ORAL ARGUMENT NOT YET SCHEDULED

CASE NO. 12-7055

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

JOSEPH FARAH, JEROME CORSI,
WORLDNETDAILY.COM AND WND BOOKS
Plaintiffs-Appellants,
v.
ESQUIRE MAGAZINE, INC., HEARST COMMUNICATIONS, INC.,
AND MARK WARREN
Defendants-Appellees.

APPEAL FROM AN ORDER
OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

REPLY BRIEF OF PLAINTIFFS-APPELLANTS JOSEPH FARAH, JEROME CORSI, WORLDNETDAILY.COM AND WND BOOKS FOR REVERSAL OF THE DISTRICT COURT'S ORDER

Larry Klayman, Esq.
KLAYMAN LAW FIRM
2020 Pennsylvania Ave. NW, Suite 345
Washington, DC 20006
Tel: (310) 595-0800
Email: leklayman@gmail.com

Attorney for Appellants

TABLE OF CONTENTS

INTRODUCTION..1

ARGUMENT 4

I. The Appellees Lied and Misrepresented The Blog Post To The Court............. 4

II. Bias and Prejudice of Judge Determined the Case, Not the Reasonable Person Standard..4

III. Appellants Comments Were Defamatory...6

IV. The Blog Post Is Not Protected By Satire...7

V. It Was Error For The District Court To Decide Whether The Statement Was Defamatory Because The Blog Post Could Have Reasonably Been Understood As Defamatory...12

VI. Anti-SLAPP And Lanham Act Arguments..14

CONCLUSION...14

CERTIFICATE OF SERVICE...16

TABLE OF AUTHORITIES

Afro-American Publishing Co. v. Jaffe,
366 F.2d 649 (D.C.1966) 8

Coles v. Washington Free Weekly, Inc.,
881 F.Supp. 26 (D.D.C. 1995), *aff'd*, 88 F.3d 1278 (D.C. Cir. 1996) 8

Dunn v. Gannett New York Newspapers, Inc.,
833 F.2d 446 (3d Cir. 1987) 13

Jankovic v. International Crisis Group,
494 F.3d 1080 (D.C. 2007) 8

Knievel v. ESPN,
393 F.3d 1068 (9th Cir. 2005) 9,10

Levy v. American Mut. Ins. Co.,
196 A.2d 475 (D.C. 1964) 12,13

Moss v. Stockard,
580 A.2d 1011 (D.C. 1990) 6,8

New Times, Inc. v. Isaacks,
146 S.W.3d 144 (Tex. 2004) 6

Olinger v. American Sav. & Loan Ass'n
409 F.2d 142 (D.C. Cir. 1969) 7

Pring v. Penthouse International, Ltd.,
695 F.2d 438 (10th Cir. 1982) 10

Wallace v. Skadden, Arps, Slate, Meagher, & Flom,
715 A.2d 873 (1998) 6

Weyrich v. New Republic, Inc.,
235 F.3d 617(D.C. Cir. 2001)...12

White v. Fraternal Order of Police,
909 F.2d 512(D.C. 2008) ...., 9, 13

INTRODUCTION

In Appellants Joseph Farah, Jerome Corsi, Worldnetdaily.com, and WND Books' initial brief, they set forth not just the crux of their case, but also rebut in anticipation all of the arguments of Appellees Mark Warren, Esquire Magazine, and Hearst Communications. Accordingly, this reply brief of the Appellants discusses just a few crucial points that they respectfully ask this Court to focus on, prior to oral argument and a decision in the case.

Specifically, Appellants' Complaint was dismissed by a district court judge who exhibited in her orders a manifest extra-judicial bias and prejudice against them. The relevant Memorandum Opinion unnecessarily expresses a negative "worldview" against Appellants because they are so called "birthers," who believe that President Barack Hussein Obama is not a natural born citizen, as required for eligibility for the Office of President of the United States by Article II of the U.S. Constitution.

By way of example and as set forth in the initial brief, the district court judge, the Honorable Rosemary M. Collyer, took it upon herself to make an inappropriate and irrelevant finding that Mr. Obama was born in the United States, which issue had nothing to do with this case. She made also a number of other prejudicial remarks showing her bias and prejudice. Accordingly, her Memorandum Opinion and Order should be vacated and this case remanded with

instructions to the U.S. District Court for the District of Columbia ("district court") to have this case reassigned.

Second, by summarily dismissing the case before discovery and trial, Judge Collyer ignores black letter law that when published statements are capable of being understood differently, the issue of defamation must be given to the trier of fact and should not be decided by the trial judge.

After making defamatory remarks in Appellees' Blog Post, the Appellees attempt to escape liability by falsely claiming that their Blog Post was nothing more than satire and because of that immune from defamation and Appellants' other common law causes of action. Yet the Blog Post was not protected speech, but instead was defamatory and caused great harm to Appellants' reputations and financial well beings.

Importantly, a screen capture of the original and "updated" Blog Posts, as they appeared on the date of their publication, May 18, 2011, are included, in their entireties, on the following two pages. Contrary to the false statements contained in Appellees' brief, there were no indications or disclaimers showing that this Blog Post was satirical in nature.[1]

[1] Appellants will thus be moving for sanctions against Appellees and their counsel, including but not limited to requesting an order striking all pleadings, an award of attorneys fees and costs, and a referral of this misconduct to the District of Columbia Bar Counsel as well as the ethics authority of this Court.

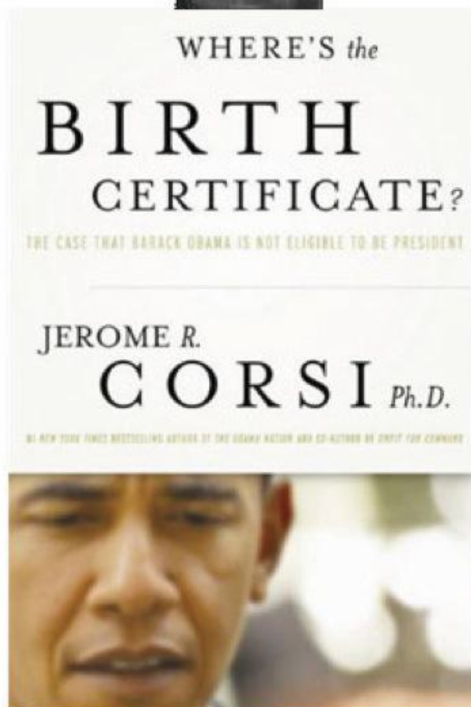
★ THE POLITICS BLOG ★

SEARCH THIS BLOG { } GO See other Esquire blogs

THE POLITICS BLOG Watch Iowa Voter Call Out Newt

BREAKING: Jerome Corsi's Birther Book Pulled from Shelves!

May 18, 2011 at 10:50AM by Mark Warren



In a stunning development one day after the release of *Where's the Birth Certificate? The Case that Barack Obama is not Eligible to be President*, by Dr. Jerome Corsi, World Net Daily Editor and Chief Executive Officer Joseph Farah has announced plans to recall and pulp the entire 200,000 first printing run of the book, as well as announcing an offer to refund the purchase price to anyone who has already bought either a hard copy or electronic download of the book.

In an exclusive interview, a reflective Farah, who wrote the book's foreword and also published Corsi's earlier best-selling work, *Unfit for Command: Swift Boat Veterans Speak out Against John Kerry* and *Capricorn One: NASA, JFK, and the Great "Moon Landing" Cover-Up*, said that after much serious reflection, he could not go forward with the project. "I believe with all my heart that Barack Obama is destroying this country, and I will continue to stand against his administration at every turn, but in light of recent events, this book has become problematic, and contains what I now believe to be factual inaccuracies," he said this morning. "I cannot in good conscience publish it and expect anyone to believe it."

When asked if he had any plans to publish a corrected version of the book, he said cryptically, "There is no book." Farah declined to comment on his discussions of the matter with Corsi.

A source at WND, who requested that his name be withheld, said that Farah was "rip-shit" when, on April 27, President Obama took the extraordinary step of personally releasing his "long-form" birth certificate, thus resolving the matter of Obama's legitimacy for "anybody with a brain."

"He called up Corsi and really tore him a new one," says the source. "I mean, we'll do anything to hurt Obama, and erase his memory, but we don't want to look like fucking idiots, you know? Look, at the end of the day, bullshit is bullshit."

Corsi, who graduated from Harvard and is a professional journalist, could not be reached for comment.

DEVELOPING...

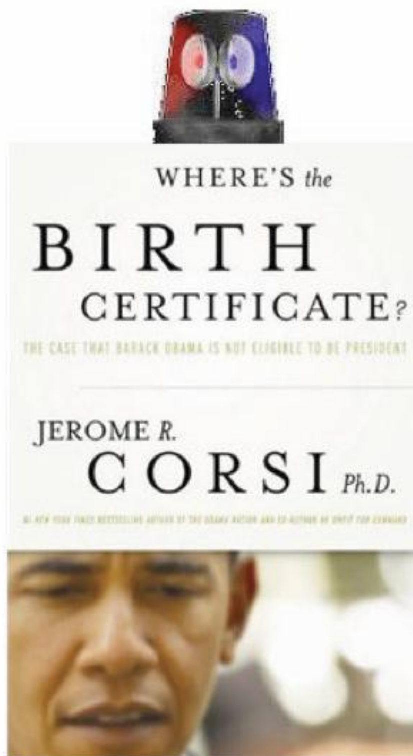
★ THE **POLITICS** BLOG ★

SEARCH THIS BLOG { } GO See other Esquire blogs

Inside Gabby Giffords' Amazing Brain Surgery THE POLITICS BLOG Watch Iowa Voter Call Out Newt

BREAKING: Jerome Corsi's Birther Book Pulled from Shelves!

May 18, 2011 at 10:50AM by Mark Warren



In a stunning development one day after the release of *Where's the Birth Certificate? The Case that Barack Obama is not Eligible to be President*, by Dr. Jerome Corsi, World Net Daily Editor and Chief Executive Officer Joseph Farah has announced plans to recall and pulp the entire 200,000 first printing run of the book, as well as announcing an offer to refund the purchase price to anyone who has already bought either a hard copy or electronic download of the book.

In an exclusive interview, a reflective Farah, who wrote the book's foreword and also published Corsi's earlier best-selling work, *Unfit for Command: Swift Boat Veterans Speak out Against John Kerry* and *Capricorn One: NASA, JFK, and the Great "Moon Landing" Cover-Up*, said that after much serious reflection, he could not go forward with the project. "I believe with all my heart that Barack Obama is destroying this country, and I will continue to stand against his administration at every turn, but in light of recent events, this book has become problematic, and contains what I now believe to be factual inaccuracies," he said this morning. "I cannot in good conscience publish it and expect anyone to believe it."

When asked if he had any plans to publish a corrected version of the book, he said cryptically, "There is no book." Farah declined to comment on his discussions of the matter with Corsi.

A source at WND, who requested that his name be withheld, said that Farah was "rip-shit" when, on April 27, President Obama took the extraordinary step of personally releasing his "long-form" birth certificate, thus resolving the matter of Obama's legitimacy for "anybody with a brain."

"He called up Corsi and really tore him a new one," says the source. "I mean, we'll do anything to hurt Obama, and erase his memory, but we don't want to look like fucking idiots, you know? Look, at the end of the day, bullshit is bullshit."

Corsi, who graduated from Harvard and is a professional journalist, could not be reached for comment.

DEVELOPING...

UPDATE, 12:25 p.m., *for those who didn't figure it out yet, and the many on Twitter for whom it took a while:* We committed satire this morning to point out the problems with selling and marketing a book that has had its core premise and reason to exist gutted by the news cycle, several weeks in advance of publication. Are its author and publisher chastened? Well, no. They double down, and accuse the President of the United States of perpetrating a fraud on the world by having released a forged birth certificate. Not because this claim is in any way based on reality, but to hold their terribly gullible audience captive to their lies, and to sell books. This is despicable, and deserves only ridicule. That's why we committed satire in the matter of the Corsi book. Hell, even the president has a sense of humor about it all. Some more serious reporting from us on this whole "birther" phenomenon here, here, and here.

Yet the trier of fact, the jury, never had a chance to consider whether the Blog Post was defamatory or not, because a biased and prejudiced judge improperly dismissed the lawsuit. Satire and defamation are not mutually exclusive and it is only for the jury to decide whether the Blog Post was defamatory or not. Since satire is not available as a defense to Appellees' defamatory Blog Post, it also cannot be used as a shield to Appellants' common law causes of action for false light invasion of privacy, tortious interference, and misappropriation invasion of privacy as well. Finally Appellants' Lanham Act claims were properly pleaded and should similarly not have been dismissed.

As set forth below, this Court must respectfully reverse the district court's rulings and remand this case with instructions to have it reassigned to another this time unbiased judge so that the case can be heard on the merits.

ARGUMENT

I. The Appellees Lied and Misrepresented The Blog Post To The Court.

Appellees lied to the district court and this Court. In their brief the Appellees stated "The Blog Post was expressly tagged as 'Humor'..." Appellees Brief at 11, 30. As seen on pages 3-4, *supra*, the "Humor" tag was not present on the original nor the updated Blog Post. It is unclear when these tags were falsely added, but they were not present when the Blog Post originally appeared. The existence of this alleged "tag" has been used by Appellees and their counsel to

falsely represent to the district court and this Court that those viewing the Blog Post could immediately figure out that it was not representing fact. Appellees Brief at 30. Had the district court judge allowed the case to proceed to discovery, Appellees would have been forced to admit their false statements to the district court and now this Court.

Because this falsehood had and continues to have the potential to decide this case, Appellant will file a separate motion to strike any previous pleadings that put forth this lie to the Court. In addition, Appellants will seek sanctions against Appellees and their counsel including but not limited to attorneys fees and costs, and Appellants will ask this Court to refer Appellees' counsel to the D.C. Bar Counsel for disciplinary action, as well as the ethics authority of this Court.

II. Bias and Prejudice of Judge Determined the Case, Not the Reasonable Person Standard.

The fact of the matter is that the case was decided as a result of Judge Collyer's bias and prejudice before it could even proceed to discovery. "In a case of parody or satire, courts must analyze the words at issue with detachment and dispassion, considering them in context and as a whole, as the reasonable reader would consider them." *New Times, Inc. v. Isaacks*, 146 S.W.3d 144, 158 (Tex. 2004). "If it appears that the statements are at least capable of a defamatory meaning, whether they were defamatory and false are questions of fact to be resolved by the jury." *Moss v. Stockard*, 580 A.2d 1011, 1023 (D.C.

1990) (citing *Olinger v. American Sav. & Loan Ass'n*, 133 U.S. App. D.C. 107, 109, 409 F.2d 142, 144 (1969) (per curiam).

No such thing happened in this case. Judge Collyer incredibly began her opinion simply stating her own personal opinion as fact that Barack H. Obama was born in the United States and then derisively dismissing the entire body of work meticulously studied and reported by Appellant Corsi, an investigative journalist with a Ph.D. from Harvard University, one of the most prestigious universities in the world. It was not for Judge Collyer to decide the accuracy of Dr. Corsi's book, nor to spend *pages* discussing the life story of Mr. Obama. She may very well believe that Mr. Obama was indeed born within the United States, but she should have divorced herself from her personal bias and kept her opinion to herself! **This lawsuit is neither about Mr. Obama, nor whether he was actually born in the United States or not, but rather about a Blog Post on the Esquire website**. It is the Blog Post that is at issue in this lawsuit, and not the truth or falsity of the contents of Dr. Corsi's book, published by Joseph Farah and WND.

The decision whether defamation has occurred should have been left in the hands of the trier of fact, where it belonged. But Judge Collyer's conclusion took the determination out of the jury's hands and cut it off before it was presented to them. The Appellants claims, all of them, were dismissed by a jurist who was

seemingly annoyed by the fact that Appellants, like a significant minority of this country, question the legitimacy of Mr. Obama to run for and be elected president.

Contrary to the Appellees' disingenuous argument, the issue of the disqualification was not one that could be made at the district court level, since the first time the bias and prejudice presented itself was in the Memorandum Opinion that dismissed all of Appellants claims and the entire case. Appellants thus were forced, and only had the opportunity, to bring up the bias and prejudice on appeal. It is a proper matter for appeal and this Court should respectfully order Judge Collyer disqualified with an instruction to the lower court on remand to assign this case to another district court judge.

III. Appellants Comments Were Defamatory.

"To prevail in a defamation suit, Plaintiff need show that the statements complained of are i) defamatory; ii) capable of being proven true or false; iii) of and concerning' the Plaintiff; iv) false; and v) made with the requisite degree of intent or fault." *Coles v. Washington Free Weekly, Inc.,* 881 F.Supp.26, 30 (D.D.C. 1995), *aff'd*, 88 F.3d 1278 (D.C. Cir. 1996). A statement is "defamatory" if it tends to injure the plaintiff in his trade, profession or community standing, or lower him in the estimation of the community. *Jankovic v. International Crisis Group,* 494 F.3d 1080, 1091 (D.C. 2007), citing *Moss v. Stockard*, 580 A.2d 1011, 1023 (D.C. 1990). Generally, a publication may convey a defamatory meaning if it "tends to

lower [the] plaintiff in the estimation of a substantial, respectable group, though they are a minority of the total community or plaintiff's associates." *White v. Fraternal Order of Police,* 909 F.2d 512, 518 (D.C. 2008), citing *Afro-American Publishing Co. v. Jaffe*, 366 F.2d 649, 654 (D.C.1966). If it appears that statements are at least capable of defamatory meaning, then whether they are defamatory and false are questions of fact to be resolved by the jury. *Wallace v. Skadden, Arps, Slate, Meagher, & Flom,* 715 A.2d 873, 878 (1998).

The Appellees do not dispute that the Blog Post was false, but simply claim that it was "satire" and thus afforded First Amendment protection. Appellees' reliance on "satire" as a defense to their defamatory Blog Post is simply wrong. As set forth below, Appellees cannot simply hide behind the label of "satire" in order to escape liability from their actions.

IV. The Blog Post Is Not Protected By Satire.

The Appellees in this case present a history of satire more fit for a confused first year law student's term paper than for this Court. It is nothing but smoke and mirrors presented to distract and mislead this learned Court into believing that the Blog Post was satire instead of what it really is: defamatory speech that presented Appellants in a false light and caused them reputational and financial harm.

As federal courts have held, "the fact that a statement is an attempt at humor does not immunize the speaker against liability for defamation." *Knievel v. ESPN*,

393 F.3d 1068, 1078 (9th Cir. 2005)."The test is not whether the story is or is not characterized as "fiction," "humor," or anything else in the publication, but whether the charged portions in context could be reasonably understood as describing actual facts about the plaintiff or actual events in which she participated. If it could not be so understood, the charged portions could not be taken literally." *Pring v. Penthouse International*, *Ltd*., 695 F.2d 438, 442 (10th Cir. 1982).

At a minimum, the Blog Post in this case could have been "reasonably understood as describing actual facts" because it was so viewed by thousands of people who contacted the Appellants seeking to have their money refunded as the Blog Post had promised. Appellant Farah was similarly asked repeatedly about the accuracy of his alleged statements as reported by the Blog Post.

Appellee Esquire recognized that it was being reasonably understood as fact and had to post the subsequent "update" after the initial posting. **When you have to explain to your entire audience that your defamatory remarks are "satire" it is clear that that is precisely what it was not.** They even conceded the fact that many people on the internet were now sharing the Blog Post on social media websites such as Twitter.com. The alleged "clues" indicating satire, stated ingenuously and through a stretch of the imagination by Appellees in their brief, were that it said "BREAKING" and had "an exclamation point," which they allege "is not *typically* seen in true news headlines." Appellees Brief at 30 (Emphasis

added). To argue that the word "BREAKING" and the placement of an exclamation point somehow signify that the entire contents are satire is simply wrong. Those "clues" just as easily signify news that is worthy of attention. The Appellees also suggest that the placement of the so called "Drudge Siren" should have indicated that the Blog Post was satire. *Id.* Yet the "Drudge Siren," which is commonly used to signal important, breaking news on Matt Drudge's drudgereport.com ("Drudge Report"), also *increased* the likelihood that viewers would accept the reality of the Blog Post. For those familiar with Drudge Report, it would have signaled the same level of importance to those viewers and readers. To those unfamiliar with Drudge Report, or unaware that it "had never been used by Esquire before" (Appellees Brief at 30), a siren would simply bring attention to the article, not signal it as satire. Further, Appellees referenced "an obviously ficticious book title: *Capricorn* One..." as another indication that the Blog was satire. *Id.* Yet the Appellees "conveniently" fail to mention that the Blog Post had also utilized Dr. Corsi's actual book title, *Unfit for Command: Swift Boat Veterans Speak out Against John Kerry*, further giving credibility to the authentic nature of the Blog Post. Further, the Blog Post was in the "Politics Blog," where readers and viewers would expect to read about actual news, not satire, see pages 3 and 4, *supra*, of this reply.

For them to argue that it could not be reasonably understood as defamatory, and for the district court to agree with this sentiment, is clear error and must respectfully be reversed. It is for the jury to decide what a reasonable person would have understood from the Blog Post, not for the district court.

The same finding of "satire" was used in error by the district court to dismiss Appellants' other causes of action for false light invasion of privacy, tortious interference with business relations, and misappropriation invasion of privacy. Because the "satire" does not shield Appellees from defamation, it also does not shield them from the other common law causes of action. These dismissals must also respectfully be reversed and this case must then proceed to discovery and for a trial on the merits.

V. It Was Error For The District Court To Decide Whether The Statement Was Defamatory Because The Blog Post Could Have Reasonably Been Understood As Defamatory.

When a plaintiff requests a jury trial, it is not generally for the district court to decide whether a statement is defamatory or not. "It is only when the court can say that the publication is not reasonably capable of *any* defamatory meaning and cannot be reasonably understood in *any* defamatory sense that it can rule as a matter of law, that it was not libelous." *Levy v. American Mut. Ins. Co.*, 196 A.2d 475, 476 (D.C. 1964) (Emphasis added); *Weyrich v. New Republic, Inc.*, 235 F.3d 617, 627 (D.C. Cir. 2001). "**[I]f the language is capable of two meanings, one**

actionable and the other not, it is for the jury to determine which of the two meanings would be attributed to it by persons of ordinary understanding under the circumstances." *Levy*, 196 A.2d at 476 (Emphasis added). "[A] jury must determine whether these impressions were actually conveyed, whether they were false, and whether the letters were motivated by actual malice." *White*, 909 F.2d at 525; *see also Dunn v. Gannett New York Newspapers, Inc.*, 833 F.2d 446, 449 (3d Cir. 1987) ("if the language at issue is "capable of both a defamatory and a nondefamatory meaning, there exists a question of fact for the jury.").

In this case, Appellants were bombarded with emails and phone calls questioning the authenticity of the Blog Post. Even Appellee Esquire recognized that there were so many people who believed the Blog Post that they were forced to add a disclaimer saying that the posting was "satire." It was clear this was done simply as an afterthought, and the damage had already been done. In the age of the internet, news spreads like a wildfire, from one source to another. Simply adding a disclaimer over an hour and a half later does not take away from the damage that was done within even a few minutes, by the spreading of the Blog Post on sites such as Twitter.com and other such social media websites. Esquire was worried that they would be held liable for defaming Appellants, because they had.

It was error for the judge to simply decide that there is no way a reasonable person could see this Blog Post as defamatory and to dismiss the case without

discovery and a trial. Thousands of people had already seen the Blog Post and concluded there was nothing satirical about it.

As pleaded in the Complaint, the Appellees acted with actual malice and sought to harm both the reputations of Appellants, and their pocketbooks. WND is a commercial competitor of Esquire. Both websites attract viewers from all over the country and all sorts of political viewpoints. Appellee Esquire's "attack" on WND, Joseph Farah, and Dr. Corsi, would undermine the credibility of their competitor and thus destroy their competitor's viewership and income. Indeed, this outcome did occur. As pleaded in the Complaint, Appellants were approached by many seeking the "refund" that the Blog Post had promised. Sales of the book were similarly hurt by the Blog Post, and never recovered.

Even more, Appellee Warren offensively referred to Appellant Corsi as "**an execrable piece of shit**" and that Appellees had "no regrets" in their publication. Compl. ¶14 (JA____). These words demonstrate the animosity held by Appellee Warren toward Appellant Corsi, and the malicious intent of the comments made about him and the other Appellants. Discovery will further uncover the maliciousness and motivation behind the Blog Post. It is a clear indication that the defamatory Blog Post did what it was maliciously intended to do. It unjustifiably hurt both the reputation and the sales of Appellants.

VI. Anti-SLAPP And Lanham Act Arguments.

Appellants refer the Court to their initial brief with regard to the inapplicability of the D.C. Anti-SLAPP Act in federal court and to the applicability of the Lanham Act to this case.

CONCLUSION

For the foregoing reasons, Appellants respectfully request that this Court reverse the district court's rulings and hold that Appellees' Blog Post is not satire protected by the First Amendment but rather that it is commercial speech that falls under the Lanham Act.

This Court should also respectfully hold that the Anti-SLAPP Act is inapplicable in federal court and that Appellant sufficiently pleaded claims under common law defamation, false light invasion of privacy, and tortious interference. Finally, this Court should respectfully remand this case to a new district court judge who does not hold a bias against Appellants so that Appellants may proceed to discovery and receive a fair trial. **Appellees request oral argument.**

Respectfully submitted,

/s/ *Larry Klayman*

Larry Klayman, Esq.
D.C. Bar No. 334581
KLAYMAN LAW FIRM
2020 Pennsylvania Ave. NW, Suite 345
Washington, DC 20006
Tel: (310) 595-0800
Email: leklayman@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of February, 2013 a true and correct copy of the foregoing Brief Of Plaintiffs-Appellants Joseph Farah, Jerome Corsi, Worldnetdaily.Com And WND Books For Reversal Of The District Court's Order (No. 12- 7055) was filed electronically via CM/ECF to the United States Court of Appeal for the District of Columbia Circuit and served via CM/ECF upon the following:

Laura Rose Handman
DAVIS WRIGHT TREMAINE, LLP
1919 Pennsylvania Avenue, NW
Suite 800
Washington, DC 20006-3401
laurahandman@dwt.com

Jonathan R. Donnellan
THE HEARST CORPORATION
300 West 57th Street
40th Floor
New York, NY 10019
jdonnellan@hearst.com

John Rory Eastburg
DAVIS WRIGHT TREMAINE, LLP
1919 Pennsylvania Avenue, NW
Suite 800
Washington, DC 20006-3401
roryeastburg@dwt.com

Kristina Elizabeth Findikyan
THE HEARST CORPORATION
300 West 57th Street
40th Floor
New York, NY 10019
kfinikyan@hearst.com

Respectfully Submitted,

/s/ *Larry Klayman*

Larry Klayman, Esq.
D.C. Bar No. 334581
2020 Pennsylvania Ave. NW #345
Washington, DC 20006
Tel: (310) 595-0800
Email: leklayman@gmail.com