

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

ROSLYN LA LIBERTE,

Plaintiff,

v.

JOY REID,

Defendant.

JURY TRIAL DEMANDED

Civil Action No. _____

ECF Case

COMPLAINT FOR DEFAMATION

Plaintiff Roslyn La Liberte, by her attorneys L. LIN WOOD, P.C. and OLASOV, LLP, for her Complaint for Defamation (“Complaint”) against Defendant Joy Reid, respectfully alleges as follows:

INTRODUCTION

1. Defendant Joy Reid (“Reid”) is a nationally known political commentator and reporter for MSNBC and has been described as the network’s “new star.”¹ She is the host of “AM Joy,” a show that is reportedly broadcast to more than a million viewers on Saturdays and Sundays from 10 a.m. to 12 p.m. She is also the host of the “AM Joy Podcast.” She is extremely popular on social media – at the time these events occurred she had some 1.24 million Twitter followers, 96,600 Instagram followers, and 206,400 Facebook followers.

2. Reid used her substantial social media presence, fame, and reputation as a hard-hitting journalist to publish to her many followers that Plaintiff Roslyn La Liberte (“La Liberte”) screamed abhorrent racial slurs at a fourteen (14) year old boy.

¹ See How Joy Reid Took on Trump and Became MSNBC’s New Star, <https://variety.com/2017/tv/features/msnbc-joy-reid-trump-1202578662/> (last visited Sept. 7, 2018).

3. Reid's accusation that La Liberte screamed racial slurs at the boy in the photograph are false.

4. Both the young man and his mother confirmed contemporaneously and afterwards that La Liberte was being "civil." A video of the interaction, showing La Liberte hugging the young man, and he hugging her back, while his mother states twice that "they are having a civil conversation," is available here: <https://www.youtube.com/watch?v=oqLoTK2ZjKw> (last visited August 29, 2018).

5. An interview of the young man confirming that La Liberte did not utter any racial slurs and was otherwise civil to him is available here: <http://www.foxla.com/news/local-news/people-online-twist-the-real-story-behind-photo-of-woman-yelling-at-boy> (last visited August 29, 2018). He states, among other things, that he "felt like [La Liberte] was still trying to keep it civil which I appreciate"; "she was being civil"; and "[s]he doesn't deserve it because she was giving her opinion at a place where everyone should be able to say their peace."

6. Reid made her false accusations for the improper purpose of advancing her own professional and political agenda at the expense of La Liberte's reputation and privacy.

7. Indeed, Reid has a demonstrable, extreme, and well-publicized bias against President Donald Trump, his supporters, and the Republican Party. Reid has been described as the "heroine of the resistance to" President Trump's leadership. Much of her previous reporting has focused on race. She authored *Fracture: Barack Obama, the Clintons, and the Racial Divide*, and she reportedly teaches a class at Syracuse University exploring race and the media. She has said she "should have known then that Trump would win" when she heard "a white woman on the elevator praising Mr. Trump for his anti-immigration stance."²

² See <https://www.nytimes.com/2018/02/10/style/joy-reid-msnbc.html> (last visited Sept. 6, 2018).

8. La Liberte is a private citizen who appeared at a June 25, 2018, Simi Valley, California, City Council meeting as a concerned citizen for the purpose of expressing her views on California's sanctuary law. La Liberte was wearing a "Make America Great Again" hat at the time.

9. "People don't just want to disagree with the people they disagree with," Reid has said. "They want to destroy them."³ Reid reportedly addresses "fake news" in her class at Syracuse, stating that it is a "dangerous concept" where "something is 'true' because you like it" but "fake" if it "is in opposition to your ideology."⁴

10. Reid set out to destroy La Liberte because she disagrees with La Liberte's MAGA hat and the beliefs Reid ascribes to those wearing that hat conflict with her ideology.

11. More specifically, after first retweeting that La Liberte "needs to be put on blast," Reid published without any basis in fact that La Liberte showed up "to a rally" and "screamed" at a young man of fourteen (14) years that he is "going to be the first deported . . . dirty Mexican!" A few days later and despite the fact that the young man previously and publicly denied Reid's account of events, Reid openly compared La Liberte's alleged conduct to racism during the Jim Crow era, stating, in part: "History sometimes repeats. And it is full of rage."

12. Reid made up out of whole cloth the accusation that La Liberte screamed racial slurs at a minor. Reid was not present at the City Council meeting. In fact, based on her own publications, Reid appears to have cared so little for the truth that she was not even aware that the interaction occurred at a City Council meeting, not a political "rally." Moreover, Reid, a

³ *See id.*

⁴ *See id.*

national journalist, had not a single source to support her malicious claim that La Liberte screamed racial slurs at a minor while discussing immigration policy.

13. Alongside Reid's posts is an out-of-context photograph of La Liberte appearing to show La Liberte grabbing her throat while speaking to the young man. In fact, anybody who cares to look closely at this photograph will see that La Liberte is not even looking at that young man in the photo. The young man's mother is standing right next to La Liberte, the same mother who contemporaneously confirmed that La Liberte and her son were having a civil conversation. Moreover, the split instant in the photograph does not represent the mannerism demonstrated by La Liberte nor the context of her mannerism.

14. Unfortunately, despite Reid thrusting her false accusations in front of the eyes of her approximately 1.5 million social media followers and onto the pages of many media publications, the video showing the truth of this interaction has been viewed just four hundred and forty-five (445) times as of August 29, 2018.

15. Instead, Reid's stated intent in tweeting about La Liberte came to fruition: social media put La Liberte "on blast." Amongst hundreds if not thousands of hate messages⁵ La Liberte received – including via telephone, text, hard mail, and e-mail – were threats on her life. Attached hereto as Exhibit 1 are representative examples of hate messages via e-mail and mail.

16. By way of example only, the following are excerpts from e-mails sent to La Liberte in the immediate aftermath of Reid's accusations:

⁵ The constant communications quickly became too much to handle. In the immediate aftermath following Reid's posts, those close to La Liberte sought to protect her by deleting the hate messages. La Liberte was further forced to change her contact information in order to stop the harassment, and she lost the data from her cell phone at that time as a result. La Liberte was able to save nearly five hundred (500) e-mails and voicemails.

- a. “YOU ARE A DISGRACE. I WISH YOUR CHILDREN WERE RIPPED FROM YOU SO YOU COULD UNDERSTAND THE PAIN. . . . You are a dirty white woman b***h.”
- b. “Dear racist b***h! It seems like your old poor evil soul never left the Hitler era . . . What a waste, what an embarrassment, what a disgrace of the human kind to have people like you in this world.”
- c. “You’re the kind of White Trash that should be dragged into the Town Square & flogged. Your tongue should be cut out. LEAVE THIS COUNTRY – you are an ABSOLUTE DISGRACE!!”
- d. “I’m glad everyone in the entire world knows what a racist piece of s**t you are f**k you a*****e.”
- e. “Want Out? Your life is probably becoming a living hell and you don’t know how to handle it. I can offer a way out.”
- f. “You’re a worthless human being. Go kill yourself.”
- g. “The best way to make America great again is to tar and feather sluts like you and ride them out of the country on a rail!”
- h. “Racist c**t! Who the f**k do you think you [a]re? You’re sick and twisted c**t & you’ll end up in hell after you die.”
- i. “Ur a disgusting human being and if it wasn’t for ur voicemail being full u would hear the best of me. U know what would make America great again is if racist a** b***hes like u went the f**k back to Europe where u came from get educated learn ur history know where u white pple came from.. you murdered and slaughtered pple from their land took their homes and families. This world will be a better place I will remember ur face if I ever see u I will spit in ur face c**t”

(Profanity censored).

17. Unfortunately, La Liberte cannot forget where she came from: her Iraqi grandparents immigrated to Indonesia, where her parents were captured by the Japanese and sent to labor camps during World War II.

18. By way of example only, the below is a voicemail received by La Liberte in the aftermath of Reid’s accusations:

Yeah I was just wondering if you dumb f**king racist c**t was gonna be actually building a wall to Mexico or not. Has Trump asked you to help out with that or are

you just kind of taking things into your own hands? You know the next time you want to yell at a f**king teenager why don't you come on over and yell at me cause I'm a grown a** man and guess what I'm not gonna f**king take it. I will smack you upside you're f**king head you stupid fucking c**t. Eat a d**k you stupid f**king heartless b***h.

(Profanity censored).

19. These hate messages “put [La Liberte] on blast” and had their desired effect on La Liberte. She was terrified.

20. La Liberte did nothing more than appear at a democratic forum to share her opinion on the hotly contested issue of the California’s sanctuary state status. Reid used her megaphone as a national celebrity to falsely paint La Liberte as the face of racism in America.

21. Due, in part, to Reid’s position as a nationally known journalist, her show’s rising ratings, and her status as the most tweeted-at personality at MSNBC, Reid’s posts accomplished their purpose: a wide spectrum of her followers and other viewers believed Reid’s false accusations as demonstrated by the hate messages and Reid’s followers’ attacks on La Liberte.⁶

PARTIES, JURISDICTION, AND VENUE

22. La Liberte resides in California.

23. Reid is a resident of this District who may be served with process at her personal residence in Kings County or the offices of MSNBC in New York County, where she is a host and national political correspondent.

24. La Liberte and Reid are citizens of different states and the matter in controversy between them exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

⁶ <https://www.poynter.org/news/twitter-reveals-kings-and-queens-newsroom-tweets> (last visited Sept. 6, 2018).

25. La Liberte's damages greatly exceed the statutory minimum of \$75,000.00 required to obtain jurisdiction in this matter, which amount does not represent the full value of the damages suffered by La Liberte.

26. This Court has jurisdiction of this civil action pursuant to 28 U.S.C. § 1332(a)(1).

27. La Liberte suffered the injuries alleged herein in the State of New York, as well as on a national basis.

28. Reid published the false and defamatory accusations referenced herein from the State of New York as well as in the State of New York by issuing the accusations on the Internet with the knowledge and expectation that same would be republished by the media due to the national controversy regarding immigration policies.

29. This Court has personal jurisdiction over Reid, including both specific and general jurisdiction.

30. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)(1)-(2).

FACTUAL BACKGROUND

31. La Liberte is a private citizen and a private figure for the purposes of this defamation action.

32. La Liberte is the founder and President of her own small business.

33. La Liberte is passionate about this country's immigration policies.

34. La Liberte is a child of immigrants. Her parents immigrated to the United States from Indonesia, where they were both captured by the Japanese during World War II.

35. On June 25, 2018, La Liberte attended a Simi Valley, California City Council meeting to provide her opinion on California's sanctuary law (the "City Council Meeting").

36. There were hundreds of people at the City Council Meeting, many of whom shared their opinion on the immigration policy at issue one at a time. This was the purpose of the City Council Meeting.

37. La Liberte was one of those individuals. The comments she made during her appearance at the City Council Meeting are not the subject of Reid's attack on La Liberte. In fact, it is unknown at this time whether Reid ever bothered to review those comments, which are publicly available on the internet.⁷

38. Rather, Reid's false and defamatory accusations concern statements she attributed to La Liberte that La Liberte never uttered. Reid's accusations concern racial slurs; not California's status as a sanctuary state or the City Council Meeting.

39. During an official break of the City Council Meeting, a fourteen (14) year old young man approached La Liberte to discuss with La Liberte her stance on the subject policy. The first thing he asked was if La Liberte was in favor of separating children from their parents at the border. La Liberte immediately advised that her own parents witnessed separation of families for three years when they were held prisoner in Indonesia by the Japanese during World War II, and that La Liberte would never be in favor of such a policy.

40. During the interaction, an out-of-context photo of La Liberte was taken during her interaction with the young man. That image may be found here:

<http://www.foxla.com/news/local-news/people-online-twist-the-real-story-behind-photo-of-woman-yelling-at-boy> (last visited August 29, 2018).

⁷ See http://simivalley.granicus.com/MediaPlayer.php?view_id=5&clip_id=2102, minute marker 04:17:45-04:19:57 (last visited Sept. 7, 2018).

41. On June 28, 2018, a teenage social media activist named Alan Vargas, also with a demonstrable political bias and agenda, tweeted the photograph with the following description:

“You are going to be the first deported”
“dirty Mexican”

Were some of the things *they yelled* they yelled [sic] at this 14 year old boy. He was defending immigrants at a rally and was shouted down.

Spread this far and wide this woman needs to be put on blast.

(Emphasis added).

42. On June 29, 2018, Reid retweeted Mr. Vargas’s initial tweet to her approximately 1.24 Million followers and to the world. A copy of this tweet is attached hereto as Exhibit 2.

This post is hereinafter referred to as the “June 29 Twitter Post.”

43. At the time Reid retweeted Mr. Vargas’s tweet, it had not received much attention. After Reid used her megaphone to rebroadcast Mr. Vargas’s tweet, it went viral.

44. Instead of a politically biased seventeen-year-old social media activist whose posts reveal his obvious bias, the June 29 Twitter Post came from a nationally recognized journalist.

45. Objective readers interpreted Reid’s retweet as accusing La Liberte of being one of those who screamed racial obscenities at a minor during the City Council Meeting.

46. La Liberte did no such thing, and to the extent such slurs were uttered at all, it was not by her. La Liberte cannot dispute that a slur may have been uttered to this young man because she was nowhere near the young man for the first few hours of the City Council Meeting. After a few hours passed during the meeting, a seat had opened up near the young man and La Liberte sat down. However, the young man’s mother stated at minute marker 01:05:05

that someone else in the crowd had uttered a racial slur at the young man, meaning that it occurred long before La Liberte's interaction with the young man.⁸

47. These racial statements to this young man are reprehensible, and they do not reflect La Liberte or her views.

48. On June 29, 2018, Reid published to her approximately 96,600 Instagram followers and the world as follows:

He showed up to rally to defend immigrants. ... She showed up too, in her MAGA hat, and screamed, "You are going to be the first deported" ... "dirty Mexican!" He is 14 years old. She is an adult. Make the picture black and white and it could be the 1950s and the desegregation of a school. Hate is real, y'all. It hasn't even really gone away.

A copy of this Instagram post is attached hereto as Exhibit 3. This post is hereinafter referred to as the "June 29 Instagram Post."

49. Reid was the very first individual to put the alleged words – "you are going to be the first deported" you "dirty Mexican" – in La Liberte's mouth. Mr. Vargas had specifically stated that "they" yelled those slurs at the young man.

50. Despite Reid's status as a national source for political news, she issued her June 29 Twitter Post with the entirely unreliable Alan Vargas tweet as her sole source and made her June 29 Instagram Post without any source at all.

51. Reid performed no investigation whatsoever before leveling these accusations against La Liberte. Upon information and belief, Reid did not even know where the purported interaction occurred.

52. Also on June 29, 2018, Fox 11 in Los Angeles interviewed the young man and published an article and the video interview wherein the young man confirmed that La Liberte

⁸ *See id.*

“was being civil.” See <http://www.foxla.com/news/local-news/people-online-twist-the-real-story-behind-photo-of-woman-yelling-at-boy> (last visited August 29, 2018).

53. On June 30, 2018, La Liberte’s son e-mailed to Reid a link to the interview of the young man rejecting Reid’s false accusations and further advised Reid that her accusations were false and were causing others to harass La Liberte and her family. A copy of said e-mail is attached hereto as Exhibit 4.

54. On July 1, 2018, La Liberte’s son e-mailed Reid again providing a link to another article expressly stating that Reid had falsely accused La Liberte. See Ex. 4.

55. La Liberte’s son also posted the Fox 11 article to Reid’s social media, but since Reid’s posts have since been taken down, this has not yet been located.

56. Despite the truth being at her fingertips, on July 1, 2018, Reid published via Facebook and Instagram the following post with an image of La Liberte in her MAGA hat in 2018 alongside an image of alleged racism during the Jim Crow era:

It was inevitable that this image would be made. It’s also easy to look at old black and white photos and think: I can’t believe that person screaming at a child, with their face twisted in rage, is real. B[ut] every one of them were. History sometimes repeats. And it is full of rage. Hat tip to @joseiswriting. #regram #history #chooselove

A copy of the July 1 Instagram post (the “July 1 Instagram Post”) is attached hereto as Exhibit 5.

A copy of the July 1 Facebook post (the “July 1 Facebook Post”) is attached hereto as Exhibit 6.

The June 29 Twitter Post, June 29 Instagram Post, July 1 Instagram Post, and July 1 Facebook Post are collectively referred to herein as the “Publications.”

57. On July 2, 2018, La Liberte’s counsel delivered a retraction demand via e-mail to Reid at 4:15 p.m. and demanded that she delete her posts and apologize to La Liberte by 6:00 p.m. that night. A copy of said retraction demand is attached hereto as Exhibit 7.

58. By 7:25 p.m. on July 2, 2018, Reid — apparently recognizing that her accusations against La Liberte were false — had taken down the False Publications and issued the following statement alongside a link to the Fox 11 article via her social media platforms:

It appears I got this wrong. My apologies to Mrs. La Liberte and Joseph.

A copy of said post is attached hereto as Exhibit 8.

59. Even Reid’s supposed “retraction” was evasive and equivocal. She failed to state what “this” is and what she got “wrong.” She included the word “appears” to avoid commitment to the truth.

60. In the days following Reid’s Publications, La Liberte experienced an avalanche of hate messages via telephone, text, e-mail, and snail mail. *See, e.g.*, Exhibit 1.

61. Due to Reid’s failure to unequivocally admit falsity, and to hold Reid accountable for the reputational and emotional damage she caused, La Liberte is forced to bring this action in Court.

CAUSE OF ACTION FOR DEFAMATION

62. La Liberte reasserts and incorporates by reference paragraphs 1 through 61 of this Complaint as if fully restated herein.

63. As set forth above and below, Reid falsely accused La Liberte of yelling racial slurs at a minor at the June 25, 2018, Simi Valley City Council Meeting.

64. In her June 29 Twitter Post, Reid conveyed that La Liberte was among those who yelled racial slurs at a minor.

65. In her June 29 Instagram Post, Reid falsely published the accusation that La Liberte, herself, screamed racial slurs at a minor during a discussion surrounding the deportation of immigrants.

66. Reid's July 1 Instagram Post and July 1 Facebook Post further accused La Liberte of making those racist statements and of being a racist.

67. La Liberte did not make any racist comments or slurs to anyone at the City Council Meeting, including the particular young man claimed by Reid.

68. In particular, La Liberte was not screaming at, or making racial slurs to, the young man in the photograph published by Reid on Twitter, FaceBook, and Instagram.

69. Racism and immigration are hot button topics in America. Racism is universally reprehensible.

70. The false and defamatory gist of the Publications is that La Liberte is a bigoted racist.

71. La Liberte is not a racist.

72. Reid issued her Publications via social media to the world.

73. Reid issued her Publications to third parties without privilege.

74. As the natural and foreseeable consequence of her actions, Reid knew and intended that her Publications would be republished by others, including media outlets and others on social media.

75. La Liberte is a private figure plaintiff for purposes of this defamation action.

76. La Liberte has lived a private life outside of the public eye.

77. Although La Liberte appeared at a public forum to discuss a public issue – California's sanctuary law – an accusation of racial slurs to a minor that never occurred is not germane to the public controversy in which she inserted herself: California's sanctuary status.

78. As demonstrated by media reports and social media posts, Reid's accusations in her Publications were of and concerning La Liberte. *See, e.g.*, Exhibits 1 and 8.

79. Reid negligently and maliciously issued the Publications.
80. Reid was not present at the City Council Meeting.
81. Reid lacked any credible source for the false and defamatory accusations made in the Publications.
82. Reid lacked any information that could form the basis for her false Publications.
83. Because Reid made up the claim that La Liberte shouted racial slurs at a minor, Reid had actual knowledge and recklessly disregarded that her Publications were false.
84. Reid failed to conduct any investigation whatsoever prior to issuing her false Publications.
85. As a source for news on a national scale, Reid knows the importance of verifying claims prior to publication but disregarded that knowledge in order to advance her own political and professional agenda.
86. Reid further had knowledge of falsity and recklessly disregarded the falsity of her Publications because she was expressly advised via social media and e-mail that her accusations were false but nevertheless continued to issue additional attacks on La Liberte.
87. Reid's false Publications are defamatory *per se*, and damages are therefore presumed to La Liberte as a matter of law.
88. Accusations of racist conduct are libelous on their face without resort to additional facts, and, as proven by this case, subject the accused to ridicule, hate, and embarrassment.
89. As a direct and proximate result of Reid's Publications, La Liberte has suffered public hatred, contempt, scorn, and ridicule, as well as emotional and economic damages.

90. La Liberte has experienced reputational damage and emotional distress as a result of Reid's false Publications.

91. La Liberte's reputation is so tarnished that Reid's false Publications resulted in hundreds, if not thousands, of hate messages to La Liberte. *See* Exhibit 1.

92. Those hate messages show the harm to La Liberte's reputation and caused additional emotional suffering to La Liberte, as well as her family.

93. As a result of Reid's false Publications, the public obtained La Liberte's home and business address and business name, and obtained access to La Liberte's business and personal phone, e-mail address, business website, and Facebook page. This is how La Liberte began receiving the hate messages. La Liberte was forced to change her cell number, make it unlisted, cancel her business website, change her e-mail address, and implement security measures at her home and business.

94. Terrified by the hate messages and embarrassed by the false Publications, La Liberte contacted the police to advise of the threats against her and purchased a wig to wear when appearing in public.

95. Reid acted with the improper and malicious purpose of advancing her own career and political agenda in total disregard of La Liberte's rights.

96. Reid dismissed the effect her false accusations would have on La Liberte in favor of her own gain.

97. Reid's actions were also born out of her personal animus and dislike of President Donald Trump, the Republican Party, and supporters of each, including those wearing MAGA hats.

98. Reid acted with common law malice in issuing the Publications.

99. Reid has a history of using the Internet to attack others, as well as issuing evasive apologies afterwards. *See, e.g.:*

(a) USA Today, *Joy Reid: 'I genuinely do not believe I wrote those hateful things'*, <https://www.usatoday.com/story/news/politics/2018/04/28/joy-reid-apology-no-evidence-hacking-msnbc/561244002/> (last visited Sept. 6, 2018);

(b) The Washington Post, *MSNBC stands by Joy Reid after new apology for controversial blog posts*, https://www.washingtonpost.com/lifestyle/style/msnbc-stands-by-joy-reid-after-new-apology-for-controversial-blog-posts/2018/06/01/5c327458-65c3-11e8-a69c-b944de66d9e7_story.html?noredirect=on&utm_term=.849df6b436bf (last visited Sept. 6, 2018);

(c) Fast Company, *The Internet Archive Rejects MSNBC host Joy Reid's claim that her old blog was hacked*, <https://www.fastcompany.com/40563570/the-internet-archive-rejects-msnbc-host-joy-reids-claim-that-her-old-blog-was-hacked> (last visited Sept. 6, 2018).

100. Reid's conduct was willful and demonstrates that entire want of care that raises a conscious indifference to consequences.

101. La Liberte is entitled to an award of punitive damages to punish Reid for her unlawful conduct and to deter her from repeating such conduct in the future.

102. La Liberte is further entitled to an award of all costs and attorneys' fees incurred in prosecuting this matter.

WHEREFORE, Plaintiff Roslyn La Liberte respectfully prays:

- (a) That judgment be entered against Reid for substantial compensatory damages in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00), same being the statutory minimum;
- (b) That judgment be entered against Reid for punitive damages in an amount shown to be reasonable and just under the evidence to punish Reid and deter her from repeating such conduct;
- (c) That La Liberte recover her reasonable attorneys' fees and expenses from Reid;
- (d) That all costs of this action be taxed to Reid; and
- (e) That the Court grant all such other and further relief that the Court deems just and proper.

Respectfully submitted this 25th day of September, 2018.

L. LIN WOOD, P.C.

By: /s/ L. Lin Wood

L. Lin Wood (*will seek admission pro hac vice*)

lwood@linwoodlaw.com

Nicole Jennings Wade (*will seek admission pro hac vice*)

nwade@linwoodlaw.com

G. Taylor Wilson (*will seek admission pro hac vice*)

twilson@linwoodlaw.com

1180 West Peachtree Street

Suite 2040

Atlanta, Georgia 30309

404-891-1402

404-506-9111 (fax)

OLASOV, LLP

By: /s/ David M. Olasov

David M. Olasov

(a Member of the Firm and of the Bar of this Court)

dolasov@olasov.com

485 Madison Avenue, 7th Floor
New York, New York 10022
212-588-0540
212-202-4840 (fax)

Attorneys for Plaintiff Roslyn La Liberte