

IN THE CIRCUIT COURT OF THE
14TH JUDICIAL CIRCUIT, IN AND
FOR BAY COUNTY

ZACHARY YOUNG and
NEMEX ENTERPRISES INC.,

CASE NO: 03-2022-CA-000608

Plaintiffs,

v.

CABLE NEWS NETWORK, INC.,

Defendant.

_____ /

AMENDED COMPLAINT

Zachary Young (“Young”) and Nemex Enterprises Inc. (“Nemex”) file this Amended Complaint against Cable News Network, Inc. (“CNN”) for defamation *per se*, defamation by implication, group libel, and trade libel.

This case arose in the aftermath of the United States’ withdrawal from Afghanistan and the ensuing terror wrought by the Taliban’s re-rise to power. Young, a former U.S. government operative, began helping corporations and NGOs extract people from the country. CNN learned about Young’s activities and published a video segment claiming Young was “exploiting” “desperate Afghans” by offering evacuations from Afghanistan on a “black market.” But CNN’s claims were lies published for sensationalism.

The truth is nothing like CNN told it. The fact is that in late 2021, Afghanistan fell to the Taliban. During that turmoil, Young began leveraging his unique skillset and relationships to assist *U.S. corporations and charities* that wanted to safely and swiftly extract certain persons from Afghanistan. Young was successful, saving dozens of lives for various corporate sponsors, and building a track record that led to more engagements with established corporations and NGOs.

Contrary to CNN's untrue and sensationalist reporting, Young never advertised to, or took a single penny from, any Afghan, much less "exploited" "desperate Afghans." And he certainly never sold any services on a "black market." Everything he did was legal.

Young was able to accomplish these extractions by virtue of his experience and sterling reputation. He dedicated his life to this country. He spent four years in the Navy. Thereafter, he spent years working for a military contractor providing security services to United States agencies operating in hostile environments overseas. He then spent many years working directly for the United States where he risked his life and freedom on a daily basis conducting various high-risk missions in the interest of national security. Young has held a security clearance since the age of 20, a Top-Secret clearance at times, and worked tirelessly during his years of service to establish a strong reputation for honor, integrity, and excellence. After leaving government service Young transitioned to the private sector where he was able to trade on his good name and skills by assisting companies in various logistics and security consulting capacities.

CNN, which ironically claims to be "The Most Trusted Name in News¹" maliciously destroyed Young's hard-earned reputation and his livelihood by publishing its false and sensationalist "news" segment to more than 90 million households after being told by Young that their story was false. Clients and colleagues in the national security community simply cannot associate with anyone associated with "black markets" or "exploitation." Thus, despite their falsity, CNN's defamatory comments have rendered Young permanently unemployable in the career he has trained his whole life for, have resulted in Young's income plunging to nothing, and have caused Young to suffer millions of dollars in lost income.

¹ <http://edition.cnn.com/services/trusted/>

And while this Court can force CNN to remedy the monetary damage it caused Young, CNN can never remedy the fact that they sacrificed actual human lives for the sake of ratings. CNN painted a caricature of Young as a fly-by-night extortionist, but Young is a highly trained and effective security professional. He was unquestionably qualified to extract civilians from Afghanistan and, before CNN's slander, he saved dozens of lives. CNN's defamation, however, has rendered Young unable to provide these rare and vital services, and there just aren't many other options out there. CNN's vicious and self-righteous slander removed Young from the equation and condemned an unknowable number of Afghans to death.

PARTIES

A. Zachary Young

1. Plaintiff Zachary Young is a United States citizen residing in Vienna, Austria. After high-school, Mr. Young served honorably in the U.S. Navy for four years. He then completed his bachelor's and went on to earn a master's in international affairs. While in graduate school, Young began working for a major U.S. military contractor, while simultaneously being recruited by a U.S. government agency.

2. The recruitment and security clearance process that Mr. Young went through was one of the most thorough and rigorous tests of honesty, integrity and loyalty conducted by any employer on the planet. He went through a years-long gauntlet of skills assessments, interviews, medical and psychological exams, in-depth background investigations, and numerous polygraph tests. From a pool of approximately 50,000 applicants, Mr. Young was one of approximately 50 candidates able to complete this process before going on to serve in some of the most dangerous and challenging operating environments on the planet.

3. Mr. Young has since retired from his service and began a career providing various

logistics and security-oriented consulting services to private clients.

4. Maintaining his status as a marketable security-oriented consultant and maintaining his security clearance involves periodic investigations to identify any type of derogatory information including criminal activity, financial difficulties, and other measures of suitability for positions of trust. By falsely labeling Young a “black market” criminal who “exploits” victims via international media, Facebook, and Twitter, CNN has ended Young’s security career and likely jeopardized Young’s ability to maintain a security clearance.

B. Nemex Enterprises Inc.

5. Plaintiff Nemex Enterprises Inc. is a Florida corporation with its principal place of business in Boca Raton, FL.

6. All of Young’s business activities, including the activities which are the subject of CNN’s defamatory statements and this Complaint, are conducted through Nemex and by Young in his capacity as the principal of Nemex. Throughout his consulting career after leaving government service, Young has conducted all of his consulting services via established companies like Nemex. Young chooses to work through a company in part because he wants his business activity to be formal and highly professional.

7. Young’s association with Nemex is a matter of public record. The Florida Secretary of State’s website is publicly searchable and shows that Nemex is a Florida for-profit organization and that Young is the company’s President. Additionally, any routine background check (consistent with any amount of diligence) would disclose Young’s association with Nemex.

8. CNN was further placed on notice of Nemex by Young’s own statements quoted in CNN’s broadcast. CNN’s broadcast displayed LinkedIn messages in which Young repeatedly used the first-person plural to refer to him and his company. CNN was also aware that Young provided

highly specialized services to Fortune 500 companies and therefore that his business was conducted in a formal and professional manner.

9. CNN knowingly or recklessly failed to give Young a reasonable opportunity to answer questions about his business and how he conducted evacuations, giving him only two hours before broadcasting the defamatory segment. Any reasonable effort by CNN to communicate with Young and to learn the facts would have, in addition to preventing the defamation, quickly turned up the fact that Young did his work through Nemex.

10. On information and belief, CNN was at all relevant times aware that Young operated his consulting business through Florida-based Nemex.

11. Any reasonable background check or investigation would have revealed that Young conducted his business through Nemex, and to the extent that CNN failed to perform basic due diligence that failure also proximately resulted in CNN's defamation and the injury to Young and Nemex.

C. Cable News Network, Inc.

12. Defendant CNN is a Delaware corporation. Touting itself as “The Most Trusted Name in News,” CNN is one of the world’s most well-recognized media companies. CNN’s broad network of television, website, social media accounts, and digital networks reaches millions of people in Florida and Bay County. CNN has a bureau in Miami and is registered with the Florida Secretary of State as a foreign profit corporation authorized to do business in Florida. CNN’s headquarters are in Atlanta, Georgia.

JURISDICTION AND VENUE

13. Plaintiffs each seek damages in excess of \$15,000.00 exclusive of interest, costs and attorneys' fees.

14. The defamation which is the basis of this lawsuit was committed in Bay County Florida in addition to all over the world. Mr. Young carried out his consulting services through his Florida-based company, Nemex. Nemex directly suffered damages as a result of CNN's conduct and is a Plaintiff in this action.

15. CNN conducts substantial business in this county, is registered in Florida as a foreign corporation, maintains a registered agent in Plantation, Florida, operates a bureau in Miami, Florida, and has hundreds of agents in Florida who engage in daily business for CNN. The broadcasts, internet postings and Tweets alleged in this Complaint were sent into Florida by CNN, are accessible in Florida and constituted electronic communications into Florida, which occurred over tens of thousands of times.

16. Venue is proper in this Court under Fla. Stat. § 47.051 as CNN is foreign corporation with an agent and/or representative in this county.

17. Specifically, CNN has multiple agents and representatives in this county including CNN affiliate stations WJHG and WMBB (the "Local CNN Affiliates"). WJHG has its principal place of business at 8195 Front Beach Road, Panama City Beach. WMBB has its principal place of business at 613 Harrison Avenue, Panama City.

18. CNN holds these Local CNN Affiliates out as affiliates and representatives of CNN in this county. The Local CNN Affiliates have contracts with CNN establishing formal affiliate relationships with CNN and CNN identifies them as affiliates on its own website.² The Local CNN Affiliates carry CNN content on their websites and use CNN content in their broadcasts.

19. In addition to being CNN affiliated stations, WJHG, and on information and belief WMBB, participate in CNN's Video Affiliate Network ("CNN Network"), a content and profit-

² <http://www.cnn.com/LOCAL/south/>.

sharing program in which the Local CNN Affiliates provide and receives content from CNN and its network of local affiliates. CNN claims that participants in its CNN Network are its “Trusted Local News Partners.”³ CNN further touts its CNN Network as a “one-stop digital video syndication platform. . .” According to CNN, the CNN Network “offers a wide variety of [] videos, curating content from CNN, local affiliates and select content partners. CNN [] sells advertising against this video inventory and shares revenue with participating affiliates . . . [the CNN Network] is available exclusively for CNN Newsource affiliates and select distribution partners.”⁴

20. Content disseminated through the CNN Network routinely credits CNN and WJHG jointly, using phrases such as the following: “WJHG/CNN,” “(CNN)/(WJHG),” “(Video from WJHG via CNN),” “Copyright 2013 WJHG via CNN.”

21. In addition, the cause of action accrued here. CNN’s false broadcasts were sent into this County and the harmful force of those broadcasts took place in this County when they were aired publicly and damaged Young and Nemex’s reputation in Bay County.

FACTUAL ALLEGATIONS

A. Chaos in Afghanistan

22. In August 2021, Kabul fell to the Taliban. As a result, there was an urgent need for evacuations from Afghanistan. Afghans who had previously worked with coalition forces, or for American or European multinational corporations, as well as various religious and ethnic minority groups were targets for retaliation and assassination by the Taliban. Unfortunately, between the U.S. abandoning Bagram Airfield, the rapid collapse of the Afghan National Army, and the besiegement of Hamid Karzai International Airport, circumstances in Afghanistan made such

³<https://www.cnnnewssource.com/advertise/#:~:text=The%20CNN%20Video%20Affiliate%20Network,in%20a%20brand%2Dsafe%20environment.>

⁴ https://www.cnnnewssource.com/wp-content/uploads/2020/06/1.-VAN_Overview_Brochure.pdf

evacuations extremely dangerous.

23. Soon after Afghanistan fell, a handful of non-profit organizations emerged to assist Afghans struggling to escape the country. Some of these organizations were legitimate non-profits focused on saving lives. Many of them were not. Some operated (and continue to operate) as quasi-non-profit enterprises, accepting large amounts of money from corporations, governments and NGOs, paying handsome salaries to their founders, and using much of the remaining money to enrich their friends and contacts with lucrative subcontracts. Moreover, many of these quasi-non-profits weren't properly equipped to coordinate the evacuations and failed at safely extracting people from Afghanistan—in many cases squandering huge amounts of resources on expensive, dangerous and often unsuccessful air evacuations.

24. While some nonprofits were better than others, the overarching problem was that there simply was not enough capacity. Corporations, non-profits, and other NGOs wanted thousands of people evacuated from Afghanistan right away and not enough resources were available to accomplish that enormous task. The problem, compounded by CNN's defamation, continues to this day.

25. Due to the high demand for evacuations, and the limited ability to provide for them, multinational corporations and NGOs looked to the private sector to provide more efficient and reliable evacuation solutions.

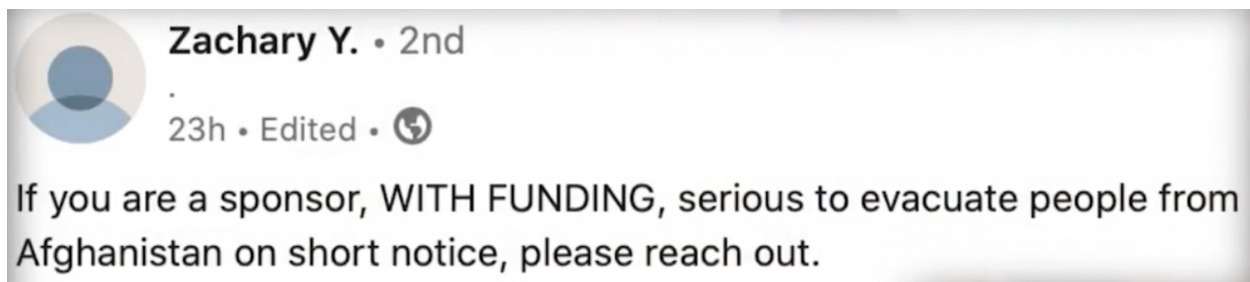
B. Young steps in

26. In August 2021, in the midst of the chaos unfolding in Afghanistan, Young was living with his wife in Vienna, Austria, where he had settled after years of government service to focus on providing logistics and security-oriented consulting services. From his home in Vienna, and through his Florida-based company, Young continued to consult for major defense contractors.

27. In August 2021, Young recognized an urgent and unfilled need for someone with his experience and contacts to help American and European multinational corporations and NGOs extract their former employees and specific high-risk Afghans trapped inside Afghanistan.

28. Because Young sought to reach American and European corporations, as opposed to Afghan refugees, he posted a notice on LinkedIn. “LinkedIn” is described by Wikipedia as “an American business and employment-oriented online service ... primarily used for professional networking and career development.”

29. Directing his message, not to Afghans, but rather to “sponsors,” *i.e.* companies and NGOs interested in sponsoring an evacuation, Young posted several notices on LinkedIn stating he was able to perform short-notice evacuations from Afghanistan for corporate sponsors with funding.



30. Young was crystal clear in his posting that it was directed at “sponsor[s] with funding” – *i.e.* companies and NGO’s with the funds to pay for an evacuation. It was not directed at anyone else.

31. In wording his LinkedIn posting, Young went out of his way to avoid creating any false impressions or expectations. He did not seek responses from individual Afghan citizens. In fact, he *actively discouraged* individual Afghan citizens from contacting him by addressing his notice to sponsors with funding. The clear and express implication was that Young was inviting sponsors – and only sponsors – to be in touch with him.

32. And he did so on purpose. Young was a private citizen who needed to support himself. While the goal of charitable evacuations is laudable, Young simply wasn't equipped to offer that.

33. CNN and its reporters knew that LinkedIn is a platform used by corporations and professionals, and that Young would not have chosen to publish his notice on LinkedIn had he intended it to reach individual Afghans.

34. CNN knew or should have known that Young deliberately and obviously chose a platform that would be viewed by "sponsors" and not by individual Afghan citizens. In fact, if Young had wanted to reach individual Afghan citizens inside that country, he would have chosen a medium other than LinkedIn, such as Facebook, Twitter, or Telegram.

35. In sum, Young expressly and purposely offered his consulting services to large American and European corporate sponsors, seeking to help former employees or specific high-risk Afghans trapped inside Afghanistan. Young did not offer his services to anyone else. Nor could he. Young was a private citizen dedicating time, effort, and capital to this venture. He knew he could only afford to start this business and offer these services if the clientele that hired him had sufficient capital to afford the premiums necessary for him to operate in this space.

C. Young successfully evacuates scores of Afghans

36. Soon after Young posted his notice on LinkedIn, and as advertised, large multinational corporations and NGOs began contracting him for evacuations.

37. Young was first hired by Audible Inc., a multinational media company, with over one hundred global offices and 19,000 employees. They asked Young for his references, vetted his qualifications and chose to move forward.

38. As promised, Young leveraged his network to identify, contact, and engage highly

qualified and reputable operatives on the ground in Afghanistan. He ensured communications were protected, operational security observed, and coordinated the legal evacuation and safe extraction of 3 high-risk young Afghan females for Audible.

39. Young's next client was Bloomberg L.P., a multinational media corporation with offices on five continents. As before, Young leveraged his network to identify, contact, and engage highly qualified and reputable operatives on the ground in Afghanistan. He ensured communications were protected, operational security observed, and coordinated the legal evacuation and safe extraction of 4 high-risk Afghan females and one child for Bloomberg.

40. Young's next client was a Berlin, Germany-based NGO called CivilFleet-Support eV, which was originally formed to help finance expensive sea rescues, and whose mission expanded to including a range of refugee and humanitarian crises ("CivilFleet"). As with the previous clients, Young leveraged his network to identify, contact, and engage highly qualified and reputable operatives on the ground in Afghanistan. He ensured communications were protected, operational security observed, and coordinated the legal evacuation and safe extraction of 3 high-risk Afghan females for CivilFleet.

41. Young's last client before CNN's defamation brought his operations to a grinding halt was H.E.R.O Inc., a U.S. based NGO spearheading a campaign to help Afghan Christians ("HERO"). As with the Bloomberg, Audible, and CivilFleet, Young leveraged his network to identify, contact, and engage highly qualified and reputable operatives on the ground in Afghanistan. He ensured communications were protected, operational security observed, and coordinated the legal evacuation and safe extraction of more than a dozen high-risk Afghans for HERO.

42. Over the course of approximately three months, Young conducted 6 successful

evacuations and saved dozens of high-risk Afghans from execution, torture and/or imprisonment by the Taliban. All of his clients were satisfied with Young’s work, not to mention the individuals whose lives were saved thanks to Young’s work.

43. These extractions are not easy or inexpensive to pull off, and all of Young’s clients were well funded and compensated Young for his work. None of these clients were Afghan citizens.

D. CNN attacks Young and destroys his reputation and business

1. Defamatory CNN video segment

44. CNN aired the offending video segment (“Segment”) on November 11, 2021 during a CNN show called “The Lead with Jake Tapper.” The Segment, in its entirety or in all relevant respects, was posted on the CNN website and on Facebook on or about November 12, 2021. The CNN reporters involved in the Segment were CNN employees Jake Tapper and Alex Marquardt.

45. The Segment opens up with Tapper describing the US government’s evacuation of US citizens and permanent residents.

46. Tapper then says,⁵ “still many Afghans, Afghans . . . who say their lives are at stake, they remain behind . . . Afghans trying to get out of the country **face a black market** full of promises, **demand of exorbitant fees**, and no guarantee of safety or success.” As he makes these introductory comments, CNN has a chyron emblazoned across the bottom of the screen which says: “AFGHANS TRYING TO FLEE TALIBAN **FACE BLACK MARKETS, EXORBITANT FEES, NO GUARANTEE OF SAFETY OR SUCCESS**” (the “Black-Market Chyron”). The clear effect of the first few seconds of the Segment is to set up a false narrative of Young taking advantage of desperate Afghans on an illegal market—which he never did.

⁵ Unless otherwise notes, all bold emphasis are added.

47. The Segment then switches to Marquardt describing the situation of a particular man located in the United States, but whose family remained in Afghanistan and were said to be targets of the Taliban. The man, whose identity is obfuscated for the safety of his family, says he found people on Facebook charging \$10,000 per person to get people evacuated.

48. Marquardt next states that “according to Afghans and activists we’ve spoke with, **desperate Afghans are now being exploited**” because of the “**exorbitant**” and “**impossible**” amounts charged for evacuation.⁶

49. Marquardt then switches to a discussion with another man whose face is blurred (apparently located in Afghanistan). This man claims it would cost \$50,000 to extract one family and that people he spoke with demanded payment before they would extract anyone.

50. After saying that the United States wasn’t helping, Marquardt says the man went online and found Young. Marquardt names Young and displays a photograph of him, with a chyron below reading “AFGHANS AND ACTIVISTS REPORT DEMANDS OF \$10K-\$14K FOR ATTEMPTS TO GET FAMILY MEMBERS OUT OF COUNTRY” (the “Demand Chyron”). A screen-capture of the Demand Chyron below Young’s picture appears below:



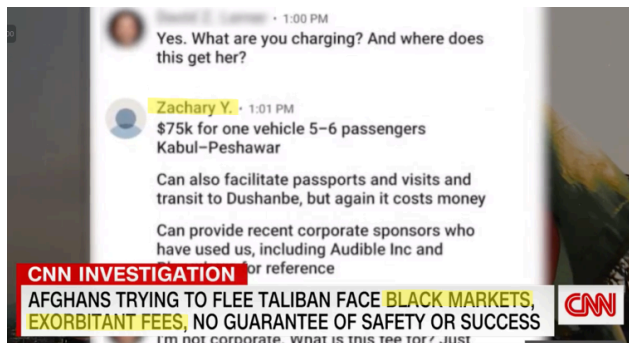
⁶ While CNN purports to hide behind what “Afghans and activists” supposedly said, in a later Tweet, Marquardt and CNN made the accusation in their own name saying simply that “[t]here is growing exploitation of desperate Afghans,” and then referring to the Segment and to Young. *See infra* paragraph 78.

51. The Segment then claims that Young is “one of many advertising evacuations from Afghanistan,” and then shows the LinkedIn post mentioned above where Young is purposely targeting sponsors, and not Afghans.

52. As previously mentioned, the entire message Young posted states “If you are a sponsor, WITH FUNDING, serious to evacuate people from Afghanistan on short notice, please reach out. We can provide references and we can deliver.” However, eager to push the false narrative of Young making exploitative sales to Afghans on black markets, CNN only flashes Young’s LinkedIn post for a few seconds—not long enough for the viewers to understand it—before rapidly highlighting and having Marquardt read the portion of Young’s message that says “we can deliver.”

53. Marquardt then shows a chat log between Young and an unnamed person who requested information from Young about evacuations.

54. CNN, while showing Young providing this information about his evacuation capabilities, causes the Black-Market Chyron to be emblazoned across Young’s messages: “AFGHANS TRYING TO FLEE TALIBAN FACE **BLACK MARKETS, EXHORBITANT FEES, NO GUARANTEE OF SAFETY OR SUCCESS.**” A representation of CNN’s clear statement that providers of evacuations—and Young in particular—offered Black-Market services appears below (highlights added):



55. The reasonable reading of this image—showing an accusation of illegal black markets superimposed over Young’s chat logs—is that Young is the purveyor of these black market services. That Young was exploiting desperate Afghans. But Young wasn’t offering anything illegal. And he wasn’t exploiting Afghans either.

56. As CNN was aware, the LinkedIn messaging shown by CNN was initiated by the unnamed individual, and Young responded truthfully and quickly. He said it would cost \$75,000 for a vehicle of 5-6 passengers, that Young could facilitate passports, but that these services cost money. Young also said he could provide references to recent corporate sponsors who have used him, including Audible and Bloomberg. But Marquardt, on message for his false narrative of Young’s exploitative sales to Afghan victims on black markets, simply highlighted the cost of the evacuation.

57. Marquardt then posts another message from Young about the pricing for air travel to the UAE that includes a four-month visa, at \$14.5k per passenger. Young’s message discusses how the **sponsor** would need to arrange for onward travel (after the visa expires), and if they can’t provide for such onward travel, Young can offer that travel to Albania for an additional \$4K, where “refugee status” would be obtained at arrival. Marquardt ignores all the hallmarks of a *legal* operator discussing visas, refugee status, and sponsors, and focuses (again) on just the cost of these services.

58. And while doing so, **the Black Market Chyron is still blazoned across the screen** – making the clear (and false) statement that Young, *i.e.*, the one providing all the logistical and price information on the screen, was operating on an illegal black market. That Young was exploiting Afghans.

59. With the **Black-Market Chyron still displayed**, the Segment then shows

Marquardt ostensibly trying to reach Young by phone and stating: “We got Young’s number and called, but he didn’t pick up.”

60. While the **Black-Market Chyron is still on the screen**, the Segment shows Marquardt trying to reach Young by phone. This makes the clear statement that Young, the person they were calling, was the purveyor of the black market services and the one exploiting desperate Afghans. The chyron then clears.

61. Next, Marquardt reads a text message attributed to Young as it is displayed. The message is from Young and about the evacuation services he was providing. As Marquardt reads this message from Young about his evacuation services, **the Black-Market Chyron reappears** on the screen. Yet again making the clear statement that Young is the purveyor of the black market services and the one exploiting desperate Afghans.

62. Immediately thereafter, CNN replaces Young’s text message with an actual picture of Young himself, but **leaves the Black-Market Chyron on the screen** – thus superimposing their black market accusations on an image of Young himself. In doing so they undeniably make the accusation that Young is the purveyor of the black market services and the one exploiting desperate Afghans. A picture is worth a thousand words (highlight added):



63. Indeed, on CNN’s website, the video above was juxtaposed to statements that “Afghans trying to get out of Afghanistan face black markets.” Again, the implication of the video and article is undeniable (highlights added):



64. In this way, CNN (over and over again) stated or falsely implied that Young sold evacuations on a “black market”—by definition an illegal market—when in reality, Young never broke the law and the work he did was fully legal.

65. CNN also repeatedly stated or falsely implied that Young was exploiting desperate Afghans – when in reality, Young never sold his services to Afghans and targeted corporate sponsors.

66. Towards the end of the Segment, Marquardt states that “there are just so many more Afghans that want to get out of the country and that just drives prices higher and higher.” He then references a text message from Young talking about limited availability and high demand.

67. Marquardt’s statement that “so many Afghans that want to get out” was true.

68. However, the statement that so many Afghans wanting to get out was a factor “driv[ing] prices higher and higher” was false and calculated to create the false impression that demand by *Afghans* was driving the price of evacuation services and that Young was peddling his

services to those desperate Afghans to exploit them. Contrary to CNN’s malicious insinuations, high demand by Afghans was not the driving force of the market dynamics for evacuations and evacuation prices, because those prices were not paid by Afghans but by well financed sponsors. By stating that the cause of higher prices was “so many Afghans that want to get out” CNN intentionally created this false impression even though Young repeatedly told CNN that he only worked for corporate sponsors and that the prices charged to those corporate sponsors was determined by high demand **created by corporations and NGOs** wanting to pay for those services.

69. The sum and substance of the Segment states and implies that Young marketed evacuations directly to Afghan citizens, that he exploited Afghan citizens, and that he sold them illegal goods/services on a black market.

2. Defamatory CNN Article

70. On November 13, 2021, CNN published a written article, also by Marquardt (with contribution from Katie Bo Williams), on the Politics section of the CNN website, titled “Some Afghans trying to flee country face exorbitant costs as Blinken touts success of efforts to help Americans” (the “Article”). See Exhibit A. Until recently, the Article included the video Segment just below the byline, but CNN removed it after Young served it with a demand for retraction.

71. The Article opened by stating that “**Afghans** desperate to flee the country are increasingly **having to negotiate** with private operators charging **exorbitant** sums.” Ex. A. It then cites Hazami Barmada, a “humanitarian aid worker,” for the proposition that “people ‘absolutely are’ making money **by exploiting that desperation.**”

72. The Article then names Young—and only Young—as a purveyor of these evacuation services. In this way, the Article states or falsely implies that Young exploited

“desperate Afghans” by charging them exorbitant prices. In fact, Young never took a single penny from any Afghan person nor did he advertise to them.

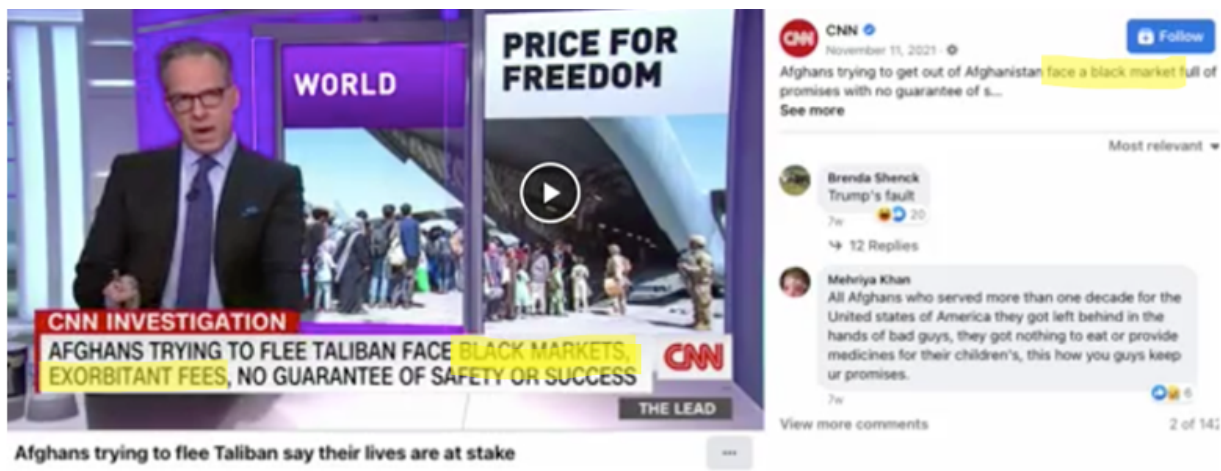
73. The Article then insinuates that Young’s claims of evacuation are fabricated and that he is simply extorting people with false promises of evacuation. Specifically, CNN states that “it has not confirmed whether these operators charging the high fees have successfully evacuated anyone who paid to exit the country, as Young claims.” In truth, CNN reached out to Young and gave him just hours to respond. Had CNN bothered to do a non-negligent/good-faith investigation, Young would have demonstrated that he successfully evacuated dozens of high-risk Afghans. CNN did not confirm because they didn’t want to confirm. Instead, CNN’s Segment showed Marquardt with a furrowed brow supposedly trying to phone Young—giving the impression that CNN had failed to confirm whether Young was successful after thorough and diligent investigation.

74. In the context of the Article and the Segment, CNN’s statement that it “has not confirmed” whether Young successfully evacuated anyone (which CNN says after portraying Young an extortionist criminal and its own journalists as thorough and diligent) falsely implied that the reason CNN was unable to confirm that Young had successfully evacuated anyone from Afghanistan was because Young had *not* done so. Indeed, after the Article was posted, numerous people with no connection to Young pointed to the Article on social media and made comments falsely stating that Young was a scam artist and that he took people’s money without helping to secure any evacuations. These postings on social media conclusively demonstrate that the effect of CNN’s statement was to create the belief in readers that Young was a scam artist who had not in fact carried out successful evacuations.

75. CNN’s statement that “it has not confirmed whether these operators charging the high fees have successfully *evacuated anyone who paid* to exit the country, as Young claims” (emphasis added) also furthered the false narrative that Young exploited Afghans by essentially saying that the people who exited the country were the ones paying Young’s fees. In fact, Young only took fees from sponsors.

76. The Article appears in substantially identical form on multiple news websites, including awsforwp.com, creatorsempire.com, and KAKE.com (a Wichita, Kansas ABC affiliate), but with no embedded video and no reference to “black markets.”

77. CNN also displayed and imbedded the Segment and Article on CNN’s Facebook page. Like the version of the video on CNN’s website, the Facebook version also kept a static message embedded on the side saying “Afghans trying to get out of Afghanistan **face black markets. . .**” An image capturing a frame of the Facebook post appears below (highlight added):



3. Defamatory CNN Tweets

78. On November 11, 2021, @TheLeadCNN, a blue-check (*i.e.* Twitter authenticated) twitter account for The Lead, with Jack Tapper, tweeted: “Afghans trying to get out of the country face a **black market of promises**, exorbitant fees and no guarantee of safety or success.”

(emphasis added). Embedded with the tweet was the video Segment. It was retweeted by Natasha Bertrand, a CNN reporter.



79. On November 12, 2021, Alexander Marquardt retweeted the above, and added The following: “**There is growing exploitation of desperate Afghans** trying to get out . . .” Because it’s a retweet, Marquardt’s tweet embeds the Segment showing the **Black-Market Chyron** and @TheLeadCNN’s statements about **black markets** and **exorbitant fees**.

80. Marquardt then adds a comment to his tweet, **naming Young as the sole example of this so-called exploitation and black-market participant**.

81. The series of defamatory tweets in which CNN identifies Young as a supposed perpetrator of exploitation on black markets, is pasted below on the next page, in its entirety. This tweet was also retweeted by Jennifer Hansler, another CNN reporter, and by Michael Conte, a CNN producer.

Alexander Merquardt [@MerquardtA](#)

There is growing exploitation of desperate Afghans trying to get out. Private operators telling them it'll take families 10s of 1000s of dollars. We spoke with two Afghans trying to get their families out. (W/ [@MichaelTConte](#))

The Lead CNN [@TheLeadCNN](#) · Nov 11, 2021
 "I am desperate. The danger is imminent."
 Afghans trying to get out of the country face a black market of promises, exorbitant fees and no guarantee of safety or success.

11:46 AM · Nov 12, 2021 · Twitter Web App

28 Retweets · 1 Quote Tweet · 49 Likes

Tweet your reply Reply

Alexander Merquardt [@MerquardtA](#) · Nov 12, 2021
 Replying to [@MerquardtA](#)
 Here's an example of someone advertising evacuations on LinkedIn. \$70k to Pakistan. \$14.5k to UAE. "availability is extremely limited and demand is high...That's how economics works unfortunately."

Zachary Young · 2:40 AM
 Flights Kabul-Abu Dhabi \$14.5k per pax which includes 4 month visa in UAE, sponsor needs to arrange onward travel or we can offer onward to Albania for an additional \$4k which includes refugee status on arrival. If they have no passport, price is additional \$1k.

Limited availability beginning next week
 Can also provide US corporate references who have used us recently

Zachary Young · 3:09 AM
 If you want to charter the full aircraft, that can also be arranged.

Zachary Young · 3:38 AM
 Like I said I can provide better pricing for full charters

Zachary Young · 3:40 AM
 Per pax is expensive because availability is extremely limited and demand is high. That's how economics works, unfortunately
 We have an agreement with the Albanian govt to provide refugee status.

E. CNN apologizes and retracts their false statements, but it's too late.

82. On March 17, 2022, and pursuant to Fla. Stat. 770.01, Young issued a demand to

CNN that they retract the false and defamatory statements. In response, CNN admitted its use of the words “black market” was wrong, and while CNN disingenuously suggested it didn’t “intend” to suggest Young participated in that black market, CNN all but admitted that was the undeniable implication of their reporting. Attached as Exhibit B is a full transcript of the retraction and apology, but the relevant portion is excerpted below:

And before we go, a correction. In November we ran a story about Afghans desperate to flee the country. . . The story included a lead in and banner throughout the story that referenced a black market. The use of the term black market in the story was an error. The story included reporting on Zachary Young . . . we did not intend to suggest that Mr. Young participated in a black market. We regret the error. And to Mr. Young, we apologize.

83. Around the same time that CNN issued the retraction, and in clear concession of the falsity and wrongfulness of its statements, CNN then removed the Segment and all references to “black markets,” made in relation to Young, from CNN’s website, Facebook, and Twitter account.

F. CNN’s statements were false and defamatory

84. CNN’s Segment, Article and subsequent tweets contain, at a minimum, the following objectively false and defamatory statements or insinuations:

85. **First**, CNN, through the Segment, Article, Twitter, and Facebook post, defamed Young by stating or directly insinuating that Young provided his services on a “black market” – a *per se* defamatory accusation because it falsely entailed that Young’s conduct was illegal. Webster’s Dictionary online defines “black market” to mean “illicit trade in goods or commodities in violation of official regulations.” BLACK MARKET, Merriam-Webster.com (2022),

<https://www.merriam-webster.com/dictionary/black-market>. Black’s Law Dictionary defines “black market” as “[a]n illegal market for goods that are controlled or prohibited by the government, such as the underground market for prescription drugs.” MARKET, Black’s Law Dictionary (11th ed. 2019). But the reality is that everything Young did was legal.

86. **Second**, CNN defamed Young by stating or directly insinuating that Young “advertised” his services to desperate Afghans and exploited them through “demand[ing]” high prices from them. In fact, Young did not advertise to desperate Afghans, nor did he demand high prices from them. Instead, he intentionally advertised his services only to “sponsors,” *i.e.*, American and European corporations and NGOs—not to individual Afghans. His “demands” for payment were to those entities.⁷

87. **Third**, CNN defamed Young by stating or directly insinuating that Young “exploited” and took money from “desperate Afghans.” In fact, Young never took a single penny from any Afghan citizens, never targeted advertisements to them, and specifically advertised to just “sponsors,” *i.e.*, American and European corporations and NGOs. He only accepted money from Western corporations and NGOs.

G. CNN acted (at a minimum) negligently

88. CNN’s actions described above were at a minimum negligent as, *inter alia*, CNN lacked reasonable grounds for a belief in the truth of its statements, had actual notice from Young that their story was false, and acted negligently in failing to determine the true facts and running the story despite being advised that their story was wrong.

89. CNN was aware of, and even broadcast, messages by Young confirming his

⁷ While Young provided prices to Afghans that reached out to him directly, he (i) did not advertise to those individuals, (ii) was simply responding out of courtesy as ignoring them seemed inhumane, and (iii) advised them they needed a sponsor.

company provided evacuations for major corporate clients including Audible and Bloomberg, which would be extremely unlikely to sponsor illegal “black market” activity of any kind.

90. Prior to broadcasting the Segment, CNN spoke with representatives of multiple established organizations and NGO’s providing evacuations from Afghanistan and therefore was well aware that providing these evacuations was completely legal.

91. CNN was also aware, and had been told by third parties, that Young was a former U.S. government agent.

92. CNN failed to independently investigate and educate itself about the fact that the provision of evacuations from Afghanistan was legal, and not being offered on a “black market.” No credible research they could have done would have demonstrated Young operated on a “black market” and they had no good faith reason to publish that about Young.

93. CNN knew from the messages they obtained, but ignored, that Young only “advertised” his services to, and sought to do business with, corporate sponsors and not Afghans. CNN also knew but ignored the fact that Young never demanded high prices from Afghans – he only provided them with the costs of the services on their request (the same cost it would have been to a sponsor).

94. Moreover, any non-negligent investigation would have revealed that Young never took a dime from any Afghan. Thus, CNN knew (and should have known) that Young had not “exploited” “desperate Afghans.” Nonetheless, CNN disregarded those facts and accused Young of doing just that.

95. In fact, CNN deliberately ignored and suppressed information in its own possession that demonstrated Young never exploited any Afghans. For example, while CNN was in possession of numerous posts from Young directed to “sponsors,” and even messages from Young

telling Afghans who reached out to him directly that they needed a corporate sponsor, CNN nonetheless insinuated Young was among the private operators exploiting desperate Afghans. CNN spread this misinformation about Young in an attempt to generate moral outrage and enhance its ratings.

96. Moreover, CNN did not give Young a meaningful opportunity to comment and correct CNN's many mistakes. In the Segment, Marquardt claims that he tried to call Young for comment and that Young did not pick up. But Young did not know Marquardt or his phone number and had no reason to pick up a random phone calls from a stranger. Significantly, Marquardt never left a message telling Young who was calling and the purpose of the call.

97. Instead, Marquardt waited until the day before the Segment was scheduled to air to send a text message to Young telling Young that CNN was "going to be running a piece in which we detail your interactions with people inquiring about your services and the prices to evacuate people from Afghanistan." Young responded the next day asking Marquardt to "[p]lease provide a list of questions, as well as the facts and assertions about me you intend to publish." Marquardt responded three minutes later saying: "This piece is running this afternoon DC time." Young then informed Marquardt that this was not a realistic deadline and that "in any case, I can tell you for sure, some of your facts/assertions [are] not accurate, and if they are published, I will seek legal damages." Marquardt didn't offer to delay the piece to give Young enough time to respond and simply ran the inaccurate story. CNN failed to make a reasonable effort to learn the facts from Young or allow Young to supply the true version of events.

H. CNN's publication caused serious injury to Young

98. The consequences of CNN's false, misleading and defaming broadcast, article and Tweets were devastating and immediate.

99. For Young and others with a background in military special operations or national security services, maintaining a reputation as a legally abiding professional with integrity is critical. Widely disseminated defamatory claims are therefore especially damaging to members of this insular community.

100. Young belongs to a small and elite community of former U.S. national security professionals capable of solving challenging problems in non-permissive environments such as Afghanistan, where stakes are high and discretion and reliability mean everything. Once a person's reputation for discretion, reliability, integrity, and professionalism are eroded, it is impossible to recover in this line of work.

101. Young has maintained that reputation and a government security clearance for most of his adult life. The vast majority of Young's most valuable contacts, like Young, maintain security clearances and similar reputations which they are unwilling to jeopardize by being associated with a "black market" criminal, without integrity, who is exploiting the public (as Young has been publicly branded by CNN).

102. Prior to CNN's defamatory broadcast, article and tweets, Young enjoyed a successful consulting career and was extremely successful providing extractions from Afghanistan for corporate sponsors. Since CNN's defamatory publications, Young's evacuation business ended and his entire consulting business has collapsed. Despite earning hundreds of thousands of dollars in yearly consulting income for many years before CNN's defamation, his consulting income has plummeted to \$0 since. His evacuation business has likewise plummeted to \$0 since CNN's broadcast. No one in Young's community will touch him as CNN has turned him into an international pariah. As explained above, Young does not have any realistic prospects of ever reviving his career.

CLAIMS FOR RELIEF

COUNT I – DEFAMATION *PER SE*

(On behalf of Plaintiff Young)

103. Plaintiffs restate the following paragraphs of the Complaint and incorporate them herein by reference: 1-47, 50, 54-55, 58, 60-66, 68-70, 72, 75-78, 80-102.

104. CNN made, published and republished false factual statements of or concerning Young. Using Young’s image, edited quotations from Young and flashy chyrons, CNN falsely stated or implied, and insinuated that Young:

- operated on a black market;
- advertised to Afghans;
- charged exorbitant prices to Afghans; and
- “exploited” Afghans.

105. These statements were false. Young did not operate on a black market, did not advertise to, or charge exorbitant prices to, Afghans, and did not exploit Afghans. And CNN published these false statements without privilege of any kind.

106. CNN’s statements are materially false. Young’s activities were fully legal and not on a black market, he directed his evacuation skills to corporate and NGO sponsors, and never advertised to, demanded, took money from, or exploited Afghans.

107. CNN’s false statements constitute defamation *per se*. CNN’s false statements tend to subject Young to hatred, distrust, ridicule, contempt, or disgrace. The false statements also impute to Young the commission of a crime.

108. By broadcasting the false statements to tens of millions of people on cable television, publishing the statements on the Internet and republishing via social media, CNN knew

or should have known that the false statements would be republished over and over by third-parties to Young's detriment. Republication by CNN's followers, subscribers, readers, other media outlets, and by users of Twitter and Facebook was the natural and probable consequence of CNN's actions and was actually and/or presumptively authorized by CNN. In addition to its original publications, CNN is liable for the republications of the false and defamatory statements by third-parties under the republication rule.

109. As a direct result of CNN's defamation, Young suffered presumed damages and actual injury, including, but not limited to, insult, pain, embarrassment, humiliation, emotional suffering, injury to his reputation, lost future earnings and diminished earning capacity, costs and other out-of-pocket expenses, in a sum to be determined by the Jury.

110. CNN published the false and defamatory statements negligently, recklessly, and with knowledge the claims were false.

111. CNN published the false statements about Young without reasonable care as to the truth or falsity of those statements.

112. CNN published the false and defamatory statements with actual malice:

a. CNN knew its statements about Young were false. Young told them so and told them he needed more time to address their questions. CNN knew that it had no factual basis to accuse Young of demanding or taking money from desperate Afghans, didn't give Young time to revert, and rushed to publish their defamatory broadcast, article, and Tweets.

b. CNN knew its statements about Young demanding high prices from desperate Afghans was false.

c. CNN knew its statements about Young "exploiting" Afghans was false and that Young did not take money from Afghans.

d. CNN knew that its statements about Young operating in a “black market” were false.

e. CNN made each of its false and defamatory statements in sensationalized and highly emotional publications designed to elicit moral outrage toward Young.

f. CNN reiterated, repeated and excessively caused the publication and republication of the false and defamatory statements and imputations out of a desire to hurt Young and to permanently stigmatize him.

g. And CNN failed to provide Young with a reasonable amount of time to provide the truth before rushing to publish so they could maintain some kind of “cover” for his alleged “failure” to tell them the truth. In this way creating a false exculpatory exchange with Young.

COUNT II – DEFAMATION BY IMPLICATION

(On behalf of Plaintiff Young)

113. Plaintiffs restate the following paragraphs of the Complaint and incorporate them herein by reference: 1-45, 51-53, 56-57, 59, 67-68, 70, 73-74, 76, 86-102.

114. The strong defamatory gist and false implication from the CNN publications alleged herein, including certain true statements made in a prejudicial light, are that Young advertised evacuations to desperate Afghans; “demanded” high prices from them; operated on an illegal “black market”; that Young “exploited” “desperate Afghans” by taking exorbitant amounts of money from them; and that Young was a scam artist who made false promises.

115. CNN chose its words to maximum effect and purposefully juxtaposed a series of facts so as to imply a defamatory connection between them.

116. CNN created defamatory implications by stating the following factually true

propositions, which as explained below, when heard/read in the context CNN presented them in, including CNN's references to exploitation of Afghans and "black markets," created false impressions:

- that Young advertised on LinkedIn. This statement is true. But in the context referenced in ¶114, it created the false impression that Young advertised to desperate Afghans trapped inside the country, when in reality, Young advertised to corporate sponsors and NGOs and actively discouraged anyone else from contacting him.
- that Young's prices were "well beyond the reach of most Afghans." This statement is true. But in the context referenced in ¶114, it created the false impression that Young charged or sought to charge those prices to Afghans.
- that CNN did not confirm whether Young had successfully evacuated anyone. On information and belief, that statement is true. But in the context referenced in ¶114, however, and specifically in light of the fact that CNN portrayed Young as a criminal and itself as having conducted a diligent investigation, CNN's disclaimer that it was unable to confirm Young's effectiveness created the false impression that Young was a scam artist who could not deliver.
- that Young stated in a message that prices are "highly volatile and based on environmental factors." That statement is true. But in the context referenced in ¶114, including CNN's juxtaposition of this quote with accusations about Afghans facing "black markets," the false implication was that prices charged by Young were prices in a black market.
- that "availability is extremely limited and demand is high. That's how

economics works, unfortunately.” In the context created by CNN, these statements created the false impression that Young’s and Nemex’s prices depended on demand by, and therefore that Young and Nemex took money from and exploited, Afghan evacuees. In reality, Young and Nemex only took money from corporate sponsors and NGOs.

117. CNN’s defamatory publications convinced members of the public that Young was a criminal and a scam artist. Without any factual basis but influenced by CNN’s coverage, one user publicly posted of Young, that he “can’t even get it done.” Multiple others publicly denied and scoffed at Young’s government credentials.

118. As a direct result of CNN’s defamation by implication, Young suffered damages and actual injury, including, but not limited to, insult, pain, embarrassment, humiliation, emotional suffering, injury to his reputation, lost future earnings and diminished earning capacity, costs and other out-of-pocket expenses, in an amount to be determined by the Jury.

119. CNN published the false statements intentionally, deliberately and with actual malice.

COUNT III – DEFAMATION *PER SE* (GROUP LIBEL)

(On behalf of Plaintiff Young)

120. Plaintiffs restate the following paragraphs of the Complaint and incorporate them herein by reference: 1-45, 48-49, 54, 70-71, 78-79, 88, 90, 92, 96-102.

121. CNN stated that providers of evacuations from Afghanistan were selling their services on a “black market” -- a *per se* defamatory accusation of illegal conduct.

122. A Tweet by Marquardt stated that “[t]here is growing exploitation of desperate Afghans trying to get out. Private operators telling them it’ll take families 10s of 1000s of dollars.”

123. Marquardt's statements about providers of evacuations operating in a "black market" and "growing exploitation [by] ... private operators" concerned a small group or class of persons. On information and belief, the community of "private operators" coordinating evacuations from Afghanistan was small and consisted of less than two dozen individuals and organizations.

124. The circumstances of Marquardt's statements that evacuations were being sold on a "black market" and that "there is growing exploitation [by private operators] of desperate Afghans trying to get out" reasonably gave rise to the conclusion that these statements made particular reference to Young, because he was the focus of the Segment, the Article and of multiple tweets and was the only person evacuating Afghans identified by Marquardt or CNN.

125. Marquardt's statements about "black markets" and private operators exploiting desperate Afghans by charging tens of thousands of dollars was false as it pertained to Young. Young never broke the law and Young's fees for evacuations were paid by multinational corporations and other entities with funding. He did not charge such fees to Afghans or "exploit" Afghans.

126. As such, Marquardt's accusations that providers of evacuations operated in a "black market" and that "[t]here is growing exploitation of desperate Afghans trying to get out [by]... Private operators" was false as it applied to Young.

127. Marquardt's statements that providers of evacuations operated in a "black market" and that "[t]here is growing exploitation of desperate Afghans trying to get out [by]... private operators" were made without reasonable care as to the truth or falsity of the statements.

128. As a direct result of CNN's group libel, Young suffered presumed damages and actual injury, including, but not limited to, insult, pain, embarrassment, humiliation, emotional

suffering, injury to his reputation, lost future earnings and diminished earning capacity, costs and other out-of-pocket expenses, in an amount to be determined by the Jury.

129. CNN published the false and defamatory statements negligently, recklessly, and with knowledge the claims were false.

130. CNN published the false statements about Young without reasonable care as to the truth or falsity of the statements.

131. CNN published the false statements intentionally, deliberately and with actual malice as set forth in paragraph 104 above.

COUNT IV – TRADE LIBEL

(On behalf of Plaintiff Nemex)

132. Plaintiffs restate those paragraphs incorporated into Counts I and II and incorporate them herein by reference, namely paragraphs 1-47, 50-70, 72-78, and 80-102.

133. As detailed above, CNN published false statements that CNN knew or should have known would likely result in inducing others not to deal with Nemex (Count I).

134. As detailed above, CNN published true statements, that when read in context, created false impressions that CNN knew or should have known would likely result in inducing others not to deal with Nemex (Count II).

135. CNN's false statements and implications were of and concerning Nemex's business, services, offerings, and principal. To wit, the evacuation services Nemex offered, *i.e.*, those being performed by Young.

136. The falsehoods published by CNN played a material and substantial part in inducing others not to deal with Nemex, as market participants heard false statements about Young's evacuation services (*i.e.*, Nemex's product offering).

137. Moreover, given his reputation and history in the market, participants would immediately recognize that Young's services were a Nemex product.

138. Nemex suffered damages as the direct and proximate result of CNN's published falsehoods. From January to November 2021, Nemex had revenue of \$505,555 from services it provided through Young. Immediately after CNN published its defamatory statements, Nemex's revenue plummeted by 100%. From November 2021 to September 2022, Nemex has had revenue of \$0. CNN published the false statements intentionally, deliberately and with actual malice.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request the Court to enter judgment against CNN as follows:

- A. Awarding damages for detraction from Plaintiffs' good name and reputation, damage to future earnings/lost profits, and Young's mental anguish, distress and humiliation;
- B. Awarding pre- and post-judgment interest;
- C. Assessing costs and fees incurred in the prosecution of this action; and
- D. Granting such other and further relief as this Court may deem just and proper, including leave to later amend to add a claim for punitive damages pursuant to Section 768.72 of the Florida Statutes.

JURY TRIAL DEMANDED

Plaintiffs demand a trial by jury.

Dated: September 21, 2022

Respectfully Submitted,

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EXHIBIT A

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EXHIBIT B

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