

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK – COMMERCIAL DIVISION**

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<b>MELANIA TRUMP, an individual,</b>	: <b>Index No.</b>
	:
<b>Plaintiff,</b>	: <b>COMPLAINT</b>
	:
<b>vs.</b>	: <b>DEMAND FOR JURY TRIAL</b>
	:
<b>MAIL MEDIA, INC. dba <i>Mail Online</i>,</b>	:
<b>a Delaware corporation,</b>	:
	:
<b>Defendant.</b>	:
	:
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**PRELIMINARY STATEMENT**

1. This is an action by Plaintiff Melania Trump against Defendant Mail Media, Inc. dba *Mail Online* (“Mail Online” or “Defendant”), seeking redress for the commercial harm done to her, her commercial brand and her business opportunities as the result of several false, salacious and highly offensive statements about her published by Mail Online on August 19, 2016. Mail Online published these statements for the purpose of gaining a tremendous economic benefit through the resulting increase in web traffic to its article and accompanying online advertisements, and the corresponding advertising revenue to Mail Online.

2. Plaintiff started her career as a professional model for many years, and evolved her career into developing and marketing her own lines of commercial products, including recent product deals for jewelry, accessories and skin care products, under her brand “Melania,” and through her own companies.

3. As a result of Defendant’s publication of defamatory statements about Plaintiff, Plaintiff’s brand has lost significant value, and major business opportunities that were otherwise available to her have been lost and/or substantially impacted. The economic damage to

Plaintiff's brand, and licensing, marketing and endorsement opportunities caused by the publication of Mail Online's defamatory article, is multiple millions of dollars. Plaintiff had the unique, once-in-a-lifetime opportunity, as an extremely famous and well-known person, as well as a former professional model and brand spokesperson, and successful businesswoman, to launch a broad-based commercial brand in multiple product categories, each of which could have garnered multi-million dollar business relationships for a multi-year term during which Plaintiff is one of the most photographed women in the world. These product categories would have included, among other things, apparel, accessories, shoes, jewelry, cosmetics, hair care, skin care and fragrance.

4. Mail Online stated in the defamatory article at issue that Plaintiff's well-publicized professional modeling career in the 1990s was a ruse, and that she instead worked as an "elite escort" in the "sex business," among other completely false and highly defamatory statements. Mail Online had no basis to make these false and highly defamatory and damaging statements. Mail Online admits these claims were "unsubstantiated"; that the two "sources" for the claims were unreliable; and that the key witnesses which Mail Online spoke to *denied* the claims. There were many other witnesses that Mail Online could have spoken to, who likewise would have denied the claims. Before publication, Mail Online asked Plaintiff for a comment and she, through her representative, said the statements were "lies", and the sources unreliable. Before publication, Mail Online also spoke to Paolo Zampolli, who owned the modeling agency that Plaintiff had worked for in the 1990s; he emphatically denied Mail Online's claims.

5. Notwithstanding the lack of any reliable factual support for its claims, the substantial number of denials, and the ability to interview other witnesses who likewise would have denied the claims, Mail Online made the conscious decision to publish the defamatory

statements. At the time of publication, Mail Online was either aware that its statements about Plaintiff were false, or Mail Online harbored serious doubts about the truth of the claims. Mail Online's publication of the defamatory claims reached millions of readers of Mail Online, and also foreseeably caused a chain-reaction of republication of the claims in many other news outlets, websites, blogs and social media, which reached millions and millions more readers throughout the world.

6. Defendant's false and defamatory statements about Plaintiff have caused tremendous harm to Plaintiff's personal and professional reputation, for which she seeks compensatory and punitive damages of at least \$150 million.

#### **PARTIES**

7. Plaintiff is an individual domiciled in New York, New York, residing at 725 Fifth Avenue.

8. On information and belief, Mail Online is a Delaware corporation, with its principal place of business in New York, New York.

#### **JURISDICTION AND VENUE**

9. This Court has jurisdiction over Mail Online under CPLR § 301 because Mail Online has offices in, and has its principal place of business in, New York City, and the causes of action alleged arise out of Mail Online's activities in New York City.

10. Venue is proper in this county under CPLR § 503 because Plaintiff is domiciled there and Mail Online has its principal place of business there.

#### **FACTS**

11. On information and belief, Mail Online manages, operates and/or publishes www.dailymail.com and www.dailymail.co.uk (collectively, the "Website"), a tabloid news

publication, and has 220 New York-based employees. The Website has United States web traffic of approximately 4.4 million unique visitors each day. Mail Online represents to the public that the Website is “the world’s most visited English language newspaper website.”

12. On or about August 19, 2016, Mail Online published an article entitled “*Naked photoshoots, and troubling questions about visas that won’t go away: The VERY racy past of Donald Trump’s Slovenian wife*” (the “Article”) on the Website.

13. The Article contained the following false and defamatory statements:

- a. “Naked photoshoots, and troubling questions about visas that won’t go away: The VERY racy past of Donald Trump’s Slovenian Wife”.
- b. “Just as it’s now claimed Melania moved to New York in 1995 — not 1996 as she still says — based on a set of highly-charged, lesbian-themed, nude photographs of her said to have been taken in New York in 1995, which re-surfaced last week — it is also now being suggested the Trumps may have got confused about the date of their first meeting.”
- c. “According to a Slovenian journalist who has recently published an unauthorised biography of Melania, the Kit Kat meeting was staged — an elaborate act for the benefit of the public.”
- d. “Bojan Pozar claims the pair first met three years earlier, in 1995, around the time of the nude photo shoot. ‘During my research I was told that they met in 1995,’ says Pozar, a journalist who is co-author of Melania Trump — The Inside Story: From A Slovenian Communist Village To The White House.”
- e. “But why lie about the dates in the first place? Well, firstly, in 1995 Trump was still married to his second wife, Marla Maples, whom he’d wed in

1993.”

- f. “Claims that the 1998 meeting was a ‘ruse’ are also made in another book, published this year, and available on Amazon.”
- g. “The book makes a number of unpleasant claims — such as one that a modelling agency Melania worked for in Milan before moving to New York was ‘something like a gentleman’s club’.”
- h. “Earlier this month, a Slovenian magazine, Suzy, published a front page story claiming Melania’s modelling agency in New York, run by New York entrepreneur, Paolo Zampolli, also operated as an escort agency for wealthy clients.”
- i. ““On the one hand they [the girls] pretended to be models, but they principally earned money as elite escorts,’ the magazine article claimed. ‘They even had two composite cards (presentation cards held by each model) — with two photos and basic information such as measurements, eye and hair colour, and agency details.’”
- j. ““One composite card was for the modelling business, and the other one for the sex business, as it stated whether they prefer the older men and described their abilities in the bedroom.’”
- k. “The article added: ‘What Melania’s [composite card] looked like only the people involved know, but it is no coincidence she got a rich husband.’”
- l. “Biography writer Bojan Pozar has been told conflicting stories. One is that they were introduced at a restaurant in New York’s Soho, another that it was

at a party given by a well known basketball player. But his sources agree on one thing — that it wasn't at the Kit Kat Club in 1998.”

14. Mail Online participated in publishing the Article by, among other things, editing and changing the original headline of the Article and posting it to the United States-facing homepage of the Website.

15. The statements of fact in the Article, quoted above, are false. Plaintiff did legitimate and legal commercial and fashion modeling work for legitimate business entities and did not work for any “gentleman’s club” or “escort” agencies or any other persons or entities in the “sex business.” Plaintiff was not a sex worker, escort or prostitute in any way, shape or form, nor did she ever have a composite or presentation card for the sex business. Plaintiff did not “lie” about the year she came to the United States or when she met her husband, nor was their first meeting “staged” or a “ruse.” Plaintiff did not come to the United States until 1996. Thus, Plaintiff did not participate in a photo shoot in the United States prior to 1996, nor did she meet her husband in the United States prior to 1996, nor was anything “stated” or a “ruse,” as the Article falsely claims.

16. On January 27, 2017, in a prior case styled *Melania Trump v. Webster Griffin Tarpley, et al.*, Judge Sharon Burrell of the Circuit Court of the State of Maryland, stated in open court: “The court believes most people, when they hear the words ‘high-end escort’ that describes a prostitute. *There could be no more defamatory statement than to call a woman a prostitute.*” (Emphasis added.)

17. Mail Online entertained conscious doubts that the defamatory statements in the Article were true, but still published them anyway. The Article states that the two supposed sources—an unauthorized biography of Plaintiff and an article in an obscure Slovenian tabloid

magazine—were unsubstantiated. In fact, the book was self-published by an unknown person who wrote under a pseudonym, and cannot even be located.

18. The Article contains no indication that Mail Online ever attempted to contact numerous other witnesses who would have been in a position to confirm or deny the claims in the Article, including fellow models who worked with Plaintiff at Mr. Zampolli's modeling agency.

19. Mr. Zampolli himself told Mail Online, prior to publication, that its claims about Melania Trump and his agency were "rubbish."

20. Plaintiff's spokesperson told Mail Online, prior to publication, the statements were "lies," and the book was "unauthorized" and written by "malicious and bitter 'reporters'" acting "for their own personal gain" who had never even met or spoken to Plaintiff.

21. On information and belief, Mail Online deliberately ran the Article knowing that the claims therein were defamatory and knowing that they were likely false and based on completely unreliable sources, and Mail Online made a conscious choice not to contact witnesses who were likely to debunk the claims. Mail Online published the Article with reckless disregard of the truth.

22. Mail Online's conduct violated professional standards of journalism ethics as exemplified by the Society of Professional Journalists ("SPJ") Code of Ethics. The SPJ Code of Ethics provides, in pertinent part:

- a. "An ethical journalist acts with integrity."
- b. "Ethical journalism should be accurate and fair."
- c. "Journalists should be honest ... in gathering, reporting and interpreting information."

- d. “Journalists should... Verify information before releasing it.”
- e. “Journalists should... Use original sources whenever possible.”
- f. “Ethical journalism treats...subjects...as human beings deserving of respect.”
- g. “Journalists should... Balance the public’s need for information against potential harm or discomfort.”
- h. “Journalists should... Show compassion for those who may be affected by news coverage.”
- i. “Journalists should... Avoid pandering to lurid curiosity...”
- j. “Journalists should... Consider the long-term implications of the extended reach and permanence of publication.”
- k. “Journalists should ... Abide by the same high standards they expect of others.”

23. In publishing the defamatory statements about Plaintiff, Mail Online failed to live up to *any* of these important ethical principles of journalism.<sup>1</sup>

24. Mail Online knew and intended that its defamatory statements about Plaintiff would be viewed by millions of people, and also would be republished by numerous other news outlets and websites, both because of the salacious claims made in the Article, and also because such republication is a part of Mail Online’s conscious business strategy. Mail Online’s parent company, Daily Mail and General Trust plc states at its website: “Not only do [stories] appear on DailyMail.com, the stories are then followed up by media outlets across the United States who source DailyMail.com’s reporting and then use it as the basis for their own reporting”.

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<sup>1</sup> The SPJ Code of Ethics states that is “not a set of rules” or “legally enforceable” but rather a “statement of abiding principles supported by additional explanations and position papers (at spj.org) that address changing journalistic practices” and should be used as “a guide that encourages all who engage in journalism to take responsibility for the information they provide, regardless of medium.”



25. This is precisely what happened in the instant case: Defendant's defamatory statements about Plaintiff were re-published by numerous news outlets, which resulted in millions and millions of people throughout the world reading the aforementioned defamatory statements about Plaintiff.

### FIRST CAUSE OF ACTION

#### (Defamation)

26. Plaintiff realleges and incorporates by this reference Paragraphs 1 through 25 of this Complaint as though fully set forth therein.

27. Mail Online published or caused to be published defamatory statements in the Article.

28. The defamatory statements in the Article were of and concerning Plaintiff.

29. The defamatory statements in the Article were false.

30. Mail Online published the defamatory statements in the Article either knowing they were false or with reckless disregard for the truth.

31. The defamatory statements in the Article constitute defamation *per se* because they falsely portray Plaintiff as a prostitute.

32. The defamatory statements in the Article also constitute defamation *per se* because they impugned her fitness to perform her duties as First Lady of the United States.

33. The defamatory statements in the Article also constitute defamation *per se* because they impugned her fitness to perform her duties in business.

34. The defamatory statements in the Article have caused Plaintiff damages, including to her reputation and to her business interests and prospective economic opportunities, as well as causing significant humiliation in the community and emotional distress.

35. The republication of the defamatory statements in other publications, which was both a foreseeable and an intended result of Mail Online's conduct, caused Plaintiff additional damages.

36. Mail Online's conduct was knowing, malicious, willful, and wonton, entitling Plaintiff to an award of punitive damages.

37. As a result of Mail Online's conduct, Plaintiff is entitled to an award of compensatory and punitive damages in an amount to be proven at trial and not less than \$150 million.

### **SECOND CAUSE OF ACTION**

#### **(Intentional Infliction of Emotional Distress)**

38. Plaintiff realleges and incorporates by this reference Paragraphs 1 through 37 of this Complaint as though fully set forth therein.

39. Mail Online's conduct was extreme and outrageous and beyond the bounds of decency in a civilized society. Among other things, Mail Online's conduct was extreme and outrageous in falsely making the scurrilous charge that the future First Lady of the United States worked as a prostitute, when:

- a. Mail Online's reporters and editors knew the sole "sources" of the statements were completely unreliable and not credible,
- b. Mail Online's failed to check with other sources would be in a position to deny and refute the claims,
- c. Plaintiff told Mail Online prior to publication the statements were "lies" and that the sources were completely unreliable,

d. Paolo Zampolli, who ran the modelling agency, told Mail Online prior to publication the claims were “rubbish.”

40. By its actions, Mail Online intentionally or recklessly caused emotional distress to Plaintiff.

41. Mail Online’s conduct was knowing, malicious, willful, and wonton, entitling Plaintiff to an award of punitive damages.

42. As a direct result of Mail Online’s actions, Plaintiff has suffered emotional distress and is entitled to compensatory and punitive damages in an amount to be proven at trial and not less than \$150 million.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff demands judgment against Defendant as follows:

- i. Awarding compensatory and punitive damages in appropriate amounts to be determined at trial;
- ii. Enjoining Mail Online from publishing or republishing the defamatory statements in the Article;
- iii. Awarding Plaintiff the recovery of her costs associated with this action, including but not limited to her reasonable attorneys’ fees and expenses; and
- iv. For such other and further relief as the Court deems just and appropriate.

**JURY TRIAL DEMAND**

Plaintiff hereby demands a jury trial.

**Dated: New York, New York  
February 6, 2017**

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