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SUPERIOR COURT FOR THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

RICHARD SIMMONS, an individual, Plaintiff, vs. AMERICAN MEDIA, INC., a Delaware corporation; RADARONLINE, LLC., a Delaware Limited Liability Company; NATIONAL ENQUIRER, INC., a Florida corporation; and DOES 1-10; Defendants.	CASE NO. BC 660633 **COMPLAINT FOR:** **1. LIBEL (COUNT I);** **2. LIBEL (COUNT II);** **3. LIBEL (COUNT III);** **4. LIBEL (COUNT IV);** **5. INVASION OF PRIVACY- FALSE LIGHT** **DEMAND FOR JURY TRIAL**

Plaintiff Richard Simmons alleges on information and belief as follows:

INTRODUCTION

1. Richard Simmons is a health and fitness guru, motivational life-coach, comedian, and actor who has helped millions of people, giving them hope, building up their self-esteem, and helping them cope with tragedy.

2. The National Enquirer and Radar Online are owned by American Media, and specialize in sensational and salacious stories, often featuring celebrities, callously calculated to generate profit through defamation and invasion of privacy.

3. This case is about a particularly egregious and hurtful campaign of defamations and privacy invasions, falsely asserting that Mr. Simmons is transitioning from a male to a female, including "shocking sex surgery," breast implants, hormone treatments, and consultations on medical castration.

4. The cruel and malicious publication of these stories is particularly offensive because Mr. Simmons fully supports individual autonomy and the essential human dignity of every person to make his or her own personal choices regarding sexual identity. Mr. Simmons has been an avid supporter of the LGBTQ community for his entire life.

5. With calculated malice, the National Enquirer and Radar Online have concluded that they can make money by running false and salacious stories claiming that Mr. Simmons is transitioning, when he is not. For Mr. Simmons to sue, the National Enquirer and Radar Online have cynically calculated, will make Mr. Simmons appear to maintain that there is something wrong with transitioning from one gender to another. To remain passive and do nothing, the calculation continues, will be seen as tacitly conceding the truth of the stories, encouraging more of them.

6. National Enquirer and Radar Online have miscalculated. The National Enquirer and Radar Online have cheaply and crassly commercialized and sensationalized an issue that ought to be treated with respect and sensitivity. Principles of freedom of speech and press may protect their prerogative to mock and degrade the LGBTQ community. But freedom to speak is

not freedom to defame. Mr. Simmons, like every person in this nation, has a legal right to insist that he not be portrayed as someone he is not. Even the most ardent supporter of sexual autonomy and LGBTQ rights is entitled to be portrayed in a manner that is truthful. The law of defamation and false light invasion of privacy exist to vindicate this elemental right. The law protects the right of every person to be treated with decency and dignity, free from the deliberate propagation of falsehoods that have no motivation other than exploitation. It is to vindicate that right, and the rights of all persons to be portrayed with dignity and honesty with regard to their sexual identity, that Mr. Simmons files this lawsuit.

PARTIES

7. Plaintiff Richard Simmons is, and at all relevant times was, an individual who resides in the County of Los Angeles.

8. Upon information and belief, Plaintiff alleges that American Media, Inc. ("AMI") is incorporated in Delaware, with its principal place of business in Florida, registered to do business in California, and with offices for the conduct of business in Santa Monica, California. AMI is the parent company for Defendants National Enquirer, Inc. and Radar Online, LLC.

9. Upon information and belief, Plaintiff alleges that Radar Online LLC ("Radar") is a Delaware Limited Liability Company doing substantial business in California. Radar is owned by AMI. Radar and its tabloid sibling, National Enquirer, Inc., make money for AMI by embarrassing and humiliating famous people with false, lurid, and sensational gossip about their private lives. These "stories" typically purport to be based on unidentified "sources," who, in most such instances, are individuals paid by AMI to provide the appearance of "support" for their stories. Such false and hurtful stories are typically accompanied by blaring headlines designed to create the false impression that the stories themselves are even more shocking and sensational than they really are. The facts alleged below are an example of these shameful and tortious practices.

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10. Upon information and belief, Plaintiff alleges that the National Enquirer, Inc. ("National Enquirer") is a Florida Corporation, with its principal place of business in Florida, registered to do business in California, and maintaining an office for the conduct of business in Santa Monica, California.

11. Defendants have purposefully availed themselves of the benefits and protections of California by, among other things, registering to do business in California, maintaining office space in California, selling and soliciting sale of magazines in California, actively engaging in reporting activities pertaining to events in California, and publishing print and digital articles directed at a resident of California, as further alleged herein.

12. Defendants Does 1 through 10 are sued herein by fictitious names for the reason that their true names are unknown to Plaintiff. Plaintiff will seek to leave to amend this complaint to allege the true names and capacities of these Defendants when they have been ascertained. Plaintiff is informed and believes and based thereon alleges that these fictitiously named Defendants are responsible in some manner for the actions and damages alleged herein. Some of the wrongful conduct occurred in Los Angeles County, and this wrongful conduct was intentionally and purposely done to cause harm in Los Angeles County.

13. Plaintiff is informed and believes, and based thereon alleges, that at all times herein mentioned, each Defendant named herein was the agent and/or employee of the other co-Defendants, and at all times were and are acting within the purpose and scope of such agency and/or employment, and with the permission and consent of his/her/its co-Defendants with knowledge, authorization, permission, consent, and/or subsequent ratification and approval of each co-defendant. Plaintiff is further informed and believes, and based thereon alleges, that each named and unnamed Defendant knowingly and willfully conspired and agreed among themselves to deprive Plaintiff of his rights and to cause the damages described herein.

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

14. Since early 2014, Mr. Simmons has taken a leave of absence from the media spotlight in order to retreat from his 40-year career in television, fitness, and other arenas of

entertainment. Starting from around May 2015, Mauro Oliveira, an individual who has blackmailed, extorted, and stalked Mr. Simmons for several years with the intention of destroying the career and reputation of Mr. Simmons, contacted several press outlets, including the National Enquirer and Radar, and offered information on Mr. Simmons's disappearance in exchange for a fee.

15. On information and belief, Mr. Oliveira contacted the National Enquirer on at least three separate occasions, offering three separate stories as to why Mr. Simmons has been absent from the media in the past few years. On information and belief, Mr. Oliveira first contacted the National Enquirer on or around May 2015, stating that Mr. Simmons's absence was due to him being "frail, weak and spiritually broken," and "in desperate need of help." On information and belief, Mr. Oliveira later contacted the National Enquirer on or around February 2016, stating that Mr. Simmons's absence was due to him being held hostage by his housekeeper who was controlling Mr. Simmons, taking advantage of his weak mental state, and engaging in witchcraft. Lastly, on information and belief, Mr. Oliveira contacted the National Enquirer on or around May 2016 and stated that he had information to prove that Mr. Simmons's absence was due to him undergoing medical procedures to transition from a male to a female. All of these assertions were untrue, and were merely attempts by Mr. Oliveira to gain a profit in exchange for providing a false narrative about Mr. Simmons's leave of absence. While pitching around these ideas, Mr. Oliveira was simultaneously blackmailing Mr. Simmons, sending him emails and threatening to destroy his reputation with damaging press coverage unless Mr. Simmons paid Mr. Oliveira to stop.

16. On information and belief, on or around June 2016, the National Enquirer planned and prepared to publish an article about Mr. Simmons's disappearance being due to him transitioning from a male to a female, and using Mr. Oliveira as its sole source for the story.

17. On June 2, 2016, immediately prior to publication of the article, AMI on behalf of the National Enquirer, provided Tom Estey, Mr. Simmons's publicist, with a copy of the unpublished article for review. After reviewing the article, Tom Estey promptly warned AMI's

general counsel that they should "be prepared for a lawsuit," indicating to AMI that the information in the soon to be published article was false and would subject the National Enquirer to a lawsuit. However, the National Enquirer and Radar disregarded the warnings and published the article without conducting any further investigation into its truth or accuracy, relying solely on Mr. Oliveira's false information as its source.

18. On June 8, 2016, the National Enquirer, based on the false information provided by Mr. Oliveira, published an article dated June 20, 2016, with a full cover page dedicated to a false story about Mr. Simmons's transition ("June 8 Article"). A true and correct copy of the June 8 Article and cover page are attached as **Exhibit 1**. The cover of the article, 100% entirely dedicated to the false story about Mr. Simmons's transition, included an old image of Mr. Simmons from 2013 (before his disappearance), dressed in costume as a female, which he has done openly over the years consistent with his well-known and longstanding burlesque-style entertainment persona. Accompanying the image of the 2013 photo of Mr. Simmons was a large bold headline, taking up half of the cover page, proclaiming "Richard Simmons: He's Now a Woman!" The June 8 Article stated that Mr. Simmons has "undergone shocking sex surgery to change from a man to a woman," "was now living as a gal named Fiona," and has "slowly transformed into a female with breast implants, hormone treatments, and medical consultations on castration." As a result of this false and defamatory article, a huge number of other news and media publications published similar articles about Mr. Simmons's entirely fabricated gender transition, citing the National Enquirer's June 8 Article as their information source.

19. On June 8, 2016, Radar published approximately five online articles on its website which contained defamatory images, videos, and text containing recycled information from the National Enquirer's June 8 Article. True and correct copies of Radar's June 8, 2016 articles are attached as **Exhibit 2.**

20. Defendants AMI, National Enquirer, and Radar knew or acted in reckless disregard for the fact that the information provided by Mr. Oliveira was false and that he was not a credible or reliable source. On information and belief, Oliveira had contacted the National

Enquirer on at least three separate occasions, offering three completely different stories to explain why Mr. Simmons was absent from the public eye. For a source to tell three entirely different stories regarding the same event, one grounded in allegations of physical and emotional breakdown, the next in allegations of abduction and witchcraft by a housekeeper, the third claiming sex change surgery, was on its face sufficient to instill subjective doubt regarding the truth of the allegations and the reliability of their source. Additionally, on information and belief, Defendants paid Mr. Oliveira to be a source. AMI, the National Enquirer, and Radar were willing to pay Mr. Oliveira to say anything that might trigger lurid headlines and drive sales, with knowledge of falsity and reckless disregard for the truth, coldly oblivious to the damage their cruel stories would cause to Mr. Simmons's reputation and equanimity.

21. On June 10, 2016, Mr. Oliveira recanted his fabricated story regarding Mr. Simmons's gender transition. In an email to Mr. Simmons and his manager Michael Catalano, Mr. Oliveira stated that he was "misrepresented and betrayed and that such allegations were pure fabrications by others not [himself]." "[He] signed up with this agency, to publish pictures and videos of Richard Simmons, with the sole intent to show how fit and how beautiful he looks like dressed up as a female." He then implicitly demanded money from Mr. Simmons within 10 days and stated that if Mr. Simmons paid him, he would be prepared to "go on record to discredit the story and defend Richard Simmons…." This email—part of a longstanding pattern of harassment of Mr. Simmons by Mr. Oliveira—further demonstrates that Mr. Oliveira was obviously not credible, and any reliance on him as a source was reckless and malicious. Mr. Oliveira's email, recanting his story, was provided to AMI as further proof of the story's falsity.

22. On June 14, 2016, Mr. Simmons publicly announced that the June 8 Article and other related publications were false and that he was not transitioning from a male to a female. Notwithstanding the knowledge they now possessed that their source was a shake-down artist and blackmailer, and notwithstanding Mr. Simmons's unequivocal denial of the gender transitioning story, the National Enquirer and Radar doubled-down on their defamation campaign. Both the National Enquirer and Radar published a new article repeating the sex-change allegations on June

15, 2016 ("June 15 Article") even after Mr. Simmons's denial and warnings regarding the story's falsity.

23. On June 21, 2016 AMI was contacted by Jeff Goldman, Mr. Simmons's previous counsel, who informed AMI that the information in the article was false and that the information source was unreliable and was merely an "opportunist" seeking to profit by providing false information about Mr. Simmons. Mr. Simmons's counsel also provided AMI's General Counsel with a demand for a retraction of the June 8 Article and each of the statements and their implications and impressions. As of the date of this filing, no retraction has been made by AMI. A true and correct copy of the June 21, 2016 letter is attached hereto as **Exhibit 3.**

24. On August 3, 2016, AMI's General Counsel emailed Mr. Oliveira and stated "It has come to our attention that you continue to try to sell articles and photographs about Richard Simmons to AMI despite apparently disavowing information you previously provided AMI. Please cease and desist contacting anyone at the company. AMI is not interested in acquiring any information from you."

25. On March 22, 2017, after receiving several notices and warnings from Mr. Simmons' representatives regarding the falsity of the fabricated sex change story and after AMI sent an email to Mr. Oliveira demanding that he "cease and desist contacting anyone at the company," Radar published an article that yet again repeated the Enquirer's fabricated sex-change allegations. (March 22 Article"). The March 22 Article stated that Mr. Simmons was "the latest Hollywood star to secretly undergo a sex change" and that he has "opted for a breast implant surgery, hormone therapy, and a host of other invasive changes to create the transformation the Enquirer reported." The March 22 Article included a video and accompanying text.

26. On April 6, 2017, a retraction letter was sent to AMI's general counsel, stating that the contents of the March 22 Article were false and defamatory, and demanding that the March 22 Article be removed and retracted. As of the date of this filing, no retraction has been made by Defendant AMI. A true and correct copy of the April 6, 2017 retraction letter is attached as **Exhibit 4.**

FIRST CAUSE OF ACTION

LIBEL (Count I- the National Enquirer's June 8 Article)

(Plaintiffs Against the National Enquirer, AMI, and Does 1-10)

27. All previous allegations are realleged and incorporated herein by reference.

28. On or around June 8, 2016, in its issue dated June 20, 2016, Defendant the National Enquirer devoted its entire magazine cover to a series of articles alleging that Mr. Simmons has transitioned into a female. Defendant the National Enquirer published the following false statements of and concerning Mr. Simmons (collectively referred to as the "June 8 Offending Statements"):

a. Mr. Simmons is "NOW A WOMAN!";

b. He "has undergone shocking sex surgery to change from a man to a woman";

c. He has "slowly transformed into a female with breast implants, hormone treatments and medical consultations on castration";

d. He "had a boob job";

e. He had a "SECRET BOOB JOB & CASTRATION SURGERY";

f. He "is now considering having a vagina built by doctors";

g. He is "The New Caitlyn Jenner";

h. He is "Now living as a gal named Fiona";

i. He "IS NOW CALLED Fiona!";

j. "Fitness guru TRANSITIONS to a Woman";

k. He is living in a "BIZARRE WORLD" as a woman;

l. Sex-change surgery was the "REAL REASON HE DISAPPEARED FOR 924 DAYS!";

m. He has been "EXPOSED!";

n. His brother Leonard "feels the [nonexistent] sex change conflicts with their Catholic upbringing";

o. The photos published by the Enquirer are "not just Richard Simmons in drag";

p. The photos published by the Enquirer "prove" the foregoing lies.

29. The June 8 Offending Statements are libelous on their face. Additionally, because the June 8 Offending Statements impute unchastity on Mr. Simmons, they are libelous per se.

30. The June 8 Offending Statements are reasonably susceptible of a defamatory meaning. The headlines and article taken together insinuate that Mr. Simmons has undergone a sex-change surgery to change from a man to a woman, and leave such an impression in the reader's mind. Moreover, the defamatory statement about Mr. Simmons "Now living as a gal named Fiona," insinuates that Mr. Simmons has an identity crisis or possibly multiple personalities. The statements "SECRET BOOB JOB & CASTRATION SURGERY" and "now considering having a vagina built by doctors" insinuate that Mr. Simmons has undergone medical procedures and plans to undergo further medical procedures to replace his male sexual organs with those of a female.

31. Beyond the National Enquirer and Radar's false insinuation that Mr. Simmons has and continues to undergo sex-change surgery, the headlines and articles are flat-out false under any reasonable meaning. Mr. Simmons is not a woman; he has not undergone or contemplated sex-change surgery, or any surgery whatsoever to change from a man to a woman; he has not slowly transformed, or transformed in any way, into a female; he has not had breast implants; he has not had hormone treatments; he has not had medical consultations on castration; he has not had a "boob job" or "castration surgery"; he is not the "new Caitlyn Jenner"; he has not been "exposed"; he is not living in a "bizarre new world" as a woman; he has not used and does not use the name "Fiona"; he is not living as a woman (or person) named Fiona; he has never considered, and is not considering, having a vagina built by doctors; his brother Leonard has never expressed or maintained any opinion on any sex change by Mr. Simmons (since none has ever been contemplated) and does not believe that Mr. Simmons' conduct in any way conflicts with their Catholic upbringing — to the contrary, he fully supports Mr. Simmons.

32. The June 8 Offending Statements were published with negligence and with constitutional and actual malice, with knowledge that they were false or with a reckless disregard

for the truth or falsity of what was expressed and implied, including, but not limited to, the following:

a. Defendants intended that the front-page headline "Richard Simmons: He's Now a Woman!" and story headlines "Fitness guru TRANSITIONS to a Woman" and "RICHARD SIMMONS IS NOW CALLED Fiona!" would in fact be understood by average readers and were fully intended to be understood by average readers to express and imply the false and defamatory message that Mr. Simmons had undergone a sex change, all with knowledge of falsity or reckless disregard for the truth.

b. Defendants deliberately intended to convey the impression that Mr. Simmons has undergone a sex-change surgery to change from a man to a woman, which was known to be false. Defendants used front-page phrases such as "NOW A WOMAN!" "SECRET BOOB JOB & CASTRATION SURGERY" and he "IS NOW CALLED Fiona!" to buttress the impression that Defendants intended to convey to the reader.

c. Defendants also acted with actual malice, entertaining serious doubts about the truth of the June 8 Offending Statements or purposely avoided learning the truth because they were aware that Mr. Simmons had not transitioned into a female after receiving several warnings regarding the articles' falsity from Mr. Simmons' representatives on June 2, 2016, before publication. Moreover, Mr. Simmons even made a public announcement on June 14, 2016, stating that he was not transitioning and that the June 8 Article and other related articles were falsely reported. Nevertheless, defendants acted recklessly by republishing the false sex-change statements on the National Enquirer and Radar websites after receiving several warnings regarding the falsity of the statements, as well as notice of the unreliability of Mauro Oliveira, the source who provided the false information. Moreover, in the face of such contradictory information, Defendants the National

Enquirer and Radar did not even attempt to interview Mr. Simmons, the only source who could confirm or deny the accuracy of the information contained in the articles.

d. Defendants had a pecuniary motive for running a front-page headline and story that were reasonably susceptible of a defamatory meaning in order to attract attention and boost sales of the National Enquirer and viewership of Radar. Defendants chose to prioritize profit over truthful reporting.

e. On information and belief, the genesis of this story came from Mauro Oliveira, an individual who has for years blackmailed Mr. Simmons and used threats of reputational harm in order to extort money from Mr. Simmons. Defendants were aware of Mr. Oliveira's opportunistic behavior after receiving notice from Mr. Simmons' representatives, but continued to republish the defamatory sex change allegations without further investigation into Mr. Oliveira's credibility or motive. Furthermore, Defendants had prior notice that Mr. Oliveira was not a credible or reliable source after he contacted Defendants on three separate occasions offering three completely different and inconsistent stories regarding Mr. Simmons's media absence.

f. Defendants published their pre-conceived story line exploiting Mr. Simmons in order to capitalize on the public attention Mr. Simmons was receiving because of his retreat from the public arena. The National Enquirer and Radar used Mr. Simmons' respite from the glare of public life to treat his persona as a defamation free-fire zone, acting as if they had a license to publish any story they wanted about Simmons. Knowing that any innocuous or mundane explanation for the new quietude of Mr. Simmons would not generate sales or circulation, the National Enquirer and Radar invented the most over-the-top and sensational story they could, brazenly breaking their false revelation as a "World Exclusive," attempting to gain sole credit as the first to unveil Mr. Simmons' putative sex change.

33. Defendants purposely avoided the truth, using their one bogus and discredited source as putative cover, intentionally avoiding any corroborating investigation. The National Enquirer and Radar published their allegations despite the absence of any genuine deadline pressure, rushing their apocryphal story into print even though they knew they didn't have any evidence or corroboration supporting its truth, solely to be the first to publish the salacious and sensational claims.

34. A demand for a retraction of the June 8 Article and each of the statements and their implications and impressions was made to the General Counsel of AMI, by letter dated and transmitted by e-mail and Federal Express on June 21, 2016. As of the date of this filing, no retraction has been made.

35. As a direct and proximate result of the above-described conduct by Defendants, plaintiff has suffered general and special damages in an amount to be determined at trial in an amount in excess of the minimum jurisdiction of the Superior Court, including without limitation, damage to Plaintiff's reputation, career, and standing in the community.

36. Upon information and belief, Plaintiff alleges that each Defendant's conduct was done with oppression, fraud and malice and that, therefore, the conduct of each Defendant justifies an award of punitive and exemplary damages.

37. Upon information and belief, Plaintiff alleges that, unless enjoined and restrained by the Court, Defendants will republish, repeat and continue to disseminate the June 8 Offending Statements and their implications and impressions, all to the continuing injury of Plaintiff; that such continued republication, repetition and dissemination of the defamatory and offensive falsehoods will cause irreparable harm to Plaintiff by damaging his reputation and adversely affecting his career and business efforts as well as his personal relationships. Upon information and belief, Plaintiff alleges that he lacks an adequate remedy at law insofar as damages will be very difficult to calculate for such on-going injuries. By reason of the foregoing, Plaintiff is entitled to a permanent injunction enjoining and restraining Defendants, and each of them, and all persons acting in concert with them, from republishing, repeating, distributing or otherwise

disseminating the June 8 Offending Statements or any of their implications and impressions to the extent such are found in this Action to be false.

SECOND CAUSE OF ACTION

LIBEL (Count II- Radar's June 8 Articles)

(Plaintiffs Against Radar, AMI, and Does 1-10)

38. All previous allegations are realleged and incorporated herein by reference.

39. On or around June 8, 2016, Defendant Radar published a series of online articles with videos and accompanying text, which were posted on Radar's website, falsely claiming that Mr. Simmons has transitioned to a female. Defendant Radar published the following false statements of and concerning Mr. Simmons (collectively referred to as the "Radar June 8 Offending Statements"):

a. "SEX CHANGE BOMBSHELL: RICHARD SIMMONS IS SECRETLY LIVING AS A WOMAN!"

b. Mr. Simmons is "the latest Hollywood star to secretly undergo a sex change";

c. "National Enquirer broke the explosive news with a jaw dropping cover story that features never-before-seen photos of Simmons living as his female identity, Fiona";

d. "The incredible pictures of Simmons, 67, with flowing brunette locks and womanly curves are photoshop-free";

e. "This is not just Richard Simmons in drag, this is Richard dressed as a softly spoken woman named Fiona";

f. "Like [Caitlyn] Jenner, Simmons has opted for a breast implant surgery, hormone therapy, and a host of other invasive changes to create the transformation the Enquirer reported";

g. "He's secretly been adventuring out of his Hollywood Hills home dressed as a woman for months."

h. "Boob Job & Hormone Treatments! See Bombshell Richard Simmons' Post-

Surgery Photo";

i. "the procedures have had a very nasty side effect";

j. "Richard Simmons is serious about his decision to live fully as a woman";

k. "He had a boob job, and his breasts are like he had been taking hormones to make them grow";

l. "Unfortunately, the treatments to feminize his appearance have had a bad side effect";

m. "Richard Simmons has been living a life of freedom behind the walls of his Hollywood home, ever since deciding to embrace life as a woman";

40. The Radar June 8 Offending Statements are libelous on their face. Additionally, because the Radar June 8 Offending Statements impute unchastity on Mr. Simmons, they are libelous per se.

41. The Radar June 8 Offending Statements are reasonably susceptible of a defamatory meaning. The videos, images, and accompanying texts insinuate that Mr. Simmons has undergone a sex-change surgery to change from a man to a woman, and leave such an impression in the viewers' mind. Moreover, the defamatory statement about Mr. Simmons "dressed as a softly spoken woman named Fiona," insinuates that Mr. Simmons has an identity crisis or possibly multiple personalities. The statement "Simmons has opted for a breast implant surgery, hormone therapy, and a host of other invasive changes to create the transformation" insinuates that Mr. Simmons has undergone medical procedures and plans to undergo further medical procedures to replace his male sexual organs with those of a female.

42. Beyond Radar's false insinuation that Mr. Simmons has and continues to undergo sex-change surgery, the video and its contents are flat-out false under any reasonable meaning. Mr. Simmons has not undergone or even contemplated sex-change surgery, or any surgery whatsoever to change from a man to a woman; he has not used and does not use the name "Fiona"; he is not living as a woman (or person) named Fiona; he does not have flowing brunette

locks and womanly curves; the pictures of Mr. Simmons with flowing brunette locks and womanly curves are not "photoshop-free"; Mr. Simmons has not "opted for" breast implant surgery, hormone therapy, or any other invasive changes to create the transformation the Enquirer reported; he does not secretly adventure out of his Hollywood Hills home dressed as a woman; he did not receive treatments to feminize his appearance and has not had any "side effect"; nor has Richard Simmons decided to embrace life as a woman.

43. The Radar June 8 Offending Statements were published with negligence and constitutional and actual malice with knowledge that they were false or with a reckless disregard for the truth or falsity, including, but not limited to, the following:

a. Defendants entertained serious doubts about the truth of the Radar June 8 Offending Statements or purposely avoided learning the truth because they were aware that Mr. Simmons had not transitioned into a female after receiving several warnings regarding the articles' falsity from Mr. Simmons' representatives before publication. Moreover, Mr. Simmons even made a public announcement on June 14, 2016, stating that he was not transitioning and that the article was falsely reported. Moreover, the Radar June 8 Offending Statements cite the original June 8 Article by the National Enquirer, which was deemed false and inaccurate. Nevertheless, defendants acted recklessly by republishing the abovementioned statements on the Radar website after receiving several warnings regarding the articles' falsity, as well as notice regarding the unreliability of Mauro Oliveira, the source who provided the false information. Moreover, in the face such contradictory information, Defendant Radar did not even attempt to interview Mr. Simmons, the only source who could confirm or deny the accuracy of the

information contained in the articles in order to verify the accuracy of said information.

b. Radar had a pecuniary motive for running a story that was dramatic and salacious in order to attract attention and boost viewership of Radar.

c. On information and belief, the genesis of this story came from Mauro Oliveira, an individual who has for years, blackmailed Mr. Simmons and used threats of reputational harm with the hope of obtaining monies from Mr. Simmons. Defendants were aware of Mr. Oliveira's opportunistic behavior after receiving notice from Mr. Simmons' representatives, but continued to republish the Radar June 8 Article without further investigation into Mr. Oliveira's credibility. Furthermore, Defendants had prior notice that Mr. Oliveira was not a credible or reliable source after he contacted Defendant the National Enquirer, Radar's tabloid sibling, on at least three separate occasions offering three completely different and inconsistent stories regarding Mr. Simmons's media absence.

d. Defendants had a predetermined bias against Mr. Simmons because they were looking for anything to gain a leg-up on the media frenzy surrounding Mr. Simmons's disappearance and media absence for the past few years. The National Enquirer and Radar broke the story as a "World Exclusive" attempting to gain sole credit as the first to sully Mr. Simmons' reputation and to drag him into the morass.

e. Defendants purposely avoided the truth by failing to adequately fact-check to confirm the accuracy of the Radar June 8 Offending Statements or obtain corroborating evidence before publishing the offending statements, where the implication of the Radar June 8 Offending Statements are serious enough to

warrant some type of substantiation. This was not "hot news" for which there was an urgent need to publish without actual verification because Defendants had several months to investigate the story before publishing it.

44. A demand for a retraction of the Radar June 8 Offending Statements and their implications and impressions was made to the General Counsel of AMI, by letter dated and transmitted by e-mail and Federal Express on June 21, 2016. As of the date of this filing, no retraction has been made.

45. As a direct and proximate result of the above-described conduct by Defendants Radar and AMI, plaintiff has suffered general and special damages in an amount to be determined at trial in an amount in excess of the minimum jurisdiction of the Superior Court, including without limitation, damage to Plaintiff's reputation, career, and standing in the community.

46. Upon information and belief, Plaintiff alleges that each Defendant's conduct was done with oppression, fraud and malice and that, therefore, the conduct of each Defendant justifies an award of punitive and exemplary damages.

47. Upon information and belief, Plaintiff alleges that, unless enjoined and restrained by the Court, Defendants will republish, repeat and continue to disseminate the Radar June 8 Offending Statements and their implications and impressions, all to the continuing injury of Plaintiff; that such continued republication, repetition and dissemination of the defamatory and offensive falsehoods will cause irreparable harm to Plaintiff by damaging his reputation and adversely affecting his career and business efforts as well as his personal relationships. Upon information and belief, Plaintiff alleges that he lacks an adequate remedy at law insofar as damages will be very difficult to calculate for such on-going injuries. By reason of the foregoing. Plaintiff is entitled to a permanent injunction enjoining and restraining Defendants, and each of them, and all persons acting in concert with them, from republishing, repeating, distributing or otherwise disseminating the Radar June 8 article or the Radar June 8 Offending Statements or any of their implications and impressions to the extent such are found in this action to be false.

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THIRD CAUSE OF ACTION

LIBEL (Count III- Radar's June 15 Article)

(Plaintiffs Against Radar, AMI, and DOES 1-10)

48. All previous allegations are realleged and incorporated herein by reference.

49. On or around June 15, 2016, Defendant Radar published an online article on its website, falsely claiming that Mr. Simmons has transitioned to a female. Defendant Radar published the following false statements of and concerning Mr. Simmons (collectively referred to as the "Radar June 15 Offending Statements"):

a. "Richard Simmons has been living a much bolder life as a sexy party girl named Fiona!";

b. "As The National Enquirer reported, the workout guru has been transitioning into a woman over the past three years";

c. "Simmons denied the sex change— but how will he explain RadarOnline.com's exclusive photos of his wild new female life?";

d. "He appeared to be totally natural and comfortable as a woman";

e. "Simmons has begun taking hormones and even underwent a breast augmentation";

f. "He didn't seem worried about being recognized as Richard Simmons when he was dressed as Fiona."

50. The Radar June 15 Offending Statements are libelous on their face. Additionally, because the Radar June 15 Offending Statements impute unchastity on Mr. Simmons, they are libelous per se.

51. The Radar June 15 Offending Statements are reasonably susceptible of a defamatory meaning. The images and accompanying text insinuate that Mr. Simmons has undergone a sex-change surgery to change from a man to a woman, and leave such an impression in the viewers' mind. Moreover, the defamatory statement "Richard Simmons has been living a much bolder life as a sexy party girl named Fiona!" insinuates that Mr. Simmons

has an identity crisis or possibly multiple personalities. The statement "the workout guru has been transitioning into a woman over the past three years" insinuates that Mr. Simmons has undergone medical procedures and plans to undergo further medical procedures to replace his male sexual organs with those of a female.

52. Beyond Radar's false insinuation that Mr. Simmons has and continues to undergo sex-change surgery, the video and its contents are flat-out false under any reasonable meaning. Mr. Simmons has not undergone or even contemplated sex-change surgery, or any surgery whatsoever to change from a man to a woman; he has not used and does not use the name "Fiona"; he is not living as a woman (or person) named Fiona; the pictures of Mr. Simmons dressed as a female do not evidence the fact that he has transitioned as he has dressed in this manner for several years and such attire is consistent with his well-known public persona; Mr. Simmons is not totally natural and comfortable as a woman; and Mr. Simmons has not undergone breast augmentation, hormone therapy, or any other invasive changes to create the inexistent transformation reported.

53. The Radar June 15 Offending Statements were published with negligence and even Constitutional and actual malice with knowledge that they were false or with a reckless disregard for the truth or falsity of what was reported including, but not limited to, the following ways:

a. Defendants entertained serious doubts about the truth of Radar June 15 Offending Statements or purposely avoided learning the truth because they were aware that Mr. Simmons had not transitioned into a female after receiving several warnings regarding the articles' falsity from Mr. Simmons' representatives before publication. Moreover, Mr. Simmons even made a public announcement on June 14, 2016, stating that he was not transitioning and that the article was falsely reported. Moreover, the Radar June 15 Offending Statements cite the original June 8 Article by the National Enquirer, which was deemed false and inaccurate. Nevertheless, defendants acted recklessly by republishing the abovementioned

statements on the Radar website after receiving several warnings regarding the articles' falsity, as well as notice regarding the unreliability of Mauro Oliveira, the source who provided the false information. Moreover, in the face such contradictory information, Defendant Radar did not even attempt to interview Mr. Simmons, the only source who could confirm or deny the accuracy of the information contained in the articles in order to verify the accuracy of said information.

b. Radar had a pecuniary motive for running a story that was dramatic and salacious in order to attract attention and boost viewership of Radar.

c. On information and belief, the genesis of this story came from Mauro Oliveira, an individual who has for years, blackmailed Mr. Simmons and used threats of reputational harm with the hope of obtaining monies from Mr. Simmons. Defendants were aware of Mr. Oliveira's opportunistic behavior after receiving notice from Mr. Simmons' representatives, but continued to republish the Radar June 15 Offending Statements without further investigation into Mr. Oliveira's credibility. Furthermore, Defendants had prior notice that Mr. Oliveira was not a credible or reliable source after he contacted Defendant the National Enquirer, Radar's tabloid sibling, on three separate occasions offering three completely different and inconsistent stories regarding Mr. Simmons's media absence.

d. Defendants had a predetermined bias against Mr. Simmons because they were looking for anything to gain a leg-up on the media frenzy surrounding Mr. Simmons's disappearance and media absence for the past few years. The National Enquirer and Radar broke the story as a "World Exclusive" attempting to gain sole credit as the first to sully Mr. Simmons' reputation and to drag him into the morass.

e. Defendants purposely avoided the truth by failing to adequately fact-check to confirm the accuracy of the Radar June 15 Offending Statements or obtain

corroborating evidence before publishing the offending statements, where the implication of the Radar June 15 Offending Statements are serious enough to warrant some type of substantiation. This was not "hot news" for which there was an urgent need to publish without actual verification because Defendants had several months to investigate the story before publishing it.

54. A demand for a retraction of the Radar June 15 Offending Statements and their implications and impressions was made to the General Counsel of AMI, by letter dated and transmitted by e-mail and Federal Express on June 21, 2016. As of the date of this filing, no retraction has been made.

55. As a direct and proximate result of the above-described conduct by Defendants, plaintiff has suffered general and special damages in an amount to be determined at trial in an amount in excess of the minimum jurisdiction of the Superior Court, including without limitation, damage to Plaintiff's reputation, career, and standing in the community.

56. Upon information and belief, Plaintiff alleges that each Defendant's conduct was done with oppression, fraud and malice and that, therefore, the conduct of each Defendant justifies an award of punitive and exemplary damages.

57. Upon information and belief, Plaintiff alleges that, unless enjoined and restrained by the Court, Defendants will republish, repeat and continue to disseminate Radar June 15 Offending Statements and their implications and impressions, all to the continuing injury of Plaintiff; that such continued republication, repetition and dissemination of the defamatory and offensive falsehoods will cause irreparable harm to Plaintiff by damaging his reputation and adversely affecting his career and business efforts as well as his personal relationships. Upon information and belief, Plaintiff alleges that he lacks an adequate remedy at law insofar as damages will be very difficult to calculate for such on-going injuries. By reason of the foregoing, Plaintiff is entitled to a permanent injunction enjoining and restraining Defendants, and each of them, and all persons acting in concert with them, from republishing, repeating, distributing or otherwise disseminating the June 15 article, the Radar June 15 Offending Statements or any of

their implications and impressions to the extent such are found in this action to be false.

FOURTH CAUSE OF ACTION

LIBEL (Count IV- Radar's March 22 Article)

(Plaintiffs Against Radar, AMI, and DOES 1-10)

58. All previous allegations are realleged and incorporated herein by reference.

59. On or around March 22, 2017, Defendant Radar published an online article containing a video and accompanying text which was posted on its website, falsely claiming that Mr. Simmons has transitioned to a female. Defendant Radar published the following false statements of and concerning Mr. Simmons (collectively referred to as the "March 22 Offending Statements"):

a. Mr. Simmons is "the latest Hollywood star to secretly undergo a sex change";

b. "National Enquirer broke the explosive news with a jaw dropping cover story that features never-before-seen photos of Simmons living as his female identity, Fiona";

c. "The incredible pictures of Simmons, 67, with flowing brunette locks and womanly curves are photoshop-free";

d. "This is not just Richard Simmons in drag, this is Richard dressed as a softly spoken woman named Fiona";

e. "Like [Caitlyn] Jenner, Simmons has opted for a breast implant surgery, hormone therapy, and a host of other invasive changes to create the transformation the Enquirer reported";

f. "He's secretly been adventuring out of his Hollywood Hills home dressed as a woman for months."

60. The March 22 Offending Statements are libelous on their face. Additionally, because the March 22 Offending Statements impute unchastity on Mr. Simmons, they are libelous per se.

61. The March 22 Offending Statements are reasonably susceptible of a defamatory meaning. The video and accommodating text insinuate that Mr. Simmons has undergone a sex-

change surgery to change from a man to a woman, and leave such an impression in the viewers' mind. Moreover, the defamatory statement about Mr. Simmons "dressed as a softly spoken woman named Fiona," insinuates that Mr. Simmons has an identity crisis or possibly multiple personalities. The statement "Simmons has opted for a breast implant surgery, hormone therapy, and a host of other invasive changes to create the transformation" insinuates that Mr. Simmons has undergone medical procedures and plans to undergo further medical procedures to replace his male sexual organs with those of a female.

62. Beyond Radar's false insinuation that Mr. Simmons has and continues to undergo sex-change surgery, the video and its contents are flat-out false under any reasonable meaning. Mr. Simmons has not undergone or even contemplated sex-change surgery, or any surgery whatsoever to change from a man to a woman; he has not used and does not use the name "Fiona"; he is not living as a woman (or person) named Fiona; he does not have flowing brunette locks and womanly curves; the pictures of Mr. Simmons with flowing brunette locks and womanly curves are not "photoshop-free"; Mr. Simmons has not "opted for" breast implant surgery, hormone therapy, or any other invasive changes to create the transformation the Enquirer reported; nor does he secretly adventure out of his Hollywood Hills home dressed as a woman.

63. The March 22 Offending Statements were published with negligence and even Constitutional and actual malice with knowledge that they were false or with a reckless disregard for the truth or falsity of what was reported including, but not limited to, the following ways:

a. Defendants entertained serious doubts about the truth of the March 22 Offending Statements or purposely avoided learning the truth because they were aware that Mr. Simmons had not transitioned into a female after receiving several warnings regarding the articles' falsity from Mr. Simmons' representatives before

publication. Moreover, Mr. Simmons even made a public announcement on June 14, 2016, stating that he was not transitioning and that the article was falsely reported. Moreover, the March 22 Offending Statements cite the original June 22 Article by the National Enquirer, which was deemed false and inaccurate. Nevertheless, defendants acted recklessly by republishing the abovementioned statements on the Radar website after receiving several warnings regarding the articles' falsity, as well as notice regarding the unreliability of Mauro Oliveira, the source who provided the false information. Moreover, in the face such contradictory information, Defendant Radar did not even attempt to interview Mr. Simmons, the only source who could confirm or deny the accuracy of the information contained in the articles in order to verify the accuracy of said information.

b. Radar had a pecuniary motive for running a story that was dramatic and salacious in order to attract attention and boost viewership of Radar.

c. On information and belief, the genesis of this story came from Mauro Oliveira, an individual who has for years, blackmailed Mr. Simmons and used threats of reputational harm with the hope of obtaining monies from Mr. Simmons. Defendants were aware of Mr. Oliveira's opportunistic behavior after receiving notice from Mr. Simmons' representatives, but continued to republish the March 22 Article without further investigation into Mr. Oliveira's credibility. Furthermore, Radar had prior notice that Mr. Oliveira was not a credible or reliable source after he contacted Defendant the National Enquirer, Radar's tabloid sibling, on at least three separate occasions offering three completely different and inconsistent stories regarding Mr. Simmons's media absence.

d. Defendants had a predetermined bias against Mr. Simmons because they were looking for anything to gain a leg-up on the media frenzy surrounding Mr. Simmons's disappearance and media absence for the past few years. The National Enquirer and Radar broke the story as a "World Exclusive" attempting to gain sole credit as the first to sully Mr. Simmons' reputation and to drag him into the morass.

e. Defendants purposely avoided the truth by failing to adequately fact-check to confirm the accuracy of the March 22 Offending Statements or obtain corroborating evidence before publishing the offending statements, where the implication of the March 22 Offending Statements are serious enough to warrant some type of substantiation. This was not "hot news" for which there was an urgent need to publish without actual verification because Defendants had several months to investigate the story before publishing it.

64. A demand for a retraction of the March 22 video and each of the statements and their implications and impressions was made to the General Counsel of AMI, by letter dated and transmitted by e-mail and Federal Express on April 6, 2017. As of the date of this filing, no retraction has been made.

65. As a direct and proximate result of the above-described conduct by Defendants, plaintiff has suffered general and special damages in an amount to be determined at trial in an amount in excess of the minimum jurisdiction of the Superior Court, including without limitation, damage to Plaintiff's reputation, career, and standing in the community.

66. Upon information and belief, Plaintiff alleges that each Defendant's conduct was done with oppression, fraud and malice and that, therefore, the conduct of each Defendant justifies an award of punitive and exemplary damages.

67. Upon information and belief, Plaintiff alleges that, unless enjoined and restrained by the Court, Defendants will republish, repeat and continue to disseminate the March 22

Offending Statements and their implications and impressions, all to the continuing injury of Plaintiff; that such continued republication, repetition and dissemination of the defamatory and offensive falsehoods will cause irreparable harm to Plaintiff by damaging his reputation and adversely affecting his career and business efforts as well as his personal relationships. Upon information and belief, Plaintiff alleges that he lacks an adequate remedy at law insofar as damages will be very difficult to calculate for such on-going injuries. By reason of the foregoing, Plaintiff is entitled to a permanent injunction enjoining and restraining Defendants, and each of them, and all persons acting in concert with them, from republishing, repeating, distributing or otherwise disseminating the March 22 article, the March 22 Offending Statements or any of their implications and impressions to the extent such are found in this Action to be false.

FIFTH CAUSE OF ACTION

INVASION OF PRIVACY- FALSE LIGHT

(Plaintiff Against All Defendants)

68. All previous allegations are realleged and incorporated herein by reference.

69. AMI, the National Enquirer, and Radar intentionally placed Mr. Simmons in a false light in the public eye. Mr. Simmons's Cause of Action for False Light Invasion of Privacy is a rare example of a case in which the False Light tort and the Defamation tort do not overlap, but rather serve non-duplicative functions, involving distinct elements and distinct injury. In some segments of the community, the false assertions that Mr. Simmons underwent a sex-change from male to female were defamatory, damaging his reputation. In some other segments of the community, however, the false assertions that Mr. Simmons underwent a sex change from male to female would not be defamatory. Members of those segments of the community would not think less of Mr. Simmons if he had in fact transitioned from male to female. Even with regard to those segments of the community, however, Mr. Simmons is entitled under the False Light Cause of Action to recover for his internal emotional distress and injury, provided the false portrayal of him is the sort of falsehood that would be highly offensive to an ordinary reasonable person. To be falsely portrayed as having undergone shocking sex-change surgery, received breast implants,

undergone hormone therapy, and consulted a physician for castration in order to transition from being male to female would be highly offensive to a reasonable person. The internal injury caused by being victimized by such a highly offensive falsehood, separate and apart from any injury to external reputation, is the injury for which Mr. Simmons seeks redress under this False Light Cause of Action. The False Light Cause of Action is tailor-made to provide redress for this injury. The False Light Cause of Action pleaded in this Court is not an attempt to obtain double-recovery for the same harm, but rather seeks recovery for the distinct elements and harm encompassed by the False Light tort.

70. The National Enquirer's and Radar's June 8th articles, Radar's June 15th article, and Radar's March 22nd article (collectively referred to as the "Articles"), considered in their particularized statements and their implications, were widely publicized by the Defendants.

71. The Articles as a whole and each of the statements and their implications and impressions, of and concerning Richard Simmons, are false. Mr. Simmons is not a woman; he has not undergone or contemplated sex-change surgery, or any surgery whatsoever to change from a man to a woman; he has not slowly transformed, or transformed in any way, into a female; he has not had breast implants; he has not had hormone treatments; he has not had medical consultations on castration; he has not had a "boob job" or "castration surgery"; he is not the "new Caitlyn Jenner"; he has not been "exposed"; he is not living in a "bizarre new world" as a woman; he has not used and does not use the name "Fiona"; he is not living as a woman (or person) named Fiona; he has never considered, and is not considering, having a vagina built by doctors; his brother Leonard has never expressed or maintained any opinion on any sex change by Mr. Simmons (since none has ever been contemplated) and does not believe that Mr. Simmons' conduct in any way conflicts with their Catholic upbringing — to the contrary, he fully supports Mr. Simmons.

72. For the reasons previously alleged in Defamation Causes of Action I-V, the falsehoods upon which Mr. Simmons Cause of Action for False Light Invasion of Privacy are predicated were published with knowledge of their falsity or with reckless disregard for their truth

or falsity.

73. For the reasons previously alleged in Defamation Causes of Action I-V, the falsehoods upon which Mr. Simmons Cause of Action for False Light Invasion of Privacy are predicated were published in a grossly irresponsible manner and negligently, with want of due care.

74. A demand for a retraction of the Article and each of the Statements and their implications and impressions was made to AMI's General Counsel, by letter dated and transmitted by e-mail and Federal Express on June 21, 2016. As of the date of this filing, no retraction has been made.

75. As a direct and proximate result of the above-described conduct by Defendants, plaintiff has suffered general and special damages in an amount to be determined at trial in an amount in excess of the minimum jurisdiction of the Superior Court, including damage to Plaintiff's reputation, career and standing in the community.

76. Upon information and belief, Plaintiff alleges that each Defendant's conduct was done with oppression, fraud and malice and that, therefore, the conduct of each Defendant justifies an award of punitive and exemplary damages.

77. Upon information and belief, Plaintiff alleges that, unless enjoined and restrained by the Court, Defendants will republish, repeat and continue to disseminate the article and statements and their implications and impressions, all to the continuing injury of Plaintiff; that such continued republication, repetition, and dissemination of the defamatory and offensive falsehoods will cause irreparable harm to Plaintiff by damaging his reputation and adversely affecting his career and business efforts as well as his personal relationships. Upon information and belief, Plaintiff alleges that he lacks an adequate remedy at law insofar as damages will be very difficult to calculate for such on-going injuries. By reason of the foregoing, Plaintiff is entitled to a permanent injunction enjoining and restraining Defendants, and each of them, and all persons acting in concert with them, from republishing, repeating, distributing or otherwise disseminating the article, the statements or any of their implications and impressions to the extent

such are found in this action to be false.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for judgment against the Defendants, and each of them, as follows:

1. For general damages according to proof;
2. For compensatory damages according to proof;
3. For special damages for pecuniary loss according to proof;
4. For punitive damages;
5. For an apology and retraction;
6. For a permanent injunction;
7. For pre-judgment interest as allowed by law;
8. For costs of suit; and
9. For such other and further relief as this court may deem just and proper.

DATED: May 8, 2017

JOHNSON & JOHNSON LLP

By

Neville L. Johnson
Attorney for Plaintiff,
Richard Simmons

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury.

DATED: May 8, 2017

JOHNSON & JOHNSON LLP

By _____

Neville L. Johnson
Attorney for Plaintiff,
Richard Simmons

EXHIBIT 1

WORLD EXCLUSIVE

ATIONAL ENQUIRER
WWW.NATIONALENQUIRER.COM

REAL REASON HE DISAPPEARED FOR 924 DAYS!

EXPOSED!
SECRET BOOB JOB & CASTRATION SURGERY

YES, THIS PHOTO SHOOT IS REAL!

RICHARD SIMMONS: HE'S NOW A WOMAN!

- 'CALL ME FIONA!' Inside Her Bizarre New World
- UNMASKED: Why She's The New Caitlyn Jenner

NSITION OF A TV LEGEND | HER AMAZING STORY & PHOTOS INSIDE

0, 2016
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VORLD EXCLUSIVE: SENSATIONAL P

RICHARD SIMMONS IS NOW CALLED *Fiona!*

Fitness guru TRANSITIONS to a woman

WEIGHT loss expert Richard Simmons has undergone shocking sex swap surgery to change from a man to a woman — and The National ENQUIRER has the eye-popping world exclusive photos to prove it!

Now living as a gal named Fiona, the bizarre 67-year-old "Sweatin' to the Oldies" sensation hid in his nearly $5 million Hollywood Hills mansion for two long years as he slowly transformed into a female with breast implants, hormone treatments and medical consultations on castration!

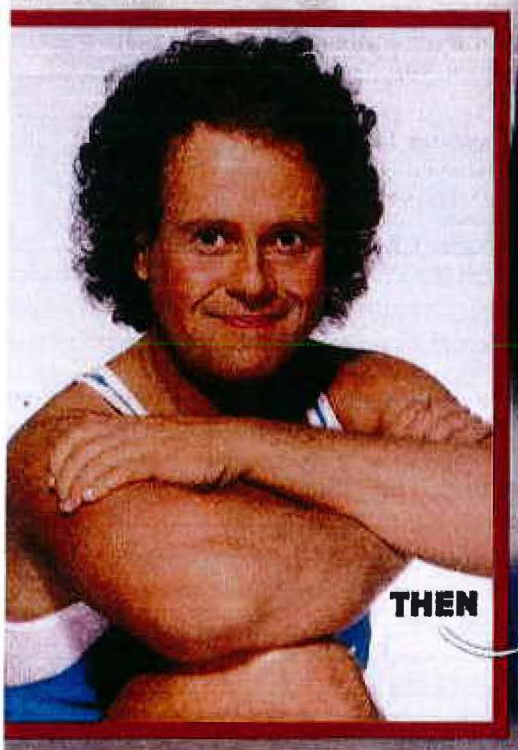
A pal told The ENQUIRER that the outlandish picture of the 5-foot-7 celeb draped in fur-trimmed lingerie and clutching his crotch while he shows off a shapely leg is "not just Richard Simmons in drag. This is Richard dressed as a softly spoken woman named Fiona!"

At the time the photo was snapped, Richard was proud to show off his new curves for the camera, the friend added.

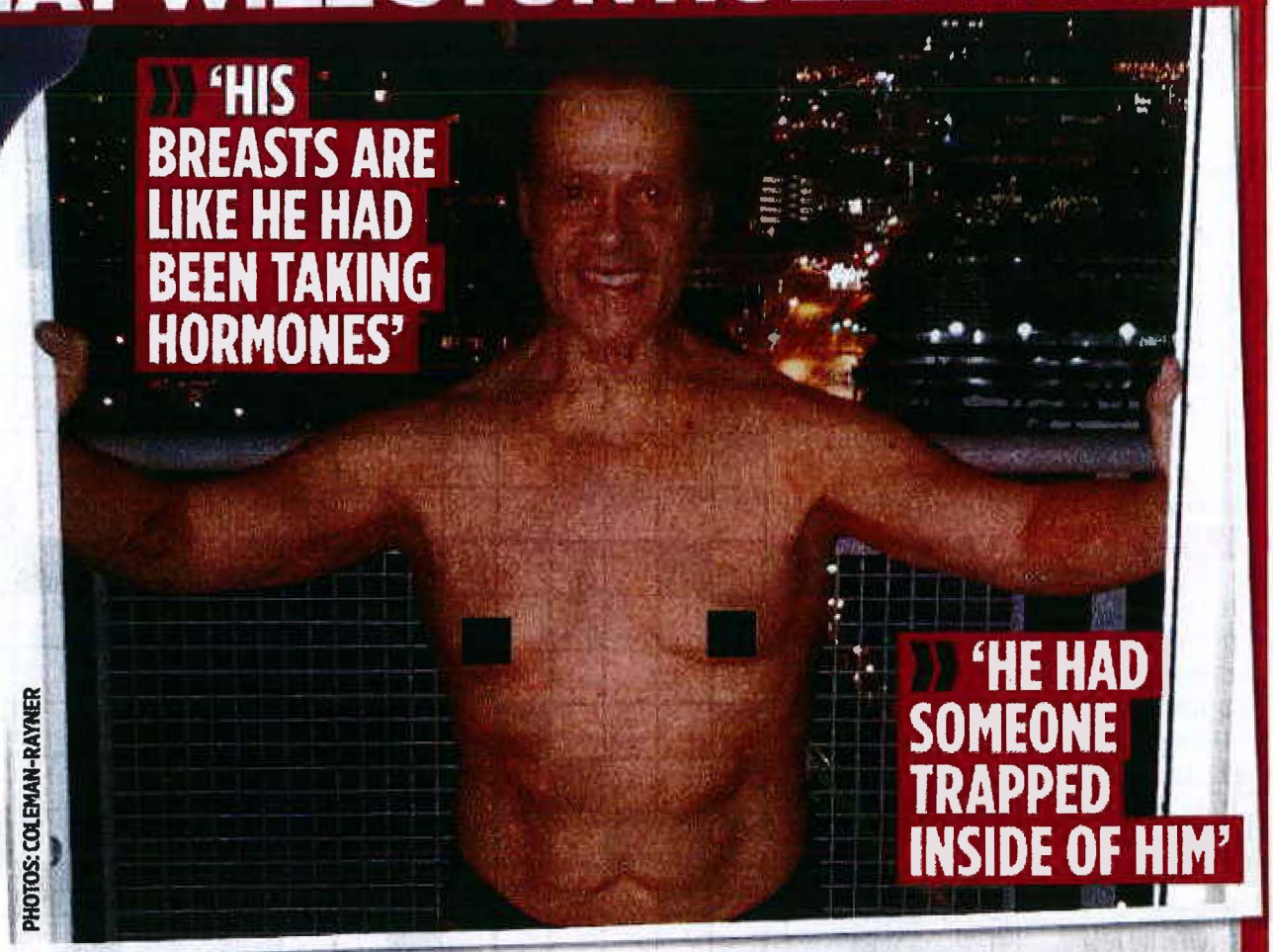
But then Richard, known for frequent and very public emotional meltdowns, went into seclusion yet again, the informant said.

Officially, Richard was last seen in public at the 2013 Macy's Thanksgiving Day Parade — 924 days ago. Since then, some insiders have insisted he was being held captive by a housekeeper who employed "black magic" to control him while others worried he was depressed and possibly suicidal.

Even his best friends didn't know what had happened to him. His surprising new life was buried SO deep, one pal called the police to report



OS THAT WILL STUN HOLLYWOOD



PHOTOS: COLEMAN-RAYNER

'HIS BREASTS ARE LIKE HE HAD BEEN TAKING HORMONES'

'HE HAD SOMEONE TRAPPED INSIDE OF HIM'

he was being abused — but when cops visited Richard's home, they couldn't find any evidence to support the charge!

One year ago, former employee Mauro Oliveira told The ENQUIRER Richard was in "desperate need of help."

Mauro revealed he'd called the star's brother, Leonard, who lives in New Orleans, in a desperate attempt to rescue Richard. But they all got nowhere — and Richard stayed out of sight.

An insider revealed the star — long at the center of gay gossip — said he felt there was "someone trapped inside of him" — and his mysterious disappearance is all about turning into Fiona for keeps!

"He had a boob job, and his breasts are like he had been taking hormones to make them grow," the pal told The ENQUIRER. "He had huge mood swings, too, which we attributed to hormone therapy."

Another spy told The ENQUIRER that Richard has gone nearly all the way and is now considering having "a vagina built by doctors."

Just like reality TV sex swapper Bruce Jenner, who became a woman named Caitlyn, the pint-sized Deal-A-Meal diva "never really felt comfortable being a man. He felt he was a woman trapped in a man's body," said the source.

Richard flaunted his new identity on the balcony of a Miami hotel before beginning his self-imposed exile, the pal continued.

Since then, Fiona — wearing wigs and fabulous fashions — has strutted her stuff during girls' nights out in Buenos Aires, Miami and Venice, Italy,

Continued on page 20

ORLD EXCLUSIVE: SENSATIONAL P

The wigged-out diva struck a pose in a bar

The fitness guru looked happy and carefree as he joked around with pals

DISCUSS
editor@nationalenquirer.com
WHAT DO YOU THINK?

Continued from page 17

and posed seductively at his L.A. home in a black wig and thigh-high boots.

The first time Richard dressed as Fiona in front of his close friend was in 2013 during a visit to Brazil. He and his entourage first stopped off in Buenos Aires where they went out to dinner.

Richard was accompanied by a male assistant and his manager, Michael Catalano, the friend detailed.

"Richard behaved and spoke as a woman the whole evening," dished the snitch.

"He was wearing a rainbow-colored wig, was very softly spoken and had all the mannerisms of a woman. He appeared to be totally natural and comfortable as a woman. I was quite shocked and surprised, but to Richard and his manager, it seemed like the most natural thing in the world!"

Richard dressed as Fiona while dining at the Bâoli Miami Restaurant & Lounge in Miami Beach. There, he was also filmed singing "Jingle Bells" while tapping wine glasses with silverware.

"He didn't seem worried about being recognized as Richard Simmons when he was dressed as Fiona," said the friend.

"He also used his real name, Milton, to check into hotels and make restaurant reservations, so no one realized who he was. Even though he was with some strangers at dinner, friends of friends, he was happy to be there as a woman."

Just before a trip to Europe in early November 2013, Richard dressed more

DS THAT WILL STUN HOLLYWOOD

ıtly in a seductive his legs flung into le lounging at just decided to ın way as Fiona this pose at his :ording to the pal. e touring Venice, a Kelly Osbourne-e wig while riding

everyone ced Richard's ıtion. A source said els the sex change ith their Catholic l.

th grew up as th their parents eans," dished the ırd thought it ate that Richard :h as Fiona. They have some conflict

As well as wanting to turn into a woman away from the public eye, Richard suffered medical and emotional setbacks that contributed to his decision to retreat from the world, the spy added.

"He had bad knees and his dog had died," the friend divulged.

"He had a medical diagnosis that affected him and then he became reclusive. I think he became mentally weak because of everything he was going through."

The pal added he hopes Richard will eventually "speak out and tell his fans what has really happened. People are worried about him, they love him and they want to know the truth about him. Once they meet her, I know they'll love Fiona, too!"

- GRANT HODGSON in Los Angeles

Blond "Fiona" was as pretty as a rose in Buenos Aires

Richard reacts to a fiery prank from the "mean-spirited" host

LETTERMAN'S TAUNTS *DROVE RICHARD NUTS*

TWO years after disappearing behind closed doors, pals of Richard Simmons are blaming David Letterman for his exile.

Richard appeared on Dave's show at least 20 times since the early 1990s. The long-running CBS program aired its final episode in May 2015, when Dave called it quits.

"Mean-spirited David is the reason Richard cut himself off from the rest of the world and became a virtual recluse," a friend told The National ENQUIRER.

"Richard had always hoped in all the times he'd been a guest that he'd be able to win Dave over as a true and lasting friend, but sadly that never happened.

"Instead the dynamic between them was such that Dave seemed to delight in bringing Richard down.

"Richard felt totally deflated and humiliated ... Dave treated him as a freak show just to mine ratings."

One skit that was particularly hurtful to Richard occurred during a 1994 appearance. That's when Dave pranked him by telling him his idol, Barbra Streisand, was backstage. He nearly fainted with excitement at the prospect of meeting the legend. When Dave went to introduce them, it turned out to not be Babs but an elderly man, Larry "Bud" Melman, who started singing, "Memories." A crestfallen Richard said: "No one's ever been this cruel to me, ever."

In other appearances Dave hosed down a turkey costume-wearing Richard with a fire extinguisher and pranked him when a vegetable steamer he was demonstrating exploded into flames. *NE*

EXHIBIT 2

BREAKING NEWS

Sex Change Bombshell: Richard Simmons Is Secretly Living As A Woman!

Find out why he's been hiding from his fans.

By Radar Staff
Posted on Jun 8, 2016 @ 8:00AM

Watch: Richard Simmons Is Secretly Living As A Woman!

Move over, **Caitlyn Jenner**. RadarOnline.com has learned that Richard Simmons is the latest Hollywood star to secretly undergo a sex change!

The *National ENQUIRER* broke the explosive news today with a jaw-dropping cover story that features never-before-seen photos of Simmons living as his female identity, Fiona.

The incredible pictures of Simmons, 67, with flowing brunette locks and womanly curves are photoshop-free. And a friend of the exercise guru insisted, "[This is] not just **Richard Simmons** in drag. This is Richard spoken woman named Fiona!"

PHOTOS: Bruce Jenner's Transformation Exposed In 91 Shocking Pics

Like Jenner, Simmons has opted for breast implant surgery, hormone therapy, and a host of other invasive changes to create the transformation, *The ENQUIRER* reported. And while he's yet to make a public announcement, the magazine said he's secretly been venturing out of his Hollywood Hills home dressed as a woman for months.

Radar **exclusively reported in March** that Simmons had begun dressing as a female on occasion.

PHOTOS: She's Out & About! Caitlyn Jenner In Public For First Time Since 'Vanity Fair' Blockbuster -- What She Did Explained In 10 Photos

"Richard would go into great detail about the outfits he would wear," an insider said at the time. "It's a fun thing for him to do."

The news comes amid mounting concern for the former fitness guru. Simmons has not been seen in public for nearly 1,000 days. As Radar reported, **he broke down in tears during an LAPD** welfare check at his home in January 2015. And this past weekend, **he was hospitalized in Los Angeles for dehydration**.

Story developing.

Richard Simmons

PROOF!

Boob Job & Hormone Treatments! See Bombshell Richard Simmons' Post-Surgery Photo

But the procedures have had a very nasty side effect.

By Radar Staff
Posted on Jun 8, 2016 @ 12:26PM

Coleman-Rayner

'Teen Mom' Love Child Scandal! Is Jenelle's New...

of Simmons' told The National *ENQUIRER*.

Unfortunately, the **treatments to feminize his appearance** have had a bad side effect.

"He had huge mood swings, too, which we attributed to hormone therapy," noted the pal.

PHOTOS: Hollywood Hottie! Caitlyn Jenner Draws Big Crowd Filming 'I Am Cait' At LGBT Center -- Super Starlet Sizzles In The Rain In 9 Splashy Pics

As RadarOnline.com reported, **Simmons is now living as his female identity**, Fiona.

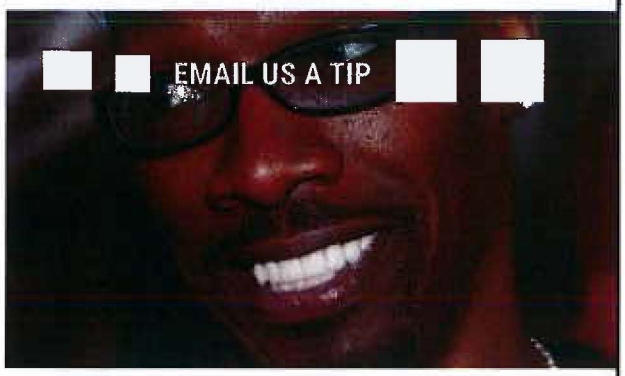
The *ENQUIRER* was the first to break the news and divulge incredible Photoshop-free pictures of Simmons, 67, with flowing brunette locks and womanly curves.

Even before the treatments, the gender-bending fitness guru was never very shy about hiding his feminine side. He often **appeared in public wearing tiny tutus, dresses and other womenswear**.

PHOTOS: Mom Came Around — Esther Jenner Will Finally Accept Caitlyn! 8 New Photos Of Daughter!

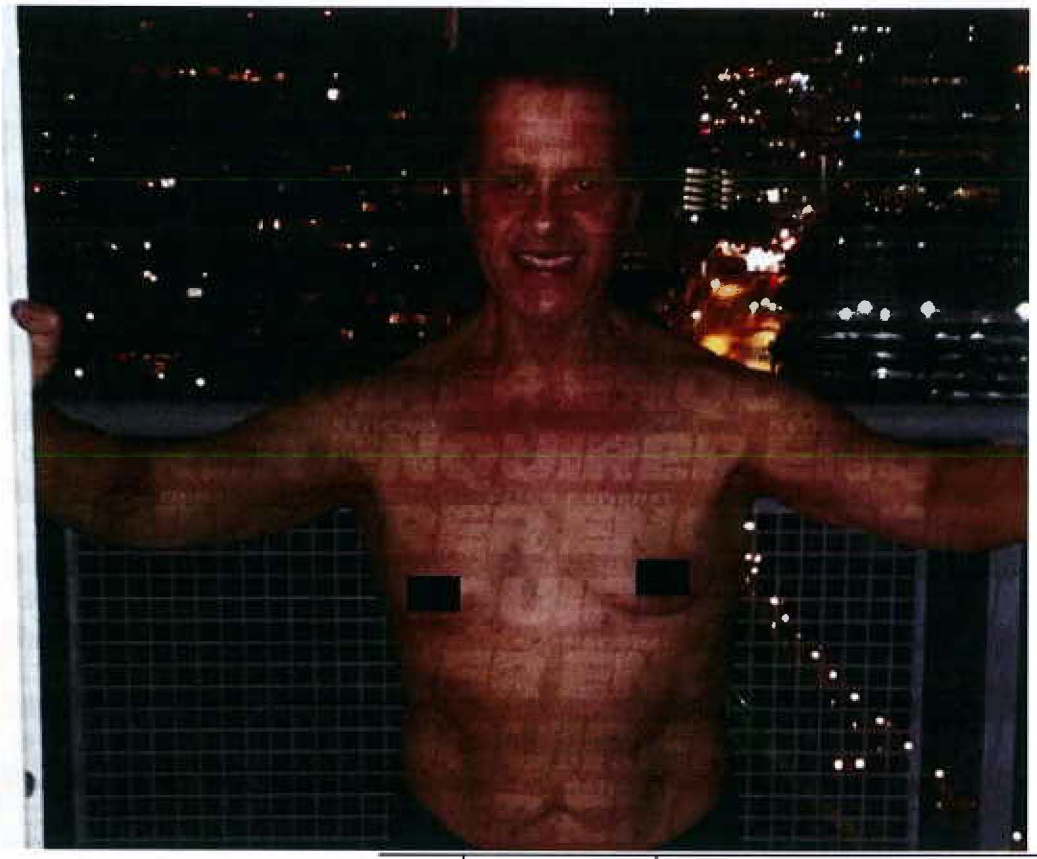
In the wake of Simmons' publicist **Tom Estey** denying the story — he claimed it was "total crap" — *The ENQUIRER* provided Radar with this bombshell image.

Brad Pitt Reportedly Dating Again After Angelina Jolie Split



Charlie Murphy's Final Tweet Will Make You Teary-Eyed

According to the friend, the shocking image of a topless Simmons on the balcony of a Miami hotel was snapped shortly before he began his self-imposed exile several years ago.



'Teen Mom' Love Child Scandal! Is Jenelle's New...

EXCLUSIVE

Secret Confession! Richard Simmons Told Friends About His Gender Issues

By Radar Staff
Posted on Jun 8, 2016 @ 14:18PM

Richard Simmons has been living a life of freedom behind the walls of his Hollywood home, ever since deciding to embrace life as a woman. But on the heels of The National *ENQUIRER*'s **explosive world exclusive on his shocking sex change**, RadarOnline.com can reveal that he secretly struggled with his gender identity for years!

Richard Simmons

Richard Simmons has been living a life of freedom behind the walls of his Hollywood home, eve since deciding to embrace life as a woman. But on the heels of The National *ENQUIRER*'s **explosi world exclusive on his shocking sex change**, RadarOnline.com can reveal that he secretly struggled with his gender identity for years!

COMMENTS

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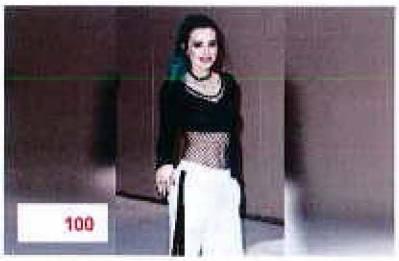

HOT PHOTOS

VERY IMPORTANT PHOTOS: HERE'S WHO WE SPOTTED OUT AND ABOUT IN THE LAST 24 HOURS

Teen Mom' Love Child Scandal! Is Jenelle's New

DESPERATE COVER-UP!

Richard Simmons Hiding Sex Change Secret Despite Post-Transition Photo

A rep for the fitness guru denies the shocking transformation.

By Teresa Roca
Posted on Jun 8, 2016 @ 16:03PM

Richard Simmons secretly transitioned from a male to a female while in hiding for 924 days. Despite a post-surgery photo, the fitness guru **refuses to admit his bombshel**

and has a bum knee. He is still on Twitter and Facebook and works behind the scenes continuing to inspire and motivate people to lose weight. **When he decides to come back, he will come back...**

Etsey explained that the actor was admitted to the hospital over the weekend for dehydration.

PHOTOS: Secret Confession! Richard Simmons Told Friends About His Gender Issues

"He's a human being," he said. "He was in the public eye for over three decades, but he deserves his privacy. He should be able to have a private life. He just needed a break. He is still **taking care of the people who need his help.**"

Despite the denial, *The ENQUIRER* released never-before-seen photos of Simmons living as Fiona, his female identity!

"[This is] not just Richard Simmons in drag," a source told *THE ENQUIRER.* "This is Richard dressed as a softly spoken woman named Fiona!"

PHOTOS: Working Out His Womanhood! Richard Simmons' Years Of Gender Bending

Simmons has undergone procedures to live fully as a woman.

"He had a boob job, and his breasts are like he had been taking hormones to make them grow," the insider said. "He had huge mood swings, too, **which we attributed to hormone therapy.**"

The comedian has reportedly been out of his Hollywood Hills home dressed as a woman.

PHOTOS: Busting Out! Caitlyn Jenner's Nipples Revealed Through Her Tight Shirt

ONLINE ANGELINA JOLIE AARON HERNANDEZ SUICIDE JOY ANNA PREGNANCY

Michelle Obama Rocks Her Natural Hair And The Internet Goes Nuts

Aaron Hernandez Lawyer Says 'Suicide' Could Actually Be Murder

Biden Was Crushed by 'Silent Rebuke' From Obama

Caitlyn Jenner Confirms Gender Reassignment Surgery

"Richard would go into great detail about the outfits he would wear," a source told Radar in March. **"It's a fun thing for him to do."**

Do you think Simmons will confess the sex change soon? Tell us in the comments!

'Teen Mom' Love Child Scandal! Is Jenelle's New...

THE LATEST

Sex Change Scandal Exposed! Inside Richard Simmons' New Life As 'Fiona'

By Radar Staff
Posted on Jun 13, 2016 @ 6:48AM

Richard Simmons has lived a reclusive life for years – and he's emerged from hiding as a woman! The new issue of The National *ENQUIRER* reports the fitness guru underwent a sex change.

Richard Simmons

Richard Simmons has lived a reclusive life for years – and he's emerged from hiding as a woma
The new issue of The National *ENQUIRER* **reports the fitness guru underwent a sex change.**

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But what is it like inside her bizarre new world?

Richard Simmons

But what is it like inside her bizarre new world?

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Simmons reportedly went into hiding for 924 days to complete the transition.

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Simmons reportedly went into hiding for 924 days to complete the transition.

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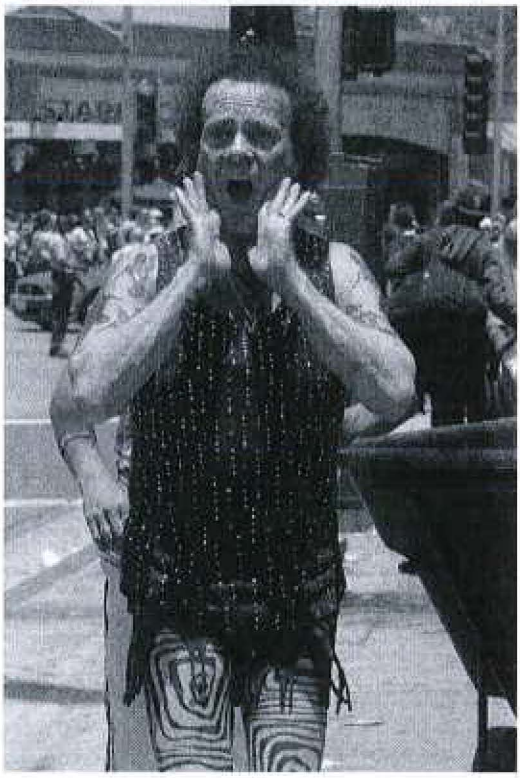
SHARE 4

The actor goes by the name **Fiona**, insiders say.

Richard Simmons



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Sources claim Simmons **went under the knife for a boob job and castration surgery.**

Richard Simmons

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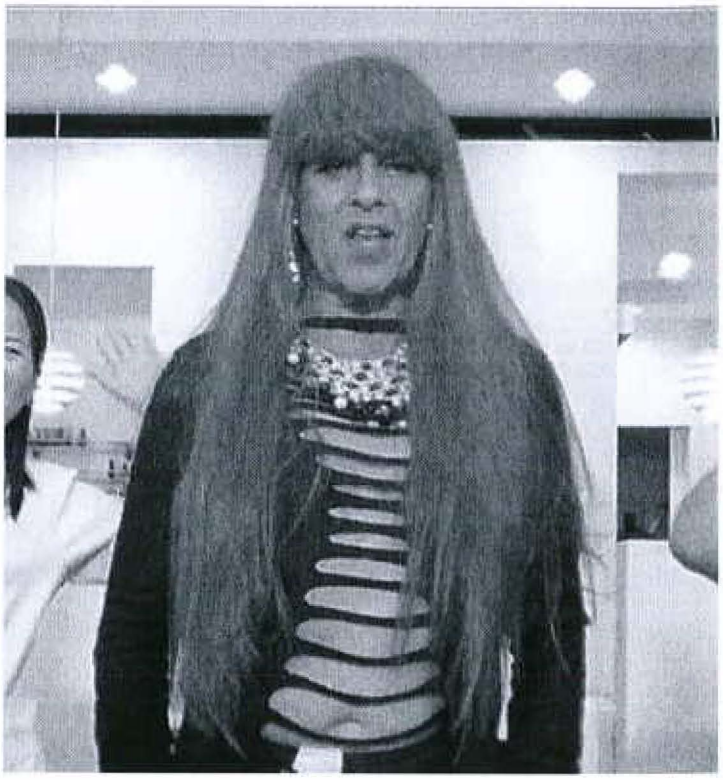
Shocking photos obtained by The *ENQUIRER* show **the comedian has been living his life as a woman!**

Richard Simmons



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HOT PHOTOS

VERY IMPORTANT PHOTOS: HERE'S WHO WE SPOTTED OUT AND ABOUT IN THE LAST 24 HOURS

Sort by **Best** EMAIL US A TIP

Add a comment...

Post

Bella J
13 Jun
I've said it before. She is a million times more beautiful than Kaitlin could ever be. Kaitlin is vapid and ugly on the inside. Fiona is beautiful inside and out.
Reply · Share · *1 Like*

realist > Bella J
13 Jun
HE. Not she. HE. Having your organ lopped off does not a real woman make. No amount of estrogen in the world makes a man a woman. Cut the PC bee ess.
Reply · Share

Hiya
13 Jun
Just leave him alone
Reply · Share

Bella Chanel
13 Jun
Good Lord this man is UGLY...yes I said man cause that's what he is ...he's so hideous he would make swine flu run the other way
Reply · Share

Terms · Privacy Add Spot.IM to your site

EXHIBIT 3

Jeffrey D. Goldman
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JGoldman@jmbm.com

1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067-4308
(310) 203-8080 (310) 203-0567 Fax
www.jmbm.com

June 21, 2016

VIA E-MAIL AND FEDERAL EXPRESS

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

To Whom It May Concern:

We are litigation counsel for Richard Simmons. In its issue dated June 20, 2016 (published earlier in June), the *Enquirer* remarkably devoted its ***entire cover*** to a series of articles alleging that Mr. Simmons has transitioned into a female. At their core, these stories are fundamentally and knowingly false, misleading, malicious, defamatory, outrageous, despicable, and extremely harmful to Mr. Simmons, who has been and will continue to be personally and professionally devastated by the irresponsible, reckless, and unlawful publication of this material. It is particularly harmful to him in that it puts him to a Hobson's Choice of either (1) denying the falsehoods, thereby implying he believes that transitioning is something to be ashamed of, which he certainly does not, or (2) allowing the falsehoods to be tacitly "verified" by his silence, thereby contributing to a false narrative about who he is and how he lives his life, and distorting and misrepresenting the facts of his life and legacy. These false and defamatory statements have therefore put Mr. Simmons – who the *Enquirer* and *Radar Online* know is now seeking to maintain a normal, private life away from the public spotlight – in the untenable position of being forced to publicly discuss matters on which he has never before chosen to take a public position. Mr. Simmons has done nothing to justify this vicious and false attack on him and invasion of his privacy, which have made and continue to make Mr. Simmons' probable future return to the public spotlight more difficult, if not impossible, causing him the loss of many millions of dollars in expectable future earnings.

The false statements in the articles include, but are not limited to, the following:

- Mr. Simmons is "NOW A WOMAN!"
- He "has undergone shocking sex surgery to change from a man to a woman"
- He has "slowly transformed into a female with breast implants, hormone treatments and medical consultations on castration"

- He "had a boob job"
- He had a "SECRET BOOB JOB & CASTRATION SURGERY"
- He "is now considering having 'a vagina built by doctors.'"
- He is "The New Caitlyn Jenner"
- He is "Now living as a gal named Fiona"
- He "IS NOW CALLED Fiona!"
- He is living in a "BIZARRE NEW WORLD" as a woman
- Sex-change surgery was the "REAL REASON HE DISAPPEARED FOR 924 DAYS!"
- He has been "EXPOSED!"
- His brother Leonard "feels the [nonexistent] sex change conflicts with their Catholic upbringing"
- The photos published by the Enquirer are "not just Richard Simmons in drag."
- The photos published by the *Enquirer* "prove" the foregoing lies.

Similar statements have been published online, and continue to be published online, on nationalequirer.com and radaronline.com, and possibly other sites. Moreover, these online locations specifically urge and encourage readers to further disseminate these falsehoods through social media, exacerbating the damage to Mr. Simmons.

Let us be absolutely clear: Mr. Simmons is not a woman; he has not undergone or contemplated sex-change surgery, or any surgery whatsoever to change from a man to a woman; he has not slowly transformed, or transformed in any way, into a female; he has not had breast implants; he has not had hormone treatments; he has not had medical consultations on castration; he has not had a "boob job" or "castration surgery"; he is not the "new Caitlyn Jenner"; he has not been "exposed"; he is not living in a "bizarre new world" as a woman; he has not used and does not use the name "Fiona"; he is not living as a woman (or person) named Fiona; he has never considered, and is not considering, having a vagina built by doctors; his brother Leonard has never expressed or maintained any opinion on any sex change by Mr. Simmons (since none has ever been contemplated) and does not believe that Mr. Simmons' conduct in any way conflicts with their Catholic upbringing – to the contrary, he fully supports Mr. Simmons and will so testify if called upon.

Further, the photographs published by the *Enquirer* and *Radar Online* "prove" absolutely nothing. They are nothing more than Mr. Simmons dressed in a whimsical, fanciful manner, which he has done openly over the years (*see, e.g.*, his publicly available *Hair Do* music video) consistent with his well-known and longstanding public persona. The pictures are ***years old*** and were taken prior to the time the *Enquirer* and *Radar Online* falsely assert that Mr. Simmons has allegedly been transitioning into a woman (which he has not).

Far from "proving" any of the other lies published by the *Enquirer* and *Radar Online*, these pictures actually demonstrate that the *Enquirer* and *Radar Online* knew – and had to know – that their assertions were and are false before publishing them. For example, in the articles, they assert that Mr. Simmons' alleged sex-change occurred during the "last two years" while Mr. Simmons has been in "seclusion," and purport to "prove" this by publishing a picture of him dressed as a woman next to the heading "NOW." Yet the tiny caption to the picture (which most readers will inevitably overlook) concedes that it is ***not a current photo*** (*i.e.*, it is not Mr. Simmons "NOW"), but was taken in ***2013*** – the year ***before*** Mr. Simmons allegedly began his (nonexistent) sex-change. Likewise, the picture of Mr. Simmons shirtless is also several years old, and thus cannot be evidence of a "boob job" or breast implants obtained over the last two years.

The articles also reveal that the other photos were taken in Brazil and Miami Beach, when Mr. Simmons was out to dinner with "pals." The only source of these photographs could have been Mauro Oliveira, a former friend of Mr. Simmons who, for years, has been demanding money from Mr. Simmons in exchange for refraining from making public statements about him. As you well know, Mr. Oliveira cannot possibly be a legitimate source of information about what Mr. Simmons has been doing for the past two years, because in March 2016, *Radar Online* itself published another article in which it asserted that "In April 2014, [Mr. Oliveira] claims, Simmons ended their friendship suddenly ***and he has not seen him since***." *See* http://radaronline.com/photos/richard-simmons-hermit-rumors-former-assistant-mauro-oliveira-open-letter/photo/1273414/. Thus, before publishing these falsehoods about Mr. Simmons, you knew that Mr. Oliveira's photographs pre-dated the period during which you claim Mr. Simmons has been undergoing a sex-change, yet nevertheless asserted that they depict him "NOW!" after having transitioned. These vicious and knowing lies could only have been derived from a malicious and reckless disregard for the true facts, in order to boost the *Enquirer*'s and *Radar Online*'s circulation and otherwise profit from Internet "clicks" and advertising revenue.

In addition, the *Enquirer* and *Radar Online* were warned prior to publication by one of Mr. Simmons' representatives that these allegations were false and that they could "expect a lawsuit" if they published them. And the *Enquirer*'s and *Radar Online*'s threat to publish a different article about Mr. Simmons – which was the subject of my March 31, 2016 letter to you – is further evidence of your malicious intent; indeed, it seems apparent that at least part of your motivation in publishing the current articles and photographs was to punish Mr. Simmons for asserting his legal rights and stopping the publication of your threatened March 2016 story. In

addition, the *Enquirer* and *Radar Online* were one of the few media outlets that did not publish Mr. Simmons' denial of the stories, which constitutes further evidence of malice.

Further, be advised that Mr. Oliveira has himself now ***recanted*** any claim or implication that any of the falsehoods bulleted above are true or accurate in any way. In a June 10, 2016 email to Mr. Simmons and his manager, Michael Catalano, he wrote that he "was misrepresented and betrayed and that such allegations were pure fabrications by others not myself. I signed up with this agency, to publish pictures and videos of Richard Simmons, with the sole intent to show how fit and how beautiful he looks like ***dressed up*** as a female." (Emphasis added.) He implicitly demands money from Mr. Simmons within 10 days (claiming it will "all go to attorneys' fees") and states that if Mr. Simmons pays him, he is prepared to "go on record to discredit the story and defend Richard Simmons..." He asserts that "There won't be peace until there is justice" and that "This is not a threat nor blackmail, it's just a friendly reminder. We will be stronger together on this or much worse against each other. In fact, if you intend to take legal actions against the National Enquirer, you better off be on my side than against me, by having me as your witness!" He goes on to set forth the text of a letter he claims his attorneys have sent to the Coleman-Rayner agency in which he characterized "statements with regard to Mr. Simmon's [*sic*] sex change with breast implants" as "defamatory" and asserts that Mr. Oliveira "never stated that [Mr. Simmons] had a sex change or had undergone surgery for breast implants." This email – part of a longstanding pattern of harassment of Mr. Simmons by Mr. Oliviera – also demonstrates that Mr. Oliveira is obviously not credible, and any reliance on him as a source is and would be reckless and malicious.

Further, the *Enquirer* and *Radar Online* could not possibly have any other legitimate source for these falsehoods. Mr. Simmons has had a small circle of friends and advisors over the last two years, and none of them could possibly be the source of such obvious lies. If you claim otherwise, we demand that you immediately provide us with the name and all contact information for the unnamed sources for the stories, to the extent they are anyone other than Mr. Oliveira, so that we can serve those individuals with immediate cease and desist letters to stop the continued spread of these false stories.

Your actions constitute, among other claims, libel,[1] false light invasion of privacy and intentional infliction of emotional distress and intentional interference with actual and prospective business relations. Demand is hereby made that you immediately and permanently remove the above-referenced claims, and that you publish an immediate apology and retraction of each and every one of them. We specifically demand that the *Enquirer*, *Radar Online*, and their affiliated companies, and all of their employees:

[1] The evidence of malice here is overwhelming, though we note that Mr. Simmons should not need to prove malice because he is not a public figure with respect to the matters asserted in your publication, particularly in light of his withdrawal from the public eye in recent years.

1. Immediately and permanently remove the statements and cease and desist from publishing or republishing them, and cease and desist from publishing any future defamatory stories about Mr. Simmons;

2. Immediately publish a public apology and full retraction of the stories with equal or greater size and prominence as the stories themselves;

3. Immediately preserve all physical and electronic documents, materials and data in your possession, custody and/or control (including, without limitation, emails, text messages and voicemail recordings) that are or might be relevant or related to the foregoing matters.

Please confirm in writing within 48 hours of your receipt of this letter that the foregoing requests will be, and are being, complied with. Alternatively, please call me within the next 48 hours to discuss the manner in which you propose to comply. I wish to emphasize that Mr. Simmons is absolutely determined to have these falsehoods about him retracted. Surely we can all agree that he would be an enormously sympathetic plaintiff, as he is beloved by his many fans and supporters (just see the responses to his recent statement on Facebook made in response to these falsehoods). People relate to Mr. Simmons because many of them, too, have been bullied, marginalized, mocked, ignored, and made to feel "less than" – precisely what your phony article attempts to do to Mr. Simmons. Mr. Simmons has spent much of his life inspiring people and empowering them to maintain positive attitudes and improve themselves physically, emotionally, and spiritually. I would be proud and determined to present his powerful case to a jury.

Nevertheless, Mr. Simmons would prefer to remedy this situation ***without*** litigation, and in a manner that is tasteful and fair to all concerned. His primary goal is to publicly dispel the falsehoods you have spread and minimize the enormous damage he has already suffered and continues to suffer. He simply wants to be left alone to live a private life, for now, after decades in the public eye. That said, he also wants to preserve his ability to return to the public spotlight, which your spiteful articles are making substantially more difficult, if not impossible.

I truly hope that your basic humanity, as well as your economic self-interest, will allow you to reach two basic conclusions in response to this letter:

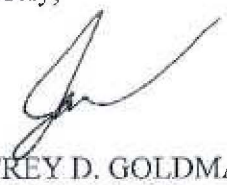
- If these stories are false – and they absolutely are, in every way, shape, and form – you have a legal and moral duty to make it right; and

- It would be better for all concerned, working as cooperatively as possible under the circumstances, to make it right without forcing Mr. Simmons to pursue legal action, in which all remedies – compensatory, punitive, injunctive, remedial, etc. – would necessarily be on the table.

I look forward to your prompt response. Please do not make the mistake of underestimating Mr. Simmons' determination to have this serious wrong rectified. As strong as

his case is (as I have advised him), for everyone's sake, it would be so much better if you would just do the right thing and ***fix this***. Please call me.

Sincerely,



JEFFREY D. GOLDMAN of
Jeffer Mangels Butler & Mitchell LLP

cc: Karen L. Stetson, Esq.
GrayRobinson
333 S.E. 2nd Avenue, Suite 3200
Miami, FL 33131

NOTE: This letter is not intended, and should not be construed, as a complete expression of Mr. Simmons' factual or legal positions with respect to this matter. Nor is it intended, and it should not be construed, as a waiver, relinquishment, release or other limitation upon any legal or equitable claims, causes of action, rights and/or remedies available to Mr. Simmons, all of which are reserved.

EXHIBIT 4

JOHNSON JOHNSON, LLP

email: njohnson@jjllplaw.com

April 6, 2017

Via U.S. Mail & Email

Cameron Stracher
American Media, Inc.
4 New York Plaza
New York, NY 10004
cstracher@amilink.com

RE: DEMAND FOR CORRECTION/RETRACTION
March 22, 2017 Video Posted on Radaronline.com

Dear Mr. Stracher:

This firm is litigation counsel for Richard Simmons ("Mr. Simmons"). I am writing with regard to a video and accompanying text which was posted on http://radaronline.com/videos/richard-simmons-public-appearance-bidding-war on March 22, 2017, falsely claiming that Mr. Simmons has transitioned to a female ("the Video").

This is a demand for retraction and/or correction pursuant to California Civil Code § 48a and any other applicable statutory or common law requirements that require a demand for retraction or correction.

This demand shall serve as notice with respect not only to the Video, but also with respect to the accompanying text, and to any and all written publications and websites, including, but not limited to Twitter and online forums maintained by American Media, Inc. ("AMI") and/or Radar Online (collectively, "You"), in which similar allegations about Mr. Simmons appear or have been repeated.

On behalf of Mr. Simmons, we demand that you correct or retract the following libelous statements, which constitute defamation *per se*:

- *Richard Simmons is the latest Hollywood star to secretly undergo a sex change;*
- *The National Enquirer broke the explosive news with a jaw dropping cover story that features never before seen photos of Simmons living as his female identity, Fiona;*
- *The incredible pictures of Simmons with flowing brunette locks and womanly curves are photoshop-free;*
- *This is not just Richard Simmons in drag, this is Richard dressed as a softly spoken woman named Fiona;*

- *Like Caitlyn Jenner, Simmons has opted for a breast implant surgery, hormone therapy, and a host of other invasive changes to create the transformation the Enquirer reported;*

- *He has been secretly adventuring out of his Hollywood Hills home dressed as a woman for months.*

Similar statements have been published online, and continue to be published online, on nationalenquirer.com and radaronline.com, and possibly other sites. Moreover, certain of these links specifically urge and encourage readers to further disseminate these falsehoods through social media, exacerbating the damage to Mr. Simmons.

As you are well aware, Mr. Simmons has not undergone or even contemplated sex-change surgery, or any surgery whatsoever to change from a man to a woman; he has not used and does not use the name "Fiona"; he is not living as a woman (or person) named Fiona; he does not have flowing brunette locks and womanly curves; the pictures of Mr. Simmons with flowing brunette locks and womanly curves are not "photoshop-free"; Mr. Simmons has not "opted for" breast implant surgery, hormone therapy, or any other invasive changes to create the transformation the Enquirer reported; nor does he secretly adventure out of his Hollywood Hills home dressed as a woman.

Your conduct in repeating these false allegations is particularly troubling as AMI is on notice that Mr. Simmons has not transitioned and that this story is entirely false. This was made clear to AMI on numerous occasions, including in correspondence from Mr. Simmons's prior counsel–Jeffrey D. Goldman of Jeffer Mangels Butler & Mitchell LLP–to you on June 21, 2016. You are also aware that the purported "source" for this false information–Mauro Oliviera–has recanted the story and seeks only to profit from spreading this false narrative. Mr. Oliviera's retraction of his story – as well as his profit motive—were known to you and discussed between Mr. Stracher and counsel for Mr. Simmons throughout mid-2016.

Especially in light of AMI being on notice of the falsity of the story and the unreliability of the source (who has recanted), AMI's action in running this story on Radar Online constitutes "actual malice" and subjects AMI to liability for, among other claims, defamation, invasion of privacy, and intentional infliction of emotional distress. Mr. Simmons continues to be irreparably damaged by the false statements and innuendo which have arisen as a result of this story and which are now part of daily life for Mr. Simmons, affecting his career and public image.

Consequently, Mr. Simmons demands that you immediately issue a full page correction and/or retract (again, on a full page of the site) the foregoing statements in an effort to mitigate his damages. We further demand that you remove this false story (and any link thereto) altogether from all of your publications, including any online outlets owned, operated, or managed by AMI. Moreover, we demand that you maintain, and instruct your employees to maintain, all records, source material and notes relating to the story, including by not deleting any electronic mail or other electronic files relating to the story or this matter.

Please confirm in writing within 48 hours of your receipt of this letter that the foregoing requests will be, and are being, complied with. Alternatively, please call me within the next 48 hours to discuss the manner in which you propose to comply.

This letter is not intended, and should not be construed, as a complete expression of Mr. Simmons' factual or legal positions with respect to this matter. Nor is it intended, and it should not be construed, as a waiver, relinquishment, release or other limitation upon any legal or equitable claims, causes of action, rights and/or remedies available to Mr. Simmons, all of which are reserved.

Very truly yours,

JOHNSON & JOHNSON LLP

Neville L. Johnson

439 N. Canon Dr., Suite 200, Beverly Hills, CA 90210 Phone (310) 975-1080 Fax: (310) 975-1095
www.jjllplaw.com