

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

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CHERYL JACOBUS,

Plaintiff,

-against-

DONALD J. TRUMP, COREY LEWANDOWSKI,
and DONALD J. TRUMP FOR PRESIDENT, INC.,

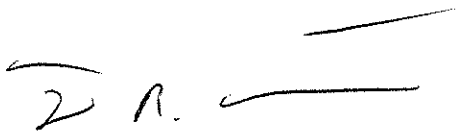
Defendants.

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TO THE ABOVE NAMED DEFENDANTS

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on plaintiff's attorneys within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to answer or appear, judgment will be taken against you by default for the relief demanded in the notice set forth below and in the Complaint.

Dated: New York, New York
April 18, 2016



Butterman & Kahn, LLP
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**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

-----X **Index No.**

CHERYL JACOBUS,

Plaintiff,

v.

VERIFIED COMPLAINT

DONALD J. TRUMP, COREY LEWANDOWSKI,
and DONALD J. TRUMP FOR PRESIDENT, INC.,

Defendants.

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Plaintiff, by her attorneys Buttermann & Kahn, LLP, complaining of defendants,
alleges the following:

PRELIMINARY STATEMENT

1. This is a defamation suit brought by Cheryl Jacobus (hereinafter referred to as “Jacobus”), a political strategist, public relations advisor, and news media commentator, against Defendants Donald J. Trump, a businessman, television actor, and politician (hereinafter referred to as “Trump”), Corey Lewandowski (hereinafter referred to as “Lewandowski”), the national Campaign Manager of Donald J. Trump for President, Inc., an organization formed to promote a campaign to elect Trump to the office of President of the United States, and Donald J. Trump for President, Inc., the campaign organization which is led by Trump and employs Lewandowski (hereinafter referred to as the “Campaign”).

2. It is asserted that Trump and his agents intentionally, purposefully, and with full knowledge of their falsity published defamatory statements unambiguously directed at plaintiff with the purpose of making her an object lesson to those who might question Trump and his fitness for office, to incite a virtual mob against her, to destroy her reputation, and to bully her into silence.

3. The first defamatory statement upon which this suit is predicated was published by Lewandowski. Subsequently, two statements on the same subject matter were made by Donald Trump. The gist and sting of the defamatory statements made by Lewandowski and Trump were accusations that Jacobus had begged the Trump Campaign for a job with the Campaign on multiple occasions, but had been turned down by the Campaign (in Lewandowski's telling), and by Trump himself (in Trump's telling), which caused a scorned Jacobus to seek revenge against Trump and the Campaign through biased commentary in the media. These statements incited a virtual campaign of abuse and harassment against Jacobus, causing enormous damage to her career and reputation, significant emotional distress and holding her up to public ridicule. These statements by Lewandowski and Trump were also undeniably false.

4. In fact, the Trump Campaign actively recruited Jacobus, but boorish behavior by Lewandowski led Jacobus to conclude that she would not be comfortable working for the Trump Campaign. Moreover, Jacobus maintained her professionalism after the Trump Campaign's ill-fated effort to bring Jacobus on board, and Jacobus remained even-handed and objective in her media commentary, defending Trump at times and criticizing Trump at times. Never did she sacrifice her integrity or objectivity in retaliation for not being hired by the Trump Campaign, a

job she did not actively pursue, after a brief, courteous, and professional exploration by her which was initiated by the nascent Trump Campaign organization.

JURISDICTION AND VENUE

5. This Court has jurisdiction over defendant Donald J. Trump for President, Inc., pursuant to Civil Practice Law and Rules ("CPLR") § 301 in that it is a Foreign Not-for-Profit Corporation duly registered as doing business in the State of New York and has its principal place of business located at 725 Fifth Avenue, New York, New York.

6. This Court has jurisdiction over defendant Lewandowski pursuant to CPLR § 301 in that he is employed by Donald J. Trump for President, Inc., and works in the State of New York.

7. This Court has jurisdiction over defendant Trump pursuant to CPLR § 301 in that he is a resident of the State of New York

8. Pursuant to CPLR §503, venue is proper in this county because plaintiff and defendants currently reside in New York County.

THE PARTIES

A. The Plaintiff Cheryl Jacobus

9. At all relevant times herein, Plaintiff Jacobus is and was a resident of the City, State and County of New York. Prior to the ruinous statements giving rise to this suit, Cheryl ("Cheri") Jacobus was a well-known, respected political strategist and public relations

consultant. Jacobus was a frequent commentator on political matters on major television news channels, with over one thousand appearances on Fox News/FOX Business News, and hundreds of appearances on CNN and MSNBC. She has also appeared as a frequent guest on CBS.com, CNBC, FBN, HLN, C-Span and other media outlets, offering political opinion and analysis from the Republican perspective. Jacobus was often quoted in national print publications, including *USA Today*, *The New York Times*, *The Washington Post*, *The Washington Times*, *Daily Caller*, and *Human Events*, among others. Jacobus served as an adjunct professor at George Washington University's Graduate School of Political Management from 2007 to 2010. Jacobus was a political columnist at *The Hill* newspaper from February 2009 through 2013, and is a contributor to *The Hill* and the *Jewish World Review*. Jacobus also participates actively in the American political arena through posts on Twitter.

10. Jacobus founded Capitol Strategies PR and public affairs in 1998, building a client base that includes political campaigns, business and labor coalitions, political grassroots organizations and legislative campaigns. In addition to political campaign strategy, Jacobus had established substantial expertise in message development, media strategy and training, press relations and communications services, as well as policy and legislative strategy, communications and public affairs consulting.

11. Jacobus managed and advised political campaigns, and was a media spokesperson at the Republican National Committee. While serving as Communications Director for the House Education and Workforce Committee after the Republican takeover of Congress in 1995, Jacobus helped shape policy by incorporating communications strategy into issue development, as well as directing press relations for the Committee's issues in the Congress and serving as press spokesperson. Jacobus served as campaign manager and chief political strategist for

Wayne Gilchrest in his campaign for Congress in Maryland in 1988. She worked for former House Republican leader Bob Michel of Illinois and Congressman Roscoe Bartlett of Maryland. She was communications director for trade associations. She consulted Michael Steele's first statewide race in Maryland, and after her 2013 move to New York, was hired as consultant to a New York congressional campaign.

B. The Defendants

12. Corey Lewandowski is the national Campaign Manager running Donald Trump's Campaign to become President of the United States. Lewandowski is employed by Donald J. Trump for President, Inc., and his place of business is and was at all relevant times herein located in the City, State and County of New York. Upon information and belief Lewandowski is a resident of New Hampshire.

13. Donald J. Trump is a New York based businessman and actor best known for his role in a television series called The Apprentice. Trump is currently seeking the office of President of the United States, and directs the corporate defendant Donald J. Trump for President, Inc. which employs Lewandowski. Upon information and belief, he is and was, at all relevant times herein, a resident of the City, State and County of New York.

14. Donald J. Trump for President, Inc. is and was, upon information and belief, at all relevant times herein a Virginia Corporation with its headquarters located in the City, State and Country of New York and is the principal campaign committee for defendant Trump. Both defendant Trump and defendant Lewandowski are employed by Donald J. Trump for President, Inc., and as such the corporate defendant is liable to plaintiff under the doctrine of *Respondeat Superior*. The corporate defendant is authorized to do business, and actually does business, in

the State of New York, with its principal place of business at 725 Fifth Avenue, New York, New York.

THE DEFAMATORY STATEMENTS

15. On January 27, 2016, Lewandowski, wrongfully and maliciously intending to injure and defame plaintiff, caused to be published to and broadcast by the MSNBC “Morning Joe” television program, the following statement:

She [Megyn Kelly] had Cheri Jacobus on yesterday, who, uh, you know, wanted to talk about Mr. Trump. This is the same person, I'll just tell ya, who came to the office on multiple occasions trying to get a job from the Trump Campaign, and when she wasn't hired clearly she went off and was upset by that.

16. On February 2, 2016, defendant Trump, wrongfully and maliciously intending to injure and defame plaintiff, caused to be published the following statement on his Twitter account @realDonaldTrump, which at that point was subscribed to by over six million people:

Great job on @donlemon tonight @kayleighmcenany @cherijacobus begged us for a job. We said no and she went hostile. A real dummy! @CNN

17. On February 5, 2016, after being informed in detail of the falsity and defamatory nature of his previous statement via a cease and desist letter from plaintiff’s attorney, defendant Trump, wrongfully and maliciously intending to injure and defame plaintiff, caused to be published the following statement on his Twitter account @realDonaldTrump:

Really dumb @CheriJacobus. Begged my people for a job. Turned her down twice and she went hostile. Major loser, zero credibility

18. The matter so published is false and defamatory, and clearly names the plaintiff as the subject of the defamatory statement and thus is of and concerning the plaintiff..

19. In publishing this false and defamatory matter, defendants knew that these statements were false or failed to ascertain its accuracy, and, instead, published them with reckless disregard of whether it were true or not.

20. The statements published by defendants were made with actual malice and with intent to injure plaintiff in her reputation and profession, thereby making the statements libelous *per se*.

STATEMENT OF FACTS

A. The Trump Campaign Recruits Jacobus in May and June of 2015

21. The incidents giving rise to this lawsuit began on May 17, 2015, when the Trump Campaign began its recruitment of Jacobus. On May 17, Jacobus received an unsolicited Facebook message from Jim Dornan, acting on behalf of the nascent Trump Campaign, stating: “We should grab drinks or dinner soon.”

22. Dornan followed up the next day with a second message to Jacobus, leading to a Facebook exchange between Dornan and Jacobus. That exchange, on May 18, 2015, plainly documents that the Trump Campaign was pursuing Jacobus as a communications director, not the other way around. The exchange resulting from this recruitment effort by the Trump Campaign is attached to this Complaint as part of Exhibit A. That communication reads in pertinent part:

Jim Dornan

Would you consider coming to work for us? We need a top notch communications director.

Cheri Jacobus

lets sit down and talk abot [sic] it. Are you around tomorrow?

Jim Dornan

Yes. In the afternoon. We started late because LGA was shut down this morning. Let me get a handle on the schedule.

23. Jacobus and Dornan continued to communicate along this vein. In response to this overture from Dornan for the Trump Campaign, a lunch was scheduled for the next day. Jacobus was to meet Dornan in the lobby of the Trump Tower in Manhattan.

24. The lunch was at a restaurant in the Trump Towers and was attended by Dornan and Lewandowski. Jacobus had not been informed beforehand that Lewandowski would be attending. The issues discussed were wide-ranging. Jacobus had doubts about Trump's credibility as a candidate, and asked many questions. Lewandowski, in turn, asked many questions of Jacobus. The lunch conversation also included detailed information about the structure and strategies of the communications efforts planned for the Trump Campaign. Lewandowski stated that they had a young press secretary with no political experience and that they really needed help.

25. At the lunch Lewandowski asked Jacobus, in sum and substance, if she was under a contract with any of television networks. Jacobus replied that she was not, but would like to be. Lewandowski responded to this reply by stating that Trump was very close to Roger Ailes,

the head of FOX, and that after the campaign Trump could probably pick up the phone and get Jacobus a FOX contract. Lewandowski also noted that Trump was great friends with Bill O'Reilly of FOX News and Joe Scarborough, host of "Morning Joe" on MSNBC. This exchange was an obvious attempt to induce Jacobus into considering a position with the Campaign.

26. At the lunch Lewandowski openly discussed a Trump "Super PAC." Jacobus was told that while Dornan was technically working for the Trump presidential exploratory committee, the plan was for Dornan to move to the Trump Super PAC. They explained that while Trump was ostensibly self-funding his Campaign, there would still be a pro-Trump Super PAC. A Super PAC is a special type of Political Action Committee, or "PAC." The term Super PAC is the commonly used name for what federal election campaign laws more formally denote as an "Independent Expenditure-Only Political Committee."

27. At the lunch Lewandowski and Dornan both indicated interest in moving forward with the process. Lewandowski asked Jacobus to send him an email detailing what Jacobus would expect as compensation for the position.

28. Dornan sent a message to Jacobus later on the day of the lunch meeting, stating that Lewandowski reacted favorably to Jacobus and wanted to meet with her again. Jacobus, who was unsure of her interest, responded that she had some immediate personal commitments but would send him an email with her compensation expectations, as she had been urged to do at the meeting.

29. On or about May 19, 2015, Jacobus sent a professional and courteous email response to Lewandowski indicating that she was willing to further explore a position with the Campaign, and provided her salary requirements. The text of this communication is as follows:

Hi Corey -- So nice meeting you yesterday. I know it's hard to get time for lengthy lunches and conversation, so I appreciate your time.

I am very intrigued about the CD position. Donald Trump's candidacy is unique (as is he) and the public and voters are pretty open to him. I think they are comfortable with him because he seems so comfortable with them -- a seemingly simple concept but quite powerful. At this point in my career, it could be a welcome endeavor to work with that particular dynamic.

I am assuming this would be a contract employee situation where I would need to be responsible for both employer and employee portion of FICA contributions, plus health insurance. And obviously, I already have an apartment so the campaign would not be burdened with that cost. Given these factors, I think a monthly fee/salary in the \$18k-\$19k (per month) range is appropriate.

If you want to move forward and think you might like for me to meet with Mr. Trump, I am available this week (I have a FOX News taping tomorrow at 5 or so) and can be flexible in the earlier part of any day next week. My parents arrive this next Tuesday mid-afternoon, but they are elderly, so we will not be all that busy:) We have a few afternoon and evening events planned -- only one each day of their visit.

Additionally, Dornan communicated with Jacobus and proposed another meeting. That text communication, the accuracy of which, upon information and belief, was confirmed by Dornan in a phone interview with reporter Jeff Dunetz of the web site The Lid, is (as published in the Lid) as follows:

Dornan: "He liked you. I thought it went well."

Jacobus: Thanks for arranging the meeting. I am intrigued and am thinking about what I would need. I was just reading the Des Moines Register piece

Dornan: TOTAL AGREEMENT!!

Corey wants to sit down with you next week. I just got off the phone with him. Can you get away for 30 minutes or so? I know your parents are in town

Subsequently, on June 8, 2015, a second meeting was arranged for the next day. Dornan stated:

Good, Corey wants to see you and this is a good week for that. My get up [sic] tomorrow morning and leave late Thursday. Give me some times. I'll ping when I get back from Mass this afternoon."

They agreed to a meeting the next day, June 9th, at 2 p.m. A copy of a screen shot of the full Facebook communication is annexed as part of Exhibit A.

30. This second meeting was in the Trump Campaign office in the Trump Tower. Dornan brought Jacobus into the large shared office. Lewandowski arrived and exhibited erratic and unprofessional behavior. Lewandowski again began discussing with Dornan the pro-Trump Super Pac. Lewandowski asked Dornan if the Super Pac's registration papers had been filed. It appeared that those filings were the responsibility of someone other than Dornan, and that Dornan's role would be to serve as the New York and Washington, D.C. contact for the Super Pac. Jacobus was surprised and concerned that Lewandowski would discuss details of the Super Pac in her presence, since she was not an employee of the Campaign and had not been asked to sign a Non-Disclosure Agreement; and such discussion was indelicate. Jacobus was compelled to ask them why such a Super Pac was even needed, given Trump's strong public proclamations that his Campaign would be self-funded.

31. As the subject of the meeting turned to discussion of communications, Lewandowski became increasingly agitated and rude, speaking in a loud voice and seeming to lack control. Lewandowski made several inappropriate remarks, bragging about yelling at Megyn Kelly, a well known journalist, and again bragging about Trump's relationship with Roger Ailes and insisting, in response to Jacobus' suggestion regarding media coverage, that they could do whatever they wanted with FOX and had them on their side. Jacobus politely countered this point by stating that she understood that Ailes let each Fox News show "do its own thing." Lewandowski stated "You have absolutely NO IDEA how FOX works!" Lewandowski continued that he and Trump had dinner with Ailes recently and had assurances that FOX was on board. Jacobus was astonished that Lewandowski would openly make such a statement to her. Lewandowski then took from his desk drawer a printed copy of an email from Ailes to Trump in which Ailes communicated to Trump that Trump should let him know what

FOX could do to help. The printed email included a handwritten note from Trump to Lewandowski with a notation which stated, in sum and substance, “Corey FYI.”

32. As Lewandowski’s agitated and unprofessional behavior grew more intense, Dornan left. Jacobus likewise thought it wise to extricate herself from the meeting as politely and quickly as possible, and also excused herself with a professional demeanor.

33. Lewandowski, apparently recognizing that his behavior was off putting, became calm and escorted Jacobus to the elevator. Jacobus had already formed the judgment that Lewandowski was a powder keg and that she could not work for Lewandowski and the Trump Campaign.

34. Dornan texted Jacobus after the meeting, stating that he hoped that Lewandowski had not gotten Jacobus too flustered. She replied that she was not flustered but made it clear to Dornan that working with Lewandowski would be too difficult.

35. Trump declared his candidacy soon thereafter, on June 16, 2015. Dornan quit the Trump Campaign shortly after Trump’s announcement.

36. At no point did Jacobus “beg” the Trump Campaign for a job, or even affirmatively apply for a position with the Trump Campaign, nor was she turned down for a position. When recruited by the Trump campaign, she agreed to participate in two meetings and provide her compensation expectations, because she deemed the invitation from the Trump Campaign to be worth at least those initial conversations. When the second of the two meetings disintegrated because of Lewandowski’s rude behavior, Jacobus extricated herself and left, and politely made clear to Dornan that she would not be continuing the discussions any further.

B. The Commentary of Jacobus on the Trump Presidential Campaign

37. As the race for the Republican nomination for President accelerated, with many candidates entering the race and heavy news coverage of debates and other campaign news and events dominating much of the American media, Jacobus was an active participant in media coverage and commentary, appearing as a frequent television guest and posting comments through her Twitter account. The brief and ill-fated recruitment of Jacobus by the Trump Campaign had no influence whatsoever; she maintained no grudge toward Trump and harbored no hostility toward him. Rather, during this period Jacobus was professional and even-handed in her commentary on Trump, “calling it as she saw it,” defending his policies and statements in some instances, and criticizing them in others, as she did with other Republican candidates.

38. As she would with several of the Republican candidates in the early stages, Jacobus defended Trump in a CNN appearance in the summer of 2015, less than two months after the May meetings between Jacobus and the Trump campaign, when Trump made controversial statements about immigration and Mexicans. Jacobus stated that people “ignore Donald Trump’s message . . . at [their] own peril.” When a liberal analyst on that CNN appearance criticized Trump as having made what the analyst regarded as racist remarks about Mexicans, Jacobus interjected with a vigorous defense of Trump. “I’d like to jump in on that,” Jacobus said. “This is where Donald Trump and the Republicans need to fight back hard: when people on the Left, including the media, misrepresent what he said. He was talking about illegal aliens-which is the polar opposite of people who come here legally. And the only way the Left can make points is when they start calling him and others racist and basically lie about what he meant.” Elaborating in her defense of Trump, Jacobus added that “it seems that’s the only way you can make points-when you misrepresent what he said.”

39. Conversely, Jacobus was critical of Trump when he made disparaging remarks about the military service of Senator John McCain. She noted on Twitter that Trump's comments on McCain "insult[ed] all veterans." Jacobus, along with millions of Americans, were outraged by Trump's comments regarding POWs, which caused Jacobus to eliminate Trump as a possible contender for her support for the GOP nomination.

C. October 2015 and the Role of Jacobus and *The Washington Post* On the Trump Super PAC Controversy

40. In October 2015, questions began to emerge about whether Trump and his Campaign were acting appropriately in relation to the pro-Trump Super PAC, named "Make America Great Again," parroting one of the distinctive tag lines used constantly by Trump in his Campaign. This critique was led by journalist Matea Gold of *The Washington Post*. Jacobus was interviewed for Gold's articles critical of Trump's relationship with his Super PAC, and was quoted by Gold in her reportage.

41. The first Trump Super PAC article written by Gold appeared in *The Washington Post* on October 18, 2015, entitled "The inside story of Trump campaign's connections to a big-money super PAC." The theme of the Gold article was set forth in its opening paragraphs:

As he brags that he is turning down millions of dollars for his presidential campaign, Donald Trump has levelled a steady line of attack against his rivals: that they are too cozy with big-money super PACs and may be breaking the law by coordinating with them.

"You know the nice part about me?" he told reporters in Iowa in August. "I don't need anybody's money."

What Trump doesn't say is that he and his top campaign aide have connections to a super PAC collecting large checks to support his candidacy — a group viewed by people familiar with his campaign as the sanctioned outlet for wealthy donors.

The October 18th article then went on to describe at length numerous interactions between Trump, Lewandowski, and the Make America Great Again Super PAC, which was led by a Colorado businessman and political operative, Mike Ciletti. Gold reported that Lewandowski insisted that Trump and the Trump Campaign had done nothing to sanction or encourage or “give the green light” to the Make America Great Again Super PAC, and had denied even knowing Ciletti. Gold further reported, however, that when confronted with additional evidence, Lewandowski admitted that he did know Ciletti. Gold reported that Lewandowski threatened to sue *The Washington Post* if it continued to suggest that there were connections between the Super PAC and Trump.

42. Following publication of the October 18th article, Jacobus addressed this issue in a series of statements on Twitter. Gold approached Jacobus with questions regarding her understanding of the Super PAC’s role, and Jacobus provided information which was covered in a October 20, 2015 article in *The Washington Post*., which stated:

A New York-based Republican political consultant who was approached for a job with the Trump campaign told *The Post* that Lewandowski openly discussed the role a super PAC would play to support Trump’s candidacy in two meetings in the spring.

“The super PAC definitely came up in these conversations,” said Cheri Jacobus, who said she met with Lewandowski in mid-May and early June at the Trump Tower in Manhattan to discuss a possible job as a communications director.

“He mentioned it as part of, ‘This is what’s going on, this is when he plans to announce, the super PAC is in play,’” said Jacobus, who has managed several congressional races and previously worked for the Republican National Committee. Lewandowski noted that his meetings with Jacobus occurred before Trump officially declared his candidacy. Trump’s political team eventually decided to pursue a traditional campaign and not to bless a super PAC, he said.

43. The statements by Lewandowski which are quoted in the October 20th article by Gold are revealing, in that they essentially validate and confirm Jacobus’s account of what

transpired in the May and June 2015 meetings between Jacobus and Lewandowski. Lewandowski's defense in *The Washington Post* was not, tellingly, that Jacobus was factually wrong in her account of what transpired with regard to the discussions of the pro-Trump Super PAC, but rather that Lewandowski and Trump had not violated federal campaign laws because at the time of those meetings Trump had yet to officially declare his candidacy.

44. The Trump Super PAC was ultimately shut down. Upon information and belief, Jacobus' cooperation with this reportage was a source of the animus from Trump and his campaign leading to the defamation. On December 4, 2015, Trump made an offensive statement against Jacobus on Twitter, which is not the subject of this action..

D. The January 2016 Confrontation and the Defamatory Attack by Lewandowski

45. In late January, 2016, Trump and FOX News engaged in a showdown over Trump's insistence that FOX drop Megyn Kelly as a moderator in a presidential debate just prior to the Iowa Caucuses. Trump took the position that he would boycott the debate unless FOX took Megyn Kelly off the line-up as a moderator.

46. On January 26, 2016, CNN's Don Lemon devoted his show to coverage on the conflict over Megyn Kelly between Trump and FOX. Jacobus was a guest on Lemon's CNN program addressing this dispute. Other guests included author Bob Beckel, Barry Bennet, a Trump Campaign adviser, and Bakari Sellers, a CNN contributor. Immediately following a statement by Bennet, on behalf of Trump, staking out the position that it was a good move for Trump to not appear on the debate stage, Lemon turned to Jacobus for comment, and the following exchange occurred:

LEMON: Cheri Jacobus is shaking her head. Why do you disagree?

CHERI JACOBUS, REPUBLICAN STRATEGIST: Yes, I don't think it's a good idea for somebody to skip a debate this close to the caucuses. But, look, Donald Trump is a bad debater. When he is on stage you can tell -- this is why he wanted the debates to be shorter. He needed to find an excuse. He's got a tenuous lead. So, he's using the Megyn Kelly manufactured kerfuffle as excuse. What he's really afraid of is up, being up there facing the voters, facing the press, and facing his opponents. Because at these debates Donald Trump in some of these interviews, such as with Wolf Blitzer yesterday, he comes off like a third grader faking his way through an oral report on current affairs. Everybody knows it, he knows it. So, he has to -- his calculated risk here is: Do I lose more voters if I show up and show that I'm not quite up on the issues and the've got me figured out, since this is a real serious debate now as we get closer. Or do I lose more voters, you know, if I just don't show up and make up this thing? So, he knows he's going to lose people and he's just figuring, you know what? I'm going to lose fewer people if I don't show up than if I show up and everybody can see that I am just not up to par.

LEMON: Does it, do you think he will look -- he'll look like he's taking a stand against being treated unfairly?

JACOBUS: It's going to seem that way but, look, what I hope is that CNN and MSNBC and the other networks show a little bit of professional respect and unity and not let somebody like this, you know, call the shots. And I hope that you don't air the rally or whatever event he has.

47. The discussion on the dispute between Trump and Fox and Megyn Kelly continued on the Don Lemon CNN January 26 program continued among Lemon and his guests, including Jacobus, for several more minutes, with the participants all reiterating their positions, and then the program moved on to another topic, concerning the significance of an appearance by Trump at Liberty University, and an endorsement of Trump by the son of Liberty's founder, the famous conservative Christian televangelist Reverend Jerry Falwell, by his son, Jerry Falwell, Jr.

48. The January 26th CNN segment with Don Lemon continued with spirited debate among the participants. In the spontaneous banter among the participants, Jacobus took the

position that Trump had been up and down in Iowa, that polls were highly uncertain, and that it was “not over until the fat lady sings.”

49. The day immediately following the CNN appearance of Jacobus on the Don Lemon show, Lewandowski and the Trump Campaign launched their cynical and knowingly false defamation crusade against Jacobus. The defamation began on January 27, 2016, with a phone call by Lewandowski to the MSNBC “Morning Joe” television program. In response to a question put to Lewandowski by Joe Scarborough, Lewandowski stated:

She [Megyn Kelly] had Cheri Jacobus on yesterday, who, uh, you know, wanted to talk about Mr. Trump. This is the same person, I’ll just tell ya, who came to the office on multiple occasions trying to get a job from the Trump Campaign, and when she wasn’t hired clearly she went off and was upset by that.

50. On February 2, 2016, Jacobus again appeared on CNN with Don Lemon. Kayliegh McEnany appeared on the program as well, as a surrogate and defender of Trump. The discussion was about Donald Trump’s claims that he was self-funding and that people didn’t appreciate him for that, even though he has a donate button on his web site and Don Lemon noted that the CNN Politics team looked into it and approximately one-third of campaign funds have come from someone other than Donald Trump. Jacobus noted that there had been a Trump Super PAC, the campaign lied about it, and then shut it down, as per published news reports. She noted, again from published news reports, that the Trump campaign had approached GOP billionaire donors Sheldon Adelson, Paul Singer and the Koch brothers for campaign donations and that they had all declined. That evening, following the program, Trump sent out a message

on Twitter, falsely claiming that Jacobus had begged for a job from the Trump Campaign and was turned down.

Trump tweeted the following message:

Great job on @donlemon tonight @kayleighmcenany @cherijacobus begged us for a job. We said no and she went hostile. A real dummy! @CNN

51. In the immediate wake of the defamatory attacks on Jacobus launched by Lewandowski and continued by Trump to his more than 6 million Twitter followers, Jacobus was inundated with an avalanche of vicious ridicule and scorn. The attacks went viral on social media and the Internet, as Trump loyalists, and upon information and belief Twitter accounts controlled and coordinated by the Trump Campaign, heaped disparagement and condemnation on Jacobus. Jacobus was berated as a whore, a bitch, forgetting to take her medicine, a nutcase, and a lightweight unworthy of being on the air. The attacks by Trump's followers were laced with sexual degradation and pornographic vulgarity. Photographs of Jacobus were posted with gruesomely altered features. She was depicted in numerous graphic illustrations as an appropriate victim for rape and sexual assault, including images of Jacobus bent over naked being raped from behind. She reported many of these to Twitter and the accounts were suspended in many cases. An illustrative compendium of the vicious assaults on Jacobus, further ruining her reputation, is attached to this Complaint as Exhibit B.

52. On February 3, 2016 Jacobus' then lawyer sent a "cease and desist" letter to Lewandowski and the Trump Campaign. POLITICO published a report on the letter on February

4, 2016, for which they contacted Lewandowski and a campaign spokesperson. A copy of the Cease and Desist letter is annexed hereto as Exhibit C. Yet two days later, on February 5, 2016, Donald Trump, ignoring the cease and desist demand and with full knowledge of the falsity of his statement, again tweeted defamatory false information:

Donald J. Trump @realDonaldTrump Feb 5

Really dumb @CheriJacobus. Begged my people for a job. Turned her down twice and she went hostile. Major loser, zero credibility!

53. In an article on February 26, 2016, *The New York Times* chronicled the vicious victimization suffered by Jacobus as a result of the attacks on her reputation by Lewandowski and Trump in an article entitled, “To Fight Critics Donald Trump Aims to Instill Fear in 140-Character Doses,” written by *New York Times* journalists Alexander Burns and Maggie Haberman. A copy of the article is annexed hereto as Exhibit D. The opening paragraphs of the *New York Times* February 26 article accurately summarized the abuse and intimidation suffered by Jacobus as a result of the attacks:

Cheri Jacobus, a Republican political strategist, did not think she had done anything out of the ordinary: On a cable television show, she criticized Donald J. Trump for skipping a debate in Iowa in late January and described him as a “bad debater.”

But then Mr. Trump took to Twitter, repeatedly branding Ms. Jacobus as a disappointed job seeker who had begged to work for his campaign and had been rejected. “We said no and she went hostile,” he wrote. “A real dummy!” Mr. Trump’s campaign manager told the same story on MSNBC’s “Morning Joe.”

Mr. Trump’s Twitter followers, who number about six million, piled on. For days, they replied to his posts with demeaning, often sexually charged insults aimed at Ms. Jacobus, including several with altered, vulgar photographs of her face.

“Cheri is a nutcase,” wrote @LegendaryTrump. Another Twitter user, @stockedwood, wrote, “How the hell does a woman like her get on the air???”

With his enormous online platform, Mr. Trump has badgered and humiliated those who have dared to cross him during the presidential race. He has latched onto their vulnerabilities, mocking their physical characteristics, personality quirks and, sometimes, their professional setbacks. He has made statements, like his claims about Ms. Jacobus, that have later been exposed as false or deceptive — only after they have ricocheted across the Internet.

Many recipients of Mr. Trump’s hectoring are fellow politicians, with paid staff members to help them defend themselves. But for others, the experience of being targeted by Mr. Trump is nightmarish and a form of public degradation that they believe is intended to scare off adversaries by making an example of them.

A similar summary of the plight of Jacobus was published on March 4, 2016 in the *Financial Times*, in an article by author and journalist Gillian Tett, entitled “An Appetite for Aggression.”, Tett wrote:

A couple of weeks ago, Trump criticized Cheri Jacobus, a Republican strategist who spoke negatively about him on TV; the comment was then retweeted in more extreme forms, creating a phenomenon akin to the type of cyber bullying more normally seen in school — you might call it a cyber flash mob.

54. The defamatory attacks also had a devastating impact on Jacobus' media appearances. Bookings on cable news and opinion programs were cancelled, and requests for new bookings all but dried up. She became "damaged goods," *persona non grata*, demoted from a network regular who appeared on news outlets such as FOX, FOX Business News and CNN several times a week during the presidential campaign season to complete oblivion, with almost no television appearances whatsoever. The last television appearance by Jacobus on CNN was on February 2, 2016, and she has had few other television opportunities since the first Trump statement.

**AS AND FOR A FIRST CAUSE OF ACTION FOR LIBEL *PER SE* AGAINST
DEFENDANTS TRUMP AND DONALD J. TRUMP FOR PRESIDENT, INC.**

55. Plaintiff repeats and re-alleges paragraphs 1 through 54 of this complaint, inclusive, as if fully set forth herein.

56. On February 2, 2016, defendant Trump, wrongfully and maliciously intending to injure and defame plaintiff, caused to be published the following statement on Twitter:

Great job on @donlemon tonight @kayleighmcenany @cherijacobus begged us for a job. We said no and she went hostile. A real dummy! @CNN

57. On February 5, 2016, after being informed in detail of the falsity and defamatory nature of his previous statement via a cease and desist letter from plaintiff's then-attorney, defendant Trump, wrongfully and maliciously intending to injure and defame plaintiff, caused to be published on Twitter the following statement:

Really dumb @CheriJacobus. Begged my people for a job. Turned her down twice and she went hostile. Major loser, zero credibility

58. The statements were false and defamatory.

59. Trump made these statements with actual malice, knowing that they were false or acting with reckless disregard for their truth or falsity.

60. The statements were of and concerning Jacobus as it identified plaintiff by name.

61. The statement unambiguously accuses Jacobus of unprofessional conduct in the course of practicing her profession, and was intended to injure and did injure plaintiff's reputation in her industry, to the extent that she lost specific promotional and professional opportunities, including, but not limited to, bookings on CNN, and as such the statements constitute libel *per se*.

62. Trump committed the acts complained of while employed by Donald J. Trump for President, Inc. and in the course of his employment, and Donald J. Trump for President, Inc. is therefore jointly and severally liable to plaintiff under the doctrine of *Respondeat Superior*.

63. By reason of this defamation, plaintiff was greatly injured in her character and reputation as a political strategist and public relations consultant, suffered abuse and harassment, as well as great pain and mental anguish, and has been and will be deprived of gains and profits from the practice of her profession. Defendants are liable to plaintiff for actual and compensatory damages, damages for injury to her professional reputation and damages for emotional distress. As a result of the above, plaintiff has been damaged in an amount to be determined by a court but in no circumstances less than the sum of two million (\$2,000,000.00) dollars.

64. As the injury was caused willfully, wantonly, and with actual and common law malice, plaintiff is entitled to punitive damages in an amount to be determined by a court.

AS AND FOR A SECOND CAUSE OF ACTION FOR LIBEL *PER SE* AGAINST DEFENDANTS LEWANDOWSKI AND DONALD TRUMP FOR PRESIDENT, INC.

65. Plaintiff repeats and re-alleges paragraphs 1 through 64 of this complaint, inclusive, as if fully set forth herein.

66. On January 27, 2016, Lewandowski, wrongfully and maliciously intending to injure and defame plaintiff, caused to be published to and broadcast by the MSNBC “Morning Joe” television program, the following statement:

She [Megyn Kelly] had Cheri Jacobus on yesterday, who, uh, you know, wanted to talk about Mr. Trump. This is the same person, I'll just tell ya, who came to the office on multiple occasions trying to get a job from the Trump Campaign, and when she wasn't hired clearly she went off and was upset by that.

67. The statement made was false and defamatory.

68. Lewandowski made these statements with actual malice, knowing that they were false or acting with reckless disregard for their truth or falsity.

69. The statement was of and concerning Jacobus as it identified plaintiff by name.

70. The statement unambiguously accuses Jacobus of unprofessional conduct in the course of practicing her profession, and was intended to injure and did injure plaintiff's reputation in her industry, to the extent that she lost specific promotional and professional opportunities including but not limited to bookings on CNN, and as such the statement constitutes libel *per se*.

71. Lewandowski committed the acts complained of while employed by Donald J. Trump for President, Inc. and in the course of his employment, and Donald J. Trump for President, Inc. is therefore liable, jointly and severally, to plaintiff under the doctrine of *Respondeat Superior*.

72. By reason of this defamation, plaintiff was greatly injured in her character and

reputation as a political strategist and public relations consultant, suffered abuse and harassment as well as great pain and mental anguish, and has been and will be deprived of gains and profits from the practice of her profession. Defendants are liable to plaintiff for actual and compensatory damages, damages for injury to her professional reputation and damages for emotional distress. As a result of the above, plaintiff has been damaged in an amount to be determined by a court, but in no circumstances less than the sum of two million (\$2,000,000.00) dollars.

73. As the injury was caused willfully, wantonly, and with actual and common law malice, plaintiff is entitled to punitive damages in an amount to be determined by a court.

WHEREFORE, Plaintiff demands judgement against the defendants as follows:

A. A judgment for damages against Defendants Lawandowski and Donald J. Trump for President, Inc., in an amount to be determined by a court but in no circumstances less than the sum of two million (\$2,000,000.00) dollars;

B. A judgment for damages against Defendants Trump and Donald J. Trump for President, Inc., in an amount to be determined by a court but in no circumstances less than the sum of two million (\$2,000,000.00) dollars;

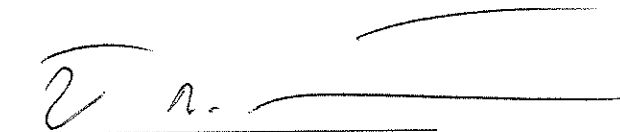
C. Punitive Damages against all parties in an amount to be determined by the court,

D. The costs, fees and disbursements of this action, and

E. For such other and further relief for the plaintiff as the Court deems just, fair and equitable.

Dated: New York, New York

April 17, 2016

A handwritten signature in black ink, appearing to read "J. R. Buttermann", is written over a horizontal line.

Jay R. Buttermann, Esq., of Counsel

Buttermann and Kahn, LLP

Attorneys for the Plaintiff Cheryl Jacobus

219 East 31st Street

New York, New York 10016

(212) 308-7697

VERIFICATION

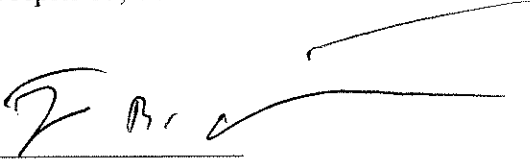
STATE OF NEW YORK, COUNTY OF NEW YORK, ss.

I, CHERYL JACOBUS, am the Plaintiff in the within action for libel. I have read the foregoing Complaint and know the contents thereof. The contents of the Complaint are true to my own knowledge, except as to those matters therein stated to be alleged upon information and belief, and as to those matters I believe them to be true.



CHERYL JACOBUS

Sworn to before me
on April 17, 2016



Notary Public

JAY R. BUTTERMAN
Notary Public, State of New York
No. 02BU4955356
Qualified in New York County
Commission Expires September 15, 2017