

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
DAVID BAR KATZ,

Plaintiff,

– against –

AMERICAN MEDIA, INC.,

Defendant.
-----X

Index No.:
Date Summons filed:
Plaintiff designates New York
County as the place of trial

SUMMONS

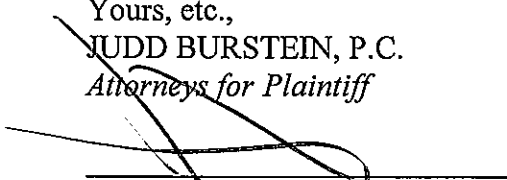
TO THE ABOVE-NAMED DEFENDANT:

You are hereby summoned and required to serve on Plaintiff an answer to the Verified Complaint in this action within twenty (20) days after the service of this summons, exclusive of the day of service, or within thirty (30) days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of the venue designated is CPLR § 503(a) in that Defendant resides in New York County.

Dated: New York, New York
February 5, 2014

Yours, etc.,
JUDD BURSTEIN, P.C.
Attorneys for Plaintiff


By: Judd Burstein, Esq.
1790 Broadway, Suite 1501
New York, New York 10019
(212) 974-2400

TO:

American Media, Inc.
4 New York Plaza
New York, NY 10004

SUPREME COURT OF THE STATE OF NEW YORK
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VERIFIED COMPLAINT

Plaintiff David Bar Katz, by his attorneys Judd Burstein, P.C., complaining of the Defendant, alleges as follows:

INTRODUCTION

1. This case involves one of the most reprehensible examples of yellow journalism by The National Enquirer (“Enquirer”) concerning David Bar Katz (“Bar Katz”), Philip Seymour Hoffman’s (“Hoffman”) close friend and a person who will forever be haunted by the fact that he was the one who discovered Hoffman’s body.

2. The media coverage of Hoffman’s death has been highly regrettable and insensitive to Hoffman’s family and friends. But the generally unseemly coverage of Hoffman’s death now seems restrained in light of this new outrage by the Enquirer.

3. In its February 17, 2014 edition, the Enquirer published a story that falsely claimed that Bar Katz had supposedly given an “exclusive” interview to the Enquirer in which he stated that he and Hoffman were gay lovers, that he had seen Hoffman freebase cocaine the night before Hoffman’s death, and that he had seen him use heroin on a number of occasions.

4. **THE STORY IS A COMPLETE FABRICATION: THERE WAS NO INTERVIEW. BAR KATZ HAS NEVER SPOKEN TO ANYONE AT THE ENQUIRER**

ABOUT HOFFMAN. BAR KATZ AND HOFFMAN WERE NEVER LOVERS. BAR KATZ DID NOT SEE HOFFMAN FREEBASING COCAINE THE NIGHT BEFORE HE DIED, OR AT ANY OTHER TIME. BAR KATZ NEVER SAW HOFFMAN USE HEROIN OR COCAINE.

5. The Enquirer's conduct is all the more reprehensible because, not content with writing a defamatory article, it actually, on information and belief, sent out a press release detailing the substance of the article and inviting readers to read the entire article in the Enquirer. For example, on February 5, 2014, radaronline.com printed what appears to be the Enquirer's press release that included the following at the bottom of the posting: "For more on this story, check out this week's edition of The ENQUIRER."

6. As a result of the Enquirer's press release, the false story about Bar Katz has become a world-wide media story dominating the internet.

THE PARTIES

7. Plaintiff Bar Katz is a celebrated, award winning, Emmy-nominated playwright and screen writer.

8. American Media, Inc., is the publisher of The National Enquirer. For the purposes of this complaint it will be deemed to be synonymous with the Enquirer.

PLAINTIFF'S CAUSE OF ACTION FOR LIBEL

9. Hoffman and Bar Katz were close friends.

10. Hoffman died of an apparent drug overdose on February 1 or 2, 2014.

11. Bar Katz and Hoffman's assistant found Hoffman's body in Hoffman's apartment on February 2, 2014.

12. In its February 17, 2014 issue, the Enquirer published an article (“Article”) falsely stating that “[i]n a blockbuster ENQUIRER exclusive, the troubled actor’s gay lover has come forward to reveal how he regularly saw Hoffman use drugs and even saw him freebasing cocaine the night before Hoffman died of an apparent heroin overdose.”

13. The Article also falsely quotes Bar Katz as having told the Enquirer that “[w]e were homosexual lovers.”

14. The Article also falsely reports that Bar Katz had told the Enquirer that he “had seen [Hoffman] do heroin.”

15. The Article also falsely reports that Bar Katz had told the Enquirer that, the evening before Hoffman’s death, he “saw Hoffman freebasing cocaine.”

16. The Article states that it was written by John Blosser, Brette Trost and Robert Hartlein. Bar Katz has no recollection of ever meeting any of them and unquestionably has not spoken to them or anyone else from the Enquirer since Hoffman’s death.

17. Moreover, in addition to never having made the statements attributed to him, Bar Katz: (a) never had a homosexual relationship or encounter with Hoffman ever, (b) never witnessed Hoffman using heroin, let alone “regularly,” (c) never saw Hoffman freebasing cocaine at any time ever, let alone the night before Hoffman’s death.

18. Bar Katz is not a public figure for defamation purposes.

19. The statements contained in the Article (“Statements”) and referenced above are unequivocally false.

20. Even if Bar Katz is a public figure, the Enquirer had actual knowledge that the Statements were false, or acted with reckless disregard for the truth.

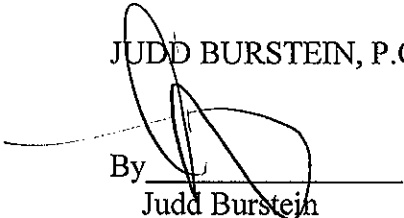
21. The Statements refer to Bar Katz.
22. The Statements were of a kind tending to expose a person to hatred, contempt or aversion, or to induce an evil or unsavory opinion of him in the minds of a substantial number of the community.
23. The Statements were published in the February 17, 2014 issue of the Enquirer as well as, on information belief, in a press release issued by the Enquirer.
24. Bar Katz has suffered damages in an amount to be determined at trial, but which is in no event less than \$5,000,000.
25. The Enquirer's conduct was so outrageous, wanton, willful and malicious that Plaintiff should be awarded punitive damages as awarded by the jury, but in no event less than \$45,000,000.

WHEREFORE, Plaintiff demands judgment as follows:

- A. An award of compensatory damages in an amount as determined at trial, but in no event less than \$5,000,000;
- B. An award of punitive damages in an amount as determined at trial, but in no event less than \$45,000,000;
- C. An award of the costs and disbursements of this action; and
- D. An order granting such other and further relief as deemed just and proper by this Court.

Dated: New York, New York
February 5, 2014

JUDD BURSTEIN, P.C.

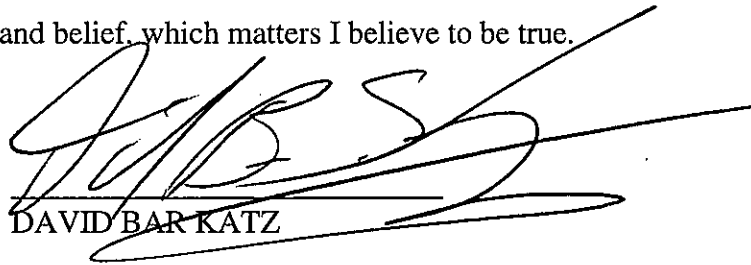
By 
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jburstein@burlaw.com

VERIFICATION OF PLAINTIFF DAVID BAR KATZ

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

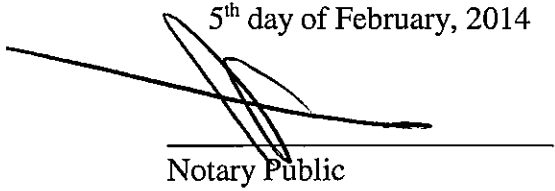
DAVID BAR KATZ, being duly sworn, deposes and says:

I am the named Plaintiff in the above-captioned action. I have read the Verified Complaint, know the contents thereof and the same are true to my own knowledge, except as to those matters therein stated to be upon information and belief, which matters I believe to be true.



DAVID BAR KATZ

Sworn to before me this
5th day of February, 2014



Notary Public

JUDD BURSTEIN
Notary Public, State of New York
No. 02BU4754391
Qualified in New York County
Commission Expires March 13, 2015