

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

DR. ROBERT W. MALONE)
)
 Plaintiff,)
)
 v.)
)
 PETER R. BREGGIN, MD,)
 GINGER ROSS BREGGIN,)
 AMERICA OUT LOUD,)
 DR. JANE RUBY)
)
 -and-)
)
 RED VOICE MEDIA)
)
 Defendants.)
 _____)

Case No. 3:22-cv-63

**TRIAL BY JURY
IS DEMANDED**

COMPLAINT

Plaintiff, Dr. Robert W. Malone (“Plaintiff” or “Dr. Malone”), by counsel, pursuant to Rule 3 of the Federal Rules of Civil Procedure (the “Rules”), files the following Complaint against Defendants, Peter R. Breggin, M.D. (“Breggin”), Ginger Ross Breggin (“Ginger Breggin”), America Out Loud, Dr. Jane Ruby (“Ruby”) and Red Voice Media, jointly and severally.

Plaintiff seeks (a) compensatory damages and punitive damages in the total sum of **\$25,350,000.00**, (b) prejudgment interest on the principal sum awarded by the Jury from July 27, 2022 to the date of Judgment at the rate of six percent (6%) per year pursuant to § 8.01-382 of the Virginia Code (1950), as amended (the “Code”), and (c)

court costs pursuant to Title 28 U.S.C. § 1920 – arising out of Defendants’ defamation, defamation by implication and insulting words.

I. INTRODUCTION

1. Robert Malone is a licensed medical doctor living in Madison County, Virginia. He is a world-renowned scientist and expert in the field of mRNA technology. He was the leading contributor to the science exploited by Pfizer and other pharmaceutical corporations to create the alleged “vaccines” for the novel coronavirus (“COVID-19”). Beginning in July 2022, Defendants began to publish false statements, defamatory implications and insulting words about Dr. Malone in internet articles, podcast videos and via social media (Telegram and Twitter). Defendants falsely accused Dr. Malone of fraud, disinformation, dishonesty, deception, lying to the American public, lack of integrity, immorality and ethical improprieties. The gist of the defamatory statements and implications is that Dr. Malone lacks the character and is unfit to be a medical doctor and scientist. Defendants’ statements (*describe in haec verba* below) exposed Dr. Malone to public ridicule, scorn, and contempt, and severely prejudiced him in his profession and employment.

2. In this case, Dr. Malone seeks presumed damages, actual damages for injury to reputation (past and future), insult, pain and mental anguish (past and future), special damages, including lost income, career damage and impairment of future earnings capacity, and punitive damages as a result of Defendants’ statements and actions.

II. PARTIES

3. Dr. Malone is a citizen of Virginia. He is an internationally recognized scientist/physician and the original inventor of mRNA vaccination as a technology, DNA

vaccination, and multiple non-viral DNA and RNA/mRNA platform delivery technologies. He holds numerous fundamental domestic and foreign patents in the fields of gene delivery, delivery formulations, and vaccines: including for fundamental DNA and RNA/mRNA vaccine technologies. Dr. Malone has approximately 100 scientific publications with over 12,000 citations of his work (per Google Scholar with an “outstanding” impact factor rating). He has been an invited speaker at over 50 conferences, has chaired numerous conferences, and has sat on or served as chairperson on Health and Human Services (HHS) and Department of Defense (DoD) committees. He currently sits as a non-voting member on the National Institute of Health Accelerating COVID-19 Therapeutic Interventions and Vaccines (NIH ACTIV) committee, which is tasked with managing clinical research for a variety of drug and antibody treatments for COVID-19. [<https://www.nih.gov/research-training/medical-research-initiatives/activ>].

Dr. Malone received his medical degree from the Northwestern Feinberg School of Medicine. He completed the Harvard Medical School fellowship as a global clinical research scholar in 2016 and was scientifically trained at the University of California at Davis, the University of California at San Diego, and at the Salk Institute Molecular Biology and Virology laboratories. He has served as an assistant and associate professor of pathology and surgery at the University of California at Davis, the University of Maryland, and the Armed Forces University of the Health Sciences.

[<https://www.rwmalonemd.com/>]. Dr. Malone’s mission, as expressly disclosed on his website, is to ensure vaccine safety, make sure that children are protected, stop and/or limit harmful vaccine mandates, and identify and teach about life-saving treatments for COVID-19 and other pandemics. His goal is to save lives. Dr. Malone’s advocacy

started with his own experiences and concerns regarding the safety and bioethics of how the COVID-19 genetic vaccines were developed and forced upon the world. He discovered short-cuts, database issues, obfuscation and, frankly, lies told in the development of the Spike protein-based genetic vaccines for SARS-CoV-2. Personal first-hand experiences identifying, developing, and trying to publish peer-reviewed academic papers focused on drug repurposing and the rights of physicians to practice medicine, as well as what he has seen close colleagues go through, further influenced him in his mission. Finally, as unethical mandates for administering experimental “vaccines” to adults and children began to be pushed by governments (and private employers), his research into authoritarian control by governments that are being manipulated by large corporations (including finance, pharmaceutical, media and technology companies) influenced his changing world view. Prior to publication of the false statements and defamatory implications at issue in this case, Defendants were well-aware of Dr. Malone’s expertise, experience and mission. Defendants intentionally ignored Dr. Malone’s credentials and stature, and chose to impugn his standing in the medical and scientific communities. Defendants, *inter alia*, have undermined public confidence in Dr. Malone’s views and medical judgment, and have fraudulently and unjustly cast aspersions on his motives and associations.

4. Breggin and Ginger Breggin are citizens of New York. They are husband and wife. The Breggins own and operate a website, <https://breggin.com/>, on which they publish and advertise materials supportive of their view that America “is being taken down by a pack of bloodthirsty predators – frenzied over feasting upon the carcass of our great nation.” The Breggins produce and publish radio and internet shows, which they

use to broadcast false and defamatory statements to Virginia and elsewhere. The Breggins also help operate America Out Loud, a website dedicated to informing America “of the evil politics and machinations of the Marxist Left.” America Out Loud broadcast and published in Virginia the Breggins’ statements about Dr. Malone (described below).

5. Ruby is, upon information and belief, a citizen of Florida. Ruby claims that she “is a medical professional and a pharmaceutical drug development expert with over 20 years of experience in regulatory processes for drug approval with the FDA and the EMA.” [<https://drjaneruby.com/about/>]. Ruby produces and broadcasts the “Dr. Jane Ruby Show” on the Stew Peters Network to over 436,000 subscribers in Virginia and elsewhere. [<https://www.stewpeters.com/shows/>]. In addition to her Internet show, Ruby operates multiple social media accounts, including a Telegram account [<https://t.me/s/DrJaneRuby>], where she boasts 108,000 subscribers from Virginia and elsewhere, and a Gab account [<https://gab.com/drjaneruby>] with over 17,400 followers. Ruby uses her Internet show and social media accounts to broadcast false and defamatory statements into Virginia to subscribers and users who pay Ruby for her unlawful content. On October 3, 2022, for instance, Ruby republished false and defamatory statements about Dr. Malone in a 54:38 minute episode that she titled, “***Overcoming Psychopaths and Global Tyranny***”. [<https://rumble.com/v1miuec-live-7pm-overcoming-psychopaths-and-global-tyranny.html>]. Ruby and the Breggins know no bounds or decency. They attack and defame anyone and everyone who disagrees with their theories about a new world order and global predators. In this case, the Breggins and Rudy initiated a smear campaign against Dr. Malone because Dr. Malone supported the views of a Belgian psychologist named Mattias Desmet (“Desmet”).

6. Red Voice Media was founded in 2020 and is owned by Ray Dietrich and Zach Heilman, neither of whom is a citizen of Virginia. Ruby's false and defamatory statements at issue in this case were broadcast and published in Virginia by Red Voice Media. In addition to Ruby, Red Voice Media publishes the *Stew Peters Show*. A bounty hunter (alleged) turned internet podcaster, Stew Peters ("Peters") has accused Dr. Malone of being a "mass murderer" because Dr. Malone is an inventor of the mRNA technology that was used to create the COVID-19 "vaccines". During a February 2, 2022 show broadcast and published by Red Voice Media in Virginia, Peters stated, "Dr. Malone: All of the time that you're spending on these podcasts and TV shows, hours with Joe Rogan, even here on the Stew Peters show, are you spending any time in the lab inventing the reversal to the carnage that you helped to invent that is now destroying humanity and killing all kinds of unborn babies and such?" [<https://rumble.com/vtwkaf-live-400000-vaxx-abortions-j6-prisoner-live-from-dc-gulag-dr.-stella-hospit.html>]. Like Ruby, Peters and Red Voice Media have falsely accused Dr. Malone of working with the "CIA" to kill people around the world. Red Voice Media follows the format and style of InfoWars and Alex Jones, and profits from the publication of scandalous fake news about medical professionals and others, stories without factual basis designed solely to shock the audience and destroy the reputation of the target, in this case Dr. Malone.

III. JURISDICTION AND VENUE

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

8. Defendants are subject to specific personal jurisdiction in Virginia pursuant to Virginia's long-arm statute, § 8.01-328.1(A)(1), (A)(3) and (A)(4), as well as the Due Process Clause of the United States Constitution. Defendants transact business and engage in a persistent, continuous and ongoing course of conduct in Virginia. Defendants have minimum contacts with Virginia such that the exercise of personal jurisdiction over them comports with traditional notions of fair play and substantial justice and is consistent with the Due Process Clause of the United States Constitution. Defendants targeted a Virginia medical professional and used the internet and social media to direct false and defamatory statements to a Virginia audience. Dr. Malone's claims directly arise from and relate to Defendants' publication of false and defamatory statements in Virginia, where Dr. Malone suffered injury to his reputation. *Calder v. Jones*, 465 U.S. 783 (1984); *Keeton v. Hustler Magazine, Inc.*, 465 U.S. 770 (1984).

9. Venue is proper in this Court pursuant to Title 18 U.S.C. §§ 1391(b)(1) and (b)(2). The focus of the false statements, defamatory implications and insulting words is Virginia and key witnesses to Defendants' defamation and Dr. Malone's injuries reside in Virginia.

IV. STATEMENT OF MATERIAL FACTS

10. Within the past year, as part of a concerted effort to defame Dr. Malone and promote their own content, including the Breggin's book, *COVID-19 and the Global Predators: We are the Prey*, Defendants published a series of false statements and defamatory implications in Virginia of or concerning Dr. Malone, including the following:

- “Malone IS Dangerous. I knew from day one, this man is in the middle of every horrific thing that has happened to humanity. He is an operative running interference to keep this thing going. **This is well worth your time to WATCH THE ENTIRE INTERVIEW of Dr. Peter Breggin.**”
<https://t.me/PeterBreggin/86>
- “Beware of Malone pushing this previously obscure and out of nowhere, Belgian psychoanalyst, Mattias Desmet. The two of them pushing this fraudulent ‘mass formation psychosis’. It’s really designed to criminalize the general public and perpetuate Ernest people in the health freedom movement as conspiracy theorists.”
<https://t.me/DrJaneRuby/7164>
- “Robert Malone, campaigning around the world as a member of the health freedom movement, may be profoundly immersed in the Deep State of HHS, CDC, FDA, and Department of Defense. In the last five years, a period for which we have information, ending in 2017, Malone obtained and managed \$9.5 billion in government contracts. Now he is a member of the new NIH agency ACTIV which promotes the Great Reset by bringing together multiple powerful US agencies — from the NIH, FDA, CDC, and DoD with the Bill & Melinda Gates Foundation, and ultimately with a dozen of the top pharmaceutical companies, including Gilead, GlaxoSmithKline, Johnson & Johnson, Merck & Co., Inc., Moderna, Novartis, Novavax, Pfizer.”
<https://t.me/DrJaneRuby/7165>
- “Breggin makes some key points: Malone was never part of any freedom or liberty movement prior to the covid scam. In fact he’s the opposite. He’s admitted to voting for Obama and Hillary. And his connections and associations are 100% CIA/DOD/intelligence community. That’s NOT the origins of the Health freedom movement. And now he’s positioning himself as the ‘leader of the health freedom movement’ And posing as some sort of conservative freedom movement guru? NOT”.
<https://t.me/DrJaneRuby/7166>
- “The synonymous concepts of mass formation, mass hypnosis, and mass psychosis have an obvious damaging impact on the international health freedom movement and on the cause of liberty everywhere. These concepts take our eyes off the totalitarian global predators who are taking over and exploiting humanity. They restrain us from charging these predators with criminal conspiracy if we win the battle with them. The pernicious effects of the Desmet/Malone ideology came fully into light with the recent publication of Desmet’s The Psychology of Totalitarianism and Malone’s continuing efforts in support of mass psychosis.”
<https://breggin.com/Threats-from-the-Desmet-Malone-Mass-Formations-and-Mass-Psychosis>; <https://t.me/DrJaneRuby/7167>

- “Whether Desmet or Malone consciously intended it, their ideology has seriously harmful effects similar to a psyops — a psychological operation — aimed at paralyzing the health freedom movement and freedom movements worldwide.”
https://breggin.com/article-detail/post_detail/The-Desmet-Malone-Ideology-of-Mass-Psychosis-Blames-the-Citizens-and-Not-the-Global-Predators
- “The Desmet/Malone concepts are a dangerous smokescreen that blinds us to the real threat against all of us — organized totalitarian globalists.”
https://breggin.com/article-detail/post_detail/Mass-Formation-and-Mass-Psychosis-A-False-and-Dangerous-Concept-that-Threatens-Our-Freedom
- Dr. Malone is orchestrating a “psyop against the people”.
<https://rumble.com/v1j48gd-dr.-jane-ruby-show-mass-formation-psychosis-is-a-psyop-against-the-people.html>
- Dr. Malone is the “chief supporter” of Mattias Desmet, “a leading apologist for political mass murderers”.
<https://www.americaoutloud.com/psychotherapist-mattias-desmet-failed-to-report-his-own-mass-murderer-patient/>
- “Desmet and Malone’s [mass formation psychosis] concept deflect, discourage and undermine attempts to place the blame directly on global predators who have been committing mass murder under the guise of COVID-19.”
- Dr. Malone was “in the middle of” the “suppression of hydroxychloroquine”. Dr. Malone is engaged in deliberate “fraud” to “blind us to the predators”. “He’s a protector of the predators”.
<https://rumble.com/v1jn8xy-doctor-robert-malone-.html>
- Dr. Malone has “really got a conspiracy going with Mathias Desmet”. Mass formation psychosis has “no scientific basis at all Clay. Zero.” Dr. Malone’s goal is “blinding us to who is really the problem – the problem is empire builders”. Dr. Malone’s goal is to protect the “elite”, “the people in power”. “It’s a very serious accusation”.
<https://rumble.com/v1iiqxz-doctor-peter-breggin-dr.-breggin-asks-why-is-doctor-malone-a-partner-in-nih.html>
- Dr. Malone is part of the “Deep State” oppressors. Dr. Malone’s concept of mass formation psychosis is calculated to protect the “mass murderers of COVID-19.” Dr. Malone is a Hitler apologist and “excuser”: “Malone wake up to history”.
<https://rumble.com/v1k50qf-dr.-breggin-dr.-malone-and-dr.-desmet-are-part-of-the-deep-state-and-trying.html>

- Dr. Malone is responsible for the “COVID Plandemic” and has intentionally committed crimes against humanity. Dr. Malone is “weaponizing psychiatry” against the American public. <https://rumble.com/v114q4f-psychiatric-doctor-blasts-mrna-inventor-mass-formation-psychosis-blaming-yo.html>

(each a “Statement”, and collectively, the “Statements”).

11. The Statements are completely fabricated. The defamatory gist of the Statements is that Dr. Malone is a fraud, *i.e.*, that he is “controlled opposition”,¹ that he is misrepresenting himself, that he is really part of the cabal of “totalitarian global predators” who are taking over and exploiting humanity, that he is engaged in psychological operations on the American people, that he is engaged in a disinformation campaign, and that he is covering up a conspiracy by global elites to wipe out humanity.

12. The Statements represent an egregious attack on Dr. Malone’s character, experience, standing in the medical community and the truth. The Statements are materially false and unjustifiable. The qualities disparaged – Dr. Malone’s honesty, veracity, integrity, competence, judgment, morals and ethics as a licensed medical doctor – are peculiarly valuable to Dr. Malone and are absolutely necessary in the practice and profession of any medical doctor. Defendants ascribe to Dr. Malone conduct, characteristics and conditions, including misinformation, disinformation, and dishonesty, that adversely affect his fitness to be a medical professional and to conduct the business of a medical doctor.

13. On September 26, 2022, Dr. Malone served written notice advising that the Statements were false and defamatory. Dr. Malone demanded that the Statements be retracted and/or corrected and removed from the Internet. The Breggins and Ruby

¹ “Controlled opposition” is a person who pretends to oppose the establishment while covertly serving it.

refused to retract or to make any corrections. The Breggins and America Out Loud chose to increase Dr. Malone's damages by republishing the Statements. [See, e.g., <https://www.americaoutloud.com/dr-robert-malone-attacks-and-maligns-leading-freedom-fighters/>] ("Malone's Deep State connections, which enabled him to gather 10 billion dollars in grants in one five-year period, have almost certainly made him a multi-millionaire. Despite his wealth, which in some people produces humility and a desire to help, Malone wants to malign two men who continue to give so much to the freedom health movement and hamper their efforts to participate in an honorable and highly ethical business ... Malone's agenda goes beyond supporting the dangerous concept of 'mass psychosis.' It now appears that he is trying, one by one, to take down the leadership of the health freedom movement.")²

COUNT I – DEFAMATION

14. Dr. Malone restates paragraphs 1 through 13 of this Complaint, and incorporates them herein by reference.

15. Defendants made, published and republished numerous false factual Statements of and concerning Dr. Malone. These false Statements are detailed verbatim above. Defendants published the false Statements without privilege of any kind.

16. The Statements are materially false. Dr. Malone is not controlled opposition. He does not work for and has no connection to the CIA/DOD or the intelligence community. He is not an operative of any government or organization. He has never orchestrated a "psyop". Dr. Malone does not and never has supported totalitarian global predators. He does not and never has supported global predators who

² Breggin claims he is part of a "health freedom movement". In truth, Breggin's references to a "health freedom movement" are a delusion of grandeur.

have been committing mass murder under the guise of COVID-19. He is not dangerous. He is not a supporter of any apologist for political mass murderers. He is not a Hitler apologist and/or a Hitler “excuser”. Dr. Malone has not ever engaged in fraud and is not engaged in deliberate fraud to blind anyone to any “predators”. He is not a “protector” of any “predators”. He does not and never has promoted baseless scientific theories. Comparing the Statements to the truth, it is beyond peradventure that the Statements are materially false. *Compare Nunes v. W.P. Company*, 2021 WL 3550896, at * 4 (D. D.C. 2021) (“A reasonable juror could conclude that there is a material difference between stating that Nunes had made a claim supported by evidence (that the Obama administration had undertaken intelligence activities related to individuals involved in the Trump campaign) and stating that Nunes had made a baseless claim (that the Obama administration had wiretapped Trump Tower). A reasonable juror could therefore conclude that the article was materially false because it stated that Nunes had made such a baseless claim (when he had not).”); *see also Bustos v. A&E Networks*, 646 F.3d 762, 767 (10th Cir. 2011) (Gorsuch, J.) (“Comparing the challenged defamatory statement (membership in the Aryan Brotherhood) to the truth (conspiring with and aiding and abetting the Aryan Brotherhood), we cannot see how any juror could find the difference to be a material one—that is, likely to cause a reasonable member of the general public to think significantly less favorably of Mr. Bustos”).

17. The false Statements constitute defamation *per se*. The statements accuse and impute to Dr. Malone an unfitness to perform the duties of an office or employment for profit, or the want of integrity in the discharge of the duties of such office or employment, including disinformation, misinformation, deception, dishonesty, deceit,

fraud, malfeasance, malpractice, lack of ethics, lack of veracity, and independently tortious acts. The Statements are highly prejudicial to Dr. Malone in his profession and employment as a medical doctor and scientist.

18. By appearing on podcasts³ and by publishing the Statements on the Internet, including to their social media followers, Defendants knew or should have known that the Statements would be republished over and over by third-parties to Dr. Malone's detriment. Republication was the natural and probable consequence of Defendants' actions and was actually and/or presumptively authorized by Defendants. In addition to their original publications online and via social media, Defendants are liable for the millions of republications of the false and defamatory statements by third-parties under the republication rule. *Weaver v. Beneficial Finance Co.*, 199 Va. 196, 199-200, 98 S.E.2d 687 (1957); *Moore v. Allied Chemical Corp.*, 480 F.Supp. 364, 376 (E.D. Va. 1979).

19. Defendants' Statements harmed Dr. Malone and his reputation, causing presumed damages, actual damages, special damages and pecuniary loss. In addition to the pain, suffering, insult, embarrassment, humiliation, and injury to his personal and professional reputations, publication of the Statements caused Dr. Malone to lose business and income, lost public appearances due to perceived reputational risk, and other special damages, including career damage, including loss of future employment, loss of future earnings, impaired and diminished earning capacity, and impact upon his prospects

³ The podcasts that Defendants appeared on had hundreds of thousands, perhaps millions, of subscribers, including audiences in Virginia. The "Stew Peters Network" alone had 436,000 subscribers at the time Defendants published the false and defamatory Statements.

for career advancement. In sum, Dr. Malone has suffered damage to his property, business, trade, profession and occupation because of Defendants' defamation.

20. An accumulation of facts and evidence demonstrates that Defendants published the Statements with knowledge of falsity or reckless disregard for the truth. Prior to publication of the Statements, Defendants knew the Statements were false and harbored serious doubts as to the veracity of the Statements. First, Defendants researched and reviewed Dr. Malone's website, substack, public appearances and his professional observations and comments prior to publication of the Statements, including in the Global COVID Summit Declaration IV. Based upon their prior knowledge of Dr. Malone's public comments and positions, Defendants knew the Statements were false. They knew the events never happened and that Dr. Malone did not hold the views and beliefs and did not take the actions that Defendants ascribed to him. Defendants fabricated the Statements out of whole cloth. [*St. Amant v. Thompson*, 390 U.S. 727, 732 (1968) ("Professions of good faith will be unlikely to prove persuasive, for example, where a story is fabricated by the defendant [or] is the product of his imagination")]. Second, given Dr. Malone's stature, which was well-known to Defendants by, *inter alia*, their review of Dr. Malone's website, substack and public appearances, Defendants knew that the Statements were so improbable that only a reckless person would put the Statements in circulation. [*St. Amant*, 390 U.S. at 732 ("Professions of good faith will be unlikely to prove persuasive, for example, ... when the publisher's allegations are so inherently improbable that only a reckless man would have put them in circulation."); *US Dominion, Inc. v. Powell*, 554 F.Supp.3d 42, 63 (D. D.C. 2021) ("a reasonable juror could conclude that the existence of a vast international conspiracy that is ignored by the

government but proven by a spreadsheet on an internet blog is so inherently improbable that only a reckless man would believe it.”); *Stern v. Cosby*, 645 F.Supp.2d 258, 279 (S.D.N.Y. 2009) (“printing a claim that Birkhead and Stern had sex would be a way to make it to the top of the bestseller list, and a reasonable jury could find that Cosby ignored the inherently improbable nature of the Statement in her zeal to write a blockbuster book”). Third, Defendants brazenly republished the false and defamatory Statements about Dr. Malone even after they were notified that Dr. Malone contended in a lengthy letter that the Statements were false and defamatory. This is evidence of actual malice. [See, e.g., *Nunes v. Lizza*, 12 F. 4th 890, 901 (8th Cir. 2021) (“Republication of a statement after the defendant has been notified that the plaintiff contends that it is false and defamatory may be treated as evidence of reckless disregard.”)]. Finally, as is plain from the words themselves, Defendants harbor extreme spite and ill-will towards Dr. Malone. Defendants were and are eager to attribute murder, violence, extremism, immorality and unethical behavior to Dr. Malone in order to inflict harm upon him. This provides further evidence of actual malice. [*Celle v. Filipino Reporter Enters., Inc.*, 209 F.3d 163, 186 (2nd Cir. 2000) (“Plaintiff introduced sufficient circumstantial evidence to establish clearly and convincingly that defendant Pelayo entertained serious doubts about the truth of the headline ‘US judge finds Celle ‘negligent.’ This conclusion is based in part on evidence indicating ill will and personal animosity between Celle and Pelayo at the time of publication”); *ExpertConnect, LLC v. Fowler*, 2020 WL 3961004, at * 3 (S.D.N.Y. 2020) (plaintiff alleged that the defendants “‘engaged in a concerted effort to deliberately disparage the business reputations of Fowler, Parmar, and Strafluence with false statements’ that they had committed a serious crime and were under investigation.

These statements were made ‘with full knowledge of their falsity’ because ‘[t]here has never been any criminal action commenced against Fowler or Parmar, no investigation of any sort and, to be sure, no allegations of criminal conduct.’”]. Defendants fabricated the sensational narrative about Dr. Malone to promote and profit from the scandal, including to sell the Breggin’s book. They circulated the false Statements and appeared on podcast after podcast with the goal of damaging Dr. Malone’s reputation. [See *Tomblin v. WCHS-TV8*, 2011 WL 1789770, at * 5 (4th Cir. 2011) (unpublished) (“on the question of whether WCHS-TV8 deliberately or recklessly conveyed a false message to sensationalize the news and thus to provide factual support for a finding of malice, there are disputed facts”)].

21. As a direct result of Defendants’ defamation, Dr. Malone suffered presumed damages, actual damages and special damages, including, but not limited to, insult, pain, embarrassment, humiliation, mental suffering, injury to his reputation, loss of business and income, career damage, lost future earnings, costs and other out-of-pocket expenses, in a sum to be determined by the Jury, but not less than \$25,000,000.00.

COUNT I – DEFAMATION BY IMPLICATION

22. Dr. Malone restates paragraphs 1 through 21 of this Complaint, and incorporates them herein by reference.

23. The strong gist and implication of the Statements is that Dr. Malone is intentionally dishonest, deceitful, immoral, unethical and dangerous, and that he is unfit to practice medicine.

24. Defendants carefully chose their words and purposefully misrepresented facts, including Dr. Malone’s professional associations and goals. In the Statements,

Defendants juxtaposed a series of facts so as to imply a defamatory connection between them, including that Dr. Malone had ulterior motives and that he apologized for predators and Hitler. In addition, Defendants left out material facts, including the scientific basis of Dr. Malone's statements and his true affiliations, in a way that intentionally conveyed a false meaning and that rendered the challenged Statements defamatory. The Statements' repeated emphasis upon intelligence operations, disinformation, "fraud", as-yet unidentified "global predators", and the manner in which the Statements present the discussion about Dr. Malone, including the use of photographs and select video clips of Dr. Malone, permits a plausible inference that Defendants intended or endorsed the defamatory implication.

25. Defendants' Statements constitute defamation by implication.

26. As a direct result of Defendants' defamation by implication, Dr. Malone suffered presumed damages, actual damages and special damages, including, but not limited to, insult, pain, embarrassment, humiliation, mental suffering, injury to his reputation, loss of business and income, career damage, lost future earnings, costs and other out-of-pocket expenses, in a sum to be determined by the Jury, but not less than \$25,000,000.00.

COUNT III – INSULTING WORDS

27. Dr. Malone restates paragraphs 1 through 26 of this Complaint, and incorporates them herein by reference.

28. Defendants' insulting words, in the context and under the circumstances in which they were spoken and written, tend to violence and breach of the peace. Like any

reasonable person, Dr. Malone was humiliated, disgusted, angered and provoked by the insulting words.

29. Defendants' words, including their direct and powerful accusations of murder, killing, disinformation and "fraud", levelled at an acknowledged medical expert, are fighting words, which are actionable under § 8.01-45 of the Code.

30. As a direct result of Defendants' insulting words, Dr. Malone suffered presumed damages, actual damages and special damages, including, but not limited to, insult, pain, embarrassment, humiliation, mental suffering, injury to his reputation, loss of business and income, career damage, lost future earnings, costs and other out-of-pocket expenses, in a sum to be determined by the Jury, but not less than \$25,000,000.00.

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

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

CONCLUSION AND REQUEST FOR RELIEF

WHEREFORE, Dr. Malone respectfully requests the Court to enter Judgment against Defendants, jointly and severally, as follows:

- A. Compensatory damages in a sum determined by the Jury, but not less than \$25,000,000.00;
- B. Punitive damages in an amount to be determined by the Jury, but not less than \$350,000.00;
- C. Prejudgment interest at the rate of six percent (6%) per annum until paid;
- D. Postjudgment interest at the maximum rate allowed by law;
- E. Costs and other recoverable amounts as allowed by law;
- F. Such other relief as is just and proper.

TRIAL BY JURY IS DEMANDED

DATED: October 30, 2022

DR. ROBERT W. MALONE

By: /s/ Steven S. Biss

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