know of his relationship with Fox. That was one reason Plaintiff was reticent to be interviewed on their show. However, Chad Lopez pressed Plaintiff, assuring him that it was not "shock jock" radio.

Enter Rudy Giuliani

178. As mentioned previously, Plaintiff came into contact with Rudy Giuliani when Giuliani approached Plaintiff to be interviewed on his WABC radio show.

³³ <https://greerjournal.com/wabc-radio-morning-show-interviews-steven-e-greer-md/>

³⁴ <https://greerjournal.com/rudy-giuliani-interviews-steven-e-greer-md-on-wabc-radio-may-6-2020/>

179. After Plaintiff appeared on Giuliani’s radio show, he then invited Plaintiff to be a guest on his hour-long self-produced podcast.³⁵ It is a professionally filmed and edited multi-media platform. Former guests include actor Academy Award winner John Voight, White House Chief of Staff Mark Meadows, and many other “A-listers” in politics and media.

180. Plaintiff’s appearance on this podcast also went well, like his radio interview with Giuliani. Some quotes from Rudy during the podcast segment were (Ex. G):

Giuliani: “Today, we are very very honored to have Dr. Steven Greer...”

“...who is a doctor, and a really accomplished doctor, a good doctor, and also a Wall Street expert.”

“But also has been in a number of other fields, including investment banking...He brings a broad perspective to this.”

181. Plaintiff’s segment on the podcast apparently went so well that Mr. Lopez of WABC called him on a Saturday (May 16th, 2020), shortly after meeting with Giuliani, to tell him that Giuliani “really enjoyed” having Plaintiff on his podcast.

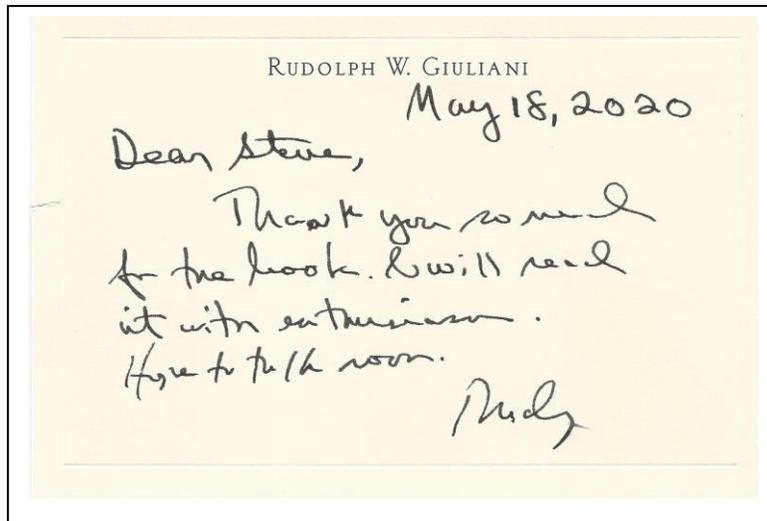
182. Mr. Giuliani then mailed Plaintiff a handwritten “thank you” card, dated May 18th, 2020, that states:

“Dear Steve,

Thank yo so much for the book. I will read it with enthusiasm. Hope to talk soon.

Rudy”

³⁵ <https://greerjournal.com/rudy-giuliani-interviews-steven-e-greer-md-on-his-podcast-tv-show-may-15-2020/>



183. Giuliani was clearly recruiting Plaintiff and seeking to bring him into his inner circle.

184. After three-months of popular success in the large New York City market as the voice of reason during the pandemic, Plaintiff had an idea for his own radio show. On May 25, 2020, he emailed Chad Lopez and others at 77 WABC the idea, which was:

“I have an idea. I am THE Medical Advocate after all. I could field questions from your listeners who are having problems with their hospital or assisted living.”

185. On May 25th, Plaintiff also sent Mr. Giuliani a text message with the same idea and mentioned that he would like for Giuliani to co-host. Giuliani promptly replied minutes later, **“Let’s discuss”**

186. Then, on May 25th, George Floyd was killed by police in Minneapolis, which triggered mass rioting across the country. The lawlessness in New York City and elsewhere led to Mr. Giuliani making more TV appearances than normal, particularly on Fox News.

187. Over the next two-weeks or so, Plaintiff tried several times via email and text message to follow up with Mr. Giuliani about The Medical Advocate show that would be co-

hosted by Giuliani. However, he received no replies. His press secretary, Christianné Allen, was also ignoring him.

188. Plaintiff began to wonder whether or not Fox News had mentioned something defamatory to Giuliani so as to sabotage their relationship, consistent with the alleged blacklisting in this complaint. It was just one possibility.

189. On June 6, 2020, Plaintiff had a follow-up phone call with Chad Lopez about the show idea. The call lasted approximately 20-minutes and the two went into details of how the show would be created. **Lopez unequivocally wanted to proceed with Plaintiff's Medical Advocate show** and said that he would follow up with him during the next week.

190. Lopez mentioned that he would be seeing Mr. Giuliani at his radio studio in Rudy's home the next day.

191. Plaintiff then informed Lopez that he was not on good terms with Fox and that he suspected Fox might be causing Giuliani to give him the cold shoulder as part of the blacklisting campaign. He asked Lopez to discuss this with Giuliani, since Plaintiff was unable to reach him directly.

Then, Radio Silence

192. After Mr. Lopez met with Giuliani, suddenly Lopez too began to ignore all attempts by Plaintiff to reach him as well. Prior to this, Mr. Lopez would answer his business phone when Plaintiff called even if he were in the middle of a meeting. Then, it all went radio silent, so to speak. Clearly, something was afoot and Plaintiff was no longer a desirable business partner.

193. Plaintiff, now more suspicious that Fox was still blacklisting him after all of these years, a conspiracy that had been going on for nearly a decade, drafted on June 11, 2020 a Cease-

and-Desist email and sent it to Mr. Lopez so as to preserve evidence.

Greer: “Chad Lopez, President, 77 WABC radio

Mr. Lopez,

The last time we spoke, which was last Friday, we had a lengthy discussion about The Medical Advocate radio show proposal. You expressed interest and said you would get back with me.

I also informed you that Fox News was, once again, trying to blacklist me in media. I told you that Rudy Giuliani had suddenly gone from wanting to be my golf buddy, replying to phone and text messages, to seemingly blocking my phone number. I said that I suspected Fox smeared me with him, but I am speculating at this point.

You said on Friday that you would see Rudy at his home Sunday. Since then, you too have gone from taking my calls, even when you are in the middle of a meeting, to not answering my calls or returning my messages.

You are now complicit in this blacklisting defamatory conspiracy.

Cease and Desist your defamation. Your hosts are to never mention my name in private or in public. You are to retain all emails and text messages. Failure to retain any documents could result in a ruling of adverse inference against you.”

194. After that email was sent, Plaintiff received no invitations to be a guest on the WABC (770 AM) platform until Frank Morano left his AM 970 station job to work for WABC, to be explained more later.

195. **After weeks of silence, Mr. Giuliani decided to call Plaintiff** on June 28, 2020, which was surprising. Giuliani made no mention of his failure to reply to Plaintiff for weeks. He was calling Plaintiff seeking his advice on some large projects that he was mulling over. On the phone call, Giuliani stated:

Giuliani: “This is Rudy Giuliani...I have an idea. I think

that someone should organize a group around the notion of saving the American way of life.

So, I am trying to figure out, what is the best thing to organize? I talked to (President Trump) about it. He can use it in his speeches.

But should we try to organize something like the Tea Party movement?

Or should we, I am going to put together a Roku channel with my podcast and my radio show...”

196. Giuliani wanted Plaintiff’s consulting help creating the Roku video channel and organizing a political action committee. A business contract was being proposed and offered.

197. On the call, Plaintiff then thought of a tangible plan of action for Giuliani’s broad-scoped fledgling concept. He suggested that they organize a large march on the Washington, D.C. Mall, with speeches at the monuments. Giuliani liked the idea and said that he would talk it over with people, presumably meaning the White House. The next day, Giuliani was at The White House giving interviews from the lawn by the West Wing.

198. Skeptical, thinking that Giuliani might not be truly sincere about his interest in doing large national events with him, Plaintiff sent a text message on June 30th that stated:

Greer: “Can we follow up today? I don’t want to waste any more time if you think it is not feasible. Conversely, if you think we can do it, we need to set up a small virtual office and website like a PAC”

Giuliani: “Getting ready for air”

Then, later on June 30th, Rudy sent an Internet meme comedy image to Greer, again indicating that the two men were still working together.

199. The next day, Plaintiff came up with a second plan of action that could be achieved more easily in Giuliani’s own backyard. On July 1st, Plaintiff sent a text to Giuliani

explaining that the low-hanging fruit would be to form an effort to remove the highly unpopular Mayor de Blasio by using large rallies and legal action. Governor Cuomo had already suggested that he could remove Mayor de Blasio granted to him by the state charter.

200. Plaintiff, knowing it was quite possible that Giuliani simply called this second time to appease him after learning Plaintiff was accusing WABC of blacklisting him, he gave Giuliani yet another opportunity to be let off the hook.

201. For example, on July 3rd, 2020, Plaintiff wrote in a text message:

Greer: "Let's put closure on these ideas. Do you want to do them or no?"

Giuliani: "I like dumpling DB" [sic] (He meant to write that he liked Greer's idea of forming a committee to oust or "dump" Mayor de Blasio)

202. Giuliani's response in the affirmative is more evidence that a contract of some sort was in place.

203. However, after July 3rd, and for no discernable reason, Rudy Giuliani went radio silent on Plaintiff for a second time. Giuliani was still interacting daily with Defendants and WABC radio. The sequence of events would lead a reasonable jury to assume with adverse inference that Defendants defamed Plaintiff again.

204. After Plaintiff relayed to Mr. Giuliani his consulting ideas, detailed above, Giuliani proceeded to use them. Giuliani made numerous media appearances pounding the table for the ouster of Mayor de Blasio, which was Plaintiff's idea. Giuliani was active on Twitter. As just one example of many, on July 11, 2020, Giuliani tweeted that Mayor de Blasio should be removed (screenshot image below):



More obstruction by WABC (770 AM)

205. On June 19, 2020, after Frank Morano sent an email announcing that he was leaving AM 970 to work for WABC (770 AM), Morano emailed Plaintiff about his intention to use him once he got settled in:

Morano: “I’m planning to have you on often and suggest you for some other shows as well as your own show there.”

206. However, nothing materialized after weeks of Morano starting work at WABC. Suspecting that the backlisting was the reason, Plaintiff pressed the issue. To his credit, Morano then tried to get Plaintiff on his show. It was the slow week after July 4th and he was filling in for the *Bernie & Sid* show, which is a primetime morning radio.

207. However, Morano was unsuccessful at obtaining permission to have Plaintiff on

his show at WABC. Instead, he had him on³⁶ at 11:00 AM, July 8th, on his other radio station job at WLIR (owned by the same man as who owns WABC).

208. Greer asked what happened and Morano replied:

“Chad (Lopez) usually doesn't get involved in day to day interviews. But the PD (programming director Dave LaBrozzi) assured me that you're not banned from the station at all and we're able to have you on whenever we want. Not sure why the Producer scrapped you. I'm just a fill-in. I didn't feel it was my place.” (content in parentheses added for clarity)

209. However, the actions by the managers at WABC do not match their empty assurances. No one has contacted Greer about his idea for the *Medical Advocate* show and no one has reached out to have him on as a guest since his May 6th, 2020 Giuliani radio show.

Joe Piscopo was chilled

210. Meanwhile, back at AM 970 and *The Joe Piscopo Show*, with producer Frank Morano gone, having moved to WABC, now even Joe Piscopo, a fan of Plaintiff, seemed to have been chilled from using Greer as a guest for several months.

211. Of note, Mr. Piscopo appears on Fox News, is working on his own Fox Nation show, and has friendships with Fox talent.

212. Perhaps realizing their actions would make them candidates to be defendants, Piscopo resumed invitations to Plaintiff. On Plaintiff's first time back after the hiatus, Piscopo made an implausible excuse on the air that they had lost Plaintiff's contact information.

Newsmax was chilled

213. On December 1, 2020, Plaintiff approached the head of revenue and sales for Newsmax TV, Sam Moser, to advertise his book, *Tony's Virus*. During the course of making

³⁶ [https://greerjournal.com/frank-morano-of-WABC-\(770-AM\)-interviews-steven-e-greer-md-july-8-2020/](https://greerjournal.com/frank-morano-of-WABC-(770-AM)-interviews-steven-e-greer-md-july-8-2020/)

arrangements, Moser accidentally replied back to Plaintiff *via* email. His message was not meant for Plaintiff to read. Moser's email stated, "He may be a nut but I hope he's right!". By "he", Moser was referring to Plaintiff, Plaintiff believes.

214. Moser was an executive at Fox News for more than a decade and likely knew of Plaintiff. However, Plaintiff had never met or heard of Moser prior to December 1, 2020. This email from Moser is evidence that Plaintiff has been thoroughly defamed throughout the TV news industry by Defendants.

215. As Plaintiff's TV ads for his book ran on Newsmax, he was providing Moser feedback on their programming. Moser would reply and seemed to appreciate the feedback.

216. On December 22nd, 2020, Moser introduced Plaintiff to Bruce Backman, a senior producer in the news division.

217. Backman replied the same day stating:

"Sure nice to meet you,

I see your comments,

I will review your feedback,

Thank You so much

Please feel free to reach out when you have insights, like these,

Happy holidays,
Bruce Backman"

218. In a second email on December 22nd, 2020, Backman complimented Plaintiff:

"I will read your book, I will get from Sam,

It seems like it will be in an interesting and thought provoking read,

You make a lot of important points and you write well too,

Sincerely

Bruce Backman”

219. However, Plaintiff’s publicist, Trevor FitzGibbon, was rejected by Newsmax show producers when he tried to book Plaintiff to promote his books. (Ex F)

220. Plaintiff then offered himself to be a guest and neither Moser nor Backman replied.

221. On another occasion, Plaintiff gave an idea to Moser that described a new paradigm for publishing books that would use the synergies of a TV network like Newsmax. In reality, the majority of the service provided by a traditional book publisher is nothing but marketing by using TV interviews of the author.

222. Moser replied that Newsmax already had an in-house publishing division called Humanix and introduced him to the head of Humanix, Mary Glenn. She has an office two doors down from Moser.

223. After the introduction, Plaintiff sent his books to the Humanix team and they declined to publish updated versions, etc. No particular or plausible explanation was given.

224. During a January 14, 2021 phone call between Glenn and Plaintiff, she explained, “We can’t publish every book we think has merit.”

225. Glenn’s decision seems to conflict with the favorable opinions from Backman, above, the unsolicited referral of Plaintiff to Glenn made by from Moser, and so on.

In Summary

226. In summary, Plaintiff’s promising media career, which began around 2004 on CNBC with Jim Cramer, then grew on Fox Business, MSNBC, Reuters, other outlets, and Plaintiff’s own Healthcare Channel, was then shut down by Defendants around 2013. It was

briefly resurrected in 2020 on the radio, only to be abruptly quashed again by Defendants.

227. Blacklisting by Defendants is the most reasonable explanation to be drawn from the evidence presented. During the discovery process, more evidence will likely be flushed out.

Misappropriation of Plaintiff's Work

Tucker Carlson "The Serial Plagiarist"

228. When Tucker Carlson was given the 8:00 PM slot on Fox News in 2017, Plaintiff began watching. Then, he began to spot commentary during Carlson's opening monologue segments that was suspiciously similar to essays that Plaintiff had written on his *BatteryPark.TV* news site (now renamed as *GreerJournal.com*) and then published in his book *Rules to Stop Radicals*. As detailed above, Carlson and Wells were in possession of Plaintiff's works and received Plaintiff's blast emails with links to his essays.

229. Plaintiff suspected that he was the victim of misappropriation of his work. In 2019, he began to warn Carlson and his producer, Justin Wells. Plaintiff continues to issue notices of violation to Defendants to this day, which are ignored.

230. The nature of TV production means that a senior producer like Wells is heavily involved in all aspects of any final show, such as the Tucker Carlson show. Wells has a major hand in the script, topics chosen, etc. Wells is complicit in these causes of action in the same manner as Carlson.

231. Wells is still a defendant. Whereas, Carlson was removed as a defendant due to jurisdictional legalities.

The use of Plaintiff's scoop on the Cuomo nursing home massacres

232. Because of Plaintiff's unique surgical experiences for more than 20-years of

treating wounds in the elderly populations in New York nursing homes, Plaintiff knew early in 2020 the lack of staffing that all long-term-care facilities suffer under normal circumstances and that they could not possibly properly handle a pandemic. As a result, Plaintiff was the first person in March of 2020, at least in any form of media or journalism to Plaintiff's knowledge, to spot several disturbing patterns in the New York death rates from the SARS-CoV-2 coronavirus. He memorialized them in his website essays and on the Joe Piscopo radio show.

233. Plaintiff first raised the issued on the Joe Piscopo show on March 17th, 2020. (Ex. C)

234. On March 24th, 2020, he sent a proposal to the White House pandemic response team to create a telemedicine program to treat the quarantined elderly in these nursing homes. (Ex. H)

235. On April 2nd, 2020 he raised the nursing home care issues again with Piscopo. (Ex. C) The focus at the time was the unsafe and cruel quarantine isolation of the elderly.

236. On March 25th, 2020, Governor Cuomo issued the fateful mandate that required nursing homes to accept from hospitals patients who were known to be infected with the SARS-CoV-2 virus.³⁷

237. A small Long Island newspaper called *Newsday* reported on it March 29th, 2020.³⁸ On April 20th, 2020, The New York Post began covering the story.³⁹ However, nowhere in either of those articles, or any other news report for that matter, was it suggested that the actions of Governor Cuomo were criminal manslaughter or murder. The articles were mundane reporting

³⁷ https://skillednursingnews.com/wp-content/uploads/sites/4/2020/03/DOH_COVID19__NHAdmissionsReadmissions__032520_1585166684475_0.pdf

³⁸ <https://www.newsday.com/news/health/coronavirus/coronavirus-nursing-homes-1.43491608>

³⁹ <https://nypost.com/2020/04/20/cuomo-didnt-know-coronavirus-patients-are-being-sent-back-to-nursing-homes/>

on par with any other stories of Albany government incompetence.

238. Then, on April 29th, 2020, Plaintiff told the Piscopo producer via email that, “Cuomo is literally killing old people (I am a nursing home expert)”, and they discussed it on air May 4th, 2020 (Ex x):

Greer: “The nurses, they’re not capable of dealing with an infectious disease problem, and Governor Cuomo, to show that the hospital rates were going down, or whatever bureaucratic idiotic reason, forced infected people from the hospitals into the nursing homes. Of course they spread (the virus). Now, the total number of all New York deaths is at least . . . 25% of all of those is from nursing homes. They are slaughtering people. And that’s the manslaughter. You can’t intentionally send a deadly virus into a nursing home knowing it’s going kill other people. Someone has to go to jail for that.

239. The sections underlined for emphasis bear a striking resemblance to the comments made by Nicole Malliotakis on the Tucker Carlson show, May 8th, 2020, which is detailed below.

240. Of note, long after Plaintiff’s comments above were made (i.e., from March 17th to April 2nd of 2020), the New York Post, a newspaper asset owned by Defendants, finally started its nursing home pandemic reporting on April 20th and April 23rd of 2020.⁴⁰ However, those first articles did not implicate Governor Cuomo in being involved with a massacre of elderly nursing home residents or manslaughter. The April 23rd article only exposed the inordinately high death rates in nursing homes. Governor Cuomo’s name was not even mentioned.

241. Only weeks later, and after Plaintiff’s April 29th and May 4th of 2020 comments detailed above, did New York Post columnist Michael Goodwin become the main New York

⁴⁰ <https://nypost.com/2020/04/23/coronavirus-deaths-at-us-nursing-homes-reach-over-10000/>

Post writer to implicate Cuomo. Plaintiff was not given credit for his work that predated the New York Post work.

242. Mr. Goodwin is also a regular guest on the Joe Piscopo show and likely heard of Plaintiff's original reporting on the nursing home deaths. In fact, Goodwin and Plaintiff have been booked on the same day for the Piscopo show in the past.⁴¹ The Piscopo producer, Frank Morano, could easily have given the idea to the New York Post, as will be explained below.

243. Over the next 10-months, Tucker Carlson would mention on his show the Cuomo connection to the nursing home deaths.

244. On Friday, February 12th, 2021, Carlson made it the leading story of his show because news had broken that one of Cuomo's top aids was admitting the Cuomo administration had hidden death data from the Department of Justice. Finally, politicians and pundits were calling for criminal prosecutions.

245. However, it was Plaintiff's original and novel observations that Governor Cuomo intentionally sent infected elderly back into nursing homes from hospitals, which was tantamount to manslaughter, and that the federal government needed to investigate and possibly prosecute.

246. As detailed previously, Plaintiff said so on the Joe Piscopo radio show. He also stated it on The Rudy Giuliani radio show on May 6th, 2020:

Greer: "Your former job as U.S. Attorney, the current U.S. Attorney is the only person I think who has the ability to investigate this.

This is beyond politics. This, in my opinion, is manslaughter....

More black and white criminal is intentionally sending infected patients from the hospitals to the nursing homes

⁴¹ The September 17, 2020 Joe Piscopo show booked Herschel Walker, Michael Goodwin, Alan Dershowitz, and Plaintiff.

and infecting other nursing homes.

And right now, at least 25% of all of the New York deaths are from nursing homes. So, they are KILLING people and it is a policy decision by Governor Cuomo's office. Some prosecutor needs to look into this."

247. Two days later, on May 8th, 2020, New York Assemblywoman and then-candidate for congress, Nicole Malliotakis, discussed the Cuomo nursing home scandal on the Tucker Carlson show.⁴² She reiterated almost verbatim what Plaintiff had previously stated above, including the need for the U.S. attorney to conduct an independent investigation. This point will become important later on.

248. Malliotakis stated:

Malliotakis: "I believe that we need to have an independent investigation...and we cannot trust the State of New York to do an independent investigation....we have to have a federal investigation...to take a look at what occurred here (in the nursing home deaths)...25% of all deaths are from nursing homes..."

249. On May 15th, 2020, Plaintiff reiterated his message on Rudy Giuliani's video podcast, which received tens of thousands of views.⁴³

DR. GREER: "(Cuomo) said, "I don't care if you're infected, you will accept them, Mr. Nursing Home Owner, Mrs. Nursing Home Owner or else we'll come down on you hard with our health department." So, he did that knowing it would kill people. I believe we were talking about this on-on, um, earlier on your radio show last week was . . . your exact job, U.S. Attorney is the only one I think that has the clout to do anything about it. This needs to be investigated. In my opinion it's crime. It's manslaughter. You're not allowed to kill people as a doctor, and so Cuomo needs to be investigated for manslaughter by the U.S. Attorney. After you and I spoke, there's already been calls for that exact thing. I forgot her name, the Republican Assemblywoman in

⁴² <https://www.facebook.com/NMalliotakis/videos/565965157674353/>

⁴³ <https://greerjournal.com/rudy-giuliani-interviews-steven-e-greer-md-on-his-podcast-tv-show-may-15-2020/>

New York. She was on Fox, I forgot her name.

RUDY GIULIANI: Nicole Malliotakis?

DR. GREER: Yes, yep, and then some officials in Long Island. So-So, the word's getting out there, but this is gonna be a scandal beyond the Moreland Commission, you know, remember?" (EX x)

250. Then, nine-months later on February 12th, 2021, a major development in the Cuomo scandal occurred. Governor Cuomo's personal aid was reportedly admitting to other New York officials that they had concealed the true nursing home death numbers from the Department of Justice investigative team. Plaintiff's calls nine-months earlier for Cuomo to be prosecuted seemed to becoming a reality.

251. Anticipating that "Serial Plagiarist" Tucker Carlson would misappropriate his work again, on the morning of February 12th, 2021, Plaintiff preemptively emailed Tucker Carlson, Justin Wells, and their lawyers:

"I literally started all of this. Not only was I the first one to spot that Cuomo was killing people in nursing homes and also Hospitals, I was the first one to say that it was a crime, and I was the first one to tell Rudy Giuliani and Joe Piscopo that he needed to be prosecuted"

252. Of note, prior to that email, over many months, Carlson and Wells had received numerous other emails from Plaintiff informing them of his work on the Cuomo nursing home scandal. They knew very well that Plaintiff was the lead reporter on the matter. They knew of his radio and podcast appearances.

253. Sure enough, just hours later, the February 12th, 2021 Tucker Carlson TV show led off with the Governor Cuomo news and did not give Plaintiff his due credit for being the person who exposed the entire scandal 11-months previously in March of 2020 on the Joe Piscopo and Giuliani radio and video shows.

254. Carlson stated in his opening segment, referring to the nursing home death statistics, “We have (the numbers) because a few reporters, like Andrew Kerr of the Daily Caller (found them)...”

255. Of note, *The Daily Caller* is a news website that Carlson founded. Therefore, he made the effort to give them credit, of course.

256. Carlson went on, “We (know the numbers) because places like the Empire Center, a think tank, obtained a court order...”

257. However, Plaintiff too has issued FOIA requests for the Cuomo administration to turn over documents, and Carlson knew of those actions by Plaintiff because Plaintiff had emailed him.

258. Tucker Carlson cannot claim that he has a policy of never giving credit to sources. He simply selectively gives credit to sources he views as being friendly and then maliciously snubs others.⁴⁴

259. Then Carlson stated, “If we had listened to the rest of the media, we wouldn’t know about any of this.”, which is factually untrue again and he knew it to be untrue. Plaintiff discussed all of these matters extensively, over many months, in the New York media. Plaintiff’s reporting preceded the reporting by the Defendants who own the New York Post. Carlson and Wells have received numerous emails from Plaintiff about this.

260. On February 12th, 2020, Tucker Carlson was, once again, maliciously and deceptively, not giving credit to Plaintiff, thus causing damages and diluting his brand.

261. On February 18th, 2021, as the Cuomo scandal grew, Tucker Carlson was strangely not on the air (perhaps disciplined and removed from the air again). His fill-in host,

⁴⁴ Consistent with Carlson being a “dick” as his former CNN employers called him.

Mark Steyn, interviewed guest Rep. Nicole Malliotakis about the Cuomo scandal.

262. Steyn introduced Rep. Malliotakis as being the first and only one to call for Cuomo’s prosecution. Steyn said, “She (Malliotakis) called for an investigation (into Cuomo) on our show back in May, 2020...How come you (Malliotakis) got it nine-months ago and (no one else did)?” Malliotakis replied, “I was alone (in calling for the prosecution of Governor Cuomo)”.⁴⁵

263. However, all of those **statements made as facts** on the February 18th Tucker Carlson show were false. Defendants knew them to be false and misleading to the public to claim that Malliotakis was the first to call for a Cuomo investigation, etc., rather than Plaintiff. Carlson, Wells and other defendants were, once again, likely taunting Plaintiff. It was a malicious and intentional snub designed to hurt Plaintiff and cause emotional distress.

264. In fact, Rep. Malliotakis was a guest on the Joe Piscopo AM970 radio show and Frank Morano’s WABC radio shows before and after Plaintiff stated his novel ideas back in 2020. She likely directly got the idea to call for the prosecution of Cuomo from those radio producers, such as Frank Morano, and/or she heard Plaintiff herself on the radio.

265. Plaintiff sent Defendants and their lawyers another notice of violation on February 19th, 2021. Once again, they failed to even reply.

266. Plaintiff also sent Rep. Malliotakis’ office an email notifying her that her February 18th, 2021 comments on the Tucker Carlson show were misleading and incorrect. No one has replied.

267. On February 24th, 2021, Rep. Malliotakis was making more political hay with her false claims that she was first to call for a criminal investigation into Governor Cuomo. She

⁴⁵ <https://youtu.be/rVHPs7R5O-g>

appeared on the Newsmax show National Report⁴⁶ and stated, “I was one of the first, I was actually THE first individual to call for a federal investigation back in May because of the mishandling of the executive order that led to that thousands of deaths.”. As detailed above, this was a false statement made after Plaintiff had alerted Rep. Malliotakis’ office.

268. Plaintiff’s original thoughts and comments on May 6th, 2020 (and many times thereafter) were so novel that, nine-months later on February 22nd, 2021, The Wall Street Journal ran an Op-Ed titled, “Why Cuomo Should Be Worried About a Federal Probe”, which led to TV coverage of the op-ed⁴⁷, such as Newsmax TV’s *The National Report* show⁴⁸, that stated, “...a growing number of lawmakers calling for a federal investigation into New York Governor Andrew Cuomo...”.

269. Plaintiff’s original thoughts and comments on May 6th, 2020 that Governor Cuomo possibly committed criminal acts, including manslaughter, and that a federal investigation was warranted, were unique. No one else in the media stated them. They were also very important comments that have led to a member of congress to misappropriate them in order to build a name for herself in her new seat on Capitol Hill. They were the inspiration for an entire series of reporting in The New York Post and for TV segments on Tucker Carlson’s show.

270. Plaintiff’s original ideas and comments did nothing less than start the investigation ball rolling that could very well lead to the demise of Governor Cuomo. Once again, Plaintiff was many months ahead of the curve on an important story. No one else had reported on the criminal nature of Governor Cuomo’s conduct until Plaintiff did.⁴⁹

⁴⁶ https://youtu.be/3TMmrw_u448

⁴⁷ Daukas J. “Why Cuomo Should Be Worried About a Federal Probe”. WSJ. February 21, 2021

⁴⁸ <https://youtu.be/76x-C9lJLgI>

⁴⁹ Plaintiff verified that his comments on the criminal nature of the Cuomo nursing home scandal were unique with his own searches as well as by hiring a professional investigator with access to databases beyond Google. Even the coverage of the actual March 25th Cuomo mandate on nursing homes was scant and from small news sources and a

Frank Morano

271. Frank Morano is a key component in these series of events. He was the producer who spotted Plaintiff's potential in early 2020 and began using him on the Joe Piscopo show, as explained above.

272. Morano also had on as guests other people, such as Rep. Nicole Malliotakis, Rep. Steve Scalise, Rep. Lee Zeldin, Rep. Elise Stefanik, Senator Rand Paul, New York Post writer Michael Goodwin, and others.

273. What Morano would do was first have Plaintiff on as a guest and hear an important comment made by Plaintiff. Then days later, he would use Plaintiff's ideas as fodder for topics to discuss with Malliotakis, *et al.*

274. The Cuomo massacres were just one example. Another example was the important topic of herd immunity of the SARS-CoV-2 virus, which was an idea first started by Plaintiff on Morano's WLIR show. Days later, Morano had Senator Rand Paul discuss it. That led to Scott Atlas, MD at the White House making it a national issue.

275. Plaintiff's book *Tony's Virus* details other examples of his ideas that propagated after his radio appearances.

The Jeffrey Epstein story

276. When Plaintiff lived in New Albany, Ohio from 2018-19, he was living in a community built in the early 1990's by *L Brands* CEO Les Wexner and convicted pedophile Jeffrey Epstein. Epstein and Wexner's palatial 400-acre estates were nearby.

277. Plaintiff noticed the early rumblings on the Internet that Wexner was one of

single personal injury law firm website. Plaintiff was the epicenter for this historic story and started the ball rolling on the criminal probes into the governor.

Epstein's associates and that the old pedophile charges on Epstein might resurface. This was long before the mainstream media was reporting on it.

278. Plaintiff's college diplomas are signed by Les Wexner and Wexner's name is on his medical school buildings. Disgusted by this, Plaintiff began a mission to oust Wexner from his *alma mater*.

279. Therefore, following closely the Epstein scandal was a priority. Plaintiff became one of the first people in the country to correctly predict the events that transpired.

280. Specifically, Plaintiff was the first person in the media to state that the description of Epstein being used by the media, that as a wealthy "hedge fund manager", was a merely a ruse. He also predicted that it would turn out that much of Epstein's wealth, including his Manhattan mansion and private jet, really came from Wexner. That was a novel idea that no one else had made, to Plaintiff's knowledge. He was proven clairvoyant.

281. On Friday, July 13, 2019, Plaintiff emailed Charlie Gasparino, Brian Jones, Tucker Carlson, Justin Wells, Tom Burton of the Wall Street Journal, and Charles Herring of OANN with this tip:

Greer: "<http://nymag.com/intelligencer/2019/07/hedge-funders-have-some-thoughts-on-what-epstein-was-doing.html>

NY Mag story doing exactly what I did, which was to call around broker dealers and see if they have ever heard of Epstein. It is all just like Madoff. He had a fake hedge fund and was laundering money.

I now am quite certain there is only one person wealthy enough, who is connected to Epstein, to do this, and that I Les Wexner."

282. Note that the New York Magazine story in the URL above does not state that Epstein's wealth is all derived from Les Wexner. That was Plaintiff's novel deduction based on

Wexner's name being listed in the "little black book" kept by an Epstein employee that was part of 2008 legal filings. While many others might have thought this to be the case, Wexner was still too powerful at the time for the press to openly associate Wexner with Epstein.

283. Only Gasparino replied to Plaintiff's email. He claimed that he had already known about Plaintiff's tip above for three-months, but somehow failed to report it on the air.

Gasparino: "I wrote three months ago he didn't run a hedge fund again get me something new" [sic]

284. Note that Gasparino expected Plaintiff to do work for him by stating, "get me something new". He also failed to detail where he supposedly wrote about this scoop "three months ago", and why he failed to go on the air with it when he normally has such low standards for blabbering on the air with unsubstantiated "sources say" stories.

285. Plaintiff replied to the Gasparino email reply by calling him a liar.

286. Over that weekend, Plaintiff sent text messages with the same tip to Tucker Carlson and his producer Justin Wells. Mr. Wells replied.⁵⁰

287. On the following Monday, July 15th, 2019, Tucker Carlson made Plaintiff's story his prominent topic of the episode.

288. He interviewed Fox Business' Melissa Francis⁵¹ who reiterated Plaintiff's tip almost verbatim. She even mentioned the highly specific comment that Epstein's private jet likely came from Wexner's estate. The jet detail was a novel observation made by Plaintiff and disclosed to the aforementioned. No one in the media, including Fox, had mentioned these comments before.

289. On July 16th, 2020, Plaintiff sent a text message Carlson. Then,

⁵⁰ Greer cannot locate records in his files of this text message but they can be produced during discovery

⁵¹ Francis is no longer with Fox and is suing Fox for causes of action similar to this instant action.

Tucker Carlson made the bizarre response *via* text message pretending to be a junior producer at Fox named Chris Wallace:

“This is Chris Wallace. Please stop sending me right wing propaganda” (emphasis added)

290. That cell phone number has since been confirmed as belonging to Tucker Carlson. There is no doubt that Carlson was impersonating another Fox employee. Chris Wallace is a Fox producer who used to work with Plaintiff when he did work for Fox Business. Carlson was acting dishonestly and deceptively.

291. Plaintiff documented this exchange as part of a letter to the Fox legal department, detailed below.

292. On July 25th, 2019, Plaintiff emailed and sent text messages to Carlson and Wells requesting contact information for Fox legal department for him to send a legal “cease and desist”. They did not provide any response to the request.

293. On July 29th, 2019, Plaintiff sent a legal letter to Carlson, Wells, and in-house lawyers working for Fox. (Ex. I) Lily Claffee, the head of Fox legal, received and read the email, yet no one replied. Defendants’ hubris in not replying to Plaintiff proves their malicious intent to not put a stop to the dishonest practices.

The use of Greer’s novel term “Demplosion”

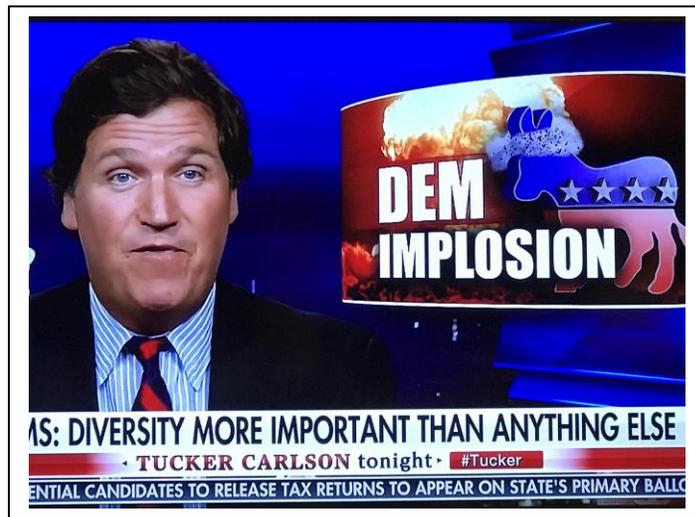
294. In January and February of 2019, Plaintiff created the novel term “Demplosion” and documented it in a series of essays.^{52,53} Plaintiff re-posted the essays on the front page of his BatteryPark.TV in July of 2019. He also made the essay part of his *Rules to Stop Radicals* book.

⁵² <https://greerjournal.com/essay-the-great-demplosion-of-2019/>

⁵³ <https://greerjournal.com/the-demplosion-accelerates-alexandria-ocasio-cortez-causes-amazon-to-back-out-on-nyc-deal-costing-30000-jobs/>

295. Google search reveals that the term demplosion had only been used before by a blogger back in 2010. Plaintiff was unaware of that when he also came up with it. Demplosion was not an obvious or ubiquitous term.

296. Then, on July 30th, 2019, Tucker Carlson led off his show with a large graphic over his shoulder that stated “DEMIMPLOSION” He seemed to have inserted the letter “I” to make it different from Plaintiff’s (see exhibit photo below).



297. Moreover, the single phrase of demplosion was not the only part of Plaintiff’s essay that was copied by Carlson. His entire monologue mirrored Plaintiff’s essays about the Democrat party making mistakes that would cause them to lose badly in the next elections. Those monologue comments, along with the “Demiplosion” graphic, would likely be viewed by the casual observer to be so similar as to be confused with Plaintiff’s original works.

298. Plaintiff promptly posted a story on his website that evening with the title, “Tucker Carlson rips off BPTV again” and sent it to his usual blast email list. He also sent it to Fox’s Lily Claffee, *et al.* They received it and, once again, did not reply.

299. The Carlson use of Plaintiff’s “Demplosion” occurred just one day after the July

29th “cease and desist” email sent, above. He seemed to have been taunting Plaintiff in a malicious and willful manner to maximize emotional distress.

300. On August 1st, 2019, Plaintiff noticed in his Microsoft Outlook program an “email was read” notice from a person named Clifford Cid. A Google search revealed that the man ran the security efforts for Fox. Therefore, rather than reply to Plaintiff’s legal letters, Fox instead defamed Plaintiff further by putting him on a security watch again.

301. On August 1st, 2019, Plaintiff sent another email to Brian Jones, Lily Claffee, and Clifford Cid:

“Your slanderous actions continue. You have your head of security, Cid Clifford, following me now. I have asked your legal department to contact me and they have ignored me. I have also sent Justin Wells and Tucker Carlson cease and desists, and they continue to steal my content.”

302. **Clearly, the *modus operandi* at Fox is to immediately smear opponents by triggering malicious and frivolous security actions rather than deal with complaints properly.** It is a culture established by Roger Ailes. This is likely why numerous lawsuits against Fox have been settled for tens of millions of dollars, major on-air personalities have been fired, and Fox News is the butt of jokes by the rest of mainstream media.

303. Seven-months later, on February 18th, 2020, Carlson used the term “Demimplosion” again (see below).



The use of Greer’s unique phrase “Civil War”

304. After the August 1st, 2019 legal emails, Plaintiff continued to email Fox defendants new material that he posted on his news site in order to put them on notice that the work had been published and was protected.

305. Two years prior, in October of 2017, Plaintiff began making the novel analogy that the partisan division in the country was actually like a second civil war.⁵⁴ No one else in the mainstream media, to Plaintiff’s knowledge, was stating this. It was an original use of words by Plaintiff because he was applying it to modern events when no one else was doing so, to his knowledge.

306. On August 3rd, 2019, Plaintiff recirculated *via* blast email the various essays that had used “civil war” in the title. Carlson, Wells, and others at Fox received the emailed essays.

307. Then on August 7th, 2019, Tucker Carlson, for the first time to Plaintiff’s knowledge, used the words “civil war” to describe the national unrest. He used the term in the same unique way that Plaintiff had used it, misappropriating Plaintiff’s work.

⁵⁴ <https://greerjournal.com/the-united-states-just-entered-into-a-second-civil-war/>

308. On August 8th, 2019, Plaintiff posted the story titled, “As predicted, Tucker Carlson rips off our “Civil War” analogy”.”.

309. Then, that evening, Tucker Carlson abruptly stopped hosting his show. His absence was not explained. Plaintiff posted a story⁵⁵ speculating whether or not his legal letters had prompted Fox to reprimand Carlson with a “time out” off the air.

The use of Plaintiff’s unique observations about the pandemic

310. As detailed above, Plaintiff became a leading voice in the SARS-CoV-2 virus epidemic. Notably, he was the first person to state that the high death rates in New York were not in line with the rest of the country and were caused by incompetent healthcare delivered by hospitals in poor parts of the city where competent doctors and nurses did not want to work.⁵⁶ Plaintiff suspected this based on firsthand experience having worked in them decades ago as a surgery resident. He took heat for this pioneering opinion too. At the time, hospital workers were only lionized in the media as heroes (and the vast majority of the healthcare providers indeed were risking their lives and were true heroes).

311. As the pandemic carried on, Plaintiff’s assertion became supported by testimony and facts. On July 1st, 2020, The New York Times published a lengthy investigative report confirming Plaintiff’s claims.⁵⁷

312. On April 19th, 2020, Plaintiff wrote the essay, “Coronavirus is a New York problem, not a national problem”.⁵⁸

313. Plaintiff’s essay stated:

⁵⁵ <https://greerjournal.com/tucker-carlson-takes-vacation/>

⁵⁶ Joe Piscopo Show transcripts (Ex. C)

⁵⁷ “Why Surviving the Virus Might Come Down to Which Hospital Admits You” The New York Times. July 1, 2020. <https://www.nytimes.com/2020/07/01/nyregion/Coronavirus-hospitals.html?action=click&module=Top%20Stories&pgtype=Homepage>

⁵⁸ <https://greerjournal.com/coronavirus-is-a-new-york-problem-not-a-national-problem/>

“The mainstream media is clustered inside the Manhattan Bubble, where there is no hint of a lifting of the home-quarantine orders, and will be spewing more and more opinion pieces aimed at making the rest of America seem like hayseed country bumpkin morons for going back to normality. Are they correct or are they misguided and dishonest?

The dirty little secret that everyone knows inside Cuomo’s offices in Albany, Manhattan hospital board rooms, and City Hall is that **the high death rate is being generated from focal hot spots within Queens and other outer boroughs** where Third World conditions have existed for centuries. **This is not a national pandemic** worthy of shutting down the global economy. This is a New York problem that can be further isolated as a problem of hot spots within Queens, etc.”

314. Then, on April 24th, 2020, Tucker Carlson misappropriated Plaintiff’s unique observations.⁵⁹ Carlson’s television monologue stated:

“Why are the numbers so skewed toward the urban Northeast? ...but for now, what’s clear is that this virus is concentrated not simply in a handful of states, but in a small number of places, especially Southern New York, in and around **New York City...possibly because these are also the places where most of our national media figures live, the pandemic often seems like a nationwide disaster.**”

315. In response to the clear plagiarism and misappropriation by Carlson, Plaintiff posted the story, “Serial plagiarist Tucker Carlson ripping off my essay about the virus being a unique NY problem”⁶⁰ on the same evening.

316. Of note, a few days before, on April 16th, 2020, Plaintiff posted the story, “Serial plagiarist Tucker Carlson plagiarizes the phrase “serial plagiarist””.⁶¹ As the title implies,

⁵⁹ <https://greerjournal.com/serial-plagiarist-tucker-carlson-ripping-off-my-essay-about-the-virus-being-a-unique-ny-problem/>

⁶⁰ <https://greerjournal.com/serial-plagiarist-tucker-carlson-ripping-off-my-essay-about-the-virus-being-a-unique-ny-problem/>

⁶¹ <https://greerjournal.com/https-youtu-be-qp-zg8e4vdc/>

Plaintiff coined the nickname for Carlson of, “The Serial Plagiarist”. Then, perhaps to taunt Plaintiff, Carlson actually plagiarized the term “serial plagiarist” by using the term on his show.

317. On May 1st, 2020, Plaintiff emailed Carlson, Wells, and others:

“Please have your lawyers contact me. You are a serial plagiarist. I am forced to memorialize my innovative content my sending it to you as a copyright notice.”
(emphasis added)

318. As was the case in previous requests, Fox ignored the request.

The use of Plaintiff’s observations about Yale law school

319. During the Tucker Carlson opening segment⁶² on November 17th, 2020, he stated:

“Of course, Chris Coons went to Yale law school. Ever notice how no one who went to Yale law school acknowledges the Bill of Rights? What’s their constitutional law class like? We should find out.”

320. Plaintiff was on vacation in Arizona and immediately spotted those comments as being very similar to emails and essays he had recently circulated to Carlson, Wells, and others at Fox.

321. In a November 1st, 2020 essay on GreerJournal.com, he wrote:

“I had no idea that Hunter Biden went to law school. But it gets better. He went to none other than Yale.

Yale has been embroiled in the recent college admissions scams. Chris Cuomo, a thoroughly stupid man, went to Yale undergrad. The crime family of the Clintons went to Yale Law, etc. Yale has to be one of the most corrupt universities.

However, there is a bigger point to be learned, which is that Ivy League law school graduates are more and more becoming exposed as flat out criminal violators of the law that they went to law school to protect.

⁶² <https://youtu.be/eBFJWfb8AFM>

What kind of a warped learning environment must it be at Yale law school? There is no way they can teach proper ethical law with corrupt high-profile alumni who are still celebrated on campus. It would be like a medical school with Ted Bundy and Jeffrey Dahmer as alumni who are still celebrated and welcomed back to campus.”⁶³

322. The Carlson comments on November 17th were clearly taken from Plaintiff’s work. Carlson, *et al* were aware of this work. Plaintiff had a unique idea and expressed it in a unique way, which Carlson deceptively presented to millions of viewers as his own.

323. Plaintiff issued a notice of violation to Defendants and received no response.

The use of a chapter from Tony’s Virus on the origin of the coronavirus

324. On the November 23rd, 2020 Tucker Carlson show⁶⁴, he had on as a guest Alex Berenson, the author self-published short pamphlets that detail in bullet-point fashion a litany of facts about the pandemic.⁶⁵

325. Nowhere in Berenson’s pamphlet series did he discuss the origin of the virus coming from Tony Fauci’s NIH labs through “gain-of-function” research. However, the topic of Berenson’s discussion on the Tucker Carlson show was the origin of the virus.

326. Plaintiff’s book *Tony’s Virus* was only one of two books at the time that had discussed the origin of the virus coming from a virology lab conducting “gain-of-function” research. Carlson wanted to discuss this incendiary concept in a way that he thought would skirt liability in this instant case, Plaintiff asserts. Therefore, he used Berenson, pretending to talk about the topic on his own, as a third-party diversion tactic, Plaintiff believes. Knowing how TV

⁶³ Greer SE. “Read Between the Lines: 11-1-2020” GreerJournal.com <https://greerjournal.com/read-between-the-lines-11-1-2020/>

⁶⁴ <https://youtu.be/Dv4TwmZkX7I>

⁶⁵ Berenson A. “Unreported Truths and COVID-19 and Lockdowns” (Parts 1-3) self-published on Amazon.com. 2020.

show guests are booked and prepared, Plaintiff also believes that the entire discussion was scripted by Defendants. In other words, Berenson was asked by Carlson to discuss Plaintiff's work about the origin of the virus.

327. Plaintiff believes that Berenson has read his book based on several messages sent by Plaintiff to Berenson *via* email and Twitter about his book. However, Berenson maliciously and willfully misrepresented the facts by claiming that no one but Tucker Carlson was covering this topic of the origin of the virus. In fact, Plaintiff had been the lone voice in New York media since March of 2020 talking about this, and then published it in his book.

328. Plaintiff issued Defendants and Berenson another notice of violation (Ex. J) and received no response.

And other examples

329. In Plaintiff's *Rules to Stop Radicals*, he published several essays describing the turmoil in the nation as literally being another Bolshevik Marxist revolution. Whenever nations have unrest and people are unhappy, communism rears its ugly head, Plaintiff asserted.

330. In June of 2020, no one in the media, to Plaintiff's knowledge, was willing to associate the rioting and looting in the streets to a Marxist revolution, presumably for fear of the backlash and being smeared as engaging in "McCarthyism". It was a novel use of words by Plaintiff.

331. Tucker Carlson received emails from plaintiff with links to those works. Carlson reads emails from Plaintiff, as does Justin Wells.

332. On June 5th, 2020, Tucker Carlson led off his show using Plaintiff's unique observation. He explained how the anarchists and rioters were using similar tactics that Lenin's Bolshevik party used in 1917. However, he carefully avoided using the actual term "Bolshevik"

He only referenced “Lenin”, possibly as a thinly-veiled attempt to avoid liability.

333. This incident of misappropriation too was intentional and dishonest. Carlson and Wells knew that Plaintiff had created the concepts.

334. On June 11th, 2020, Plaintiff emailed Carlson yet another “cease and desist”:

Greer: “Cease and Desist

Mr. Carlson,

I saw your segment tonight with the Insider nurse exposing how egregiously incompetent care at Elmhurst Hospital directly led to infections and death. You even discussed the concept of medical advocacy by family, which is in my book the Medical Advocate.

As you well know, I was the first person months ago to say in the national media and on my own website that the high death rates were due incompetent care at these hospitals. I even called the CEO of Elmhurst and spoke with him. I gave you his contact.

I’m glad you are covering this. Unfortunately for you, you have a legal obligation to mention that this was my story. It is also basic journalistic ethics.”

335. The aforementioned examples of Tucker Carlson using Plaintiff’s unique expressions as his own is not comprehensive. Other examples exist.

336. Why might Tucker Carlson have engaged in such reckless behavior despite repeated warnings? Who actually writes the words that Carlson reads from the Teleprompter?

337. Blake Neff was Carlson’s senior show writer until July 13, 2020. Neff stated in Dartmouth Alumni Magazine, “**Anything [Carlson is] reading off the teleprompter, the first draft was written by me.**”⁶⁶

⁶⁶ <https://dartmouthalumnimagazine.com/blake-neff-tucker-carlson>

338. Neff was fired after CNN exposed secret online comments that he posted under an alias whereby he expressed racist and misogynistic comments. He also alluded to a problem with alcoholism.⁶⁷

339. This pattern of misappropriation by Carlson, *et al* detailed above is consistent with a personally troubled senior writer, such as Neff.

340. Neff ignored this complaint when it was served and the clerk of this court building issued a certificate of default judgment (ECF 65) against him. A motion for default judgment is pending a decision.

Copyright is Not the Law in this Case

341. Copyright law does not preempt or supersede state and common laws on misappropriation, and this complaint is about misappropriation. Ergo, copyright law is not what governs this complaint.

342. While some other actions by Defendants likely do violate copyright law, they do not apply to this complaint.

343. Moreover, Plaintiff had not fully registered his works at the time of the filing of this case. The Supreme Court has ruled that registration is required.

344. Plaintiff's work that was, and is still being, misappropriated is broader in scope than the narrowly-defined content that is covered in copyright law. Plaintiff's time and effort were misappropriated as well as his actual published work. "Hot news" misappropriation is also carved out from copyright law, as detailed below, and so on.

345. To paraphrase from the Supreme Court's *INS* case of 1918, "Defendants have been taking material that has been acquired by Plaintiff as the result of organization and the

⁶⁷ <https://www.cnn.com/2020/07/10/media/tucker-carlson-writer-blake-neff/index.html>

expenditure of labor, skill, and money, and which is salable by Plaintiff for money, and that Defendants in appropriating it and selling it as their own is endeavoring to reap where it has not sown, and by disposing of it to newspapers and TV shows that are competitors of Plaintiff's members is appropriating to itself the harvest of those who have sown."

346. In that case, the Supreme Court delegated misappropriate complaints to state and common law.

347. Whether or not Plaintiff published his work on his small websites has no relevance to the illegality of Defendants' actions of misappropriating his labor and work.⁶⁸

348. Without state and common law, Plaintiff has no recourse in the law to obtain justice and punish the bad actors.

SUMMARY

349. Plaintiff has unique career experiences making him appealing as a media pundit and author. That led to a long relationship with Defendants who own Fox News, The New York Post, The Wall Street Journal, etc.

350. Defendants clearly value Plaintiff's work. They have used him in a variety of manners, from freelance writer for the Wall Street Journal to expert for Fox News on Wall Street and healthcare topics.

351. Defendants are neither creative nor possess medical backgrounds and financial backgrounds as Plaintiff does. They have business models that rely on poaching from creative third-parties, such as Plaintiff. If it were not for interviews of other experts and discussions of printed articles written by other people, shows like Tucker Carlson would not be able to air

⁶⁸ Defendants had raised this issue in a legal letter (see ECF 128).

nightly. Likewise, The New York Post and Wall Street Journal rely heavily on other sources.

352. Defendants lift the works of others so often that it has become a way of doing business. They have been misappropriating Plaintiff's work for more than a decade. Even now, long after this federal litigation commenced, Tucker Carlson is still misappropriating Plaintiff's work in a taunting manner. The Supreme Court has specifically created misappropriation laws for this type of bad behavior.

353. Meanwhile, the bully Defendants have a long track record of blacklisting and defaming other people who dare to speak up and complain about their unethical practices. That is what they have done to Plaintiff.

354. It is not hyperbole to describe this instant complaint as a law school case study in misappropriation, unfair competition, and defamation, *inter alia*. Hollywood has already made numerous big-budget films about Fox News scandals with elements in common to this case.

355. Rarely do small content creators have the ability to sue in federal court. That is why this case is important for sending a message to the other large bullies in the media industry who are putting journalists out of work.

First Cause of Action: Unfair Competition by Misappropriation (Common law)

356. Plaintiff repeats, re-alleges, adopts and incorporates each and every allegation contained in Paragraphs 1 through 355, inclusive as though fully set forth herein.

357. This Court has leeway to use common law and statutes from multiple states given the diversity of the parties. Plaintiff was domiciled in Florida when many of the causes of action transpired. Tucker Carlson, a key employee of Defendants, was domiciled in Florida as well. In addition, Defendants have offices and conduct business in California, and Plaintiff's misappropriated works are read or viewed by people in all 50 states.

358. The "Fox Defendants" (i.e., Fox Corporation, Fox News Media, Fox News Network LLC, Lachlan Murdoch, Suzanne Scott, Justin Wells, Blake Neff, Charles Gasparino, Fox Business Network, and Brian Jones) are all equally liable in this cause of action. The corporations employed and still employ the individuals who committed the illegal acts. By respondeat superior, *inter alia*, the corporations are liable. The individual defendants either directly caused the actions or were supervisors with fiduciary duties to be aware of their employees (or "agents" in agency theory) who committed the acts. Moreover, beyond legal theory, Plaintiff notified corporate offices many times over many years of the individuals' bad acts. The CEO's should have been and were aware. The same applies to the "News Corp" defendants (i.e., News Corporation, Dow Jones, The Wall Street Journal, and Gerard Baker).

359. Defendants have intentionally, deceptively, in bad faith, and with dishonest intentions, misappropriated Plaintiff's labor.

360. Plaintiff created original and nonobvious news stories that were first put down in words on his own news sites. Some were later published in books. Significant time and expense were required to create Plaintiff's works. These acts of misappropriation are detailed above.

361. The Fox Defendants' Tucker Carlson show and the News Corp defendants' New York Post have all been implicated recently. Prior to that, the Wall Street Journal was implicated nearly a decade ago as part of this ongoing pattern, making it still relevant to this complaint.

362. Defendants were made aware of Plaintiff's work either by email, SMS text

message, and/or telephone communications. Defendants were repeatedly sent “cease and desist” and violation warnings to stop misappropriating Plaintiff’s work and yet they continued to do so. Moreover, no one from the legal departments of any defendant ever contacted Plaintiff despite numerous requests. Therefore, Defendants intentionally and in bad faith misappropriated Plaintiff’s work as their own for the dishonest purpose of fooling their own viewers into believing that they were clever enough to have created Plaintiff’s content.

363. It was deceptive behavior by Defendants to pawn off Plaintiff’s work as their own to viewers and readers. It was deceptive of Defendants also to entertain Plaintiff’s communications and his contributions to them as if they were going to compensate him.

364. In bad faith, the defendants misappropriated the labors and expenditures of another person, Plaintiff.

365. After an offer of employment in 2008 of \$100,000, which was well below the market rate, which Plaintiff rejected, Defendants lured him back with emails (e.g., the email from Fox producer Brian Donlon). Brian Jones encouraged Plaintiff to provide them with his work by taking his calls and inviting him on the network as a TV guest many times after he rejected the initial employment contract offer. Five-years later, in 2013, Brian Jones was still luring Plaintiff back onto the Fox Business set.

366. Tucker Carlson and Charles Gasparino both used Plaintiff’s works. However, there was never any good faith effort to compensate Plaintiff or give Plaintiff proper public credit. Brian Jones was facilitating the misappropriation by communicating with Plaintiff and relaying it to his staff. The entire relationship between Defendants and Plaintiff was in bad faith.

367. In summary, there has been a long pattern of intentional and dishonest misappropriation by Defendants that constitutes unfair competition by common law and state law.

368. Plaintiff has been harmed by the unfair competition, suffering economic damages. Rather than being recognized in the national media for his important scoops and novel observations, the misappropriation of his labor has caused millions of Fox viewers to believe that Fox created the content on their own when it was actually Plaintiff’s. Had Plaintiff been given

credit over the years by Defendants, he likely could have had a thriving media business by now, as many guests on Fox News have. Instead, Plaintiff earns no income from his journalism and only small amounts from his books. For example, one successful book could have easily earned Plaintiff millions. Television deals could have earned him tens of millions each year.

369. This egregious unfair competition should be punished with punitive and actual damages. It is an industry-wide problem. Large studios know that small content creators cannot normally afford the litigation and few law firms will take such cases on a contingency basis. Plaintiff's ability to champion this cause *pro se* is unique. This is a rare opportunity for this Court to take action.

Second Cause of Action: Unjust Enrichment (Common law)

370. Plaintiff repeats, re-alleges, adopts and incorporates each and every allegation contained in Paragraphs 1 through 355, inclusive as though fully set forth herein.

371. This Court has leeway to use common law and statutes from multiple states given the diversity of the parties. Plaintiff was domiciled in Florida when many of the causes of action transpired. Tucker Carlson, a key employee of Defendants, was domiciled in Florida as well. In addition, Defendants have offices and conduct business in California, and Plaintiff's misappropriated works are read or viewed by people in all 50 states.

372. The "Fox Defendants" (i.e., Fox Corporation, Fox News Media, Fox News Network LLC, Lachlan Murdoch, Suzanne Scott, Justin Wells, Blake Neff, Charles Gasparino, Fox Business Network, and Brian Jones) are all equally liable in this cause of action. The corporations employed and still employ the individuals who committed the illegal acts. By respondeat superior, *inter alia*, the corporations are liable. The individual defendants either directly caused the actions or were supervisors with fiduciary duties to be aware of their employees (or "agents" in agency theory) who committed the acts. Moreover, beyond legal theory, Plaintiff notified corporate offices many times over many years of the individuals' bad acts. The CEO's should have been and were aware. The same applies to the "News Corp" defendants (i.e., News Corporation, Dow Jones, The Wall Street Journal, and Gerard Baker).

373. Defendants and Plaintiff have had a long relationship for more than a decade. It has been a direct or face-to-face relationship and not a convoluted, indirect, or attenuated one.

374. Plaintiff was induced into providing Defendants with his valuable creative content with expectations of being rewarded by credit for his work and payment. The grateful emails from Charlie Gasparino to Plaintiff, the numerous phone calls between Brian Jones and Plaintiff, the multiple invitations to be on Fox Business and Fox News, and the numerous Wall Street Journal articles that used Plaintiff's works, all induced him to contribute work to Defendants.

375. For example, Brian Jones, Charles Gasparino, Gerard Baker, Lex Fenwick, Jennifer Strasburg, and other employees of Defendants answered calls from Plaintiff and replied

to Plaintiff's emails for many years, indicating that Plaintiff's works and ideas were valuable and wanted by Defendants. On many occasions, newspaper articles of Fox News TV stories were created based on Plaintiff's works.

376. If Plaintiff's contributions were unwanted, then Defendants would have had an obligation to tell him to stop communicating with them. For example, hypothetically and in general, if a creative person with a movie idea or book manuscript were to contact a movie studio or publisher, unsolicited and without an agent, their works would be rejected and sent back. However, in this instant case, Plaintiff's communications by email or phone were always accepted by Defendants and even used by Defendants.

377. Offers of employment had been discussed, detailed above. However, no written employment contract existed between the Plaintiff and Defendants.

378. Clearly, Defendants benefitted for years from Plaintiff's high-quality newsworthy content.

379. The News Corp defendants operate legacy newspapers that are rapidly going extinct. The main reason anyone still reads a newspaper is because of the belief that original investigative journalism comes forth. In fact, rarely does that occur. Even newspapers have become nothing but news gathering sites.

380. In the case above of the Cuomo nursing home massacres being tantamount to manslaughter, a story first created by Plaintiff, The New York Post started their reporting by merely regurgitation the Long Island newspaper called *Newsday*. It was not until the New York Post's Michael Goodwin and others connected the dots and blamed Cuomo for criminal acts did their reporting gain nationwide attention. As detailed above, Plaintiff created that narrative and it was misappropriated by News Corp defendants.

381. Exactly how much News Corp defendants benefitted from the misappropriated work will be determined at trial. However, in general, newspapers have a finite lifespan of just a few years left in which they can still sell papers the traditional way. The Cuomo nursing home stories were possibly the most important stories created in 2020 by News Corp and the public was deceived into believing that it was original investigative journalism by News Corp rather

than the truth, which is that it all originated with Plaintiff. As a result, that nationally-acclaimed reporting bought News Corp an extension of life for approximately one year for their New York Post assets, one could argue using sound financial reasoning used by Wall Street analysts.⁶⁹

382. News Corporation earned \$9 Billion in revenue for fiscal year 2020. The New York Post is the flagship of the “News Media” division, and that segment earned \$2.8 Billion that year. Therefore, the revenue value from one year of New York Post operations is easily in excess of \$1 Billion.⁷⁰

383. The Fox News defendants clearly saw the same value in the Cuomo stories because they leveraged the New York Post reporting as news fodder for their TV shows. As detailed above, Tucker Carlson, *inter alia*, interviewed the New York Post journalists many times about their Cuomo reporting.

384. A top show like Tucker Carlson earns tens of millions of dollars in revenue for Fox News defendants each year. Each episode earns tens of thousands of dollars in advertising revenue. Therefore, Fox News Defendants economically benefitted from Plaintiff’s misappropriated works as well.

385. Plaintiff’s content is created at an expense to him in time, effort, and actual costs.

386. A reasonable jury would find in good conscience that it would be equitable for Plaintiff to be compensated just as other journalists and creative content creators are compensated by media companies, such as Fox News.

387. Because of those elements in this case, Defendants are liable for unjust enrichment.

⁶⁹ Recall, Plaintiff is a Wall Street financial analyst with a specialty in stock valuation.

⁷⁰ The 10K SEC report does not break it out in that detail.

Third Cause of Action: Misappropriation of “Hot News” (Common law)

388. Plaintiff repeats, re-alleges, adopts and incorporates each and every allegation contained in Paragraphs 1 through 355, inclusive as though fully set forth herein.

389. This Court has leeway to use common law and statutes from multiple states given the diversity of the parties. Plaintiff was domiciled in Florida when many of the causes of action transpired. Tucker Carlson, a key employee of Defendants, was domiciled in Florida as well. In addition, Defendants have offices and conduct business in California, and Plaintiff’s misappropriated works are read or viewed by people in all 50 states.

390. The “Fox Defendants” (i.e., Fox Corporation, Fox News Media, Fox News Network LLC, Lachlan Murdoch, Suzanne Scott, Justin Wells, Blake Neff, Charles Gasparino, Fox Business Network, and Brian Jones) are all equally liable in this cause of action. The corporations employed and still employ the individuals who committed the illegal acts. By respondeat superior, *inter alia*, the corporations are liable. The individual defendants either directly caused the actions or were supervisors with fiduciary duties to be aware of their employees (or “agents” in agency theory) who committed the acts. Moreover, beyond legal theory, Plaintiff notified corporate offices many times over many years of the individuals’ bad acts. The CEO’s should have been and were aware. The same applies to the “News Corp” defendants (i.e., News Corporation, Dow Jones, The Wall Street Journal, and Gerard Baker).

391. When Defendants used Plaintiff’s original “scoops” as their own, they violated the common law tort of “hot news” misappropriation recognized in New York law and other states.

392. “Hot news” is a relatively new legal concept from the 20th Century. With electronic media, such as television and the Internet, facts and unique information with short-term value cannot be copyrighted or protected by traditional legal means. As soon as the “hot news” moves into the public realm, it loses value completely.

393. In the Tucker Carlson section above, prime examples of the “hot news” misappropriation are the use of, without permission or credit, Plaintiff’s exclusive stories about

the Cuomo nursing home deaths and the true origins of Jeffrey Epstein's wealth. Charlie Gasparino also has violated the "hot news" doctrine many times as well. Brian Jones likely forwarded Plaintiff's email tips to his employees at Fox Business. News Corp's asset The New York Post and its employee agents misappropriated Plaintiff's "hot news" concept that Governor Cuomo likely committed manslaughter and should be criminally prosecuted, and so on.

394. Once Defendants moved Plaintiff's works into the public realm by covering them on their TV shows and newspapers, they destroyed the value for Plaintiff.

395. The important case law on hot news has focused on whether or not original content creator can be protected from the parasites of the Internet that simply gather the news from other sources and then sell ads based on clickbait. In those cases, the original stories are often given a URL link with credit on the news gathering sites. However, in this instant case, the Tucker Carlson show and the rest of the Defendants maliciously and deceptively refused to give Plaintiff any credit at all.

396. This is a "hot news" cause of action not better addressed by federal copyright law because of the extra elements involved, as established by the Second Circuit: a) Plaintiff generates the content at a cost in time and money. b) The information is time sensitive. c) Defendant's use of the information constitutes free-riding on the Plaintiff's efforts, and d) Defendants are in direct competition with a product or service offered by Plaintiff.

397. Plaintiff takes valuable time away from his other "day jobs", so to speak, to create his citizen journalism. His work and time come at a cost.

398. Breaking news is time sensitive by definition. The Rolling Stones wrote, "Who wants yesterday's papers?". Plaintiff's exclusive stories on Jeffrey Epstein, Governor Cuomo, etc. were time sensitive.

399. Defendants normally pay their own staff and "Fox News contributors" to create news. They were not paying Plaintiff. Therefore, they were free-riding.

400. Defendants and Plaintiff are direct competitors in the news business. It is a David versus Goliath scenario. When the big bullies at Fox News, *et al*, misappropriate Plaintiff's work, they cause great harm to Plaintiff. That is why this case is so important to the entire world

that relies on original news creation by the “little guy”.

401. Of note, Defendants routinely misappropriate Plaintiff’s creations of hot news. They have done so for more than a decade and have been warned repeatedly. In fact, Tucker Carlson is still misappropriating Plaintiff’s “hot news” to this day, despite this ongoing federal litigation. One could argue that Tucker Carlson, *et al* almost never have an original idea on their own. They are “serial plagiarists”.

402. The free-riding by the Defendants on the efforts of Plaintiff reduces the incentive to produce original news so that its existence or quality is substantially threatened. That is why genuine investigative journalism is very rare these days. It is why this case is so important to the country at large. Real journalism has been nearly extinguished by several factors; one being large media conglomerates, such as Defendants, stealing the work of smaller news outlets. This process needs to stop and the bad actors need to be punished harshly with large punitive damages.

Fourth Cause of Action: Defamation (Common law, and California law Civ. Code, § 46)

403. Plaintiff repeats, re-alleges, adopts and incorporates each and every allegation contained in Paragraphs 1 through 355.

404. This Court has leeway to use common law and statutes from multiple states given the diversity of the parties. Plaintiff was domiciled in Florida when many of the causes of action transpired. Tucker Carlson, a key employee of Defendants, was domiciled in Florida as well. In addition, Defendants have offices and conduct business in California, and Plaintiff's misappropriated works are read or viewed by people in all 50 states.

405. The "Fox Defendants" (i.e., Fox Corporation, Fox News Media, Fox News Network LLC, Lachlan Murdoch, Suzanne Scott, Justin Wells, Blake Neff, Charles Gasparino, Fox Business Network, and Brian Jones) are all equally liable in this cause of action. The corporations employed and still employ the individuals who committed the illegal acts. By respondeat superior, *inter alia*, the corporations are liable. The individual defendants either directly caused the actions or were supervisors with fiduciary duties to be aware of their employees (or "agents" in agency theory) who committed the acts. Moreover, beyond legal theory, Plaintiff notified corporate offices many times over many years of the individuals' bad acts. The CEO's should have been and were aware. The same applies to the "News Corp" defendants (i.e., News Corporation, Dow Jones, The Wall Street Journal, and Gerard Baker).

406. Defendants made false statements about Plaintiff, intended to be factual, that were seen, heard, or read by third parties, that were made intentionally with neglect and malice, that have caused Plaintiff tremendous harm to his businesses and professions.

407. The News Corp defendants reported Plaintiff to their building security company, which then placed Plaintiff's name in the security computer system as a threat, for any number of their third-party employees to read, which also caused Plaintiff to be publicly embarrassed before third-parties in the lobby of the Fox/News-Corp headquarters. The incident destroyed Plaintiff's television career at the least with the Fox Defendants.

408. It was malicious and grossly negligent of Defendants. The false statements

accused Plaintiff of a serious crime of some sort worthy of barring him from the building, which are actions unbecoming to a medical doctor or journalist, both of which are Plaintiff's professions, thereby damaging Plaintiff's profession and occupation.

409. In fact, Plaintiff had made no threats of violence to Strasburg or anyone else back in 2013, or posed any sort of security risk whatsoever to anyone in the Fox/News Corp building. The fact that Fox's defendant Brian Jones waved Greer past the security desk to come up to the studio for a Fox Business filming, overriding the orders posted on the lobby computer screen, is supportive evidence of Plaintiff's lack of any threat.

410. News Corp Defendants' statements about Plaintiff were false and presented as factual, not opinion.

411. While this incident of Plaintiff being humiliated and held at the security desk of the Fox/News-Corp building by GMSC security occurred in 2013, it is still at the core of an ongoing pattern of defamation. For example, Defendant Gasparino referenced the incident in his June, 2020 emails. Opinions of employees at Fox/News-Corp are still being shaped to this day by the incident from 2013.

412. Likewise, when Defendants made more false statements to the Federal Bureau of Investigations, accusing him of unknown crimes again, as Gasparino stated so in his June, 2020 emails to Plaintiff, they committed *per se* defamation again for the same reasons (as well as intentional infliction of emotional distress). Of note, the emails in June, 2020 from Gasparino to Plaintiff, which included false statements, were cc'd and reviewed by third-parties as well, and Gasparino knew this.

413. Likewise, the actual blacklisting conspiracy (see below) has quashed Plaintiff's media career, destroying hundreds of millions of dollars in potential value, thus constituting defamation and *per se* defamation. As part of the blacklisting, Defendants smeared Plaintiff in 2020 to various potential media partners, such as Newsmax and WABC radio.

414. For example, former Fox employee and now head of Newsmax sales, Sam Moser, let it slip that he thought Plaintiff was a "nut" despite Plaintiff never interacting with or meeting the man. Clearly, Moser knew of Plaintiff through Fox innuendo and defamation. Also,

executives at WABC radio, which employs Fox News personalities for their radio shows, also behaved in ways highly consistent with having been influenced by Defendants' defamatory smear campaign against Plaintiff. Discovery will shed more light on the already known circumstantial evidence.

415. The defamatory statements by Strasburg and Gasparino, *inter alia*, were false, presented as facts and not opinion, and published to third parties. They knew they were false and stated them maliciously to damage Plaintiff. The Gasparino email exchanges, full of insults, are evidence of that, *inter alia*.

416. More evidence of defamation will likely be uncovered during discovery.

417. These intentional false statements caused Plaintiff loss of reputation, shame, and hurt feelings, *inter alia*. They also damaged Plaintiff's profession or occupation.

418. Various state courts have recognized *per se* defamation as being intentionally false statements made to a third-party that injure another.

419. Because of the backlisting and defamation and quashing of his potential careers, Plaintiff is not a public figure. He has not been a guest on large-audience TV for a decade. His appearance on the Fox News O'Reilly Factor in 2011 was his last appearance on a show that garnered more than 1-million viewers. His recent radio appearances were heard by few people. His books are self-published and sell fewer than 100 copies per month. His websites attract fewer than 200 viewers on most days. Internet searches of his name produce hits for a different "Steven Greer, MD"⁷¹ more than Plaintiff. Also, Plaintiff is never recognized in public by strangers.

⁷¹ Steven M Greer, MD is the UFO enthusiast. Steven E. Greer, MD is the Plaintiff.

Fifth Cause of Action: Tortious Interference with Contractual Relations
(common law)

420. Plaintiff repeats, re-alleges, adopts and incorporates each and every allegation contained in Paragraphs 1 through 355, inclusive as though fully set forth herein.

421. This Court has leeway to use common law and statutes from multiple states given the diversity of the parties. Plaintiff was domiciled in Florida when many of the causes of action transpired. Tucker Carlson, a key employee of Defendants, was domiciled in Florida as well. In addition, Defendants have offices and conduct business in California, and Plaintiff's misappropriated works are read or viewed by people in all 50 states.

422. The "Fox Defendants" (i.e., Fox Corporation, Fox News Media, Fox News Network LLC, Lachlan Murdoch, Suzanne Scott, Justin Wells, Blake Neff, Charles Gasparino, Fox Business Network, and Brian Jones) are all equally liable in this cause of action. The corporations employed and still employ the individuals who committed the illegal acts. By respondeat superior, *inter alia*, the corporations are liable. The individual defendants either directly caused the actions or were supervisors with fiduciary duties to be aware of their employees (or "agents" in agency theory) who committed the acts. Moreover, beyond legal theory, Plaintiff notified corporate offices many times over many years of the individuals' bad acts. The CEO's should have been and were aware. The same applies to the "News Corp" defendants (i.e., News Corporation, Dow Jones, The Wall Street Journal, and Gerard Baker).

423. When a creative content creator, such as Plaintiff, pitches ideas to a studio or newspaper, such as Defendants, Newsmax, or WABC radio, etc., an implied-in-fact contract is created between the creator and the larger media company. Expectations exist for compensation and/or credit being given to the creator. Therefore, the common law of tortious interference with

contractual relations applies to this case.

424. Plaintiff clearly had a contract with WABC (770 AM) radio to create his own talk show.

425. Plaintiff clearly had a contract with Rudy Giuliani to assist is media production efforts with Roku streaming and other projects.

426. Fox Defendants work closely with both WABC radio and Giuliani because employees of Fox Defendants have their own radio shows on WABC (i.e.; Brian Kilmeade and Mark Levin) and Giuliani was a routine guest on Fox News almost daily at the time. Because of this nexus, Defendants knew of the contracts being made between Plaintiff and the parties.

427. Fox Defendants' intentional, malicious, and improper defamatory actions to blacklist Plaintiff directly caused the breaches of those contracts. Within days after WABC agreed to create a show with Plaintiff, and after Defendants defamed Plaintiff, the contract was breached. Likewise, within days of Giuliani calling Plaintiff and stating he wanted Plaintiff's help with a Roku channel, *inter alia*, that contract too was breached.

428. By the *prima facie* nature of defamatory blacklisting, Defendants' actions were intentional and improper.

429. Defendants' actions were independently wrongful and were prohibited by legal standards, such as common law defamation, defamation under California Civil Code section 46, and California Business and Professions Code section 17200 *et seq.*

430. Plaintiff suffered compensatory damages from loss of potential revenue that radio show and video podcast show contracts would have garnered. Also, radio shows can often lead to consequentially greater media presences on television and with book publishing (e.g., radio host Mark Steyn, who started on Rush Limbaugh radio and then landed a regular spot on the

Tucker Carlson TV show). Therefore, Plaintiff has lost consequential damages.

431. The ordeals were also emotionally distressing.

432. There was no justification for Fox Defendants, or any of the Defendants, to have meddled in Plaintiff's affairs to sabotage radio contracts. Fox Defendants run cable TV shows, not radio. The Fox employees with radio shows would only benefit from Plaintiff if he became popular.

**Sixth Cause of Action: Tortious Interference with Prospective
Economic Advantage**
(common law)

433. Plaintiff repeats, re-alleges, adopts and incorporates each and every allegation contained in Paragraphs 1 through 355, inclusive as though fully set forth herein.

434. This Court has leeway to use common law and statutes from multiple states given the diversity of the parties. Plaintiff was domiciled in Florida when many of the causes of action transpired. Tucker Carlson, a key employee of Defendants, was domiciled in Florida as well. In addition, Defendants have offices and conduct business in California, and Plaintiff's misappropriated works are read or viewed by people in all 50 states.

435. The "Fox Defendants" (i.e., Fox Corporation, Fox News Media, Fox News Network LLC, Lachlan Murdoch, Suzanne Scott, Justin Wells, Blake Neff, Charles Gasparino, Fox Business Network, and Brian Jones) are all equally liable in this cause of action. The corporations employed and still employ the individuals who committed the illegal acts. By respondeat superior, *inter alia*, the corporations are liable. The individual defendants either directly caused the actions or were supervisors with fiduciary duties to be aware of their employees (or "agents" in agency theory) who committed the acts. Moreover, beyond legal

theory, Plaintiff notified corporate offices many times over many years of the individuals' bad acts. The CEO's should have been and were aware. The same applies to the "News Corp" defendants (i.e., News Corporation, Dow Jones, The Wall Street Journal, and Gerard Baker).

436. The evidence of contracts existing between WABC radio and Plaintiff, and Rudy Giuliani and Plaintiff, that were then breached, is strong. However, should a jury find that Plaintiff did not have a contract of some form with WABC radio and Giuliani, then those matters would fall under the sixth cause of action: "prospective economic advantage".

437. In addition to the WABC radio and Giuliani matters above, Plaintiff believes several other prospective business contract relationships were sabotaged by Defendants' blacklisting efforts.

438. One America News Network (OANN) and owner Charles Herring have been in email and phone communications for years. Detailed above, Herring has used Plaintiff essentially as a producer on stories and once as a guest on their TV programming (after Plaintiff helped Herring on a request).

439. Those actions are evidence of a good relationship between OANN and Plaintiff.

440. Those actions are also evidence of either an implied-in-fact contract or a prospective likely contract with Plaintiff. Herring speaks to Fox Defendants and Fox Defendants likely saw Plaintiff on OANN as a guest. Ergo, Fox Defendants likely knew that Plaintiff was working with OANN and knew of the contract.

441. However, strangely, there has been an unwillingness by OANN and Herring to have Plaintiff on the air. Mr. Herring is comfortable with emailing Plaintiff and asking for his help, but he is not comfortable in having Plaintiff on the air for others in the media, such as Fox News defendants, to see the relationship.

442. That is behavior consistent with OANN being chilled by a blacklisting effort. A reasonable jury would find that to be enough evidence to advance this case into the discovery stage in order to question Herring and others under oath.

443. Likewise, Newsmax employees have eagerly interacted with Plaintiff off the air. Sam Moser appeared to value Plaintiff's suggestions and even introduced him to senior producer, Bruce Backman, and their Humanix publishing division. Those actions are evidence of either an implied-in-fact contract or a prospective contract with Plaintiff.

444. However, like OANN, Newsmax too has ignored Plaintiff's publicist's efforts to book him as a TV guest or publish his books. That is behavior consistent with Newsmax being chilled by a blacklisting effort. A reasonable jury would find that to be enough evidence to advance this case into the discovery stage in order to question Newsmax under oath.

445. There was no justifiable reason for Fox Defendants to speak to Newsmax about Plaintiff for any reason, and certainly not to defame him.

446. Due to the nexus of former Fox employees, who are numerous now at Newsmax, and Fox Defendants, the contract between Plaintiff and Newsmax was known to Fox Defendants.

447. Defendants used wrongful means (i.e., used fraud, misrepresentation, and undue economic pressure) to prevent lucrative contracts between Plaintiff and other media companies from being finalized when they misrepresented Plaintiff as a bad person.

448. The evidence is strong that Defendants defamed Plaintiff. When the News Corp defendants stated to their third-party security company that Plaintiff was a threat, they committed *per se* defamation. When Fox News defendants and their Charlie Gasparino reported Plaintiff to the FBI, they committed *per se* defamation. When Newsmax's Sam Moser, a former Fox News employee, stated that Plaintiff was a "nut", he likely got that impression from Fox Defendant's

defamatory statements, *inter alia*. When Plaintiff's publicist, Mr. Fitzgibbon, received strong interest in his blast email pitches on behalf of Plaintiff, but then could not boo Plaintiff on a single show, that is strong evidence of the effects of a blacklisting effort that has gone on for more than a decade.

449. By Fox Defendants sabotaging the relationship Plaintiff had with Newsmax and also breaching the contract between Newsmax and Plaintiff, they caused compensatory and consequential damages. Every appearance on Newsmax would have opened other doors in media.

450. Defendants' blacklisting schemes have injured the reputation of Plaintiff and his businesses. Before the backlisting, Plaintiff was able to book interviews with the largest celebrities in the world, such as members of the rock band The Who or high-level politicians and executive branch officials (see montage of the best interviews on Plaintiff's Healthcare Channel⁷²). However, over the last decade or so, Plaintiff has been unable to book any interviews of that caliber. Plaintiff's radio talks in 2020 were the first time he had been allowed any voice in the media, and Defendants promptly and maliciously quashed that.

451. In the Charlie Gasparino sections above, he unequivocally states in writing, multiple times, that Plaintiff had been blacklisted by Defendants when his supervisors banned Plaintiff from the New York headquarters/studios for no known reason.

452. Gasparino, representing all Fox Defendants, described Plaintiff as being banished to the Siberia of the media world. Gasparino made a full admission to the defamation that was intended to prevent Plaintiff from doing work in media.

453. In other sections above, ample circumstantial evidence shows that Defendants are

⁷² <https://thehcc.tv/2021/02/10/the-healthcare-channel-hits-10/>

still engaging in this backlisting by chilling radio stations, Rudy Giuliani, Newsmax TV, Humanix publishing, *inter alia* from using Plaintiff as a media source, and by refusing to promote or publish Plaintiff's books. The recent sudden demise of Plaintiff's radio career is just the latest example of harm to Plaintiff from Defendants' backlisting conspiracy.

454. Plaintiff's books were quashed from reaching the mainstream market when Defendants, such as Tucker Carlson or other Fox News shows, refused to promote them, as part of the blacklisting efforts. Publishing divisions owned by News Corp also refused to publish Plaintiff or give book reviews in their newspapers. Those actions had consequential effects on other media outlets.

455. Consistent with the very nature of blacklisting, Plaintiff has circumstantial evidence that other media companies obeyed the industry peer pressure to not use Plaintiff as well. There is no other likely explanation for Newsmax TV or One America News Network not assisting Plaintiff with book promotions or using his novel news story ideas. Plaintiff has consistently been a popular guest on TV for decades. There is no other likely explanation for the heads of WABC (770 AM) radio station to have suddenly done a 180-degree reversal from planning to have Plaintiff run his own show to going radio-silent on him (which occurred before Plaintiff issued a cease and desist).

456. Plaintiff has been popular with radio, TV, and print consumers. The long list of media interviews on GreerJournal.com support that assertion. A jury viewing those past media appearances would agree. Indeed, the largest Hollywood talent agents have represented Plaintiff before the blacklisting began. It is not easy to obtain a talent agent of any kind.

457. Plaintiff could easily have had by now a thriving multi-media empire. Examples of the upper limits of that potential are Howard Stern or the late Rush Limbaugh. The damages

caused by the malicious actions of Defendants is no less than \$1 Billion, based on the market value of similar media companies and the net worth of those owners.

458. While some of the Defendants' tortious interference occurred more than six-years ago, such as the Jennifer-Strasburg/WSJ/News-Corp incidents, they are all part of the ongoing pattern that is still occurring to this day. The statute of limitations has not expired on them.

**Seventh Cause of Action: Intentional Infliction of Emotional
Distress**
(common law)

459. Plaintiff repeats, re-alleges, adopts and incorporates each and every allegation contained in Paragraphs 1 through 355.

460. This Court has leeway to use common law and statutes from multiple states given the diversity of the parties. Plaintiff was domiciled in Florida when many of the causes of action transpired. Tucker Carlson, a key employee of Defendants, was domiciled in Florida as well. In addition, Defendants have offices and conduct business in California, and Plaintiff's misappropriated works are read or viewed by people in all 50 states.

461. The "Fox Defendants" (i.e., Fox Corporation, Fox News Media, Fox News Network LLC, Lachlan Murdoch, Suzanne Scott, Justin Wells, Blake Neff, Charles Gasparino, Fox Business Network, and Brian Jones) are all equally liable in this cause of action. The corporations employed and still employ the individuals who committed the illegal acts. By respondeat superior, *inter alia*, the corporations are liable. The individual defendants either directly caused the actions or were supervisors with fiduciary duties to be aware of their employees (or "agents" in agency theory) who committed the acts. Moreover, beyond legal theory, Plaintiff notified corporate offices many times over many years of the individuals' bad acts. The CEO's should have been and were aware. The same applies to the "News Corp" defendants (i.e., News Corporation, Dow Jones, The Wall Street Journal, and Gerard Baker).

462. Defendant Charlie Gasparino acted by threatening Plaintiff via email with the ominous force of the Federal Bureau of Investigations and claimed that his supervisors were routinely updating the FBI on Plaintiff's actions.

463. The head of security for Fox-related defendants, Clifford Cid, was monitoring emails from Plaintiff to Fox legal. Plaintiff's name had been placed in the security computer system for the lobby staff to be warned about him if he entered the building. Plaintiff's books were not allowed past the mail room security screening process.

464. However, even if that is not what actually happened and Gasparino was merely

bluffing, then Gasparino still inflicted emotional distress upon Plaintiff out of anger during an angry impulse email exchange.

465. All of this is evidence that Defendants were in fact leveraging relationships with active FBI and retired police who work for security companies in order to taunt and emotionally distress Plaintiff.

466. As a result of the Gasparino threats, Plaintiff spent hundreds of hours preparing this complaint, among other things, due to the emotional distress. Plaintiff rarely leaves the house, and suffers from chronic inflammation affecting his gastrointestinal system.

467. Those were extreme and outrageous acts committed intentionally to scare Plaintiff and cause emotional distress. They succeeded. Plaintiff's emotional distress has continued for more than a year after the acts, manifested in thousands of hours of *pro se* litigation, Plaintiff's withdrawal from society, sleep loss, and intestinal inflammation.

468. By doing so, they committed the tort of intentional infliction of emotional distress.

Eighth Cause of Action: Violation of California Bus. & Prof. Code, § 17200, et seq (unfair competition law)

469. Plaintiff repeats, re-alleges, adopts and incorporates each and every allegation contained in Paragraphs 1 through 355, inclusive as though fully set forth herein.

470. This Court has leeway to use common law and statutes from multiple states given the diversity of the parties. Plaintiff was domiciled in Florida when many of the causes of action transpired. Tucker Carlson, a key employee of Defendants, was domiciled in Florida as well. In addition, Defendants have offices and conduct business in California, and Plaintiff's misappropriated works are read or viewed by people in all 50 states.

471. The "Fox Defendants" (i.e., Fox Corporation, Fox News Media, Fox News Network LLC, Lachlan Murdoch, Suzanne Scott, Justin Wells, Blake Neff, Charles Gasparino, Fox Business Network, and Brian Jones) are all equally liable in this cause of action. The corporations employed and still employ the individuals who committed the illegal acts. By respondeat superior, *inter alia*, the corporations are liable. The individual defendants either directly caused the actions or were supervisors with fiduciary duties to be aware of their employees (or "agents" in agency theory) who committed the acts. Moreover, beyond legal theory, Plaintiff notified corporate offices many times over many years of the individuals' bad acts. The CEO's should have been and were aware. The same applies to the "News Corp" defendants (i.e., News Corporation, Dow Jones, The Wall Street Journal, and Gerard Baker).

472. The Unfair Competition Law ("UCL") prohibits any unlawful, unfair, and fraudulent business acts and practices.

473. Defendants violated, and continue to violate, the UCL by engaging in the following unlawful business acts and practices: A) Unfair Competition by Misappropriation; B) Unjust Enrichment; C) Misappropriation of "Hot News"; D) Engaging in retaliatory harassing

and malicious defamatory conduct, which provides no benefit to competition, such that Plaintiff has been substantially injured in his profession and career; E) Tortious Interference with Contractual Relations; F) Interference with Prospective Economic Advantage; and G) Intentional Infliction of Emotional Distress, all of which have been detailed in the other causes of actions.

474. Defendants violated, and continue to violate, the UCL by engaging in the following unfair business acts and practices: A) Unfair Competition by Misappropriation; B) Unjust Enrichment; C) Misappropriation of “Hot News”; D) Engaging in retaliatory harassing and malicious defamatory conduct, which provides no benefit to competition, such that Plaintiff has been substantially injured in his profession and career; E) Tortious Interference with Contractual Relations; F) Interference with Prospective Economic Advantage; G) Intentional Infliction of Emotional Distress, all of which have been detailed in the other causes of actions.

475. Detailed in the causes of action, Defendants’ business practices are unfair because they are immoral, unethical, oppressive, unscrupulous or substantially injurious to consumers.

476. Defendants violated, and continue to violate, the UCL by engaging in the fraudulent business acts and practices of misappropriating Plaintiff’s works and portraying to their viewers and readers as their own work. By doing so, they likely deceived the public, which is fraudulent per this California statute.

477. Defendants gained an economic benefit from their unfair competition. They avoided paying Plaintiff millions of dollars in salary. Also, Plaintiff’s high-quality work that they misappropriated increased their brand and viewership, which translated into higher advertising revenues.

478. Plaintiff has suffered in injury in fact from Defendants’ unfair competition. As detailed above in the other causes of action, Plaintiff has lost actual and prospective lucrative

media contracts, lost the consequential benefits of being in the media, lost the value of his “hot news” works, lost revenue from books, had his reputation destroyed by the defamation, and incurred emotional distress.

479. Plaintiff did not discover, and had no reason to discover, the unlawful, unfair, and fraudulent business practices until recently. Previous actions by Defendants were reasonably assumed to have been no longer ongoing matters that were still harming Plaintiff. In fact, to his shock, the conspiracies and schemes never stopped.

480. Unless restrained by this Court, Defendants will continue to pursue their campaign of unfair competition.

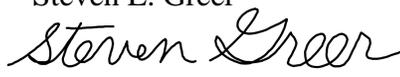
Prayer for Relief

WHEREFORE, Plaintiff Steven Greer prays for the following:

- A. Damages, including general and special damages, in an amount not less than **\$1 Billion (\$1,000,000,000)**, to be determined at trial;
- B. Punitive damages;
- C. Restitutionary disgorgement;
- D. An order enjoining Defendants from engaging in further retaliatory conduct toward Dr. Greer;
- E. An injunction requiring Defendants to cease engaging in unfair competition;
- F. An injunction requiring Defendants to announce publicly on their media platforms that they have been using Plaintiff's work without giving him credit;
- G. An injunction requiring Defendants to promote Plaintiff's books and other works on their media platforms;
- F. Prejudgment interest;
- G. Costs to the extent provided for by law, including attorney's fees as provided by statute; and
- H. An order awarding Dr. Greer such other and further relief as the Court deems just and proper.

Signed this 26th day of February, 2021

Steven E. Greer



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