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SHAHID BUTTAR FOR CONGRESS COMMITTEE and
SHAHID BUTTAR

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHAHID BUTTAR FOR CONGRESS
COMMITTEE and SHAHID BUTTAR, an
individual;

Plaintiffs,

vs.

HEARST COMMUNICATIONS, INC., a
Delaware corporation; and DOES 1
through 5;

Defendants.

CASE NO. 3:21-cv-05566-EMC

**FIRST AMENDED COMPLAINT FOR
DAMAGES AND EQUITABLE
RELIEF**

JURY TRIAL DEMANDED

1. Defamation at Common Law and Cal. Civ. Code §45 (Libel)
2. Violation of Cal. Bus. & Prof. Code §§17200, et seq.

JUDGE: Hon. Edward M. Chen

INTRODUCTION

1. The First Amendment exists to protect legitimate journalism, not racist character assassination in the service of a public assault on election integrity and democratic accountability. The First Amendment is supposed to protect democracy, not invite its subversion.
2. This lawsuit aims to vindicate the fundamental right of everyone, especially people from marginalized and vulnerable communities, to run for political office on the

1 basis of the content of their character – without having their reputations harmed
2 due to reckless, unethical reporting by newspapers of record.

3 3. On July 21, 2020, the San Francisco *Chronicle* published an article containing a
4 false allegation that Congressional candidate Shahid Buttar had committed sexual
5 harassment.

6 4. At the time, Mr. Buttar was the first Democrat to challenge U.S. House of
7 Representatives Speaker Nancy Pelosi in a general election.

8 5. As a direct result of the *Chronicle*'s publication of the false allegation, Mr. Buttar
9 and his campaign were inflicted with grievous harm to their reputations.
10 Furthermore, the *Chronicle*'s amplification of the false allegations likely deterred a
11 significant number of voters in California's 12th Congressional District from
12 voting for Mr. Buttar.

13 **THE PARTIES¹**

14 6. Defendant **Hearst Communications, Inc.** ("Defendant Hearst"), a Delaware
15 corporation, owns the San Francisco *Chronicle*, which is located at 901 Mission
16 St., San Francisco, CA 94103. The *Chronicle* is the newspaper of record for the
17 12th Congressional District, which covers most of the City and County of San
18 Francisco.

19 7. Defendant Hearst and the Bay Area News Group (which owns the *Mercury News*
20 and *East Bay Times*) comprise the two media conglomerates that own the only
21 newspapers of record in the Bay Area.

22 8. Plaintiff **Shahid Buttar** is a constitutional lawyer, legal advocate, nonprofit leader,
23 community organizer, poet, and musician.

24 9. An early advocate for LGBTQ marriage equality and a longtime advocate for civil

25 ¹ Plaintiffs do not know the true names and capacities of Defendants sued in this Complaint
26 as Does 1 through 5, and therefore sues those Defendants by fictitious names. Plaintiffs will
27 amend this Complaint to allege the true names and capacities of Does 1 through 5 as soon as they
28 have been ascertained. Upon information and belief, each of the Defendants named as Does 1
through 5 is responsible in some manner for the occurrence, injury, and other damages alleged in
this Complaint.

1 liberties, Mr. Buttar worked over the previous 15 years for nonprofit organizations
2 including the Electronic Frontier Foundation (EFF), Bill of Rights Defense
3 Committee (now known as Defending Rights and Dissent), Muslim Advocates,
4 and the American Constitution Society (ACS).

5 10. In 2020, Mr. Buttar and House Speaker Pelosi were the only two candidates to
6 qualify for the Nov. 3, 2020 general election for California’s 12th Congressional
7 District.

8 11. A British immigrant of Pakistani descent, Mr. Buttar grew up in the Midwest. He
9 first came to the Bay Area in 2000 to study law at Stanford Law School, from
10 which he received his law degree in 2003.

11 12. To date, no immigrant, Muslim, or person of color like Mr. Buttar has represented
12 California’s 12th Congressional District.

13 13. Mr. Buttar ran again as a candidate in the 2022 Congressional election, but did not
14 qualify for the Nov. 8, 2022 general election.

15 14. Plaintiff **Shahid Buttar for Congress Committee** (“Buttar for Congress” or
16 “campaign”), an unincorporated organization headquartered in San Francisco,
17 constituted Mr. Buttar’s Congressional campaign for the 2020 Congressional
18 election, and constituted Mr. Buttar’s campaign for the 2022 Congressional
19 election.

20 JURISDICTION AND VENUE

21 15. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1332 (diversity
22 jurisdiction). Venue is proper in this judicial district pursuant to 28 U.S.C. §1391,
23 for Defendant Hearst, in its capacity as owner of the *Chronicle*, is subject to
24 personal jurisdiction in this judicial district.

25 THE DEFAMATORY *CHRONICLE* ARTICLE

26 16. *The Chronicle’s Original Piece*. On **July 22, 2020**, the *Chronicle* published an
27 article (the “Original Piece”) in its print edition under the headline, “Shahid Buttar,
28

1 Nancy Pelosi’s Election Opponent, Accused of Sex Harassment”.² *Chronicle*
2 reporter Joe Garofoli wrote the Original Piece.

3 17. The Original Piece was based on a self-published *Medium* post in which a former
4 acquaintance (Elizabeth Croydon) alleged that Mr. Buttar had sexually harassed
5 her.³

6 18. The previous afternoon (**July 21, 2020**), *Chronicle* reporter Joe Garofoli
7 demanded that Buttar for Congress provide a response to Ms. Croydon’s
8 allegations in less than two hours.

9 19. Within two hours, Buttar for Congress promptly emailed Mr. Garofoli a statement
10 from Mr. Buttar that denied Ms. Croydon’s claims.

11 20. Based on the text of the Original Piece, it does not appear that Mr. Garofoli
12 interviewed Ms. Croydon before the Original Piece was published.

13 21. In other words, the *Chronicle* published the Original Piece – even though its
14 reporter had interviewed *neither* Ms. Croydon *nor* Mr. Buttar regarding Ms.
15 Croydon’s allegations against Mr. Buttar.

16 22. *Buttar for Congress Notifies the Chronicle of Ms. Croydon’s Prior False Claims.*
17 In an email sent at 8:30 pm that same evening,⁴ Buttar for Congress representative
18 Patricia Brooks notified Mr. Garofoli that Ms. Croydon had not only made a false
19 claim about Mr. Buttar, but had made false claims about the husband of another
20 person:

21 We do have some people who can speak about [Mr. Buttar’s] character and
22 other claims [Ms. Croydon] has made in the past that are *false* – including
23 one who alleges that she also made *false claims about her husband*. Would
you want to speak with them? We are reluctant to attack her character out

24 ² Joe Garofoli, “Shahid Buttar, Nancy Pelosi’s Election Opponent, Accused of Sex
25 Harassment”, San Francisco *Chronicle*, July 22, 2020, at B4, online version *available at*
26 <https://www.sfchronicle.com/politics/article/Shahid-Buttar-Nancy-Pelosi-s-election-15424675.php> (last visited July 17, 2021).

27 ³ Elizabeth Croyden, self-published *Medium* post, July 21, 2020, *available at*
28 <https://medium.com/@elizabethcroydon/shahid-buttar-repeatedly-sexually-harassed-me-1a23f22924dd> (last visited July 17, 2021).

⁴ All times reflect Pacific Standard Time (PST).

1 of respect to survivors ... but *they are willing to speak with you.*⁵

2 23. Ms. Brooks offered to put Mr. Garofoli in touch with those individuals – including
3 one person (Dr. Margaret Flowers, M.D.) who alleged that Ms. Croydon had made
4 false claims about her husband.

5 24. However, Mr. Garofoli chose not to interview *any* of those individuals, including
6 Dr. Margaret Flowers, M.D. and Martine Zundmanis.

7 25. Dr. Flowers and Ms. Zundmanis knew both Mr. Buttar and Ms. Croydon during
8 the 2000s, the period when Ms. Croydon alleged that Mr. Buttar had purportedly
9 harassed her.

10 26. According to Dr. Flowers, Ms. Croydon falsely accused Dr. Flowers' husband
11 Kevin Zeese of sexual assault in 2006, the same year he was a Maryland candidate
12 for the U.S. Senate.

13 27. According to Ms. Zundmanis, there is no merit to Ms. Croydon's allegations
14 regarding Mr. Buttar. Ms. Zundmanis has observed previous instances where Ms.
15 Croydon false accused progressive political activists of sexual harassment –
16 including an activist who worked at a prominent environmental organization and
17 suffered grave harm as a result.

18 28. *The Bay Area Reporter Article Discussing Ms. Croydon's Credibility.* That same
19 evening (**July 21, 2020**), the *Bay Area Reporter* – which interviewed both Dr.
20 Flowers and Ms. Zundmanis – published an article (the “B.A.R. article”)⁶ that
21 included their accounts regarding Ms. Croydon's claims.

22 29. In relevant part, the B.A.R. article stated:

23 Two women who knew Buttar in the 2000s told the *B.A.R.* that there was
24 *no credibility* to what Croydon alleges occurred. Martine Zundmanis, who
25 met Buttar in 2004 while working together on civil rights issues, said there
is “absolutely no merit” to Croydon's claims.

26 ⁵ Italics added.

27 ⁶ Matthew S. Bajko, “Political Notebook: Pelosi Challenger Buttar Accused of Sexual
28 Harassment, Misogyny”, *Bay Area Reporter*, July 21, 2020, available at
https://www.ebar.com/news/latest_news/295177 (last visited July 17, 2021).

1
2 “I think in context of the progress victims and survivors have made as a
3 result of the #MeToo movement, to have someone as ethical and with so
4 much integrity as Shahid to be attacked with *lies* like this is just
5 disgusting,” she said.

6 Dr. Margaret Flowers, on Twitter and in a phone interview with the
7 B.A.R., said Croydon had *falsely accused* her partner, attorney Kevin
8 Zeese, of *sexual assault* in 2006. “It is really sad she is given any
9 credibility,” said Flowers. “I have known Shahid for at least a decade; I
10 have a lot of respect for him.”⁷

11 30. At 5:44 am the next morning (**July 22, 2020**), Buttar for Congress’ Patricia Brooks
12 sent an email to the *Chronicle*’s Joe Garofoli.

13 31. In her email, Ms. Brooks again stated that (1) Ms. Croydon’s allegations about Mr.
14 Buttar were false, and (2) “a number of voices” had been “left out” from the
15 *Chronicle*’s story. To that end, Ms. Brooks requested that the *Chronicle* correct
16 the Original Piece by, *inter alia*, interviewing individuals “closer to this situation”
17 (such as Dr. Flowers or Ms. Zundmanis).

18 32. In response, the *Chronicle* failed to correct or otherwise revise the Original Piece.
19 Instead, in a **July 22, 2020** email, Mr. Garofoli invited Ms. Brooks to submit an
20 opinion (op-ed) piece to the *Chronicle*. At the time, the *Chronicle*’s opinions
21 editor was John Diaz.

22 33. Within a matter of hours, Buttar for Congress submitted an opinion piece (the
23 “Opinion Piece”) to the *Chronicle*. Specifically, Ms. Brooks responded to Mr.
24 Garofoli’s July 22, 2020 email and added Mr. Diaz to the recipient list.

25 34. In response, Mr. Diaz sent Ms. Brooks an email on July 23, 2020. In that email,
26 Mr. Diaz refused to publish the Opinion Piece in the interest of “fairness”.

27 35. Upon information and belief, Mr. Diaz was authorized to receive correction
28 requests on behalf of the *Chronicle*’s publisher; alternatively, the *Chronicle*’s
publisher had actual knowledge of Ms. Brooks’ July 22, 2020 correction request

⁷ *Id.* (italics added).

1 within 20 days of her request.⁸

2 36. *Author Chris Sampson’s Email to the Chronicle regarding Ms. Croydon’s*
3 *Credibility*. The next day (**July 23, 2020**) at 4:22 pm, Mr. Garofoli and two other
4 *Chronicle* employees received an email from Chris Sampson, a national security
5 expert.

6 37. In that email, Mr. Sampson stated that Ms. Croydon was a “pathological liar” who
7 had “harassed” one of his friends “repeatedly in private texts to the point of [his]
8 friend considering suicide.”

9 38. Mr. Sampson further stated that he had “no association” with Mr. Buttar and had
10 “never talked with him.” Mr. Sampson also stated that he contacted Buttar for
11 Congress when he “saw [Ms. Croydon’s] accusation”.

12 39. Mr. Sampson ended his email by expressing his disappointment with the
13 *Chronicle*:

14 You had a duty to tell the readers the truth.

15 You should do a better job in the future or consider your reputation
16 destroyed.

17 **OTHER PUBLISHED ARTICLES EXAMINING MS. CROYDON’S CREDIBILITY**

18 40. On **July 23, 2020**, the day after the Original Piece was published, the *Intercept*
19 covered Ms. Croydon’s allegations. Significantly, the *Intercept* expressly stated
20 that a number of individuals had questioned Ms. Croydon’s credibility: “The
21 *Intercept* has spoken to several people who recounted having disturbing
22 interactions with Croydon that caused them to question her credibility.”⁹

23 41. *The Open Letter Regarding Ms. Croydon’s Credibility*. The next day (**July 24,**
24 **2020**), the *Independent Political Report* published an open letter (the “Open
25 Letter”), in which 17 individuals (including Dr. Flowers and Ms. Zundmanis)

26 ⁸ See *Freedom Newspapers, Inc. v. Superior Court*, 4 Cal.4th 652, 658 (Cal. 1992).

27 ⁹ Akela Lacy, *Intercept*, July 23, 2020 “Shahid Buttar’s Bid to Unseat Nancy Pelosi Roiled
28 by Staff Mistreatment”, available at <https://theintercept.com/2020/07/23/shahid-buttar-campaign-allegations/> (last visited July 17, 2021).

1 expressed deep concern regarding Ms. Croydon's credibility and described her
2 history of false allegations against political activists:

3 The accuser [Ms. Croydon] is well known in the D.C. social-justice
4 community. Unfortunately, this troubled individual has a long history of
5 fabricating attacks against innocent people. A review of litigation she has
6 filed in various jurisdictions would likely yield a revealing picture to an
7 enterprising journalist. She has engaged in *late-night phone harassment*
8 *campaigns, false allegations, and physical threats* against numerous
9 individuals over the years. She is NOT a credible witness against this
10 promising progressive leader."¹⁰

11 42. Two months later (**Sept. 25, 2020**), after conducting a follow-up investigation, the
12 *Intercept* delivered a definitive, sobering conclusion regarding Ms. Croydon's
13 allegations about Mr. Buttar: "Yet Croydon's claims *have not been borne out*.
14 The *Intercept* was **not** able to corroborate Croydon's allegations and has
15 interviewed multiple sources who recounted having disturbing interactions with
16 her that *caused them to question her credibility*."¹¹

17 43. The *Intercept's* Sept. 25, 2020 findings prompted it to update its original, July 23,
18 2020 article. Specifically, the *Intercept* placed an "editor's note" in a prominent
19 position at the top of the article text.¹²

17 **THE CHRONICLE'S SECOND PIECE ON MS. CROYDON'S ALLEGATIONS**

18 44. On **July 25, 2020**, the *Chronicle* published a follow-up piece (the "Follow-Up
19 Piece"), also written by Mr. Garofoli, regarding Ms. Croydon's allegations.

20 45. Although it quoted individuals who defended Mr. Buttar's ethics and integrity, the
21 Follow-Up Piece was reckless and malicious in two major ways. *First*, it
22 portrayed those individuals as Mr. Buttar's friends, when they are fiercely

23 ¹⁰ "DC Activists Support Shahid Buttar, Call Accuser Troubled Person with History of
24 Accusations" (italics added), *Independent Political Report*, July 24, 2020, available at
25 <https://independentpoliticalreport.com/2020/07/dc-activists-support-shahid-buttar-call-accuser-troubled-person-with-history-of-false-accusations/> (last visited July 17, 2021).

26 ¹¹ Akela Lacy, *Intercept*, Sept. 25, 2020, "Progressives wrestle with how to address
27 allegations of mistreatment in San Francisco race", available at
28 <https://theintercept.com/2020/09/25/shahid-buttar-dsa-san-francisco-allegations/> (last visited July
18, 2021) (italics and bold print added).

¹² *Id.*

1 independent political activists.

2 46. *Second*, the Follow-Up Piece failed to disclose that Ms. Croydon was not only a
3 source known to be unreliable, but had a long history of hurling false accusations –
4 including a false allegation of sexual assault – against political activists.

5 47. The Follow-Up Piece thus deprived *Chronicle* readers of Ms. Croydon’s history of
6 hurling such false accusations, even though the July 23, 2020 *Intercept*, Mr.
7 Sampson, and the 17 signatories of the Open Letter had laid bare obvious reasons
8 to doubt Ms. Croydon’s veracity.

9 48. Mr. Garofoli had thus been apprised by Dr. Flowers, Ms. Zundmanis, other
10 signatories of the Open Letter, and Mr. Sampson that Ms. Croydon had a long
11 history of lobbing false accusations against political activists – including a false
12 accusation that Kevin Zeese, a federal candidate had sexually assaulted Ms.
13 Croydon.

14 49. To make matters worse, the Follow-Up Piece *did not even provide a hyperlink* to
15 the Open Letter. As a result, *Chronicle* readers were deprived of the opportunity
16 to decide for themselves whether the *Chronicle* had accurately reported the content
17 of the Open Letter.

18 50. In stark contrast, both the *Chronicle*’s Original Piece and Follow-Up Piece had
19 provided hyperlinks to Ms. Croydon’s false, self-published *Medium* allegations.

20 51. In so doing, the *Chronicle* implied that Ms. Croydon’s allegations were more
21 credible than those of any of the 17 signatories to the Open Letter.

22 **THE AFTERMATH**

23 52. The *Chronicle* has never published a piece like the Original Piece about a White
24 male candidate for office.

25 53. In the United States, Islam is one of the most stigmatized religions. Only 42
26 percent of Americans have a favorable view of Islam, according to a 2021
27 Associated Press/Norc Center for Public Affairs Research poll.¹³

28 ¹³ Associated Press, “Two decades after 9/11, Muslim Americans still fighting bias”,

1 54. Joe Biden and Pete Buttigieg, who are both White males, were both accused of
2 sexual misconduct during their respective Presidential candidacies. The *Chronicle*
3 did not rush to publish any of those accusations. Instead, the *Chronicle*
4 demonstrated the care it owed its readers and the public at large.

5 55. Had Mr. Buttar been a White male such as Joe Biden or Pete Buttigieg, rather than
6 an immigrant Muslim of Pakistani descent, the *Chronicle* would not have rushed
7 to publish the Original Piece, let alone publish it. Instead, the *Chronicle* would
8 have thoroughly investigated whether or not Ms. Croydon's allegations were
9 credible.

10 56. The *Chronicle's* publication of the Original Piece delivered crippling blows to Mr.
11 Buttar's insurgent campaign against House Speaker Pelosi, who defeated Mr.
12 Buttar on Nov. 3, 2020; and played a role in Mr. Buttar's failure to qualify for the
13 Nov. 8, 2022 Congressional general election.

14 57. Ms. Croydon's false accusations were immediately and consistently seized upon
15 by critics across the political spectrum – including the so-called “K-Hive”, an
16 organized network of certain supporters of Vice President Kamala Harris. To this
17 day, voices associated with K-Hive continue to actively promote Ms. Croydon's
18 false allegations that were amplified by the *Chronicle's* Original Piece.

19 58. Indeed, taking the cue from San Francisco's only newspaper of record, local media
20 outlets such as the San Francisco *Bay Guardian*, *48 Hills*, and *Mission Local*
21 published their own stories that referenced Ms. Croydon's false allegations.

22 59. As a result, Mr. Buttar and Buttar for Congress suffered lasting, grievous harm.
23 The false allegations in the Original Piece recklessly and unjustly smeared Mr.
24 Buttar's ethics and integrity, harmed his professional livelihood and personal
25 relationships, slashed his speaking and writing opportunities, and gravely damaged
26 the public's perception of his fitness to hold political office.

27 available at <https://apnews.com/article/September-11-Muslim-Americans-93f97dd9219c25371428f4268a2b33b4>, Sept. 6, 2021 (last visited Aug. 12, 2022).
28

1 quarter-over-quarter growth rate of 96%, reflecting historically unprecedented
2 support from across the country that was poised—absent the *Chronicle*'s character
3 assassination and the ensuing “civic lynching”¹⁴ documented by the *SF Bayview*—
4 to continue. *See* Chart 1 below.

5 66. Instead, the campaign's fundraising collapsed, quickly falling to roughly a third of
6 its previous level, and then further. It never recovered, despite the eventual
7 revelations by other journalists of the fraud indulged (and never corrected) by the
8 *Chronicle*. *See* Chart 2 below.

9 67. The *Chronicle*'s publication led to a proverbial run on the bank, as many donors
10 sought refunds of their contributions and former staffers attempted to extract
11 resources from the campaign.

12 68. A comparison between the first and second weeks in July makes the impacts of the
13 “civic lynching” documented by the *SF Bayview*—in which the *Chronicle* played
14 a crucial enabling role—inescapably clear. *See* Charts 3 and 4 below.

15 69. A comparison between the two months preceding the *Chronicle*'s repeated acts of
16 malice and recklessness, and the two that followed it, also makes clear the impacts
17 of *Chronicle*'s defamation. *See* Charts 5 and 6 below.

18 70. The campaign never recovered from the *Chronicle*'s repeated publication of false
19 accusations, suppression of the facts, evidence, and whistleblowers, an indulgence
20 of partisan character assassination. Over the remainder of the campaign cycle, it
21 was forced to shed staff, largely suspend its field operation, and dedicate its few
22 press opportunities to fending off lies rather than advocating for the climate
23 justice, racial justice, and economic justice goals that animated the campaign and
24 inspired tens of thousands of supporters across the country to invest in it.

25
26
27 ¹⁴ Gloria Berry, “White Supremacy in San Francisco,” *San Francisco Bayview*, Aug. 26,
28 2021, available at <https://sfbayview.com/2021/08/white-supremacy-in-san-francisco/> (last visited Aug. 11, 2022).

- 1 71. As a result of the *Chronicle*'s defamation, all of the campaign's supporters were
2 harmed, as well as each of the 81,000 San Franciscans who voted for change
3 despite the *Chronicle*'s concerted efforts to undermine democratic accountability.
- 4 72. Based on its observed growth rate previous to the *Chronicle*'s defamatory
5 publications, the 2020 campaign lost \$2,048,673 in projected contributions.
- 6 73. Ultimately, the \$1.6 million raised by the campaign over the 2019-20 campaign
7 cycle was reduced to worthlessness. The *Chronicle*'s defamatory, reckless, and
8 malicious publication was the proximate cause of that harm.
- 9 74. *2022 Campaign.* The campaign continued to endure harm from the *Chronicle*'s
10 defamatory, reckless, and malicious publications through its conclusion in June
11 2022, when the plaintiff's political career ended with his loss in the primary
12 election to a Republican challenger.
- 13 75. After becoming the first Democrat to win the top-two primary alongside the
14 incumbent in 2020, the plaintiff's campaign could have been well-situated to grow.
- 15 76. Due to the *Chronicle*'s character assassination and refusal to ever publish any of
16 the verifiable facts, Mr. Buttar and his campaign were effectively hobbled and
17 never able to recover any of the momentum established previous to the
18 *Chronicle*'s publications.
- 19 77. In June 2020—the last full month before the *Chronicle*'s reckless and malicious
20 publication—the campaign raised \$234,521. Even setting aside any possible
21 growth from its established support base at that time, presuming the campaign had
22 merely continued with a flat rate of growth, it would have raised \$3,986,857
23 through the June 2022 primary election.
- 24 78. Hobbled by the *Chronicle*'s indulgence of partisan character assassination, the
25 2022 campaign instead raised only \$188,140, enduring a loss of \$3,798,717.
- 26 79. That calculation, however, ignores the campaign's previous expansion, which
27 continued up until the *Chronicle* set off the racist feeding frenzy that brought it to
28 a screeching halt.

1 80. Based on its previous 96% quarter-to-quarter growth rate, if the *Chronicle* had not
2 published the defamatory articles, the campaign would have raised over \$25
3 million—as much as the career incumbent who has held the seat since 1987—for
4 the 2022 election cycle.

5 81. *Lost Volunteer Time.* Before the *Chronicle*'s defamation, the campaign mobilized
6 more than 30 volunteers each week for up to 10 hours each. Using 5 hours per
7 volunteer per week as a conservative estimate, and estimating the value of their
8 time based on the local \$15 minimum wage, the value of their time was roughly
9 \$2,250 per week.

10 82. The campaign's volunteer recruitment, retention, and management program
11 effectively collapsed, leaving it with no more than a handful of volunteers heading
12 into the 2020 general election.

13 83. During the 2020 election, the value of their lost work over the ensuing 14 weeks
14 amounted to \$31,500. Over the 2022 cycle, it amounted to \$184,500.

15 84. *The Harm Suffered by Mr. Buttar.* In his individual capacity, Mr. Buttar suffered
16 grave harm due to the *Chronicle*'s malice.

17 85. First, the *Chronicle*'s smears ended the possibility of him returning to his non-
18 profit legal advocacy career. He has interviewed for several positions, including
19 Executive Director roles akin to those he held before running for office, but the
20 reputational damage of the character assassination has imposed a dramatic chilling
21 effect on potential employers.

22 86. Mr. Buttar previously earned \$100,000 at the Electronic Frontier Foundation,
23 which served as the basis for his campaign salary. Having been 46 when he was
24 smeared, he has lost 19 years of earnings capacity based on a 65-year retirement
25 age. The value of Mr. Buttar's lost earnings (ignoring potential salary growth or
26 inflation) total \$1.9 million.

27 87. Mr. Buttar also suffered grievous emotional harm and suffering, was unable to
28 sleep soundly for nearly a year, and was driven to seek therapy to recover. The

1 harm to his relationships was incalculable. A friend of over 20 years whom he had
2 dated for nearly five years severed their friendship citing the *Chronicle* article.
3 Mr. Buttar had previously spoken at her wedding.

4 88. A relationship in which Mr. Buttar was engaged at the time of the character
5 assassination fell apart due to the stress it imposed, and the nature of the
6 accusations indulged by the *Chronicle* foreclose the possibility of, for instance,
7 posting a dating profile on a public website. A jury must be given the opportunity
8 to determine the value of the lost relationships and companionship that Mr. Buttar
9 has suffered as a result of the *Chronicle*'s defamation.

10 89. Mr. Buttar has also suffered a tremendous loss of opportunities to publish and
11 speak publicly. When he was smeared, he was a regular guest on progressive
12 news programs and increasingly a source cited by writers across the country, from
13 *Rolling Stone* to the *Intercept*.

14 90. That all came to a screeching halt. While both *Rolling Stone* and the *Intercept*
15 published further stories about the campaign, they were entirely about the
16 fraudulent subjects of the character assassination indulged by the *Chronicle*, rather
17 than the plaintiff's policy proposals or political vision.

18 91. The *Chronicle*'s defamation ended the plaintiff's opportunity to be heard on issues
19 of vital public concern from climate chaos to public health, and from foreign
20 policy to domestic civil rights. A jury must be given the opportunity to determine
21 the value of a public voice being silenced.

22 92. As a creative person poised to publish works including poetry, music, and non-
23 fiction political analysis, the harm to the Mr. Buttar's public voice has been multi-
24 dimensional. Attempts to secure a book contract have proven unsuccessful, and
25 the plaintiff's social media reach has collapsed.

26 93. The effort to neutralize Mr. Shahid's voice proved remarkably effective, and the
27 *Chronicle* was its leading agent.
28

PROCEDURAL HISTORY

1
2 94. On Apr. 25, 2022, the Court issued an Order (ECF 39) that dismissed Plaintiffs’
3 Complaint, with leave to amend as to claims based on the Follow-Up Piece.
4 Pursuant to Ninth Circuit precedent, this First Amended Complaint repleads all
5 allegations from the Complaint. *See Forsyth v. Humana, Inc.*, 114 F.3d 1467,
6 1474 (9th Cir. 1997).

7 **COUNT 1**

8 Defamation at Common Law and Cal. Civil Code §45 (Libel)

9 *Against Defendant Hearst Communications, Inc.*

- 10 95. The foregoing allegations are hereby incorporated by reference.
- 11 96. The *Chronicle* is liable for defamation per se, for it published Ms. Croydon’s false
12 allegations that Mr. Buttar sexually harassed her.
- 13 97. The *Chronicle* published Ms. Croydon’s false allegations with actual malice, for it
14 (a) knew the falsity of Ms. Croydon’s allegations, or (b) recklessly disregarded the
15 falsity of Ms. Croydon’s allegations.
- 16 98. After giving Buttar for Congress less than two hours to respond to Ms. Croydon’s
17 false allegations, the *Chronicle* then failed to contact individuals like Dr. Flowers
18 and Ms. Zundmanis – even after it was told that those individuals would have
19 provided details of Ms. Croydon’s history of lobbing false allegations (including
20 her claim that Dr. Flowers’ husband had sexually assaulted her) against one federal
21 candidate and other political activists.
- 22 99. Subsequently, even though Mr. Garofoli had been apprised by Dr. Flowers, Ms.
23 Zundmanis, over a dozen other signatories of the Open Letter, and Mr. Sampson
24 that Ms. Croydon had a long history of false accusations against political activists
25 (including Kevin Zeese, a federal candidate), the Follow-Up Piece did not disclose
26 that highly relevant history to *Chronicle* readers.
- 27 100. The evidence of actual malice from the Follow-Up Piece may be imputed to the
28 Original Piece. *See Church of Scientology v. Dell Publishing Co.*, 362 F.Supp.

1 767, 770 (N.D. Cal. 1973).

2 101. The *Chronicle* published Ms. Croydon’s false allegations without justification or
3 privilege.

4 102. Mr. Buttar and Buttar for Congress suffered lasting, grievous harm. The false
5 allegations in the Original Piece recklessly and unjustly smeared Mr. Buttar’s
6 ethics and integrity, harmed his professional livelihood, and gravely damaged the
7 public’s perception of his fitness to hold political office. Each of those grave
8 harms continue – and continue to erode election integrity – to this day.

9 103. As a direct and proximate result, Buttar for Congress and Mr. Buttar suffered
10 grievous harm to their reputations.

11 **COUNT 2**

12 Violation of Cal. Bus. & Prof. Code §§17200, et seq.

13 *Against Defendant Hearst Communications, Inc.*

14 104. The foregoing allegations are hereby incorporated by reference.

15 105. The Unfair Competition Law (“UCL”, Cal. Bus. & Prof. Code §§17200, et seq.)
16 bans any unlawful, unfair, and fraudulent business acts and practices.

17 106. Defendant Hearst has violated, and continues to violate, the UCL by engaging in
18 the following unlawful acts and practices: maliciously defaming Buttar for
19 Congress and Mr. Buttar in violation of California Civil Code section 45 and under
20 common law.

21 107. Defendant Hearst has violated, and continues to violate, the UCL by engaging in
22 the following unfair business acts and practices:

23 A. Engaging in malicious, defamatory conduct, which provides no benefit to
24 competition, such that the personal and political reputations of candidates like Mr.
25 Buttar have suffered grievous harm.

26 B. Engaging in malicious, defamatory conduct in violation of public policy as
27 reflected in California Civil Code section 45.

28 108. Buttar for Congress and Mr. Buttar have no adequate remedy at law for the injuries

1 they will continue to suffer as a result of Defendant Hearst's unlawful acts.

2 109. Unless restrained by this Court, Defendant Hearst will continue to pursue its unfair
3 and unlawful conduct.

4 **REQUEST FOR RELIEF**

5 Buttar for Congress and Mr. Buttar ask the Court to grant them the following relief:

- 6 I. Damages, including general and special damages, in an amount to be determined
7 at trial;¹⁵
- 8 II. Prejudgment interest;
- 9 III. An order requiring (a) the retraction of all Ms. Croydon's defamatory allegations
10 that were published in the *Chronicle*, and (b) a public apology from the *Chronicle*.
- 11 IV. An injunction requiring Defendant Hearst to cease engaging in unfair competition;
- 12 V. Costs and attorney's fees to the extent provided for by law; and
- 13 VI. All other relief that the Court deems just and equitable.
- 14

15 DATED: Aug. 12, 2022

16 BUSINESS, ENERGY, AND ELECTION
17 LAW, PC

18
19
20 By: /s/ Gautam Dutta

21 GAUTAM DUTTA, ESQ.

22 Attorneys for Plaintiffs

23 SHAHID BUTTAR FOR CONGRESS

24 COMMITTEE and SHAHID BUTTAR

25
26
27 _____
28 ¹⁵ Buttar for Congress and Mr. Buttar reserve the right to seek punitive damages at the appropriate time.

Chart 1:

Before the Chronicle's defamation (April 2019-June 2020)

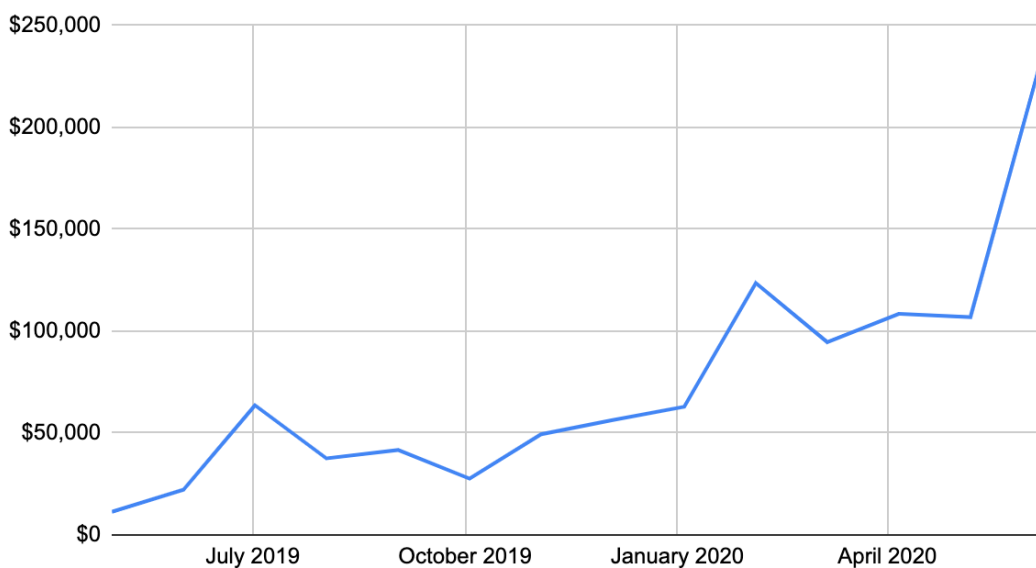


Chart 2:

After the Chronicle's defamation (June 2020-June 2022)

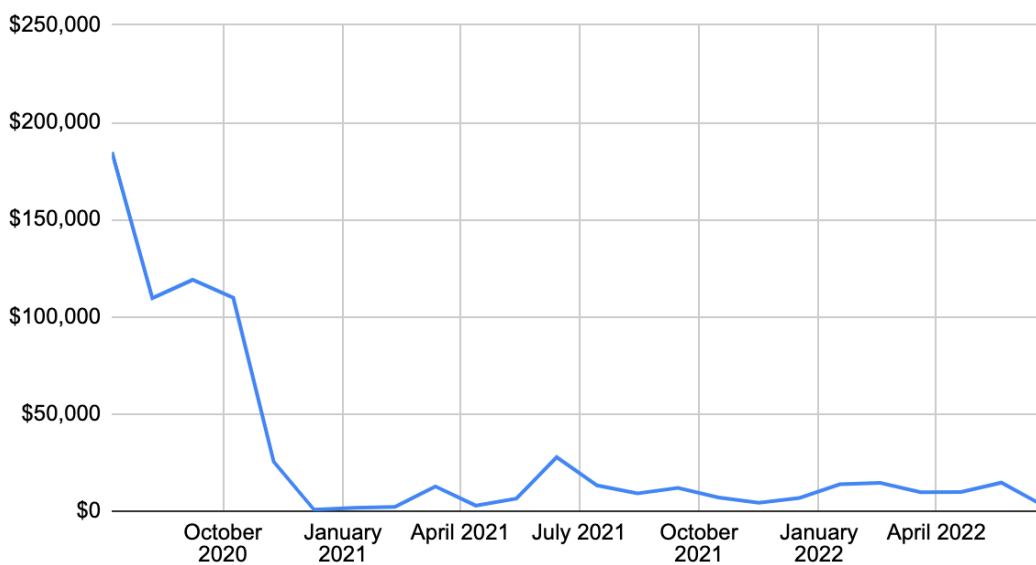


Chart 3:

Early July 2020 (July 1-8)

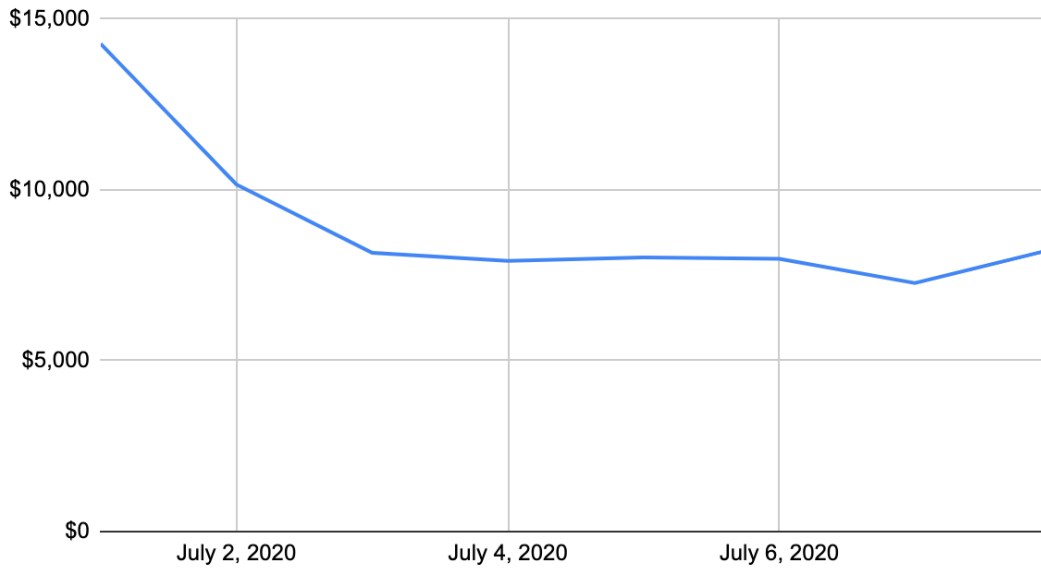


Chart 4:

Late July 2020 (July 20-July 28)

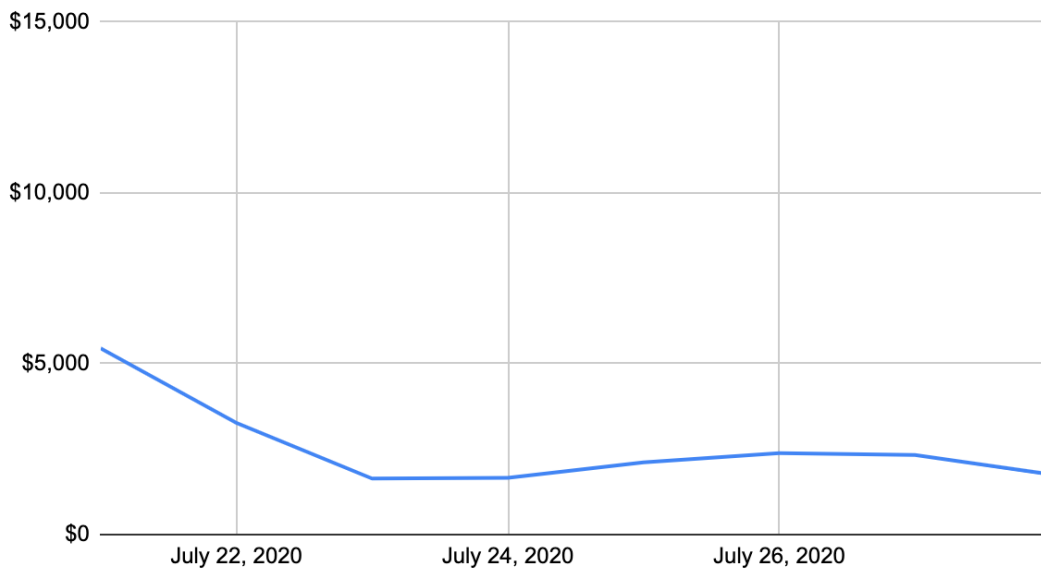


Chart 5:

May & June 2020

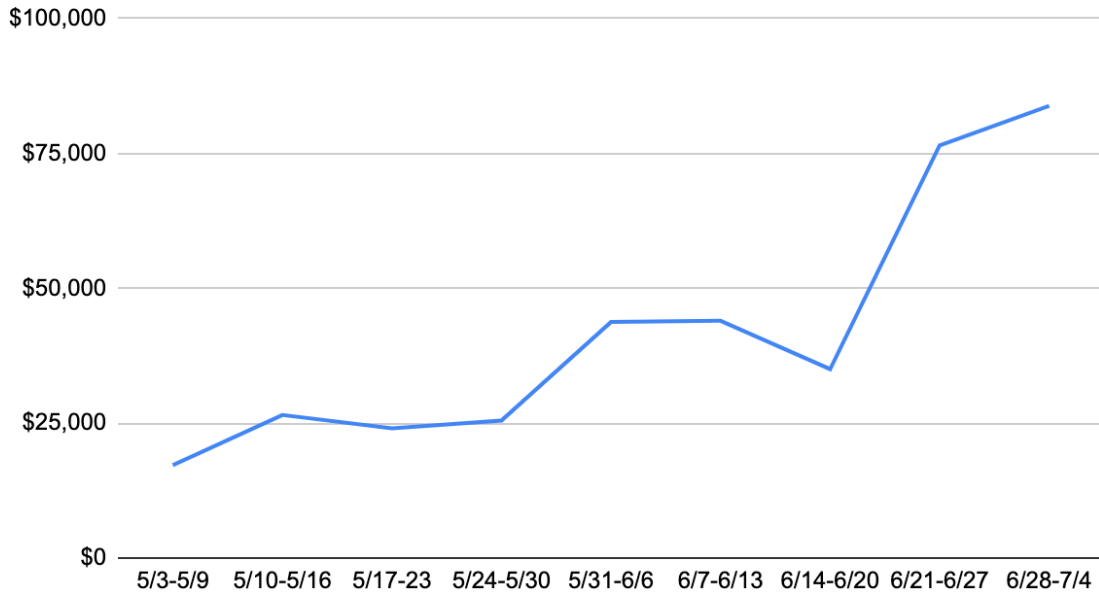


Chart 6:

August & September 2020

