

**IN THE CIRCUIT COURT OF THE CITY OF SAINT LOUIS  
STATE OF MISSOURI**

RUBY FREEMAN and WANDREA MOSS,

Plaintiffs/Defendants-in-  
Counterclaim,

v.

JAMES HOFT, JOSEPH HOFT, and TGP  
COMMUNICATIONS LLC d/b/a THE  
GATEWAY PUNDIT,

Defendants/Plaintiffs-in-  
Counterclaim,

v.

JOHN LANGFORD, BRITTANY  
WILLIAMS, DAVID SCHULZ, PROTECT  
DEMOCRACY, and YALE UNIVERSITY,

Defendants-in-Counterclaim.

Case No. 2122-CC09815

**DEFENDANTS' ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFFS'  
SECOND AMENDED PETITION AND COUNTERCLAIMS**

Defendants James Hoft, Joseph Hoft, and TGP Communications LLC d/b/a The Gateway Pundit (collectively, "Defendants") submit the following Counterclaims, Answer and Affirmative Defenses to Plaintiffs Ruby Freeman and Wandrea Moss's Second Amended Petition and deny all allegations unless expressly admitted below.

**ANSWER**

**INTRODUCTION**

1. Denied.
2. Denied.
3. Denied.

4. Denied.
5. Denied.
6. Denied.
7. Denied.
8. Without knowledge, therefore denied.

**PARTIES**

9. Without knowledge, therefore denied.
10. Without knowledge, therefore denied.
11. Admitted.
12. Denied.
13. Admitted.
14. Admitted.

**JURISDICTION AND VENUE**

15. The first sentence is admitted. The second sentence is a legal conclusion and is otherwise denied. The third sentence is admitted.
16. Denied.
17. Denied.
18. Denied.
19. Denied.
20. Denied.

**FACTS**

**A. The Role, Reach, and Reputation of *The Gateway Pundit*<sup>1</sup>**

- 21. Without knowledge, therefore denied. The cited document speaks for itself.
- 22. Without knowledge, therefore denied. The cited document speaks for itself.
- 23. Without knowledge, therefore denied. The cited documents speak for themselves.
- 24. Without knowledge, therefore denied. The cited documents speak for themselves.
- 25. Denied.
- 26. Admitted that Hoft made the quoted statement. Otherwise denied. The cited

document speaks for itself.

**B. The 2020 Election in Fulton County, Georgia**

- 27. Admitted that there was a presidential election in 2020. The cited document speaks for itself.
- 28. Without knowledge, therefore denied. The cited documents speak for themselves.
- 29. Without knowledge, therefore denied.
- 30. Without knowledge, therefore denied. The cited documents speak for themselves.
- 31. Admitted. The cited document speaks for itself.
- 32. Without knowledge, therefore denied. The cited documents speak for themselves.
- 33. Without knowledge, therefore denied. The cited document speaks for itself.
- 34. Without knowledge, therefore denied. The cited documents speak for themselves.

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<sup>1</sup> Section and sub-section headings from the First Amended Complaint are included in this Answer solely for the purpose of completeness and comprehensibility. These headings do not call for a response, and the fact that their text is repeated here is not an admission of their truth or accuracy.

**C. Trump’s Legal Team Initiates the Lie That Georgia Election Workers Illegally Instructed Observers to Leave and Counted Thousands of Fraudulent Ballots Unobserved**

- 35. Without knowledge, therefore denied. The cited document speaks for itself.
- 36. Without knowledge, therefore denied. The cited document speaks for itself.
- 37. Without knowledge, therefore denied. The cited document speaks for itself.
- 38. Without knowledge, therefore denied. The cited document speaks for itself.
- 39. Without knowledge, therefore denied. The cited document speaks for itself.
- 40. Without knowledge, therefore denied. The cited document speaks for itself.
- 41. Without knowledge, therefore denied. The cited document speaks for itself.
- 42. Without knowledge, therefore denied. The cited document speaks for itself.

**D. Defendants Publish and Republish the Lie**

- 43. Without knowledge, therefore denied. The cited document speaks for itself.
- 44. Without knowledge, therefore denied. The cited documents speak for themselves.
- 45. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.
- 46. Admitted. The document speaks for itself.
- 47. Denied. The cited document speaks for itself.
- 48. Denied.
- 49. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.
- 50. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.
- 51. Denied. The cited document speaks for itself.
- 52. Without knowledge, therefore denied. The cited document speaks for itself.

53. Admitted. The document speaks for itself.

54. Admitted that Jim and Joe Hoft published the cited tweets. Otherwise denied. The cited documents speak for themselves.

**E. Despite Prompt and Authoritative Refutation of the False Report by Multiple Sources, Defendants Republish and Magnify the Lies for Months**

55. Without knowledge, therefore denied. The cited document speaks for itself.

56. Without knowledge, therefore denied. The cited documents speak for themselves.

57. Without knowledge, therefore denied. The cited document speaks for itself.

58. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

59. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

60. Denied. The cited document speaks for itself.

61. Without knowledge, therefore denied. The cited document speaks for itself.

62. Denied.

63. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

64. Denied. The cited documents speak for themselves.

65. Without knowledge, therefore denied. The cited document speaks for itself.

66. Admitted that Jim Hoft published the cited tweet. Otherwise denied. The cited document speaks for itself.

67. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

68. Denied. The cited document speaks for itself.

69. Denied. The cited document speaks for itself.

70. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

71. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

72. Admitted that the cited video was published. Otherwise denied. The cited document speaks for itself.

73. Admitted that the cited tweets were published. Otherwise denied. The cited documents speak for themselves.

74. Denied. The cited document speaks for itself.

75. Without knowledge, therefore denied. The cited document speaks for itself.

76. Admitted that the cited articles were published. Otherwise denied. The cited documents speak for themselves.

77. Admitted that Jim Hoft published the cited tweet. Otherwise denied. The cited document speaks for itself.

78. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

79. Admitted that Jim Hoft published the cited tweet. Otherwise denied. The cited document speaks for itself.

80. Without knowledge, therefore denied. The cited document speaks for itself.

81. Without knowledge, therefore denied. The cited document speaks for itself.

82. Admitted that the cited articles were published. Otherwise denied. The cited documents speak for themselves.

83. Admitted that Jim Hoft published the cited tweet. Otherwise denied. The cited document speaks for itself.

84. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

85. Admitted that Jim Hoft published the cited tweet. Otherwise denied. The cited document speaks for itself.

86. Without knowledge, therefore denied. The cited document speaks for itself.

87. Admitted that Jim Hoft published the cited tweet. Otherwise denied. The cited document speaks for itself.

88. Denied.

89. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

90. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

91. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

92. Admitted that Jim Hoft published the cited tweet. Otherwise denied. The cited document speaks for itself.

93. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

94. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

95. Admitted that Jim Hoft published the cited tweet. Otherwise denied. The cited document speaks for itself.

96. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

97. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

98. Admitted that the cited tweet was published. Otherwise denied. The cited document speaks for itself.

99. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

100. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

101. Without knowledge, therefore denied. The cited document speaks for itself.

102. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

103. Admitted that the cited tweet was published. Otherwise denied. The cited document speaks for itself.

104. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

105. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

106. Admitted that the cited article tweet published. Otherwise denied. The cited document speaks for itself.



107. Admitted that the cited article contains the quoted statement. Otherwise denied. The cited document speaks for itself.

108. Admitted that Jim Hoft published the cited tweet. Otherwise denied. The cited document speaks for itself.

109. Without knowledge, therefore denied. The cited document speaks for itself.

**F. *The Gateway Pundit's Continuing Publication of False and Defamatory Claims***

110. Denied.

111. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

112. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

113. Admitted that the cited tweet was published. Otherwise denied. The cited document speaks for itself.

114. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

115. Admitted that the cited tweet was published. Otherwise denied. The cited document speaks for itself.

116. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

117. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

118. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

119. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

120. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

121. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

122. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

123. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

124. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

125. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

126. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

127. Without knowledge, therefore denied. The cited document speaks for itself.

128. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

129. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

130. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

131. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

132. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

133. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

134. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

135. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

136. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

137. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

138. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

139. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

140. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

**G. Defendants Published the Statements With Knowledge of Their Falsity or Serious Doubts About Their Truth**

141. Denied.

142. Denied.

- 143. Denied.
- 144. Denied. The cited documents speak for themselves.
- 145. Denied.
- 146. Denied.
- 147. Denied.

**H. Defendants’ Failure to Retract, Despite Plaintiffs’ Cease and Desist Letters and The Filing of This Lawsuit**

- 148. Without knowledge, therefore denied.
- 149. Admitted that the letter was sent. Otherwise denied. The cited document speaks for itself.
- 150. Denied.
- 151. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.
- 152. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.
- 153. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.
- 154. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.
- 155. Admitted that the cited article was published. Otherwise denied. The cited documents speak for themselves.
- 156. Admitted that the letter was sent. Otherwise denied. The cited document speaks for itself.
- 157. Denied.

158. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

159. Admitted that the First Amended Complaint was filed. Otherwise denied. The cited document speaks for itself.

160. Denied.

161. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

162. Admitted that the cited article was published. Otherwise denied. The cited document speaks for itself.

163. Admitted that the letter was sent. Otherwise denied. The cited document speaks for itself.

164. Denied.

**I. Defendants Caused Substantial Reputational Harm With Their False Statements About Ms. Freeman and Ms. Moss That Constitute Defamation *Per Se***

165. Denied.

166. Denied.

167. Admitted that Defendants made the quoted statements. Otherwise denied. The cited documents speak for themselves.

168. Denied.

169. Denied.

**J. Impact of Defendants' Campaign Against Ms. Freeman and Ms. Moss**

170. Denied.

171. Without knowledge, therefore denied.

Ms. Freeman

- 172. Denied.
- 173. Without knowledge, therefore denied.
- 174. Without knowledge, therefore denied.
- 175. Without knowledge, therefore denied.
- 176. Without knowledge, therefore denied.
- 177. Without knowledge, therefore denied.
- 178. Without knowledge, therefore denied.
- 179. Without knowledge, therefore denied.
- 180. Without knowledge, therefore denied.
- 181. Denied.
- 182. Denied.
- 183. Without knowledge, therefore denied.
- 184. Denied.

Ms. Moss

- 185. Denied.
- 186. Denied.
- 187. Without knowledge, therefore denied.
- 188. Without knowledge, therefore denied.
- 189. Denied.
- 190. Denied.
- 191. Without knowledge, therefore denied.
- 192. Without knowledge, therefore denied.

193. Without knowledge, therefore denied.

194. Denied.

195. Denied.

**FIRST CLAIM**

**(Defamation of Ms. Freeman)**

196. Defendants reincorporate their responses to all paragraphs preceding and following as if fully set forth herein.

197. Denied. The cited documents speak for themselves.

198. Denied.

199. Denied.

200. Denied.

201. Without knowledge, therefore denied.

202. Denied.

203. Denied.

204. Denied.

205. Denied.

206. Denied.

207. Denied.

208. Denied.

209. Denied.

210. Denied.

211. Denied.

212. Without knowledge, therefore denied.

213. Without knowledge, therefore denied.

**SECOND CLAIM**

**(Defamation of Ms. Moss)**

214. Defendants reincorporate their responses to all paragraphs preceding and following as if fully set forth herein.

215. Denied. The cited documents speak for themselves.

216. Denied.

217. Denied.

218. Denied.

219. Without knowledge, therefore denied.

220. Denied.

221. Denied.

222. Denied.

223. Denied.

224. Denied.

225. Denied.

226. Denied.

227. Denied.

228. Denied.

229. Denied.

230. Without knowledge, therefore denied.

231. Without knowledge, therefore denied.



**THIRD CLAIM**

**(Intentional Infliction of Emotional Distress)**

232. Defendants reincorporate their responses to all paragraphs preceding and following as if fully set forth herein.

233. Denied.

234. Denied.

235. Denied.

236. Denied.

237. Denied.

238. Denied.

239. Denied.

240. Denied.

241. Without knowledge, therefore denied.

**JURY DEMAND**

Defendants demand trial by jury on all issues so triable.

**AFFIRMATIVE DEFENSES**

Defendants’ affirmative defenses set forth herein are based solely upon Plaintiffs’ allegations in the Complaint, which do not describe the events and claims therein with sufficient particularity to enable Defendants to determine all of the defenses that might exist to their claims. Without these and other details, Defendants cannot respond further to Plaintiffs’ Complaint. Therefore, Defendants reserve the right to assert and rely upon additional defenses that become available or apparent during the pendency of this action and to modify the affirmative defenses herein as additional information is obtained by Defendants.

Defendants assert the affirmative defenses set forth below, each as separate and distinct affirmative defenses to Plaintiffs’ alleged causes of action. Insofar as any of the following expresses denial of an element of any claim alleged against Defendants, that denial does not indicate that Plaintiffs are relieved of their burden to prove each and every element of any such claims or that Defendants have assumed any burden of proof. Defendants hereby give notice that they intend to rely upon such other and further defenses as may become available or apparent during, for example, pre-trial proceedings in this case, and hereby reserve the right to amend this Answer and offer or assert additional defenses that cannot now be articulated because, among other reasons, Defendants have not completed discovery.

**First Affirmative Defense**

*Truth*

1. Although the burden of proof for falsity is upon Plaintiffs, Defendants aver that all statements allegedly made by Defendants complained of by Plaintiffs are true.
2. Any complained-of statements allegedly made by Defendants that may happen to lack 100% factual veracity are substantially true, and thus treated as true as a matter of law.
3. As truth is an absolute defense and there is nothing false or misleading about the statements, Defendants cannot be liable for Plaintiffs’ claims.

**Second Affirmative Defense**

*Substantial Truth*

1. Any statements made by Defendants complained of by Plaintiffs that are not literally true are substantially true, in that the “gist” or “sting” of the statements is true.
2. As substantial truth is a defense to claims for defamation, Defendants cannot be liable for Plaintiffs’ claims.

### **Third Affirmative Defense**

#### ***Opinion or Rhetorical Hyperbole***

1. The statements at issue in the First Amended Complaint are either statements of opinion based on disclosed facts or statements of rhetorical hyperbole that no reasonable reader is likely to interpret as a literal statement of fact.

2. Statements of opinion based on disclosed facts and statements of rhetorical hyperbole cannot form the basis of defamation and related tort claims, and so Defendants cannot be liable for Plaintiffs' claims.

### **Fourth Affirmative Defense**

#### ***Lack of Actual Malice***

1. Due to the media scrutiny they received in connection with the 2020 presidential election, Plaintiffs are limited purpose public figures.

2. Defendants did not make any statements at issue with any degree of fault, much less the actual malice required for Plaintiffs to prevail on their claims.

### **Fifth Affirmative Defense**

#### ***Wire Service Defense***

1. Under Missouri law, newspapers have the right to rely upon and to republish information obtained from reputable and reliable sources that are of public significance and occur many miles away.

2. Defendants' statements were published in reliance on statements published by credible sources, including President Donald J. Trump and his campaign. Defendants' statements are thus privileged.

## Sixth Affirmative Defense

### *Incremental Harm/Superseding Cause/Intervening Cause*

1. Defendants are far from the only persons to publish statements regarding Plaintiffs and their involvement in the 2020 presidential election, both before and after statements attributed to Defendants.

2. Some or all damages Plaintiffs suffered are the result of third parties' statements about Plaintiffs, and not Defendants' statements.

## Seventh Affirmative Defense

### *Failure to State a Claim*

1. Plaintiffs have failed to sufficiently plead the elements of any cause of action as to any Defendant.

## **COUNTERCLAIMS**

Defendants/Plaintiffs-in-Counterclaim Jim Hoft, Joseph Hoft, and TGP Communications, LLC, (collectively "Counterclaim Plaintiffs") hereby make the following counterclaims against Defendants-in-Counterclaim Ruby Freeman and Wandrea Moss and joining the third parties John Langford, Brittany Williams, David Schulz, Protect Democracy Project, and Yale University in such counterclaim (collectively "Counterclaim Defendants"). Although Ms. Freeman and Ms. Moss assert the Counterclaim Plaintiffs committed defamation, it is they, by and through their agents and attorneys, who defamed the Counterclaim Plaintiffs.

## **PARTIES**

1. Counterclaim Defendant Ruby Freeman is a natural person and citizen of Georgia, who is a plaintiff in the above-captioned matter, having filed suit against Counterclaim Plaintiffs in the courts of the State of Missouri.

2. Counterclaim Defendant Wandrea Moss is a natural person and citizen of Georgia, who is a plaintiff in the above-captioned matter, having filed suit against Counterclaim Plaintiffs in the courts of the State of Missouri.

3. Counterclaim Defendant John Langford is a natural person and citizen of New York, who has appeared on behalf of Ruby Freeman and Wandrea Moss in the above-captioned matter, having obtained admission *pro hac vice* to practice in the courts of the State of Missouri.

4. Counterclaim Defendant Brittany Williams is a natural person and citizen of Massachusetts, who has appeared on behalf of Ruby Freeman and Wandrea Moss in the above-captioned matter, having obtained admission *pro hac vice* to practice in the courts of the State of Missouri.

5. Counterclaim Defendant David Schulz is a natural person and citizen of New York, who has appeared on behalf of Ruby Freeman and Wandrea Moss in the above-captioned matter, having obtained admission *pro hac vice* to practice in the courts of the State of Missouri.

6. Counterclaim Defendant Protect Democracy Project (“Protect Democracy”) is a non-profit corporation organized under the laws of the District of Columbia and has a principal office in the District of Columbia. At all relevant times herein, John Langford, Brittany Williams, and Rachel Goodman acted in the course and scope of their employment with Protect Democracy.

7. Counterclaim Defendant Protect Yale University is a corporation organized under the laws of Connecticut and has a principal office in Connecticut. At all relevant times herein, David Schulz acted in the course and scope of his employment or other agreement with Yale University.

**JURISDICTION AND VENUE**

8. The Courts of the State of Missouri have personal jurisdiction over Counterclaim Defendants because all have published or caused to be published defamatory statements against Counterclaim Plaintiffs constituting the transaction of business within Missouri or the commission of a tort within Missouri. Mo. Rev. Stat. § 506.500(1)(1) & (3).

9. This Court has subject matter jurisdiction over the causes asserted in this counterclaim per Mo. Rev. Stat. § 478.070.

10. Venue over the counterclaim is proper in this Court as the claims of Counterclaim Plaintiffs constitute Permissive Counterclaims within the meaning of Rule 55.32(b) and the Third-Party Defendants may be joined in accordance with Rule 55.32(g).

**FACTS**

11. Although Ms. Freeman and Ms. Moss purport to bring defamation claims against Jim Hoft, Joseph Hoft, and TGP Communications, LLC, this is not an ordinary defamation case.

12. In actuality, suit was brought against Counterclaim Plaintiffs by the Counterclaim Defendants to drive the former out of business.

13. The suit by Counterclaim Defendants is a form of political lawfare and lacks legal merit.

14. Notably, Counterclaim Defendants have claimed the identical injuries they claim were allegedly caused by Counterclaim Plaintiffs in an action against One America News Network and Rudolph Giuliani in separate litigation.

15. Counterclaim Defendants have elsewhere claimed the identical injuries they claim were allegedly caused by Counterclaim Plaintiffs were actually caused by former President Donald Trump.<sup>2</sup>

16. Upon information and belief, to the extent Ms. Freeman and Ms. Moss suffered any injury at all, it was fully compensated through a settlement agreement with One America News Network.<sup>3</sup>

17. Unlike ordinary litigation, advocacy groups staffed by mission-driven attorneys have fundraised to support their agents' representation of Ms. Freeman and Ms. Moss against Counterclaim Plaintiffs.

18. Counterclaim Defendants disagree politically with Counterclaim Plaintiffs and are using litigation as a political weapon.

19. Thus, unlike ordinary litigation, Counterclaim Defendants have made repeated public, defamatory statements about Counterclaim Plaintiffs and this litigation.

20. On its misnamed "Law4Truth" website,<sup>4</sup> Protect Democracy, on behalf of its clients Ruby Freeman and Wandrea Moss, published the following false and defamatory statement: "*The Gateway Pundit, along with its founding editor Jim Hoft, and contributor Joe Hoft, knowingly fabricated and disseminated blatantly false stories claiming that Ms. Freeman and Ms. Moss were*

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<sup>2</sup> See <https://protectdemocracy.org/work/wandrea-shaye-moss-receives-the-jfk-library-foundations-profile-in-courage-award/>

<sup>3</sup> See <https://apnews.com/article/2022-midterm-elections-lawsuits-georgia-atlanta-ba0a5021564d1377c394a3b4d8e554fb>

<sup>4</sup> Law4Truth admits it engages in "strategic litigation", which is precisely what the first two letters in the "SLAPP suit" acronym stand for. <https://www.law4truth.org/what-we-do> . This is what is known as "saying the quiet part out loud."

*involved in a conspiracy to commit election fraud, and continued to publish these untruths long after they were proven to be false.”<sup>5</sup>*

21. At no time did Counterclaim Plaintiffs knowingly fabricate and/or disseminate any blatantly false stories regarding Ms. Freeman or Ms. Moss.

22. At no time did Counterclaim Plaintiffs publish untruths after they have been irrefutably proven to be false.

23. Protect Democracy, on behalf of its clients Ruby Freeman and Wandrea Moss, published the following false and defamatory statement: *“The Hofts’ defamations, aimed at undermining confidence in the 2020 election in an effort to overturn the will of the voters, targeted two Black women for doing their jobs as election workers. In significant measure because of the lies told by The Gateway Pundit, our clients were and continue to be targeted with threats of violence and racial intimidation.”<sup>6</sup>*

24. At no time did Counterclaim Plaintiffs aim to “overturn the will of the voters” nor did they “target two Black women for doing their jobs” - On the contrary, Counterclaim Plaintiffs’ believed (and still believe) that the 2020 election did not reflect the will of the voters, and the insinuation that they targeted the counter defendants on the basis of their race is patently false.

25. At no time did Counterclaim Plaintiffs target two Black women for doing their jobs as election workers.

26. At no time did Counterclaim Plaintiffs tell lies about Ms. Freeman or Ms. Moss.

27. At no time did Counterclaim Plaintiffs cause Ms. Freeman or Ms. Moss to be targeted with threats of violence or racial intimidation.

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<sup>5</sup> <https://www.law4truth.org/freeman-moss-gp>

<sup>6</sup> <https://protectdemocracy.org/update/the-gateway-pundit-must-defend-itself-in-missouri-state-court-judge-rules/>



28. Attorney Brittany Williams of Protect Democracy, on behalf of their clients Ruby Freeman and Wandrea Moss, published the following false and defamatory statement: *“Lies like those that The Gateway Pundit knowingly told about Ruby Freeman and Shaye Moss cannot be divorced from the devastation they leave behind—both for the targeted individuals and for our democracy itself.”*<sup>7</sup>

29. At no time did Counterclaim Plaintiffs knowingly tell lies about Ms. Freeman or Ms. Moss.

30. On or about March 12, 2022, in an interview on NPR, Attorney John Langford of Protect Democracy, on behalf of Ms. Freeman and Ms. Moss, published the following false and defamatory statement: *“But that didn't stop some of the former president's top allies in the media - The Gateway Pundit, One America News Network - from continuing to spread that lie about our clients.”*<sup>8</sup>

31. At no time did Counterclaim Plaintiffs spread any lie about Ms. Freeman or Ms. Moss.

32. On or about December 2, 2021, Protect Democracy, on behalf of Ms. Freeman and Ms. Moss, published the following false and defamatory statement of and concerning Counterclaim Plaintiffs: *“The defendants repeatedly published unverified and uncorroborated information claiming that Ms. Freeman and Ms. Moss were involved in a conspiracy to commit election fraud. They continued to publish these untruths long after they were proven to be false. Further, by identifying Ms. Freeman and Ms. Moss by name and by publishing pictures of them*

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<sup>7</sup> <https://protectdemocracy.org/work/defamed-georgia-election-workers-sue-the-gateway-pundit-over-ballot-fraud-disinformation/>

<sup>8</sup> <https://www.npr.org/2022/03/12/1086274333/libel-suits-and-disinfo>

online, Gateway Pundit caused, and was directly responsible for, the abuse and harassment Ms. Freeman and Ms. Moss suffered.”<sup>9</sup>

33. At no time did Counterclaim Plaintiffs publish unverified or uncorroborated information regarding Ms. Freeman or Ms. Moss.

34. At no time did Counterclaim Plaintiffs publish untruths regarding Ms. Freeman or Ms. Moss after being irrefutably proven false.

35. At no time did Counterclaim Plaintiffs cause abuse or harassment of Ms. Freeman or Ms. Moss.

36. On December 2, 2021, the Yale University Media Freedom & Information Access Clinic, on behalf of Ms. Freeman and Ms. Moss, published the following false and defamatory statement of and concerning Counterclaim Plaintiffs: *“Last year the Gateway Pundit knowingly published lies about two Georgia election workers.”*<sup>10</sup>

37. At no time did Counterclaim Plaintiffs knowingly publish lies about two Georgia election workers.

38. On December 2, 2021, Attorney David Schulz of the Yale University Media Freedom & Information Access Clinic, on behalf of Ms. Freeman and Ms. Moss, published the following false and defamatory statement of and concerning Counterclaim Plaintiffs: *“the type of disinformation campaign waged by the Gateway Pundit is undermining the very ability of our democracy to function.”*

39. At no time did Counterclaim Plaintiffs engage in a disinformation campaign.

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<sup>9</sup> <https://protectdemocracy.org/update/defamed-georgia-election-workers-sue-the-gateway-pundit-over-ballot-fraud-disinformation/>

<sup>10</sup> <https://twitter.com/MFIAclinic/status/1466479845576171524?s=20&t=CSuKgwHIXlGhluNa6vz4uQ>

## FIRST CAUSE OF ACTION

### (Defamation *per se*)

40. Counterclaim Plaintiffs repeat and reallege the foregoing paragraphs of this Counterclaim as if fully set forth herein.

41. The statements identified in paragraphs 20, 23, 28, 30, 32, 36, and 38 above are false.

42. The statements identified in paragraphs 20, 23, 28, 30, 32, 36, and 38 above are defamatory.

43. The statements identified in paragraphs 20, 23, 28, 30, 32, 36, and 38 above are of and concerning Counterclaim Plaintiffs.

44. The statements identified in paragraphs 20, 23, 28, 30, 32, 36, and 38 above impute a lack of fitness in the profession of Counterclaim Plaintiffs, as they impute a lack of integrity and misconduct in the field of journalism, their line of calling.

45. Thus, the statements identified in paragraphs 20, 23, 28, 30, 32, 36, and 38 above constitute defamation *per se*.

46. At all relevant times herein, Attorneys John Langford and Brittany Williams, acted in the course and scope of their employment with Protect Democracy.

47. As a result thereof, Protect Democracy is liable to Counterclaim Plaintiffs under the doctrine of *respondeat superior*.

48. At all relevant times herein, Attorney David Schulz acted in the course and scope of his appointment as a Floyd Abrams Lecturer in Law and Senior Research Scholar in Law at Yale University's law school.

49. As a result thereof, Yale University is liable to Counterclaim Plaintiffs under the doctrine of *respondeat superior*.

50. At all relevant times herein, Attorneys John Langford, Brittany Williams, and David Schulz, along with Protect Democracy and Yale University, acted in the course and scope of their representation of Ruby Freeman and Wandrea Moss.

51. As a result thereof, Ruby Freeman and Wandrea Moss are liable for the torts of their agents Attorneys John Langford, Brittany Williams, and David Schulz, and Protect Democracy and Yale University, committed in the course and scope of such agency.

52. The false and defamatory statements identified in paragraphs 20, 23, 28, 30, 32, 36, and 38 above were negligently made.

53. At all relevant times herein, Counterclaim Defendants had Counterclaim Plaintiffs' statements regarding Ms. Freeman and Ms. Moss and knew that there were no factual inaccuracies, notwithstanding any disagreement with opinions and conclusions drawn from the factual statements.

54. Thus, the statements identified in paragraphs 20, 23, 28, 30, 32, 36, and 38 above were knowingly false or made in reckless disregard of the truth or falsity thereof amounting to actual malice.

55. Counterclaim Defendants had no applicable privilege or authorization to make the false and defamatory statements identified in paragraphs 20, 23, 28, 30, 32, 36, and 38 above.

56. As a proximate result of Counterclaim Defendants' statements identified in paragraphs 20, 23, 28, 30, 32, 36, and 38 above, Counterclaim Plaintiffs suffered general, actual, consequential, and special damages, including, but not limited to, impairment of reputation and standing.

**PRAYER FOR RELIEF**

WHEREFORE, Counterclaim Plaintiffs pray for judgment against Counterclaim Defendants for each of the causes of action raised herein, and that the Court award:

- a. Compensatory Damages, including general, actual, consequential, and special damages in an amount to be determined;
- b. Punitive Damages;
- c. Reasonable and necessary attorneys' fees and costs of suit;
- d. Prejudgment and Post-judgment interest at the highest lawful rate;
- e. Declaratory relief that the statements published by Counterclaim Defendants were and are false;
- f. Injunctive relief requiring Counterclaim Defendants to remove their false and defamatory statements; and
- g. Such other relief as this Court deems mete and just.

Dated: January 16, 2023.

Respectfully Submitted,

/s/ John C. Burns

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 16, 2023, the foregoing document was served on all parties or their counsel of record through this Court's e-filing system as follows:

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