

Correspondence with Rep.

Dr. Ben Boucher

From: <AmerRescue@aol.com>
To: <bodmanpub@ns.sympatico.ca>; <drsmith@renewalresearch.com>; <AmerRescue@aol.com>; <sklawfirm@yahoo.com>
Sent: Tuesday, September 26, 2006 1:30 PM
Attach: Draft Affidavit for Dr. Smith.eml
Subject: Fwd: Draft Affidavit for Dr. Smith and Dr Boucher

In a message dated 9/26/2006 12:17:17 P.M. Atlantic Daylight Time, sklawfirm@yahoo.com writes:

Hello Doug,

In connection with the pending motions we are dealing with, one thing we will want to do is provide a bit of substantiation for our claim of "intentional infliction of emotional distress" (IIED), a tort claim that is separate from our defamation and fraud claims. In other words, we are saying that even if Dateline didn't harm your reputation or lie to you, they intentionally tried to hurt you with their report, and did so. This kind of claim is very hard to make in New York, and has never been recognized by the state's highest court, but it is technically available under the right circumstances. In theory, even if Dateline managed to throw out our defamation claim by arguing that you are a public figure, they'd still be on the hook for the fraud and IIED. What's more, we can argue that because of the IIED claim we can get jurisdiction over Linthicum even if she didn't do business in New York (as we argue she did) because she works in interstate commerce and new the IIED acts she committed would have an effect in New York.

To support the IIED claim, we'd like to have an affidavit from Dr. Smith and Dr. Boucher. I've drafted something for Dr. Smith to consider, it's attached. Have a look at it and make any changes you feel are necessary, then forward it to Dr. Smith. Make sure he understands that this is just our idea of what we'd like him to say based on our understanding of the facts; if there is anything that's not accurate or that he is not comfortable with, then he's free to revise it however he sees fit (and of course he can feel free to call us to discuss it). He needs to be very comfortable with what he says because this would be a public document that he will need to stand behind later.

The point of the affidavit is to make clear that Ramirez and Linthicum knew you were sick and would get sicker because of their statements, and that you in fact did get sicker as a result. We don't need to have a great deal of detail right now about the specifics, but we do need general statements that Dr. Smith can stand behind.

As I said, we're filing these papers in the middle of October so this should be finalized within the next week or so if possible.

Best regards,

Andy

Do you Yahoo!?
 Everyone is raving about the [all-new Yahoo! Mail](#).

Dear Andy:

Tim is in the pitiable situation of being required to work in Paris for 3 weeks. I feel sorry for his suffering and I did tell him to watch out for poisoned baguettes.

I hope he can get the email and fax a return to your office. I know he will do his best; however, I am sure that he has a lot of work to do and should enjoy his spare time in Paris rather than 'fool around' with me.

I will, also, give the doc to the psychiatrist when I see her soon (Paulina knows when ..I don't.)

best

doug

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

-----X
DOUG COPP and AMERICAN RESCUE TEAM) Index No.:
INTERNATIONAL,)
)
Plaintiffs,) **AFFIDAVIT OF**
) **TIMOTHY SMITH, M.D.**
)
-v.-)
)
RAYNER RAMIREZ, JOHN HOCKENBERRY,)
STONE PHILLIPS, NBC-UNIVERSAL INC.,)
LESLIE LINTHICUM, JOHN GRACE, MIKE)
MILLER and JOHN & JANE DOES 1- 100,)
)
Defendants.)
-----X

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

TIMOTHY SMITH, M.D., being duly sworn, deposes and says under the penalties of perjury:

1. I am a physician licensed to practice in the State of California and I maintain an office for that purpose at 2635 Regent Street, Berkeley, California. I am a treating physician of Plaintiff Doug Copp in the above entitled action.
2. I am fully familiar with all matters discussed here and submit this Affidavit based on my personal knowledge and the best of my personal belief.
3. I have been treating Doug Copp since October of 2002. I was treating him when the NBC show *Dateline* broadcast a program about Mr. Copp accusing him of fraud, including various on-air statements by Leslie Linthicum, Defendant in the above entitled matter. I was interviewed for the program by Defendant Rayner Ramirez, a *Dateline* producer, but virtually all

of my comments were excluded from the broadcast. I can think of no reason for doing so other than an intentional effort to harass Plaintiff Copp and tell a one-sided, sensational story so as to garner ratings.

4. I discussed Plaintiff Copp's medical condition in great detail with Mr. Ramirez and I have no doubt that he was fully aware that the stress resulting from a set of nationally televised false accusations impugning Plaintiff Copp's personal integrity would dramatically and adversely impact Plaintiff Copp's physical and psychological health. Similarly, since I spoke at length with her in connection with her own reporting about Plaintiff Copp, I have no doubt that Defendant Linthicum knew full well that the statements she made in the *Dateline* program would adversely impact Plaintiff's Copp's health.

5. Based on my knowledge of Plaintiff's Copp's physical and mental condition prior to the airing of the *Dateline* broadcast, I can state with medical certainty that his condition deteriorated significantly following the broadcast. This deterioration occurred for two reasons: First, Plaintiff Copp was traumatized by the prospect of having his reputation and career damaged by adverse international television publicity; second, Plaintiff Copp was traumatized by his perception that personal attacks based on hatred were being relentlessly launched against him. He felt that following the publication by Defendant Linthicum in the *Albuquerque Journal* newspaper of allegations that he had engaged in fraudulent conduct, the *Dateline* report was a signal that his enemies would never stop persecuting him until he was either in prison or, preferably, dead. This second issue was entirely separate and distinguishable from the first.

6. As the result of Plaintiff Copp's severe psychological trauma, his ability to maintain his physical health has also suffered. Plaintiff Copp is afflicted by serious and potentially life-threatening contamination of his body by toxic substances he inhaled while

working as a rescuer at the Ground Zero site in New York City in September 2001 after the infamous terrorist attack. He requires an elaborate program of ongoing treatment to maintain equilibrium, and in fact his team of physicians has prescribed an extensive in-patient treatment session at a special facility equipped to provide care to victims of environmental contamination. Unfortunately, Plaintiff Copp does not currently have the financial resources to fund such treatment, making his condition that much more precarious. I made this issue very plain to Defendant Ramirez when he interviewed me and, based on our discussions, I have no doubt that Defendant Linthicum was fully aware of it as well. Both medical journals and the popular press are now reporting that many people who responded to the Ground Zero scene are now beginning to manifest symptoms similar to those Plaintiff Copp has been displaying for years. This is not surprising, since based on Plaintiff Copp's account he was one of few people to venture into the underground areas of the site which were most heavily contaminated and therefore his initial exposure was greater than that of most people.

7. In addition, both Defendants Linthicum and Ramirez knew full well that Plaintiff Copp's illnesses seriously undermined his cognitive abilities. Yet, neither of them made any effort to accommodate Plaintiff's Copp's limitations in this area by interviewing him in the presence of his physicians or consulting with them about his answers prior to reporting them.

8. Plaintiff Copp's medical condition is serious enough that, if not treated appropriately, it could be life threatening.

9. In my professional opinion, the *Dateline* report, including the statements made therein by Leslie Linthicum, has effectively destroyed Plaintiff's Copp's quality of life and seriously undermined his will to live. He is suffering from very serious clinical depression, and this condition makes it much more difficult to effectively treat his physical diseases. If the

statements about Plaintiff Copp on the *Dateline* program were indeed false, I can only view them as an intentional attempt to harm my patient little different than a direct physical assault.

10. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

TIMOTHY SMITH, M.D.

Sworn to Before Me This
___ day of _____, 2006

NOTARY PUBLIC

Dr. Ben Boucher

From: <AmerRescue@aol.com>
To: <bestill_and_know@comcast.net>; <AmerRescue@aol.com>; <bodmanpub@ns.sympatico.ca>; <drsmith@renewalresearch.com>
Sent: Monday, August 06, 2007 3:28 PM
Subject: Re: Doug: Call Dr. Ross ASAP, re Dept of Justice 'review'.

Dear Medical Angels who have kept me alive and recovering throughout these multi-simultaneous nightmares of 9,11 illness, 'Scumbag' Lang's vengeance, and the DOJ and other destructions and harm which Lang's 704 published lies created:

I have spoken with Andy Miller of Karasik and Associates who are suing Dateline and Tim Butler who is suing Lang and the ABQ Journal. Gary Richardson, the lead attorney, on my behalf, met with the DOJ. He turned them in the right direction.

My attorneys consensus is that it is a good thing that the DOJ is finally 'investigating' this matter, by talking to someone other than Lang or his 'cronies'.

Make no doubt about it that you three and all the other Doctors and Medical Specialists are condemned with me as 'fraudsters' if Lang is to be accepted in publishing that I have no medical problem other than a 'mild case of asthma'.

I am in a lot of pain today. I feel miserable, sick, frustrated. I am in no mood to 'put up' with Lang's bullshit and yet here it continues after 6 years of suffering and other 9.11 first responders heading to the woods (like me) and dying, in droves from various cancers. I am so 'pissed off' you can't even begin to imagine.

Chief Norman, NY Fire D retired, who Leslie Linthicum 'sucked in' and 'enflamed' with her vitriolic lies about me has headed to the woods in upstate New York where he is dying from 'brain cancer'. His brother, a trainer with NY Police D has approached us via Peter Donahue and is being conciliatory. So much for 9.11 illness being 'phony' as Dateline and Linthicum fist published.

I believe it all to be good and please make the DOJ aware of NOT only the truth of my medical condition but the physical ramifications to my health as a result of the stress of the DOJ hanging over my head and the daily effects it has had on destroying the work of our rescue team and the devastating effect on the lives of ARTI members who have been forced into bankruptcy, and 'total personal destruction' as a result of their being 'tarred' with the Lang brush by association with me. The harm done to good people who volunteered to help people as ARTI members hurts my heart a great deal.

Of course tell the truth but please don't hold anything back...the DOJ should be going after Lang for 'playing them' like fools to exact his personal revenge against someone who stood up against this bastard. Of course, 'all this stress' makes for a far more difficult medical recovery than 'peace and quiet'.

MY home phone is down for another 3 days due to a storm. My cell phone 1-415-533-2231 works and I still get emails.

best regards,

have a wonderful summer. I am very grateful to have such wonderful people helping me in this battle.

doug

In a message dated 8/6/2007 9:03:16 A.M. Atlantic Daylight Time, bestill_and_know@comcast.net writes:

| 6 August 2007

| 'ello Doug:

| I do not know if you are still being represented in legal matters with

Sheldon's firm in New York, and so I have not contacted him. I am trying to reach you directly, first . I do not have a phone number for you that I can find.

I found a voice message on my machine from a 'David Glendinning' or 'David Glendenning' with the Dept of Justice in Washington, who 'is reviewing a matter that came before the 9/11 Victim's Compensation Fund", and he wanted to talk with me. He did not state your name, but I assume that it must be related to your case.

Because you and I have not spoken for some time, and because you were not a 'long-term' patient of mine, my file on your case is stored and not easy for me to find. I will be truthful with Mr. Glendenning, but at the same time get a fresher picture in my mind about how you are doing, physically, emotionally, socially and legally, since we last spoke, so that I can be of more help to Mr. Glendenning.

I can only speculate that perhaps 'someone' has made an official 'complaint' to the Dept of Justice about your case, and therefore a 'review' is underway. (The outcome of the review may be to simply confirm what has already taken place.)

I will answer his questions truthfully and support my previously stated opinions that I have rendered it in the past, and there is no doubt in my mind about the legitimacy of your health problems from the 9/11 exposures. As you know, there are now thousands of similarly-affected rescuers.

I would appreciate a short conversation with you, if possible, prior to contacting Mr. Glendenning, and I feel that this would be appropriate and ethical. My home number is 801-296-1181. My cell number is 801-971-5269. If you get the home answering machine, leave a call-back number where I can contact you today if possible. Call my cell, if there is any urgency of which you are might be aware.

I want to hear what you might know about what is behind this. (I have a pretty strong suspicion, given our previous contacts), and to see if you are aware of it. Because I am unaware of the current status of the legal work that Sheldon was doing for you, (if it is still ongoing, etc.,) I am trying to reach you first, before any contact Sheldon and his colleague in NYC or my call back to Mr. Glendenning.

Gerald H. Ross, MD
801-296-1181 (h)
801-296-1202 (h - fax)
801-971-5269 (cell)
+++++

Get a sneak peek of the all-new AOL.com.

Dr. Ben Boucher

From: <AmerRescue@aol.com>
To: <drsmith@renewalresearch.com>; <AmerRescue@aol.com>; <bodmanpub@ns.sympatico.ca>;
<delliek@gmail.com>
Sent: Friday, July 20, 2007 5:18 PM
Attach: First Amended Complaint as Filed.eml
Subject: from doug Fwd: First Amended Complaint as Filed

Dear Tim and Ben:

It makes for wonderful reading.

doug

Get a sneak peek of the all-new AOL.com.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

No. 2:07-CV-00651-LCS-ACT

DOUG COPP and AMERICAN RESCUE TEAM
INTERNATIONAL,

Plaintiffs,

Vs.

THE JOURNAL PUBLISHING COMPANY, INC.,
ABQJOURNAL.COM, INC.,
ALBUQUERQUE PUBLISHING COMPANY,
THOMPSON H. LANG, JR.,
LESLIE LINTHICUM, JOHN GRACE, MIKE
MILLER and JOHN & JANE DOES 1- 100,

Defendants.

**FIRST AMENDED COMPLAINT FOR DEFAMATION
AND
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

Plaintiffs, Doug Copp (“Mr. Copp”) and American Rescue Team International (“ARTI”),
by their attorneys, Timothy L. Butler, Esq. and Gary L. Richardson, Esq., Richardson Law Firm
PC, for their First Amended Complaint against the Defendants, jointly and severally, state as
follows:

THE NATURE OF THE ACTION

1. This is an action in defamation and other intentional torts seeking compensatory
and punitive damages against Publisher Thompson H. Lang, Jr. and the corporate entities and
persons over which he exerts powerful influence and control.

2. This action is brought by Mr. Doug Copp. Due to his outstanding international reputation as a disaster rescue and recovery expert, permission was obtained from the U.S. government on Mr. Copp's behalf only days after September 11, 2001, to fly from his home in New Mexico to Ground Zero aboard a private jet at a time when other air traffic was grounded due to security concerns. His jet was escorted to the New York airport by military fighter jets and he was speedily credentialed to access the site.

3. Over the next several days at the site, and at great personal risk, Mr. Copp crawled into the precarious voids beneath the rubble while searching for survivors, as well as for human remains which could provide peace of mind for loved ones and a basis for compensation for their loss. Other members of his volunteer rescue and recovery group, Plaintiff, American Rescue Team International ("ARTI"), sifted through the horrific residue of the collapse at a Staten Island landfill, using technology invented by Mr. Copp in an effort to locate additional human remains.

4. Due to his exposure to the "toxic soup" that accumulated in the subterranean caverns, Mr. Copp sustained life-threatening chemical and contaminant poisoning requiring extensive medical treatments which continue to this day at great cost; his illnesses have left him permanently disabled. Recently, a wave of reports has begun to reveal that many other persons who had only above-ground exposure to the toxic site have developed the same illnesses as Mr. Copp, with a longer latency period because of their lesser level of exposure. His physicians have estimated the total cost of his treatment over the course of his life at approximately \$2 million.

5. Mr. Copp received a formal adjudication by one of the nation's leading jurists, Kenneth Feinberg, acting on behalf of the U.S. government, that he had sustained life-threatening injuries from his rescue work. Mr. Feinberg, as head of the 9/11 Victim

Compensation Fund, awarded Mr. Copp \$649,000 in compensation for medical expenses and lost wages, as a result of his injuries sustained through his work at the WTC site. In making this award, Mr. Feinberg referred to Mr. Copp as “a national hero and resource to our country over the years.” Mr. Feinberg also concluded that “the Fund award in this case looms large, I take it, in Mr. Copp’s getting treatment and moving forward with his life.”

6. However, the sum awarded was less than one-third of what Mr. Copp required for complete medical treatment before the deduction of Mr. Copp’s expenses already incurred for attorneys, economists, physicians and other specialists. As a result of his injuries he has been left unable to hold gainful employment; these circumstances have caused Mr. Copp severe financial hardship.

7. Mr. Copp’s life’s work has been devoted to alleviating the suffering of the innocent victims of natural and man-made catastrophes such as earthquakes and plane crashes. He has received hundreds of letters of gratitude and admiration from around the world. Mr. Copp’s humanitarian work was featured in several Discovery Channel and Learning Channel documentaries. Mr. Copp has also been the subject of many interviews by television networks and other media seeking to access his expertise and high level of human interest (as an unpaid volunteer risking his life to save others) for their broadcasts, including NBC’s *Today* show and *Nightly News* with Brian Williams, and Tom Brokaw among many others. He has been thanked by presidents, prime ministers, a king and even a maharajah for his personal sacrifices, dedication and humanity. He has worked at more than 100 major disaster events, always trying to alleviate the suffering of his fellow man.

8. Yet, because of personal animus and jealousy on the part of its publisher, Defendant Thompson H. Lang, Jr., Mr. Copp was repaid for his bravery and public service by

his hometown newspaper, the Albuquerque *Journal*, (Defendant Journal Publishing Company, Inc.) and its related online website www.abqjournal.com (Defendant Abqjournal.com, Inc.) with publication of a vicious and frenzied series of defamatory articles claiming Mr. Copp had falsified his service and injuries at Ground Zero along with many other untrue and defamatory statements as alleged herein. These false claims shocked, stunned and humiliated Mr. Copp, gravely aggravated his medical condition, caused him severe emotional distress, and cost him significant professional and monetary damage.

9. The *Journal* had been contacted before July 11, 2004, by Mr. Copp's Canadian attorney, Anthony Mozvik, and told that Mr. Copp believed its planned articles were defamatory, threatening a lawsuit for defamation if inaccurate statements were made about Mr. Copp's professional activities. Defendant Linthicum then told Mozvik and Mr. Copp that the *Journal* was not going to publish the articles. But, not only did Defendants proceed with publication the very next day, they also ensured the NBC prime time news magazine *Dateline* later picked up the *Journal* stories, using them as the basis for generating an additional layer of utterly malicious lies about Mr. Copp.

10. The *Journal* disseminated the articles to numerous newspapers around the world. In some cases these articles were published in newspapers where the *Journal* likely would receive little or no compensation-- such as in Romania and Turkey; but were offered to these papers, in places where Mr Copp had been recognized for his rescue and recovery activities, in a malicious attempt to destroy his professional reputation.

11. Mr Copp's local Canadian newspaper was also given the stories to publish. Mr. Copp's home was vandalized on several occasions after the *Journal* articles and picture purportedly exposing Mr Copp's penis was published in this very remote area of Canada.

Mr. Copp has received many vitriolic death threats as a result of the malicious, intentional, defamatory lies the *Journal* published about him.

12. Before the defamatory publications, Mr. Kip Purcel, the attorney who represented Mr. Copp with the Victim's Compensation Fund, had provided Defendant Linthicum and the *Journal* hundreds of pages of documentation and videos dealing with Mr. Copp's medical condition and his professional rescue and recovery activities. But, Defendants knowingly and falsely published hundreds of lies about Mr. Copp to harm Mr. Copp and ARTI. On two occasions Linthicum called Mr. Copp on the phone to gloat and torment him, asking Mr. Copp, "How's your health now?" and telling Mr. Copp that she and Defendant Lang were going to have Mr. Copp put in prison where he would die from his injuries. Mr. Copp has been left with no alternative but to bring this action to clear his name and to seek compensation for the damages he has suffered as a direct result of Defendants' joint and several wrongful acts.

THE PARTIES

13. At all relevant times herein, Plaintiff Doug Copp was and still is a dual citizen of the United States of America and Canada, residing at 563 Charlotte Street, Sydney, Nova Scotia, Canada B1P1E6.

14. At all relevant times herein, Plaintiff American Rescue Team International ("ARTI") was and still is a not-for-profit corporation organized under the laws of the State of California and having its mailing address at P.O. Box 237, 236 West Portal Ave, San Francisco, CA, 94127 and its registered corporate agent at 696 Denman Road, Penngrove, California, 94951.

15. At all relevant times herein, Defendant Thompson H. Lang, Jr. was and still is a resident of the State of New Mexico.

16. At all relevant times herein, Defendant Journal Publishing Company (the “*Journal*”) was and still is a New Mexico for-profit business corporation with its principal address at 7777 Jefferson N.E. Albuquerque, New Mexico 87109, with its registered agent, Thomas H. Lang at 7777 Jefferson N.E., Albuquerque, New Mexico 87109. On the basis of information and belief, at all material times hereto, Defendant Thompson H. Lang, Jr. was and is the President of the *Journal* and a substantial shareholder thereof.

17. At all relevant times herein, Defendant Abqjournal.com, Inc. (the “*Journal.com*”) was and still is a New Mexico for-profit business corporation with its principal address at 7777 Jefferson N.E. Albuquerque, New Mexico 87109, with its registered agent, Thomas H. Lang at 7777 Jefferson N.E., Albuquerque, New Mexico 87109. On the basis of information and belief, at all material times hereto, Defendant Thompson H. Lang, Jr. was and is the President of the *Journal.com* and a substantial shareholder thereof.

18. On the basis of information and belief, at all relevant times herein, Defendant Albuquerque Publishing Company (“APC”) is a partnership with its principal address at 7777 Jefferson N.E. Albuquerque, New Mexico 87109. On the basis of information and belief, the Defendant *Journal* is a partner in the APC; the APC operates printing, distributing and selling & administering advertising of and for the *Journal*.

19. At all times relevant herein, Defendant Leslie Linthicum was and still is an employee of the Albuquerque *Journal* and a resident of the State of New Mexico. Ms. Linthicum visited the Ground Zero site and was the principal author of the defamatory publications at issue in this lawsuit.

20. At all times relevant herein, Defendant John Grace was and still is a resident of the State of New Mexico and a person who provided attributed false statements about Plaintiffs

to Ms. Linthicum and to NBC reporters and producers knowing they would be published and broadcast. Defendant Grace was the owner/operator of New West Productions, located at 4301 Carlisle NE, Albuquerque, New Mexico 87017.

21. At all times relevant herein, Defendant Mike Miller was and still is a resident of the State of New Mexico and a person who provided attributed false statements about Plaintiffs to Ms. Linthicum and to NBC reporters and producers knowing they would be published and broadcast. Defendant Miller was the owner/operator of New West Productions, located at 4301 Carlisle NE, Albuquerque, New Mexico 87017.

22. At all times relevant herein, defendants John & Jane Does 1-100 were individuals or corporations who on behalf of or in connection with Defendants provided or conspired to provide false information about Plaintiff Doug Copp's personal and professional life for publication in the *Journal* and Journal.com articles, but who are heretofore unknown to Plaintiffs. At such time as their names are learned, Plaintiffs intend to amend this pleading to include them by name.

JURISDICTION AND VENUE

23. All claims in this action arise under the common law of the State of New Mexico.

24. Jurisdiction is proper in this action under 28 U.S.C. 1332. There is complete diversity of citizenship between Plaintiffs and Defendant; the amount in controversy exceeds \$75,000.

25. Venue is proper in this action under 28 U.S.C. 1391(a)(2). All of Plaintiffs' claims set forth in this Complaint arise in this district and a substantial part of the Defendant's wrongful acts and omissions complained of occurred in this district.

GENERAL ALLEGATIONS

26. The Albuquerque *Journal* is a New Mexico newspaper with a daily circulation of about 100,000 and a Sunday circulation of about 150,000 copies. It is owned by Defendant Journal Publishing Company. A related business endeavor focusing on the online publishing aspects and versions of the Journal are owned by Defendant, Abqjournal.com, Inc. The *Journal's* publisher for the last twenty nine years has been Defendant Thompson H. Lang, Jr. As pled above, Lang serves as President and registered agent for both entities. He is also a substantial shareholder of both entities.

27. On Sunday, July 11, 2004, the Albuquerque *Journal* printed, and published on its website, a 4,000-word article entitled "New Mexican's Claims of Ground Zero Rescue Work Called Into Question." The author of the article was Defendant Leslie Linthicum. The "New Mexican" referred to in the article's title was Plaintiff Doug Copp.

28. Over the course of the next week, the *Journal* published many more articles about Mr. Copp, consisting of nearly 20,000 words and culminating in an article which stated that the U.S. Justice Department was investigating Mr. Copp for fraud, implying that the investigation had resulted from the *Journal's* reporting. The author of the articles was always the same: Defendant Leslie Linthicum.

29. On the basis of information and belief, all of the *Journal* articles were published on the Defendant Abqjournal.com website on or after the date of their publication in the *Journal*. On the basis of information and belief, at least initially, all other parts of the website required a paid subscription to view except for the defamatory articles against Mr Copp. In fact, Defendant Linthicum contacted other websites to help provide links to these defamatory articles against Mr Copp so as to further increase the harm done to Mr Copp and to further profit the Journal and Abqjournal.com.

30. The articles variously referred to Mr. Copp as “phony” , “knucklehead” , “fraud” and “buffoon” (among many, many other crudely derogatory personal slurs) and concluded that he was a criminal swindler who had visited the Ground Zero site in New York City in the immediate aftermath of the September 11, 2001 terrorist attack without credentials, falsely claimed to have performed rescue and recovery work there using sham technology incapable of actual function, and then falsely claimed to have sustained physical injuries before the 9/11 Victim Compensation Fund, receiving more than \$600,000 in undeserved compensation as a result. In further defamatory bludgeoning, the articles go on to falsely accuse Mr. Copp of bilking widows and lying about his pivotal role in rescuing a 12-year old girl from a collapsed building in Turkey.

31. In fact, all these statements and conclusions about Mr. Copp were wholly false. They were made by and on behalf of Mr. Lang by Ms. Linthicum because of personal animus toward Mr. Copp and a desire for revenge, as well as a strong desire to please her employer, do his bidding and thereby advance her career. In Mr. Copp, moreover, this local reporter saw a possible way of thrusting herself into the national spotlight, something which did in fact occur. It is a matter of supreme irony that the *Journal* undoubtedly felt it could freely accuse Mr. Copp of faking his Ground Zero illness specifically because it knew he was in fact extremely ill, and therefore in no position to defend himself.

32. Mr. Lang’s personal animus towards Mr. Copp is not difficult to explain or understand. Nor is it difficult to conclude that the “payback” for Mr. Copp’s stubborn refusal to provide Mr. Lang credentials giving him virtually unrestricted access to the 9/11 site was the series of maliciously defamatory articles and photographs published by Defendant *Journal* and Abqjournal.com complained of herein.

33. Mr. Lang is President of Defendant Journal Publishing Company, Inc., which is the owner of the private jet Lang piloted to fly Mr. Copp to the 9/11 site from New Mexico. In a side agreement (made without Mr. Copp's knowledge) with one of Mr. Copp's prospective business partners, Mike Miller, Mr. Lang volunteered the use of this jet in exchange for being allowed to accompany Mr. Copp, along with a news reporter and photographer, to document and report on Mr. Copp's work and to obtain exclusive and potentially lucrative access to the Ground Zero areas otherwise forbidden to the media.

34. During the first few days at the WTC site, Mr. Lang made absurdly unreasonable demands upon Mr. Copp, including most importantly that he, Mr. Lang, be credentialed as a member of Mr. Copp's rescue team and receive the prestigious City of New York 9/11 emergency pass which were prohibited to any media, as well as access to Mr. Copp's activities which would restrict Mr. Copp's freedom of action. When Mr. Copp briskly rebuffed these demands (among other things, Mr. Copp called Mr. Lang an "evil bastard" who was interfering with Mr. Copp's life-saving work and therefore costing lives), Mr. Lang became enraged, departed the city and exacted his revenge by using the power of his newspaper and online publications in an abusive and evil way.

35. Mr. Copp's business partners, John Grace and Mike Miller also accompanied Mr. Copp on the plane to New York. These two men, along with others, were working with Mr. Copp on patenting and commercializing the Copp Casualty Locator ("CCL"). The Copp Casualty Locator is a subcomponent of a larger device called the Copp Multi-Probe. The Multi-Probe uses video, audio and olfactory/gas sensing capabilities to assist rescue personnel in finding live and dead victims who are trapped, buried in rubble or otherwise hidden from view.

It took Mr. Copp a number of years of research, prototypes and testing to understand the science and create such a device.

36. The CCL has been used at many disasters around the world and with the collaboration of many emergency personnel to locate victims trapped inside of collapsed buildings. At the Staten Island landfill site where the World Trade Center rubble was deposited, it was used by Efrain Huamann, ARTI Peru, working with the NYPD to recover numerous body parts.

37. Mr. Copp had already signed a contract with a patent attorney who would procure the patents in exchange for a percentage ownership of the CCL. The patent attorney had begun the process of procuring a patent for the device on Mr. Copp's behalf until Defendants' lies against Copp and the CCL made it impossible to market the CCL or pursue it any further as a business. Mr. Grace and Mr. Miller sought to exploit the activities at the Ground Zero site for commercial purposes; their entreaties were also briskly rebuffed. In this manner, Grace and Miller became convenient sources for Mr. Lang's printed onslaught against Mr. Copp – especially so, since they later attempted independently to develop and market a casualty locator in competition with Mr. Copp's device.

38. *Dateline* later contacted Mr. Grace and Mr. Miller, and relied upon them as primary sources for its own report on Mr. Copp, which aired on both the NBC website and on national television on July 15, 2005, almost a year to the day after the *Journal* reports first appeared.

39. On July 11, 2004, the *Journal* published its first article about Mr. Copp authored by Defendant Linthicum. Titled "New Mexican's Claims of Ground Zero Rescue Work, Heroism Called Into Question". As noted on the Abqjournal.com website with the lead heading

“911 Phony”, the article was the “first in a four-day series on Doug Copp and his dubious claims.” The article included at least the following false statements about Mr. Copp and/or ARTI:

“Copp says he will die if he doesn’t get at least \$1 million more for medical treatments”

“There is substantial evidence that Copp’s claims of heroism and life-threatening injuries regarding 9/11 are not true.”

“Copp on various occasions has bartered tales of bravado and heroism for free airline flights, hotel rooms and donations—all in the name of helping innocent disaster victims and saving lives.”

“One former high-ranking federal disaster official says Copp’s modus operandi is to hang around rescue sites and take pictures, then say he played a crucial role. The Journal’s investigation found that Copp’s experience in New York generally fit that description.”

“...Copp had no authority to be at the site and played no legitimate role in the search and rescue.”

“Despite claims to the commission that he spent “a week several floors below ground zero,” Copp now concedes he went underground at ground zero just six times for a total of eight to ten hours.”

““...each time Copp and Lentz ventured into ground zero, Copp obtained videotape, which he sold to a television news show.”... “[Copp] passed much of his time in a nice Times Square hotel, on the phone trying to “drum up publicity for himself” or drinking from the mini bar.””

“Copp claimed his death-detecting machine helped him recover 40 bodies. In fact, there is general consensus that it didn’t work.”

“A pulmonary specialist said the records submitted to the fund show the most serious ailment Copp suffers from is a mild lung restriction.”

“He [Lang] said he didn’t realize until he was on the ground in New York that Copp’s team consisted of a screenplay writer, a film producer, a cameraman and an adventurer. None had any rescue experience.”

““On the ride toward the smoldering ruin where thousands of people were still missing and presumed dead”, Lang said Copp was telling gruesome tales and laughing. “It was all juvenile, unprofessional,” Lang said. “I thought, ‘This is bogus.’””

40. Among other untrue statements, this first *Journal* article also quotes Mr. Steve Lentz, essentially recanting his affidavit provided in support of Mr. Copp’s compensation claim, stating among other things, that Copp did not participate in any rescue and recovery work at the site, that Mr. Copp attempted to persuade Lentz to back date an injury to come within the claims deadline, that Mr. Copp spread soot on his face to appear as if he had been in dangerous circumstances, that Copp was only after valuable film footage, and that Mr. Copp was basically “a fraud and a bombast.” All of these statements are false.

41. Among other untrue statements, this first *Journal* article states that Mr. Copp did not receive credentials to be on site, that he was repeatedly requested to leave the site, and that his rescue and recovery efforts at the site began after the September 15, 2001 compensation deadline. All of these statements are false.

42. On July 11, 2004, the *Journal* published another article about Mr. Copp authored by Defendant Linthicum. Titled, “Appeals to 9/11 Fund Had Lawmakers’ Help”, the article confirmed that, based on the *Journal’s* allegations, Representative Tom Udall had requested the Department of Justice to investigate Mr. Copp’s claims, and the *Journal* onslaught had caused

several other politicians previously supportive of Mr. Copp to waiver. In this article, Defendant Lang is quoted by his reporter, Linthicum, as stating, "I didn't see or hear anything that led me to believe he did any kind of real rescue work or was doing anything other than making a movie." This statement is false.

43. Also on July 11, 2004, the *Journal* published an article authored by Defendant Linthicum titled, "Justice Dept. Inquiry Requested by Udall," prompted by the *Journal's* allegations, in which Rep. Udall states, "I am concerned that a fraudulent claim may have been processed and paid. Considering some claims were rejected for lack of proof, something seems to be terribly wrong if compensation was wrongly awarded in this case." The Abqjournal.com website leads this story with, "Earlier this year, Doug Copp was awarded \$649,000, tax free, from the fund set up to compensate victims of 9/11. He says it's not enough. But it's doubtful he deserves anything. A Journal investigation found no evidence Copp did real rescue work in New York." This statement is false.

44. On July 12, 2004, the *Journal* published an article authored by Defendant Linthicum titled, "'Bombero' Arrives at Ground Zero." Along with the "9/11 Phony" heading, the Abqjournal.com website leads this story with, "...His forays into the rubble were to shoot video, some of which he tried to sell. His claim of seeking medical care within the time frame appears false. All typical of Copp's years as a self-proclaimed rescue guru." Ms. Linthicum informs the reader of the purpose of the series of articles: "The series you are reading is about a trail of misinformation and exaggeration by Doug Copp and how he ended up taking in a lot of well-meaning people during a time of national grief." This article included at least the following untrue statements about Mr. Copp and/or ARTI:

“Holley said he agreed to go to New York with Copp if flight arrangements could be made because Copp’s credentials sounded legitimate—even though Copp had been drinking when Holley showed up at his house on the East Mountains on Sept. 11—the first time the two had met—and he seemed preoccupied with photography.”

“Lang in addition to piloting the aircraft, was along to help Holley or other rescuers in any way he could.”

“Oddly, Copp didn’t mention the one high-profile international rescue that a former federal rescue official says Copp seems to have played a part in – pulling a little girl out of a building flattened by an earthquake in Turkey in 1999. That could be because the French team that directed that rescue says the only American there—a heavy guy trailed by a cameraman—showed up late, got in the way and tried to order everybody around.”

“But Copp’s first stop was the Marriott Marquis hotel in Times Square, where he identified himself as chief of the American Rescue Team International, the world’s most experienced rescue team. He asked for and received free rooms.”

“Copp said we would be at the site within minutes because he had advance clearance from Andrew Card, President George W. Bush’s Chief of Staff.”

““Lang, who had talked to the rest of the team members and found out they were movie makers, not search and rescue experts, confronted Copp and told him he had misled Lang and Heather Wilson. He told Copp to stay away from him, Holley, me and Stewart.” “I thought if we were going to be able to do anything, any journalism, we weren’t going to be able to do it with this red-suited buffoon,” Lang said. “I was upset that the Journal might be involved in fraudulent activity. I thought he was going to get us arrested.” Copp, he said, “sat down on a ledge and cried.””