

DREW WALTON,

Plaintiff,

v.

BLITZ NEWS NETWORK,

Defendants.

Case No. 07-CV-1053

**COMPLAINT**

**JURY TRIAL REQUESTED**

**Superior Court for the State of Midlands – Southern District**

Plaintiff Drew Walton (“Walton” or “Plaintiff”) alleges as follows:

**PARTIES**

1. Walton is a citizen of the state of Midlands with residence at 238 Chestnut Avenue, Brookridge, Midlands.
2. As of September 24, 2006, Walton was one of two major party candidates for the governorship of Midlands.
3. The Defendant, Blitz News Network (“BNN” or “the Defendant”) is a corporation organized under the laws of Delaware with its principal place of business in the state of New York. BNN is an American television news network available in 93% of United States households in 2006. Before 2004, BNN was Blitz Television Station (“BTS”), a television station that focused on game shows, entertainment, music and fashion. In 2004, BTS changed its name to BNN and increased its emphasis on journalism.

**JURISDICTION AND VENUE**

4. Plaintiff brings this action for defamation under Chapter 73 of the Midlands Civil Code, therefore giving this Court subject matter jurisdiction.
5. This Court has specific personal jurisdiction over Defendant because Defendant (a) purposefully committed, within the State of Midlands, the acts from which this lawsuit arises; and (b) committed tortious acts outside Midlands, knowing and intending that such acts would cause injury within the state. The Court also has general personal jurisdiction over Defendants as they conduct continuous, systematic, and routine business within the State of Midlands.
6. Venue is proper in the Southern District of the Superior Court of the State of Midlands.

**FACTS**

7. On September 24, 2006, Walton participated in a debate at the Midlands Civic Center against Midlands University Professor Lane Hamilton. The debate began at 8:00 and concluded at 9:15.

8. BNN employees, including reporter Reagan Thomas and camera crew, were sent to the Civic Center for the express purpose of broadcasting that debate to a national audience via BNN's network television station.
9. At approximately 9:45 pm, Lane Hamilton committed suicide by firearm in the Civic Center parking lot.
10. From 10:17 to 10:19, BNN interrupted its televised broadcast of the Oski Awards, an annual awards show devoted to celebrity gossip and fashion, for a live news broadcast from Reagan Thomas ("the Broadcast"), who was reporting from the Midlands Civic Center parking lot.
11. During the Broadcast, BNN accused Walton, by specific allegation and imputation, of murder. Specifically, BNN accused Walton of shooting Lane Hamilton.
12. The document attached as Exhibit A to this Complaint is a fair, accurate and complete transcript of the Broadcast. It is an authentic copy of the original transcript. The statements made within Exhibit were made by BNN, by and through its authorized employees, representatives and agents, all acting within the scope and in furtherance of their employment, representation and agency for Defendant BNN.
13. According to Nielsen Ratings, the Broadcast was seen by more than 7 million viewers in the United States.
14. On September 25, 2006, the Midlands Coroner's Office and the Midlands Police Department ruled Lane Hamilton's death a suicide.
15. On September 25, 2006, BNN retracted The Broadcast in a press release written by BNN Chief Executive Officer Kit Berkshire.
16. On November 7, 2006, Drew Walton lost the Midlands gubernatorial election.

#### **DEFAMATION**

17. The Broadcast included false statements about and concerning Walton. These statements were false because Walton did not shoot or kill Lane Hamilton. The cause of Lane Hamilton's death was suicide.
18. BNN's false statements were defamatory in nature because they stated and implied that Walton had committed a serious crime.
19. By making the Broadcast to more than 7 million viewers, BNN published a false statement to multiple third persons.
20. Defendant BNN acted with actual malice in making and disseminating the statements contained in the Broadcast. Defendant BNN, individually and by and through its employees, agents, and representatives, made the allegations and imputations contained in the Broadcast knowing that such allegations and imputations were false, or made these allegations and imputations in the Broadcast in reckless disregard of their truth or falsity.

21. The Broadcast clearly and repeatedly mentioned Walton's name, such that any viewer would reasonably have recognized that BNN's broadcast was referring to Plaintiff Drew Walton, and could not have reasonably believed that the report was referring to someone other than Plaintiff Drew Walton.
22. Any viewer would reasonably have understood the Broadcast to be defamatory with respect to Walton.
23. The Broadcast was an unprivileged communication.
24. This broadcast caused severe damage to Drew Walton's national reputation, such that:
  - a. Drew Walton's ability to engage in fundraising for nonprofit organizations has been entirely or substantially impaired.
  - b. Drew Walton's ability to obtain public office has been entirely or substantially impaired.
  - c. Drew Walton's ability to speak with credibility on moral matters to a national audience has been entirely or substantially impaired.

WHEREFORE, Drew Walton respectfully requests judgment for:

1. Compensatory damages in the amount of \$25,000,000 for irrevocable damage to reputation;
2. Punitive damages in the total amount of \$25,000,000;
3. Attorney's fees and the costs of this action; and
4. All other appropriate relief.

Respectfully Submitted,

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Attorney for Plaintiff

DATED: December 1, 2006

# Blitz News Network

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BROADCAST TRANSCRIPT  
SEPTEMBER 24, 2006

START TIME: 10:17:04 P.M. Midlands Daylight Time

[VIDEO SHOWS: BNN Live Coverage of Oski Awards]

JAY BYMAN: Before we move on to the next award, we're going to send it back to the BNN Tower for a breaking news alert.

[VIDEO SHOWS: BNN Breaking News]

ANNOUNCER: From the BNN Tower, this is a BNN Breaking News Alert.

[VIDEO SHOWS: R.J. Reeves at anchor desk]

[CG LOWER: BNN BREAKING NEWS – LANE HAMILTON SHOT DEAD]

R.J. REEVES: And I'm R.J. Reeves. BNN has learned that professor Lane Hamilton was shot dead just moments after a debate with Midlands gubernatorial candidate Drew Walton.

With the latest we go now live to BNN's Reagan Thomas who's live outside the Midlands Civic Center.

[VIDEO SHOWS: Double Boxes: R.J. Reeves/BNN Tower  
Reagan Thomas/Midlands]

Reagan, what can you tell us?

[VIDEO SHOWS: Reagan Thomas in front of loading dock area, yellow police tape, emergency vehicles, onlookers]

[CG LOWER: REAGAN THOMAS – LIVE – MIDLANDS]

REAGAN THOMAS: R.J., I'm behind the Civic Center in downtown Midlands City with a horrifying bulletin. Lane Hamilton, one of the world's leading scholars, was gunned down just half an hour ago. But Blitz News is the first to report the even more shocking news that it appears the person responsible is gubernatorial candidate and First Child of Midlands, Drew Walton.

Walton and Hamilton confronted each other in the Civic Center parking lot after a gun control debate between the two here earlier this evening. BNN has learned that Hamilton made a derogatory comment about Walton's late father, Walton whipped out a gun, the two kept arguing, when shots rang out. I've spoken with several eyewitnesses and the police here at the Civic Center. Ladies and gentlemen, I wouldn't have believed

it if I hadn't seen it with my own eyes, but all evidence points to Drew Walton as the person who shot Professor Hamilton.

[VIDEO SHOWS: Double Boxes: R.J. Reeves/BNN Tower  
Reagan Thomas/Midlands]

R.J. REEVES: Reagan, what's the scene like there right now?

[VIDEO SHOWS: Reagan Thomas in front of loading dock area, yellow police tape, emergency vehicles, onlookers]

[CG LOWER: BNN EXCLUSIVE: WALTON MAY BE HAMILTON SHOOTER]

REAGAN THOMAS: This is unbelievable. A massive crowd is forming behind me. Police are working to keep them at a distance so the crime scene investigators can work. You have the tragic irony of a gun-related death after a gun control debate. The possible involvement of one of the most celebrated families in America. The uncertainty that surrounds a crime with so many questions and, currently, so few answers. What we know right now is that Midlands police have taken Drew Walton away from the Civic Center, and all signs indicate homicide charges are forthcoming.

[VIDEO SHOWS: Double Boxes: R.J. Reeves/BNN Tower  
Reagan Thomas/Midlands]

R.J. REEVES: Thanks for the update, Reagan.

[VIDEO SHOWS: R.J. Reeves at anchor desk]

[CG LOWER: BNN EXCLUSIVE: WALTON MAY BE HAMILTON SHOOTER]

R.J. REEVES: To recap, BNN's Reagan Thomas is the first to report that Drew Walton, the infamous Midlands gubernatorial candidate, appears to be the shooter responsible for the untimely death of Professor Lane Hamilton earlier this evening in Midlands. Stay with BNN and BNNOnline.com for the latest on this breaking news alert.

Off Time: 10:19:26 Midlands Daylight Time

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I, Sean Shahabi, certify that the foregoing transcript is an accurate word-for-word record of the air check logger tape maintained by Blitz News Network at the above stated date and times. I further certify that the non-verbal items accurately describe the relevant non-verbal portions.

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Sean Shahabi, RPR, CBC  
Notary Public, State of Midlands

DREW WALTON,

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Defendants.

Case No. 07-CV-1053 WQH (RBB)

**ANSWER**

**JURY TRIAL DEMANDED**

**Superior Court for the State of Midlands  
Southern District**

Blitz News Network (“BNN”) answers as follows:

**PARTIES**

1. The Defendant lacks sufficient knowledge to form an opinion as to the truth of the allegations in paragraph 1, and therefore denies them.
2. Admitted.
3. Admitted.

**JURISDICTION AND VENUE**

4. Admitted.
5. Admitted as to this Court having personal jurisdiction over the Defendant, but Denied as to the factual allegations otherwise stated.
6. Admitted.

**FACTS**

7. Admitted.
8. Admitted.
9. Denied.
10. Admitted.
11. Denied.
12. Admitted.
13. Admitted.
14. Admitted
15. Denied.
16. Admitted.

**DEFAMATION**

17. Denied.

18. Denied.
19. Denied.
20. Denied.
21. Admitted.
22. Denied.
23. Admitted.
24. The Defendant lacks sufficient knowledge to form an opinion as to the truth of the allegations,  
and therefore denies them.

Respectfully Submitted,

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Attorney for the Defendant

DATED: December 15, 2006

DREW WALTON,

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**STIPULATIONS**

**Superior Court for the State of Midlands  
Southern District**

The parties to the above entitled action agree to the following stipulations:

1. On the night of September 24, 2006, Reagan Thomas, Fran Martin, Harley Kim and Kit Berkshire were employees of Blitz News Network (“BNN”) and were acting in the course of employment. All remain employed by BNN, though BNN only reserves the right to designate Reagan Thomas or Kit Berkshire, but not both, as the BNN representative for the purposes of Midlands Rule of Evidence 615.
2. Both parties waive any and all objections to the admissibility of the Autopsy Report and the Certified Broadcast Transcript from September 24, 2006 (Exhibit A to the Complaint).
3. All witness affidavits and all other documents with places for signatures are to be treated as having been signed. Authenticity of signatures is not at issue, and all witnesses have reviewed and updated their affidavits immediately prior to coming to court.
4. By agreement of both parties, this trial has been bifurcated. This portion of the case deals only with liability.

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Attorney for the Plaintiff

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Attorney for the Defendant

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**FINDINGS OF FACT AND ORDER**

**Superior Court for the State of Midlands  
Southern District**

Based on the parties' moving papers and oral argument, this Court enters the following findings of fact and order:

**MOTION TO EXCLUDE TESTIMONY OF DOCTOR CAIRONI**

The motion to exclude or limit the testimony of Doctor Caironi on the grounds of doctor-patient privilege is DENIED. First, neither party represents the deceased Mr. Hamilton, so neither party has standing to object to violations of his doctor-patient privilege. Second, Mr. Hamilton's representatives have filed an amicus brief on his behalf. Mr. Hamilton's will and testament makes clear that Mr. Hamilton waived all doctor-patient privileges. Thus, neither party may object to Doctor Caironi's testimony on the basis of doctor-patient privilege.

**DEFENDANT'S MOTION *IN LIMINE* FOR AN ORDER DECLARING THE PLAINTIFF AN  
ALL-PURPOSE PUBLIC FIGURE AS A MATTER OF LAW**

The Defendant's motion for an order declaring the Plaintiff Drew Walton an all-purpose public figure is GRANTED. At the time of the events that give rise to this lawsuit, Walton was a major party candidate for Governor of Midlands, as well as a national celebrity heir to the Walton legacy. Plaintiff's arguments to the contrary are unavailing. Accordingly, Plaintiff must meet the burden of proof required by Midlands Code 73.003.

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Judge Scott Joannesburg

July 11, 2008