

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

THE ISLAMIC SOCIETY OF BOSTON,
THE TRUSTEES OF THE ISLAMIC SOCIETY OF
BOSTON TRUST, DR. YOUSEF
ABOU-ALLABAN and DR. OSAMA KANDIL,

Plaintiffs,

v.

BOSTON HERALD, INC., JONATHAN WELLS,
JACK MEYERS, THOMAS MASHBERG,
MAGGIE MULVIHILL, KEVIN WISNIEWSKI,
FOX TELEVISION STATIONS, INC.
d/b/a WFXT-TV, MICHAEL BEAUDET,
THE INVESTIGATIVE PROJECT, INC.
STEVEN EMERSON, WILLIAM R. SAPERS,
THE DAVID PROJECT, INC., ANNA
KOLODNER, THE CITIZENS FOR PEACE AND
TOLERANCE, INC., STEVEN A. COHEN, and
DENNIS HALE,

Defendants.

Civil Action No.

COMPLAINT AND JURY TRIAL DEMAND

i. Introduction

1. This is an action seeking damages for defamation. This is also an action seeking redress for the Defendants' unlawful actions in joining together in a concerted, well-coordinated effort to deprive Plaintiffs, who are members of the Boston area Muslim community, of their basic rights of free association and the free exercise of their religion as guaranteed by the Constitutions of the United States of America and the Commonwealth of Massachusetts.

2. Beginning in or about late 2002 or early 2003 through at least November 2004, all as alleged more specifically below, the Defendants at various times each joined in an effort to undermine a project being pursued by the Islamic Society of Boston to build a new Mosque and Cultural Center in Roxbury; a project which will result in the construction of the largest Mosque and Cultural Center in the Northeastern United States. At the time, the project enjoyed widespread support in the community including the support of Boston Mayor Thomas Menino and other prominent and respected persons who recognized that the Mosque and Cultural Center would well serve the needs of the growing number of Muslims living in the Greater Boston area. Many of the individuals who supported the project were also personally aware of the efforts made by the Islamic Society of Boston and its leaders to promote an understanding of Islam in the community as well as inter-faith dialogue with other religious communities in Boston in a post-9/11 atmosphere of suspicion and intolerance of Muslims.

3. The Defendants in this case are a combination of media outlets, reporters, individuals and self-proclaimed “experts” on radical Islam and Islamic terrorism. Through their cooperative sharing, circulation and ultimately the publication of repeated false and defamatory statements, misleading innuendo and/or outright fabrication, the Defendants publicly portrayed the Islamic Society of Boston and its then-current leadership as Muslims who supported radical Islamic terrorism, and who were themselves active members of a terrorist organization. Ironically, at least some of the individual Defendants named herein undertook their actions in the guise of being concerned citizens seeking to promote peace and tolerance. However, these Defendants in reality brought to their efforts their own prejudices about Muslims and their own political beliefs and

agendas, to which they are entitled, but which ultimately caused them to paint the Plaintiffs, as the targets of their concerted efforts, with broad, unexamined, false and defamatory brush strokes. By so doing, their efforts ultimately promoted rather than rejected intolerance. Further, at least one Defendant named herein is known, and at all relevant times was known, to be a widely discredited and biased self-professed “expert” on radical Islam and Islamic terrorism. Nevertheless, the other Defendants repeatedly drew upon, repeated and promoted his biased, false and misleading statements. In acting upon their prejudices and beliefs, and by intentionally participating in the publishing of false and defamatory statements about the Plaintiffs in order to intimidate the Islamic Society of Boston and undermine its project, these Defendants’ crossed the line from the proper exercise of their own civil liberties and free speech rights into an irresponsible “media campaign” to further their explicit and false “agenda of exposing the radical fundamentalist underpinnings of the Mosque and its leaders.”

4. The Defendants’ campaign over the course of more than a year included, without limitation, the publication of intimidating, coercive, false and defamatory statements in the print media, followed and supported by press releases and interviews. The Defendants’ campaign reached a crescendo in November 2004, in the form of a Fox TV broadcast to a wide audience of a story in which it was publicly announced, in ominous tones, without equivocation or qualification, and falsely, that what Fox TV claimed was one of the world’s oldest and most deadly terrorist organizations, “the Muslim Brotherhood,” “ha[d] arrived here in Boston” in the form of the Islamic Society of Boston. After making this unsupportable and defamatory declaration, the Fox TV broadcast went on to make explicit reference to the construction of the Mosque and

Cultural Center suggesting clearly that the project was being built and supported by terrorists. The Fox TV broadcast then announced and claimed specifically that “some of the leaders of the Islamic Society of Boston are actually members of the oldest radical Islamic organization in the world, the Muslim Brotherhood...” and claimed that the individual Plaintiffs, Dr. Yousef Abou-Allaban and Dr. Osama Kandil, leaders of the Islamic Society of Boston, were members of the Muslim Brotherhood. Further, and without limitation, the Fox TV broadcast announced that the organization to which the individual Plaintiffs, as leaders of the Islamic Society of Boston, belonged was linked to and credited for starting “some of the most notorious terrorist groups including Al Qaeda, Hamas, and Palestinian Islamic Jihad[,]” and had an anti-American agenda, thereby suggesting both directly and through innuendo that the Islamic Society of Boston was also part of such organizations and supported terrorism and that the building of the Mosque and Cultural Center, a proposed place of worship for area Muslims and place where different religious communities could come together to learn from one another and promote peace and interfaith dialog, posed a danger to the non-Muslim public.

5. None of this was true and the sensationalist reporting was outrageous and contradicted by information known to those responsible for the Fox TV broadcast. Indeed, the broadcast itself was the ultimate product of the Defendants’ “media campaign” designed to interfere with and undermine the project, and all Defendants named herein are collectively responsible as co-conspirators for the libel which they facilitated and perpetrated. The fruits of the Defendants’ “campaign,” as it turned out, were to incite public sentiment against area Muslims, to intimidate the Islamic Society of Boston, its leadership, the individual Plaintiffs and others who were supporting the

project, and to leave a stain on the reputations of the Islamic Society of Boston and its leadership, including the individual Plaintiffs, that may never be removed. For this the Defendants are responsible and liable.

ii. Parties

6. The plaintiff, The Islamic Society of Boston is a religious organization, lawfully organized pursuant to G.L. c. 180. It is a charitable organization recognized under Section 501(c)(3) of the Internal Revenue Code, which currently operates a mosque in Cambridge, Massachusetts. Since its formation in 1982, The Islamic Society of Boston has served the needs of members of the Greater Boston Muslim community.

7. The plaintiff, the Trustees of the Islamic Society of Boston Trust (“the Trust”), is a trust, organized by law, which owns certain real property in Cambridge, Massachusetts upon which The Islamic Society of Boston mosque is located. In 2003, after the culmination of many years of planning and effort, the Boston Redevelopment Authority designated the Trust as the redeveloper of property in Roxbury, MA and conveyed that property to the Trust. The Trust is currently constructing The Islamic Society of Boston Cultural Center and Mosque on that land. One hundred per cent (100%) of the beneficial interest in the Trust is owned by The Islamic Society of Boston. The Islamic Society of Boston and the Trustees of the Islamic Society of Boston Trust are referred to herein collectively as “the ISB.”

8. The plaintiff, Dr. Yousef Abou-Allaban (“Dr. Abou-Allaban”), is an individual and a citizen of the United States. Dr. Abou-Allaban previously resided with his family in Mansfield, Massachusetts, but as a result of being libeled by the Defendants he has been forced to move from the United States out of concern for his safety and the

safety of his family. Dr. Abou-Allaban is, accordingly, currently living and working in the United Arab Emirates. Dr. Abou-Allaban is a respected member of the Muslim community. Dr. Abou-Allaban has been a respected, law-abiding citizen of each and every community he has ever lived in, whether in the United States or elsewhere, and was known to enjoy such a reputation prior to the Defendants' libeling him. Dr. Abou-Allaban is a physician licensed by the Commonwealth of Massachusetts. He is board certified in psychiatry. At the time of the Defendants' unlawful misconduct, Dr. Abou-Allaban was the medical director of Boston Health Care, Inc., a successful mental health group practice in Walpole, Massachusetts that he built and ran but which has been destroyed by the Defendants' unlawful actions. At relevant times, Dr. Abou-Allaban has been an Assistant Professor of Psychiatry at the University of Massachusetts Medical School. He is a graduate of the University of Aleppo (Syria) Faculty of Medicine. Dr. Abou-Allaban was born in Syria where membership in the Muslim Brotherhood is punishable by death. Prior to the Defendants' unlawful conduct, Dr. Abou-Allaban visited Syria on occasion in order to see family and friends. Since the Defendants falsely informed the public that Dr. Abou-Allaban is a member of the Muslim Brotherhood, he has not traveled to Syria out of fear for his safety. Dr. Abou-Allaban is a husband of many years and a devoted father. He has privately given countless hours of his time to charitable causes. As one such commitment to charitable causes, Dr. Abou-Allaban has been and remains the Chairman of the Board of Directors of The Islamic Society of Boston. As a purely personal and private matter, Dr. Abou-Allaban is a follower of the Islamic faith and a believer in moderate, tolerant Islam. Dr. Abou-Allaban has never published or expressed views which could be characterized as supporting radical Islam,

let alone Islamic terrorism. Dr. Abou-Allaban is not a member of any terrorist organization and is not on any known government watch list for terrorists. At least one document in the possession of certain Defendants prior to the November 2004 Fox TV broadcast readily conceded that Dr. Abou-Allaban has “no known connection to terrorism.” Dr. Abou-Allaban, at all times material hereto, was a private person entitled to the protection of the law afforded private figures.

9. Dr. Abou-Allaban is currently a plaintiff in a lawsuit pending in this Court, filed on or about February 23, 2005 and captioned Dr. Yousef Abou-Allaban v. Fox Televisions Stations, Inc. d/b/a WFXT-TV, Michael Beaudet and Jonathan Wells, Suffolk Superior Court Civil Action No. 05-0701. In that lawsuit, Dr. Abou-Allaban asserted claims against some of the Defendants named herein. Prior to filing the instant lawsuit, Dr. Abou-Allaban requested that those Defendants agree to allow him to amend his lawsuit based upon newly discovered evidence, as set forth herein, and to consolidate his claims in one case together with the claims of the other plaintiffs named herein. Those Defendants refused. Accordingly, without duplication of his prior lawsuit, Dr. Abou-Allaban alleges here only new claims against new parties. Dr. Abou-Allaban will timely seek to consolidate all of the pending actions and at that time will add additional claims against the Defendants named in Civil Action No. 05-0701.

10. The plaintiff, Dr. Osama Kandil, Ph. D (“Dr. Kandil”), is an individual and a citizen of the United States. Dr. Kandil currently travels between Cairo, Egypt, where his businesses are headquartered, and his home in Herndon, Virginia, where he resides with his wife and several of their children. Dr. Kandil is a respected member of the Muslim community and a highly regarded biomedical researcher and entrepreneur.

Dr. Kandil has been a respected, law-abiding citizen of each and every community he has ever lived in, whether in the United States or elsewhere, and was known to enjoy such a reputation prior to the Defendants libeling him. During his career, Dr. Kandil has taught at a leading medical school and universities in the United States. He has been offered work at a United States military medical research institute. He is a husband of many years and a devoted father. He has privately given countless hours of his own time to charitable causes. As one such commitment to charitable causes, Dr. Kandil serves as Chairman of the Board of Trustees of the Islamic Society of Boston Trust. As a purely personal and private matter, Dr. Kandil is a follower of the Islamic faith and a believer in moderate, tolerant Islam. Dr. Kandil has never published or expressed views which could be characterized as supporting radical Islam, let alone Islamic terrorism. Dr. Kandil is not a member of any terrorist organization and he is not on any known government watch list for terrorists. Dr. Kandil, at all times material hereto, was a private person entitled to the protection of the law afforded private figures.

11. Dr. Kandil is currently a plaintiff in a lawsuit pending in this Court, filed on or about May 11, 2005 and captioned Dr. Osama Kandil v. Boston Herald, Inc., Jonathan Wells, Jack Meyers, Thomas Mashberg, Maggie Mulvihill, Kevin Wisniewski, Fox Televisions Stations, Inc. d/b/a WFXT-TV and Michael Beaudet, Suffolk Superior Court Civil Action No. 05-1857. In that lawsuit, Dr. Kandil asserted claims against some of the Defendants named herein. Prior to filing the instant lawsuit, Dr. Kandil requested that those Defendants agree to allow him to amend his lawsuit based upon newly discovered evidence, as set forth herein, and to consolidate his claims in one case together with the claims of the other plaintiffs named herein. Those Defendants refused.

Accordingly, without duplication of his prior lawsuit, Dr. Kandil alleges here only new claims against new parties. Dr. Kandil will timely seek to consolidate all of the pending actions and at that time will add additional claims against the Defendants named in Civil Action No. 05-1857.

12. The defendant, Boston Herald, Inc. (“the Defendant Herald”), is a Massachusetts corporation with its principal place of business in Boston, Suffolk County, Massachusetts. The Herald is a major Boston newspaper which reaches a large audience through a daily circulation in excess of 200,000 newspapers plus circulation via the Internet. The Herald is owned, in majority part, by its Publisher, Patrick Purcell (“Mr. Purcell”). Mr. Purcell has admitted under oath in the past that the Herald is a tabloid. Mr. Purcell has also admitted under oath that the Herald is focused on and most interested in “entertaining” its readers as opposed to serious journalism. The Herald maintains no written journalistic standards and provides no training, other than on-the-job experience, to its reporters in journalistic standards or journalistic ethics and did not do so in 2003 or 2004. In recent years, the Herald’s financial circumstances and lack of profitability have caused the paper to undertake numerous layoffs and buy-outs of senior employees. In 2003 the Herald fired long-time editor, Andrew Costello, and replaced him with Kenneth Chandler (“Mr. Chandler”). Mr. Chandler has acknowledged publicly that the Herald’s journalism is in need of improvement. However, what Mr. Chandler meant by this statement is that the Herald needed to engage in more aggressive, sensationalist and tabloid reporting in order to boost circulation. Mr. Chandler sent this message loud and clear to the staff of the Herald after his arrival. In material part, this state of mind,

encouraged from the top down at the Herald, led to the false, defamatory and sensationalized reporting about the Plaintiffs at issue here.

13. The defendant, Jonathan Wells (“Defendant Wells”), is an individual who resides in Massachusetts. At times material hereto, Defendant Wells was a reporter at the Herald and acted within the scope of his employment at the Herald in reporting the articles at issue here. Since writing his articles in the Herald at issue here, Defendant Wells left the Herald and joined Fox TV. Defendant Wells participated in the preparation of the Fox TV broadcasts at issue in this Complaint and, with respect to those broadcasts, Defendant Wells acted within the scope of his employment at Fox TV.

14. The defendant, Jack Meyers (“Defendant Meyers”), is an individual who resides in Massachusetts. At times material hereto, Defendant Meyers was a reporter at the Herald and acted within the scope or his employment at the Herald in reporting the articles at issue here.

15. The defendant, Thomas Mashberg (“Defendant Mashberg”), is an individual who resides in Massachusetts. At times material hereto, Defendant Mashberg was a reporter at the Herald and acted within the scope of his employment at the Herald in reporting the articles at issue here.

16. The defendant, Maggie Mulvihill (“Defendant Mulvihill”), is an individual who resides in Massachusetts. At times material hereto, Defendant Mulvihill was a reporter at the Herald and acted within the scope of her employment at the Herald in reporting the articles at issue here.

17. The defendant, Kevin Wisniewski (“Defendant Wisniewski”), is an individual who resides in Massachusetts. At times material hereto, Defendant Wisniewski was a reporter at the Herald and acted within the scope of his employment at the Herald in reporting the articles at issue here. At other times material hereto, Defendant Wisniewski worked at Fox TV where he contributed to the broadcast stories at issue in this complaint and, with respect to these broadcasts, Defendants Wisniewski acted within the scope of his employment at Fox TV.

18. The defendant, Fox Televisions Stations, Inc. d/b/a WFXT-TV (“Fox TV”), is a Delaware corporation with headquarters in Los Angeles, California. Fox TV is the license holder of defendant WFXT-TV, a television station broadcasting throughout eastern Massachusetts on Channel 25. Fox TV is wholly owned by Fox Television Holdings, Inc., which, in turn, is wholly owned by Fox Entertainment Group, Inc. Fox TV maintains a news office in Boston, Suffolk County, Massachusetts.

19. The defendant, Michael Beaudet, (“Defendant Beaudet”), is an individual who resides in Massachusetts. At times material hereto, Defendant Beaudet was a reporter at Fox TV and acted within the scope of his employment at Fox TV in reporting the broadcast stories at issue here.

20. The defendant, The Investigative Project, Inc. (“The Investigative Project”), is a Delaware corporation which was established in or about 1999. According to public records on file with the Department of Consumer and Regulatory Affairs for the District of Columbia, The Investigative Project’s registered agent for service of process within the District of Columbia is Steven Emerson, 5505 Connecticut Avenue, N.W. #341, Washington, D.C. It’s Website, www.investigativeproject.net, claims that “[u]nder

the leadership of Executive Director Steven Emerson, The Investigative Project has for years investigated the operations, funding, activities and front groups of Islamic terrorist and extremist groups in the United States and around the world.”

21. The defendant, Steven Emerson (“Defendant Emerson”), is an individual who, upon information and belief, is a resident of the District of Columbia. Defendant Emerson is a self-proclaimed terrorism “expert.” Defendant Emerson’s research and findings have been routinely, publicly and severely criticized as both uninformed and biased against Muslims. By way of example only, at least one media entity stated that Defendant Emerson’s priority is “not so much news as it is an unrelenting attack against Arabs and Muslims.” Defendant Emerson sued the entity and individual responsible for printing these statements for libel. His lawsuit, filed in the United States District Court for the District of Columbia, was dismissed. As another example, Defendant Emerson also falsely claimed on CBS News that the 1995 Oklahoma City bombing showed a “Middle Eastern trait” because it was carried out “with the intent to inflict as many casualties as possible.” He went on to state that “Oklahoma City, I can tell you, is probably considered one of the largest centers of Islamic radical activity outside the Middle East.” *The Weekly Planet* newspaper in May, 1998 reported that Defendant Emerson “gets it wrong all the time. Defendant Emerson has no credibility left. He can’t get on TV and most publications won’t pick him up.” A May 19, 1991 *The New York Times* Book Review reported that Defendant Emerson’s 1991 book *Terrorism* was “marred by factual errors ... that betray an unfamiliarity with the Middle East and a pervasive anti-Arab and anti-Palestinian bias.” Upon information and belief, the Defendants named herein were aware of all of this information about Defendant Emerson

before publishing stories and statements about the Plaintiffs which relied upon him as a critical source. At times material hereto, Defendant Emerson was acting within the scope of his employment as Executive Director of The Investigative Project, Inc.

22. The defendant, William R. Sapers (“Defendant Sapers”), is an individual who, upon information and belief, resides in Boston, Massachusetts. As set forth below, Defendant Sapers was an initial moving force in the Defendants’ efforts to intimidate the ISB and its leadership, and to undermine the project.

23. The Defendant, The David Project, Inc. (“The David Project”), is a Massachusetts corporation with a principal place of business at 25 Dorchester Avenue, Boston, Massachusetts. According to its Website, The David Project is a non-profit initiative established to promote, among other things, a “fair and honest understanding of the Arab-Israeli conflict.” The David Project purports to “lead[] the ideological effort against the forces intent on defaming, weakening and destroying the Jewish state.”

24. The defendant, Anna Kolodner (“Defendant Kolodner”), is an individual who, upon information and belief, resides in Massachusetts. Defendant Kolodner is the Director of Education for The David Project. At times material hereto, Defendant Kolodner was acting within the scope of her employment as Director of Education of The David Project.

25. The Defendant, The Citizens for Peace and Tolerance, Inc. (“Citizens For Peace and Tolerance”), is a Massachusetts corporation established on October 19, 2004. Citizens for Peace and Tolerance has its principal place of business at 1105 Massachusetts Avenue, #2F, Cambridge, MA. Citizens for Peace and Tolerance is located on the World Wide Web at www.hatefreeamerica.com. The Website claims that

Citizens for Peace and Tolerance's mission is "to insure the continuance of Boston's tolerant communal tradition by educating the community about events that may threaten it." Of and concerning the ISB, the web site goes on to state, in a sensationalized manner designed to defame the ISB, that "Our immediate concern is the establishment of a potential radical Islamist center in Boston, which will promote religious hatred and intolerance against Christians, Jews, humanists and secularists." The website contains links to some of the Herald articles and Fox TV broadcasts at issue in this case and is one piece of evidence establishing the conspiracy between and among the Defendants at issue in this case.

26. The defendant, Steven A. Cohen ("Defendant Cohen"), is an individual who, upon information and belief, resides in Massachusetts. Defendant Cohen is a Director with Citizens For Peace and Tolerance. At times material hereto, Defendant Cohen was acting within the scope of his employment with Citizens For Peace and Tolerance.

27. The defendant, Dennis Hale ("Defendant Hale") is an individual who, upon information and belief, resides in Medford, Massachusetts. Defendant Hale is the President of Citizens for Peace and Tolerance. At times material hereto, Defendant Hale was acting within the scope of his employment with Citizens For Peace and Tolerance.

iii. Jurisdiction and Venue

28. The jurisdiction of this Court over the Defendants is lawful and proper where each defendant either resides, works or does business in Massachusetts or has published or caused to be published false statements about the Plaintiffs in Massachusetts, and the claims brought herein arise from defamatory stories which were

first published in Massachusetts and a conspiracy which formed in Massachusetts.

Venue in this County is lawful and proper where at least one defendant has its principal place of business here.

iv. Facts

29. In or about the Fall of 2002, Defendant Sapers began voicing his alleged “concern” to others about the ISB’s construction of a Mosque and Cultural Center in the Roxbury area of Boston. Despite the fact that the ISB’s efforts to undertake the project had been a matter of public record for years, Defendant Sapers began to examine ways in which to undermine the project. In connection with the project, the ISB had developed a strong, professional working relationship with Roxbury Community College, which would be a neighbor of the project. Defendant Sapers, accordingly, set about to undermine the ISB’s relationship with the College.

30. The full extent of Defendant Sapers early efforts to undermine the ISB, its leadership and the project are not currently known. However, based upon documents produced by Defendant Fox TV, it is apparent that in late 2002 Defendant Sapers corresponded both orally and in writing with representatives of Roxbury Community College in a manner designed to undermine the ISB and the project in the eyes of that organization in the hope that it would renege on agreements it had reached with the ISB concerning the project. Upon information and belief, Defendant Sapers suggested to Roxbury Community College that the leadership of the ISB included terrorists and supporters of radical Islam. Upon further information and belief, in an effort to support his statements, Defendant Sapers falsely suggested an active, significant and ongoing relationship between the ISB and Sheik Yusuf Al-Qaradawi, whom Defendant Sapers

appears to have characterized as a promoter of radical Islam and terrorism. In fact, Sheik Al-Qaradawi did not ever and did not then have any active, significant or official role or relationship with the ISB.

31. To its credit, Roxbury Community College's representatives demanded that Defendant Sapers provide facts, not misinformation. Defendant Sapers could not do so. Because he could not support his statements, Defendant Sapers' efforts to undermine the relationship between Roxbury Community College and the ISB did not proceed very far, as reflected in an excerpt from a facsimile, a true and accurate copy of which is attached hereto at Tab 1 from Joseph C. Sullivan, General Counsel of the Massachusetts Board of Higher Education, to Defendant Sapers dated January 6, 2003. The document bears the logo "FOX 5426" and a bates number indicating that it is a document produced by Defendant Fox TV in this case. In that facsimile, General Counsel Sullivan states that "[...] Mr. Qaradawi is not on the Islamic Board papers on file with the Secretary of State..." General Counsel Sullivan then goes on to ask, in response to Defendant Sapers' apparent prior statements claiming a current link between the ISB and alleged terrorists, "Do you have any facts which I could use?" Upon information and belief, Defendant Sapers could provide no response to this request.

32. Unable to substantiate his defamatory statements about the ISB or derail the ISB's relationship with Roxbury Community College, Defendant Sapers turned to Defendant Emerson for assistance. As described above, by 2002 Defendant Emerson was widely regarded as a discredited, biased, self-proclaimed "expert" on radical Islam and Islamic terrorism with a known agenda against Muslims. Upon information and belief, Defendant Sapers knew that Defendant Emerson was highly unreliable and biased in his

views of Muslims, but he ignored these facts in an effort to gather “information” to use against the ISB and its project. In written correspondence from Defendant Sapers to Defendant Emerson dated February 5, 2003, a true and accurate copy of which is attached hereto as Tab 2 (WS 0082), on the business stationary of Defendant Sapers’ Cambridge based insurance and benefits planning firm, Sapers & Wallack, Defendant Sapers began a course of correspondence with Defendant Emerson regarding the ISB. The document bears the logo “WS” and a bates number indicating that it is a document produced by Defendant Sapers in this case. In the course of that correspondence, Defendants Sapers suggested information and accusations about the ISB in an effort to manufacture any negative story he could come up with to support the effort to undermine the project. Defendants Sapers and Emerson, in communications with each other, openly referred to the Muslim leaders of the ISB with disdain, calling them “these people.” Significantly, in his memorandum to Defendant Emerson, Defendant Sapers himself openly conceded that even any alleged connection between the ISB and Mr. Al Qaradawi had ended in 2000.

33. For approximately the first half of 2003, Defendants Sapers and Emerson continued to work together to undermine the ISB and the project. To that end, upon information and belief, Defendants Emerson and The Investigative Project prepared written materials on the ISB and at least some of its leaders at Defendant Sapers’ request. Attached hereto at Tab 3 (FOX 03314-03316), upon information and belief, is a true and accurate copy of a portion of a “report” prepared by Defendants Emerson and The Investigative Project. The entirety of the materials prepared by Defendants Emerson and The Investigative Project are not currently known but appear to include a “report” in which they made numerous false and defamatory statements about the ISB and Dr.

Kandil. Without limitation, Defendant Emerson and The Investigative Project stated falsely that “Kandil has ties to the terrorist-supporting infrastructure in the U.S.,” that a company run by “Kandil has connections to a broad range of terrorist supporting non-profit and for-profit organizations,” that “Kandil has further ties to the SAAR Network through his co-sponsoring of an event for the National Muslims for a Better America in honor of Congressman Leslie Byrne (D-11th VA) on October 16, 1994,” and that “Kandil runs an organization with an outspoken Islamic extremist – A Trustee of Kandil’s Islamic Society of Boston Cultural Center is the Qatari-based Dr. Yousef al-Qaradawi.” None of these statements were true and each was known by these Defendants to be untrue when circulated.

34. Armed with Defendant Emerson and The Investigative Project’s “report,” and intending to intimidate the ISB and its leadership and undermine the project, Defendants Sapers and Emerson, themselves obviously biased sources and known to be so by any responsible media outlet, thereafter began a series of communications with the Defendant Herald and, in particular, Defendant Wells, towards publishing false and defamatory statements about the ISB and its leadership in an effort to undermine the ISB and its project. Attached hereto at Tab 4 are true and accurate copies of a series of handwritten notes, bates-stamped by Fox TV with numbers FOX 05442-44 and 03876.01 and typed notes, bates-stamped FOX 06504-6505 and 04068, which Plaintiffs believe and therefore allege were made by Defendant Wells concerning his communications with Defendants Sapers and Emerson. Without limitation, the notes reveal a cooperative effort to publish a “story” about the “Islamic Society of Boston” and its plans “to build a giant Mosque.” FOX 05442. The notes further reflect a discussion repeating the false

statement that “Yusef Qaradawi” was then an active board member of the ISB. Id. The notes further reveal discussion about Mr. Qaradawi being “wanted” for the murder of Anwar Sadat and that he was “part of group smuggling weapons from El Arish to Gaza.” Id. None of this was true and the notes are indicative of the type of specious allegations under discussion by these Defendants at the time.

35. Upon information and belief, as a further part of these discussions, Defendant Emerson stated, falsely, that the “ISB [is] under investigation by Dept. of Justice (11/2 years),” that the “DHS” – Department of Homeland Security – was involved with the investigation, and that the investigation was “Interesting & significant.” Tab 4, FOX 3876.01, 6504, 4068. This too was untrue and was known by Defendants Emerson, Sapers and Wells to be untrue. In apparent seeming recognition of the unsupportable nature of his statements, Defendant Emerson affirmatively sought to conceal his involvement in these discussions by refusing to go on the record with Defendant Wells as a source for the information he was providing. Indeed, in an effort to conceal Defendant Emerson’s involvement, Defendant Fox TV redacted, without lawful basis, his name from documents produced in response to discovery requests in pending litigation. For example, FOX 3876.01, attached hereto as Tab 4, is, upon information and belief, a true and accurate copy of a redacted version of Defendant Wells’ notes from which Defendant Emerson’s name is obliterated at his request.

36. In addition to the above false statements, Defendants Emerson and Sapers provided other false information to Defendant Wells. They informed Defendant Wells that ISB Trustee, Dr. Walid Fitaihi, M.D. had fled the United States “because [the] Justice Dept. was looking for him...[and] ended up in Saudi Arabia[.]”(Tab 4, FOX

04068) that money donated to the ISB for the Mosque and Cultural Center “comes with a lot of strings” from overseas, and that the ISB was actually involved in raising money for the terrorist groups Hamas and Hezbollah. Tab 4, FOX 6505. There was no basis in fact for these statements. Indeed, Defendant Emerson acknowledged to Defendant Wells at one point that the information he was providing was simply his “gut” feeling.

Immediately thereafter, however, Defendant Emerson claimed to be sure that the leadership of the ISB “is” in fact part of such activities. Tab 4, FOX 06505. Again, Defendants Fox TV attempted to conceal the identity of Defendant Emerson as a source for its reporting in its discovery responses in pending litigation.

37. On October 28, 2003 the Herald published a front page “**Special Report**” written by Defendants Wells, Meyers, Mulvihill and Wisniewski under the false and defamatory headline “**RADICAL ISLAM – outspoken cleric, jailed activist tied to new Hub Mosque,**” which it stated was the “First of two parts” it would publish. A true and accurate copy of the article is attached hereto at Tab 5. In an effort to inflame readers, the Herald placed a picture of Osama bin Laden strategically next to a rendering of the new ISB Mosque and Cultural Center, overtly and falsely suggesting a link between the ISB and the project, on the one hand, and Osama bin Laden and his terrorist organization, Al Qaeda, on the other. Relying in material part upon information provided by Defendants Sapers, Emerson and The Investigative Project, the October 28, 2003 Herald story itself reported, falsely, that there were long-standing and current “ties” between the ISB and the project, on the one hand, and both (i) Mr. Qaradawi, whom the article reported was an alleged supporter “of the Palestinian terrorist group Hamas” and (ii) Abdurahman Muhammad Alamoudi, whom the article described as the “founder” of

ISB and a person “who has publicly supported Hamas, Hezbollah and other terrorist organizations.” At pages 15 and 16, the Herald story continued under the bold, multi-inch defamatory headline **“TERROR BACKERS TIED TO HUB GROUP.”** The article also falsely suggested that the ISB and the project were part of a broad, anti-Semitic, anti-American, radical Islamic agenda financed and controlled by overseas Saudi-based fundamentalists.

38. The October 28, 2003 story was the product of a cooperative effort by various Defendants to intimidate the ISB and its leadership in an effort to undermine the project. The thrust of the October 28, 2003 story was to suggest to the public an active, current and significant “tie” between the ISB and alleged supporters of radical Islamic terrorism. In fact, the involved Defendants, and Defendant Wells in particular, knew that although Mr. Alamoudi had been one of several founders of the ISB approximately 20 years earlier, the ISB had had no connection with him for years, and that the ISB similarly lacked any current or meaningful “tie” to Mr. al Qaradawi. Having inflamed public sentiment, the October 28, 2003 article concluded by promising, in a knowing and recklessly false and defamatory manner of and concerning Dr. Kandil, as follows:

Tomorrow: A current trustee of the Islamic Society of Boston has been named in a federal Islamic terrorism financing investigation.

37. On October 29, 2003, the Herald published a second front page **“SPECIAL REPORT”** “[Last of two parts]” written by Defendants Wells, Meyers, Mulvihill and Wisniewski under the headline, **“UNDER SUSPICION Hub Mosque leader tied to radical group,”** referring to Dr. Kandil. A true and accurate copy of the article is attached hereto at Tab 6. Under a photograph which included a picture of Dr.

Kandil at the groundbreaking ceremony for the new ISB Mosque and Cultural Center in Roxbury, the Herald published the following caption: **“DIGGING IN: Osama M. Kandil, chairman of the Islamic Society of Boston, second from left, is linked to groups suspected of providing support to radicals.”** Both the headline and caption were false and defamatory and known to be so by the Defendants involved with the publication of the story. The article itself contained, without limitation, the following further false and defamatory statements which the involved Defendants knew to be false and/or about which they recklessly or negligently disregarded their falsity:

- i. that Dr. Kandil had been linked to a network of Muslim companies and charitable groups in Virginia suspected by investigators of providing material support to Islamic terrorists;
- ii. that Dr. Kandil was a leader of an Indiana-based Muslim organization which, the article reported, was known for its anti-Western rhetoric and for providing a platform for radical Islamists, some of whom were linked to terrorism;
- iii. that Dr. Kandil had been identified as a member of the “Safa Group,” which, the article reported, was a complicated array of individuals and inter-locking for profit and non-profit entities allegedly involved in financing Islamic terrorism;
- iv. that Dr. Kandil was the registered agent for a company, American Products International, Inc. (“API”), which the article reported existed and was actively involved in the “Safa Group” and whose

offices had been raided in March 2002 as part of “Operation Green Quest, a terrorist financing probe;” and

- v. that Dr. Kandil remained a founding director of the Muslim Arab Youth Association which, the article reported, was a controversial anti-western organization.

38. Through the knowing, intentional, reckless and/or negligent reporting of these and other false “facts,” the suggestion of actual connections between entities, persons and events known to be unconnected, the intentional insertion of present tense verbs, and the reckless use of false innuendo, and defamatory headlines and captions, the Defendants involved with this story portrayed Dr. Kandil, a leader of the ISB, as a supporter of radical Islam, as a member of a terrorist network and, by clear and unequivocal implication, as a terrorist himself. None of this was true, but it nevertheless fit the involved Defendants’ pre-determined agenda to sensationalize a story attacking the ISB and its leadership in an effort to undermine the project. Indeed, the article itself began by focusing the attention of anyone reading it on the fact that the ISB was a “local Islamic organization preparing to build a major new mosque in Boston” and prominently featured an artist’s rendering of the new Mosque and Cultural Center.

39. That the involved Defendants knowingly, recklessly and/or negligently published or facilitated the publication of these falsehoods is evidenced by many facts which will be established at trial and which are too numerous to set forth in this Complaint. Without limitation, however, it is clear and apparent that one supposed “basis” for the story about Dr. Kandil as a leader of the ISB was the Herald Defendants’ possession of a March 2002 affidavit submitted in connection with the government’s

application for a search warrant in a matter then pending in the United States District Court for the Eastern District of Virginia captioned In the Matter of Searches Involving 555 Grove Street, Herndon, Va. and Related Locations. The affidavit was authored by United States Custom Service Special Agent David Kane (“the Kane Affidavit”). A true and accurate copy of the Kane Affidavit (redacted) is attached hereto at Tab 7.

40. The Kane Affidavit is in excess of 100 pages in length and purports to recite facts and allegations necessary for the government to obtain a search warrant. On its face, the Kane Affidavit is not offered in support of any application for a criminal complaint or request for the issuance of charges against anyone, let alone Dr. Kandil. The Kane Affidavit includes open admissions that much of its contents are based upon mere supposition and guesswork with respect to the reason for any link or association between the persons or entities mentioned in the affidavit. The affidavit does not seek to support any request to search or obtain any property owned by Dr. Kandil or any company with which he is associated. Most importantly, however, in its pages and pages of text that discuss the actions of numerous individuals and entities, the Kane Affidavit nowhere mentions Dr. Kandil. At Attachment E, Special Agent Kane purports to set forth in detail a “glossary of individuals involved in this affidavit” which he captions “Glossary of Terms, Individuals and Organizations Relevant to this Affidavit.” Dr. Kandil is not listed. Indeed, the sole mention of Dr. Kandil in the Kane Affidavit is in Attachments C and D at which Special Agent Kane purports to list members of the “Safa Group.” However, early in his affidavit, Special Agent Kane declares unambiguously that he is using the term “Safa Group” simply for “ease of reference” and, again, elsewhere states that he is unaware of any known reason for any connection between

those persons and entities he has included within that designation. The Kane Affidavit included as a member of “the Safa Group” the name of an individual who had been dead since 1990 and who had served as an assistant to Massachusetts Senator Edward Kennedy and a research associate with United States Supreme Court Justice Warren E. Burger. The involved Defendants knew and were informed that Agent Kane had never even spoken to Dr. Kandil before preparing his affidavit. Nevertheless, the article included none of these known or readily available facts, instead choosing to represent to the public, falsely, that Dr. Kandil was “**UNDER SUSPICION.**” Not one of the Herald Defendant reporters spoke to Special Agent Kane prior to publishing their stories about Dr. Kandil. Instead, Defendant Emerson purported to pass along information that he suggested, falsely, he had received from government officials involved in the investigation in the Eastern District of Virginia. Attached hereto at Tab 8 is a true and accurate copy of an email from Defendant Emerson to Defendant Wells dated October 30, 2003 in which Defendant Emerson purports to relate conversations with “DOJ prosecutors” and extending an invitation for Defendant Wells to meet with those prosecutors. The document is bates stamped FOX 03714 and at Defendant Emerson’s request, his name has been redacted from it.

41. On October 30, 2003 and October 31, 2003, additional articles appeared in the Herald that repeated and continued the involved Defendants’ libels of the ISB and Dr. Kandil and their efforts to further undermine the project. The October 30th article titled “**ISLAMIC LEADER: VIEWS NOT MINE**” by Defendant Wells repeated the libel that current officers and directors of the ISB maintained ties to radical Islamic organizations. A true and accurate copy of the article is attached hereto at Tab 9. The

October 31st article titled “**Capuano: Feds must probe Hub Islamic trio**” by Defendant Meyers appeared on the front page and repeated, among other things, the libels that members of the ISB actually had been accused of providing support for terrorist organizations and that Dr. Kandil, through his current involvement in API, described as an active Virginia company with a current address, was part of the Safa Group and involved in supporting terrorist activities. A true and accurate copy of the article is attached hereto at Tab 10. The article again linked these “facts” to the ISB’s acquisition of “land in Boston to build a \$22 million mosque and cultural center...[that] would be the largest mosque in the northeastern United States.”

42. Between late October and the end of December 2003, Defendants Sapers, Emerson and Wells continued their communications about the ISB, its leadership and the project. Defendant Sapers’ communications with Defendant Wells included accusations and complaints about the ISB’s arrangements with Roxbury Community College and the City of Boston. Defendant Sapers complained about arrangements pursuant to which worshipers at the proposed new Mosque would be able to park their cars on Fridays, the Muslim holy day of the week. Defendant Sapers also made accusations about a \$10,000 check, falsely suggesting some impropriety in the financial arrangements between the ISB and the City of Boston. A true and accurate copy of Defendant Wells’ typed notes from a conversation he had with Defendant Sapers on or about October 30, 2003, and bates stamped FOX 06506-07, are attached hereto at Tab 11. The document is part of the evidence that demonstrates that the true motivation for attacking the ISB and its leadership was to undermine the project.

43. For his part, during this time period Defendant Emerson continued to supply Defendant Wells with false information. Emails between these Defendants during November 2003 memorialize Defendant Emerson as a source of information for many of the false and defamatory statements about Dr. Kandil that appeared in the Herald. In a November 21, 2003 email, a true and accurate copy of which is attached hereto at Tab 12 and which is bates stamped FOX 03715, Defendant Wells informed Defendant Emerson that he was “the single most valuable source on this most important subject.” At no point, however, did Defendant Wells ask Defendant Emerson to account for or explain the fact that he had been discredited publicly for having an anti-Muslim agenda. Fox TV produced FOX 03715 in redacted form so as to omit Defendant Emerson’s name.

44. On January 14, 2004, the Herald published another front page “**SPECIAL REPORT**” written by Defendants Wells and Wisniewski titled, next to a picture of Dr. Kandil, “**Hub Islamic leader’s radical links run deep.**” A true and accurate copy of the article is attached hereto at Tab 13. The article as a whole and in specific parts contained numerous falsehoods and false innuendo that the involved Defendants published with a knowing, reckless or negligent disregard of their falsity. Many of the falsehoods simply repeated the libels contained in the earlier articles. Others, however, were new. The new libels included, without limitation, the following statements of “fact” and/or innuendo:

- i. that Dr. Kandil had even “deeper involvement” with organizations and individuals suspected of funding terrorism than reported in prior articles;

- ii. that Dr. Kandil, as a director of Taibah International Aid Association (“Taibah”), was suspected by investigators in the United States and Europe of funding international terrorism;
- iii. that Dr. Kandil had for 15 years purposefully surrounded himself with “an array of individuals” who were “working within the United States to support militant Islam’s worldwide agenda”;
- iv. that Dr. Kandil had, according to neighbors, moved “Back to Egypt” in 2002 “after federal agents raided the Safa Group offices in March of that year”; falsely suggesting a link between the two reported events and falsely reporting that Dr. Kandil’s “neighbors” had suggested any such link;
- v. that Dr. Kandil’s home on Millwood Pond Drive in Herndon, Virginia (the value of which the Herald Defendants reported, together with a photograph of the home, in order to sensationalize the story further) had a connection to and/or had been raided as part of the government’s March 2002 raid of “homes owned by members of the Safa Group” as part of a “terrorism financing probe”;
- vi. that Dr. Kandil had business ties to individuals named in the article and that those ties were part of, or designed to provide support for, a terrorist funding network;

- vii. that Dr. Kandil misleadingly had attempted to “distance himself and the ISB” from the individuals named in the article because those individuals were involved in or supported terrorism;
- viii. that Dr. Kandil had “declined comment” on the use of suicide bombings and that through his silence he had indicated support for suicide bombings;
- ix. that Dr. Kandil’s words as attributed to him in the article were reported in an accurate or complete manner;
- x. that Dr. Kandil “has had extensive involvement with individuals and organizations suspected of supporting Islamic Terrorism”; and
- xi. that Dr. Kandil had ties to Osama bin Laden.

45. This January 14, 2004 article included other falsehoods and libels accomplished through the misleading use and placement of photographs and captions under the photographs. A photograph of Dr. Kandil’s home on Millwood Pond Drive appeared on the same page as a neighborhood street sign for “**SAFA Ct,**” with captions that reinforced the clear suggestion that Dr. Kandil’s home had been raided by the government as part of a probe of persons suspected of terrorist links. A chart containing photographs of various individuals supposedly involved in radical Islam and terrorist activities with lines connecting them to a central photograph of Dr. Kandil under the headings “**EXEC’S SUSPECT TIES**” and “**BAD COMPANY**” falsely depicted Dr. Kandil as being at the center of a network of relationships established to support radical Islam and terrorism.

46. The above false statements, innuendo and depictions were actually known to be false or, in the exercise of reasonable care, should have been known to be false, by the involved Defendants prior to publication. Without limitation, and by way of example only, Defendant Wells was fully aware, or in the exercise of reasonable diligence should have been aware, prior to publication, that Dr. Kandil was not suspected of having engaged in terrorist activity by the federal government; that Dr. Kandil's Millwood Pond Drive home had not been raided or even mentioned in the Kane Affidavit; that Dr. Kandil's move to Egypt was not connected in any manner to the government's March 2002 raid; that Dr. Kandil did not support radical Islam and was not part of a terrorist network; and that Dr. Kandil did not and does not support suicide bombings, which he made clear in an interview with Defendant Wells in which he had not "declined comment" but instead had informed Defendant Wells that in light of the ISB's charitable tax status he wanted to be careful about voicing any opinions on behalf of the ISB on any matters related to politics or terrorism. In an effort to undermine the ISB and the project, the lead of the front page article began by referring to Dr. Kandil as "The leader of the Islamic group preparing to build a major new mosque in Boston..." By repeatedly and explicitly drawing on this alleged connection, in this and future articles, each and every false and defamatory statement about Dr. Kandil was likewise false, defamatory and of and concerning the ISB, all in an effort to intimidate the ISB and its leaders, and to undermine the project.

47. Also, on January 14, 2004 the Herald published a second article about Dr. Kandil written by Defendants Wells and Wisniewski titled "**Brotherhood' Spawns Islamic Militants.**" A true and accurate copy of the article is attached at Tab 14. This

second January 14, 2004 article repeated previously reported libels and contained and/or repeated several new falsehoods about Dr. Kandil, which the involved Defendants published with a knowing, reckless or negligent disregard of their falsity. Without limitation, the new libels included the following:

- i. that “Many of the Muslim men most closely associated with Osama M. Kandil, the head of the Islamic Society of Boston, share a connection to the grandfather of all militant organizations,” e.g., the Muslim Brotherhood;
- ii. that “many of Kandil’s associates” trace their activist roots to the Muslim Brotherhood;
- iii. that Dr. Kandil’s contact with any of the individuals mentioned in the article was designed to support radical Islam and terrorism; and
- iv. that the ISB library “also has a noticeable Muslim Brotherhood flavor.”

48. In fact, the Muslim Brotherhood is an organization that is outlawed in Egypt. The involved Defendants’ false suggestion that Dr. Kandil was affiliated with and supported the Muslim Brotherhood puts Dr. Kandil at risk of arrest or worse in Egypt where he resides when he is there on business.

49. On January 15, 2004, a “**SPECIAL REPORT**” appeared in the Herald written by Defendant Wells entitled “**Islamic leader included in fed finance probe.**” A true and accurate copy of the article is attached hereto at Tab 15. In a conscious effort to draw an association with the ISB, its leadership and the project, the article appeared

above a large rendering of the ISB's proposed new Mosque and Cultural Center and the article itself again made specific reference to the project. The article as a whole and in specific parts repeated prior libels and contained numerous new falsehoods and false innuendos that the involved Defendants published with a knowing, reckless or negligent disregard of their falsity. These falsehoods, without limitation, included the following:

- i. that Dr. Kandil was under investigation by federal agents as part of a major Islamic terrorism financing probe;
- ii. that Dr. Kandil was the subject of the complex federal investigation;
- iii. that "records of interviews" established that agents from the U.S. Customs Service, the Treasury Department, and the Internal Revenue Service were investigating Dr. Kandil;
- iv. that Dr. Kandil had an actual connection with Soliman Biheiri who the United States government had criminally prosecuted; and
- v. that Dr. Kandil was potentially one of the "several men named as 'Specially Designated Terrorists' by the Treasury Department [who] conducted financial transactions with BMI [Mr. Biheiri's company]" and that he had links to "leaders of the terrorist group Hamas."

50. In fact, and without limitation, publicly available information which Defendant Wells actually reviewed prior to publication established that nothing in the files of the government's case against Mr. Biheiri, United States v. Biheiri, Criminal No.

03-365-A, implicated Dr. Kandil as a subject of any federal investigation. Furthermore, prior to publication of the January 15, 2004 story about Dr. Kandil, Defendant Wells knew, or in the exercise of reasonable diligence should have known, that a federal court had already ruled that the United States could not prove, under applicable legal standards, that Mr. Biheiri supported or was involved in terrorism and that Mr. Biheiri actually had already been convicted and sentenced solely for violating immigration laws. Defendant Wells knew, or in the exercise of reasonable diligence should have known, that in the government's voluminous filings in federal court seeking to link Mr. Biheiri to terrorism in an effort to support its sentencing position concerning Mr. Biheiri, the government nowhere stated that Dr. Kandil had ties to terrorism or was under investigation for anything. Defendant Wells further knew, or should have known, prior to publication that the sole, brief mention of Dr. Kandil (in an interview conducted of Mr. Biheiri by the government at Dulles International Airport on June 15, 2003 during which Special Agent Kane had asked Mr. Biheiri about his knowledge of numerous persons and entities and which was summarized in nearly 19 single space pages), did not suggest that Dr. Kandil was the subject of any investigation or had done anything wrong. These documents made it clear that neither Mr. Biheiri nor the investigating agents made any such statements about Dr. Kandil having done anything wrong; that Mr. Biheiri informed Special Agent Kane, in substance, of the opposite; namely, that Dr. Kandil was not a member of the Muslim Brotherhood; and that, similarly, Mr. Biheiri's estranged wife, Mahshid Fotoohi, (in a May 28, 2003 interview in which she too was asked about numerous persons and entities) had not suggested that Dr. Kandil was involved in any unlawful activity or association and had, instead, reported only that she knew Dr. Kandil "as the founder of

the ADAMS center,” as a man “of Egyptian descent, raised in Indonesia, [who] is a physician or medical researcher” and as someone who “is associated with the Islamic Saudi Academy,” a prestigious private school. True and accurate copies of the summaries of the government’s interviews of Mr. Biheiri and Ms. Fotoohi are attached at Tab 16 and 17, respectively. Upon information and belief, these were the sole mention of Dr. Kandil in the entirety of the voluminous filings in the Biheiri case, all of which were available to the Herald and Defendant Wells prior to publication of their January 15, 2004 article.

51. The involved Defendants’ reporting about Dr. Kandil based upon the filings in the Biheiri case is breathtakingly inaccurate and amounts to an outright fabrication of what is represented by the totality of those filings. Rather than implicating Dr. Kandil in any wrongdoing or even as a target or subject of any governmental investigation, the filings as a whole are replete with suggestions of the opposite. In voluminous filings, the government attempted to link Mr. Biheiri to terrorism. In so doing, the government pointed out numerous persons and entities it contended might establish such a link. Nowhere did the government mention Dr. Kandil’s name in support of such a contention.

52. On January 16, 2004 the Herald published an article written by Defendant Wells titled “**Local Islamic leader has ties to raided Quincy Co. founder.**” A true and accurate copy of the article is attached hereto at Tab 18. This January 16, 2004 article falsely reported that Dr. Kandil “is close friends with [Hussein Ibrahim] one of the founders of the Quincy software company [Ptech, Inc. (“Ptech”)] raided a year ago as part of a federal anti-terrorism investigation.” The article went on to report, once again

falsely, that Dr. Kandil was the subject of a complex federal terrorism financing probe. In fact, Defendant Wells knew or in the exercise of reasonable diligence should have known that the reported “friendship” between Dr. Kandil and Mr. Ibrahim, referred to in the government’s interview of Mr. Biheiri, described above, on its face referred solely to a relationship decades earlier during Dr. Kandil’s days as a student. The Herald and Defendant Wells, however, falsely reported an ongoing friendship which they suggested was engaged in for an unlawful purpose, so as to suggest a link between Dr. Kandil and the ISB, on the one hand, and Ptech, on the other, despite knowing that no such relationship existed.

53. In articles dated March 8, 9 and 19, 2004, September 29, 2004 and October 5, 6, 7, 8, 11, 14 and 16, 2004, the Herald and various of the Herald reporters named herein as Defendants, with, upon information and belief, the active assistance and input from other Defendants, including those named herein and others whose precise identities and involvement will be established at trial, continued to publish articles libeling Dr. Kandil and by association the ISB. The involved Defendants did so as part of their cooperative effort to intimidate the leadership of the ISB and undermine the project. In many instances, the involved Defendants did so by publishing or facilitating the publishing of articles in the Herald reminding readers of statements from the prior Herald stories, thereby republishing the libels, all towards continuing to suggest that the ISB and Dr. Kandil are linked with, support and/or participate in terrorist activities, have an anti-America agenda and that the new Mosque and Cultural Center poses a danger to the public.

54. Upon information and belief, after the above-described articles appeared in the Herald in January, 2004, and as a direct result of the appearance of those articles and their defamatory content, a number of additional individuals affirmatively joined in the coordinated effort to undermine the ISB, its leadership and the project. Those individuals include Defendants Kolodner from The David Project and Defendants Cohen and Hale from Citizens for Peace and Tolerance. The full extent of the activities of Defendants Kolodner, Cohen and Hale is not currently known, but their involvement in the ongoing defamation of the ISB and its leadership is suggested by documents already produced by Defendant Fox TV in pending litigation. Those documents reflect a coordinated effort to disseminate false information about the ISB and its leadership; an effort which culminated in the airing of the Fox TV broadcasts described both above and below which falsely declared that ISB leaders Dr. Abou-Allaban and Dr. Kandil are members of the Muslim Brotherhood, a global terrorist organization which had arrived in Boston via the ISB.

55. Without limitation, in or about May, 2004 Defendant Cohen invited Defendant Wells to a meeting at the offices of The David Project in Boston. A true and accurate copy of an email bates stamped FOX 03242 memorializing Defendant Cohen's invitation and Defendant Wells' acceptance is attached hereto at Tab 19. The subject matter of the meeting was explicitly described as "The Mosque." The meeting took place on or about May 27, 2004. The attendees of the meeting referred to themselves as "THE AD-HOC MOSQUE GROUP." The group prepared and circulated a formal "PRELIMINARY AGENDA" dated May 25, 2004, the date when the meeting was

originally scheduled to occur. A true and accurate copy of that PRELIMINARY AGENDA bates stamped FOX 03241 is attached hereto at Tab 20.

56. At their meeting, the attendees, who, upon information and belief, included Defendants Wells, Sapers, Cohen, Koldoner and Hale, and others interested in stopping the project, discussed a legal challenge to the Mosque and Cultural Center. Regardless of the unusual nature of citizens joining together with a media outlet in order to stop the building of a place of worship and cultural center by members of a particular religious faith, the Plaintiffs herein do not complain of that part of the meeting designed to mount a legal challenge to the project itself or the fact that the group searched for and subsequently found a willing plaintiff to file suit against the ISB and the Boston Redevelopment Authority in a matter now pending in Suffolk Superior Court captioned Policastro v. Boston Redevelopment Authority et al., Suffolk Superior Court Civil Action No. 04-47292. Rather, what is significant is that the legal challenge under discussion was, according to the AGENDA, part and parcel of, and immediately followed by, an explicit discussion of an attendant “Political and Media Campaign” which the participants declared would be necessary to the effort to stop the project and that Defendant Wells, a Herald reporter, appears to have participated in this strategy discussion as an invited guest whose cooperation is memorialized in the AGENDA itself. Further, the AGENDA memorializes the “AD HOC MOSQUE GROUP’S” intent to spread and perpetuate false and defamatory information about the ISB and Dr. Kandil as part of their effort to stop the project. Without limitation, the document spells out that the “Political and Media Campaign” would include false statements that current “ISB personnel support and raise funds for terrorist organizations, support violent spread of

Islam throughout world, including America.” Among those listed as supposed “ISB personnel” in support of these propositions are Mr. al Qaradawi and Mr. Alamoudi, individuals known to have no actual current or meaningful ties to the ISB. The document further reflects an intent to spread false information that the “ISB receives funds from Wahabbis and/or Mustlem (sic) Brotherhood and/or other Saudi/Middle Eastern sources.” Finally, the document reflects an intent to paint publicly the false picture that the project improperly involved the “Sale of land for less than fair market value at a time of budget crisis and reduced services to a group that has great financial resources.” It is difficult to imagine a document which more clearly evidences a group of individuals joining together with the intent to undermine the establishment of a place of worship. To help in this effort, the document memorializes the members’ plan to seek assistance from Defendant Emerson.

57. Upon information and belief, as a result of the meeting, the AD-HOC MOSQUE GROUP, through Defendants The David Project, Cohen, Kolodner and Hale, contacted Defendant Emerson and asked him for his assistance. In response, Defendants Emerson and The Investigative Project prepared a “report” entitled “Islamic Society of Boston,” a true and accurate copy of at least a portion of which is attached hereto at Tab 21 and bates stamped beginning FOX 02704. A copy of this report was circulated among the Defendants at various times and was in the files of Defendant Fox TV at the time of its broadcast announcing that leaders of the ISB, including Dr. Abou-Allaban and Dr. Kandil, are members of the Muslim Brotherhood. A file maintained at Fox TV by Defendant Wells explicitly identifies the “report” as having been preserved in a file labeled: “ISB - Emerson Report 8-04.” A true and accurate copy of the file label bates

stamped FOX 02703 is attached hereto at Tab 22. The false and defamatory statements set forth in Defendants Emerson and The Investigative Project's "report" are too numerous to list here and include repetition of libels first appearing in the Herald. Of significance, are the false statements in the report that the ISB is a Muslim Brotherhood entity and "that the ISB not only disseminates extremist ideology, but that they have also taken an active role in supporting various people and organizations that have been a part of some of the most significant terrorist networks in the U.S." Tab 21 (FOX 2713). Upon information and belief, the Defendants responsible for this report thus had direct involvement, as part of their "Political and Media Campaign," of planting the false information which Defendants Fox TV, Wells, Beaudet and Wisniewski later broadcast that the leaders of the ISB, in particular Dr. Abou-Allaban and Dr. Kandil, are members of the Muslim Brotherhood.

58. Through the Spring and Summer of 2004, the involved Defendants carefully and closely coordinated their efforts, often by email. On September 2, 2004, Defendant Kolodner emailed, among others, Defendants Wells, Sapers and Cohen with a "Mosque Update." A true and accurate copy of this email bates stamped FOX 06470 is attached hereto at Tab 23. In her email, Defendant Kolodner memorialized the fact that the group had "identified a viable plaintiff" to sue to stop the building of the Mosque and Cultural Center. Defendant Kolodner then stated as follows: "Filing the law suit will serve to trip the switch on the larger agenda of exposing the radical fundamentalist underpinnings of the Mosque and its leaders." At the time, upon information and belief, Defendant Kolodner, despite professing to be interested in peace and tolerance, had never personally met or spoken with anyone from the ISB or its leadership and had never asked

anyone at the ISB about their supposed “radical fundamentalist underpinnings.”

Defendant Kolodner’s email went on state as follows: “We need to develop a media campaign and identify who will be the public spokesperson for the group....I have worked with [Defendant] Steve Emerson’s office [The Investigative Project] and we have comprehensive and compelling data [...] We would also like to have a legal resource to guide the group in regard to risk management and understanding.” Id.

59. In the weeks following Defendant Koldner’s September 2, 2004 email, Defendants Kolodner, The David Project, Sapers, Cohen, Emerson and The Investigative Project closely coordinated with Defendant Wells (who by this time was working at Defendant Fox TV) about Defendant Fox TV’s upcoming series of broadcasts on the ISB and its leadership as part of the “larger agenda” uniting these Defendants and the defamatory “media campaign” they joined together to launch in an effort to intimidate the ISB and its leadership, and to stop the building of the Mosque and Cultural Center. By way of example only, on September 9th, 14th and 15th 2004, Defendant Emerson emailed Defendant Wells with regard to certain video clips concerning radical groups that Defendant Fox TV would falsely link to the ISB and its leadership in their broadcasts including, without limitation, clips concerning the Muslim Brotherhood. A true and accurate copy of Defendant Emerson’s redacted emails to Defendant Wells bates stamped FOX 06413, 06414, and 06415 are attached hereto at Tab 24. Upon information and belief, Defendants The David Project, Sapers, Kolodner, Cohen and Hale were fully informed of and contributed to this effort.

60. On or about October 5, 2004, Defendants Sapers, Kolodner, Cohen and Hale held and/or facilitated a press conference and issued a press release under the

auspices of the organization inaptly called Citizens for Peace and Tolerance, an entity which would not even file incorporation papers with the Massachusetts Secretary of State until October 19, 2004. The press release materials are attached hereto at Tab 25 and bear the bates stamps 2100-2104. This effort constituted a material part of the “media campaign” to intimidate the ISB and its leadership and to stop the building of the Mosque and Cultural Center which the involved Defendants had explicitly stated they intended to pursue. In the course of their press conference and in their “press release,” the Defendants involved in these events defamed the ISB and its leadership. The press conference was covered by Defendants Fox TV, Wells, Beaudet and Wisniewski. The Fox TV segment on the press conference remains available for viewing on Citizens for Peace and Tolerance’s website, along with other Fox TV and Herald pieces which are the subject matter of this lawsuit. Without limitation, the involved Defendants repeated numerous false statements which had previously appeared in the Herald and/or which had originated from Defendants Emerson and The Investigative Project. By way of example only, the involved Defendants published as fact the false statement that the project was substantially supported financially by donors from Saudi Arabia and the Gulf states “with known connections to radical Islamists.” FOX 2102. The involved Defendants published this statement despite knowing that the ISB had a program in place to ensure that they would not accept any fundraising monies from a source which had been identified by the United States government as supporting terror. The involved Defendants made other defamatory statements both orally and in writing all designed to suggest either directly or through innuendo that the ISB and its leadership are connected to “established radical Islamists and terrorist organizations.” FOX 2102. The involved Defendants falsely

published of and concerning Dr. Kandil that he is “under investigation for alleged funding of international terrorism by American and European governments.” FOX 2103. None of this was true and these statements were all part and parcel of the joint, coordinated effort to intimidate the ISB and its leadership and to undermine the project. Indeed, even in their alleged statements of “concern,” the involved Defendants defamed the ISB and its leadership by stating that the ISB and its leadership “may be part of a national and global effort by extremists to control mosques and radicalize their communities.” FOX 2104. The involved Defendants purported to warn the public not to believe anything the ISB might have to say suggesting, falsely, of and concerning the ISB and its leaders that “Too often radical Muslims use the vocabulary of tolerance and compassion to obfuscate and deny their radical agenda. Radical Islamists have frequently replaced originally problematic boards of trustees with well intentioned, highly articulate, and educated moderates as spokespersons.” FOX 2104.

61. For its part, Defendants Herald and Mashberg continued to work in close cooperation with Defendant Wells in attacking the ISB and its leadership. Attached hereto at Tab 26 is a true and accurate copy of an email bates-stamped FOX 06428 memorializing a communication from Defendant Mashberg, from his Herald office and in the course of his employment at the Herald, to Defendant Wells at Fox TV regarding Mayor Menino’s comments concerning the ISB and its leadership. Through these activities, and the close coordination of the involved Defendants named herein, Defendant Herald is responsible for the broadcasts about the ISB and its leadership, including Dr. Abou-Allaban and Dr. Kandil, which subsequently aired to the public on Fox TV.

62. During the Fall of 2004, the Defendants named herein all contributed to additional publications of both oral and written statements defaming the ISB, Dr. Abou-Allaban and Dr. Kandil all in an effort to intimidate the ISB and its leadership and undermine the project. These efforts included, without limitation, the publication of additional “press release” type materials all of which was closely coordinated with and reviewed by Defendants Fox TV and Wells as reflected by emails. Among the defamatory materials published during this time period is a Friday October 15, 2004 “Response” accusing the ISB and its leadership of “misleading” the Boston Globe in connection with an editorial in that newspaper entitled “A MODERATING MOSQUE.” A true and accurate copy of the “Response” bears the document bates stamps CPT 0006-0009 (reflecting that it is a document from the files of Citizens for Peace and Tolerance) and is attached hereto at Tab 27. In that document, the involved Defendants falsely published as fact, among other things, that the ISB had appointed Mr. al Qaradawi as “an additional trustee” who “may accept appointment at any time” thus reviving and repeating an earlier libel by Defendants Herald, Wells and others.

63. In late October 2004, not satisfied with the results of their “media campaign” of libel as it had been perpetrated as of that date, and with direct assistance from and leadership by Defendant Wells, the involved Defendants set about to attack personally the leader of the ISB, Dr. Abou-Allaban. On October 24, 2004, Defendant Wells emailed an individual named Mustafa Saied and asked him to see, as Mr. Saied put it, what he “could dig up on Abou-Allaban.” A true and accurate copy of an email exchange between Defendant Wells and Mr. Saied bates-stamped FOX 06467 is attached hereto at Tab 28. Also during this time period, Defendant Wells continued to work

closely with Defendant Emerson as reflected in a November 8, 2004 email bates-stamped FOX 06469 attached hereto at Tab 29. Prior to this time period, no Defendant named herein had identified any basis whatsoever linking Dr. Abou-Allaban with radical Islam or Islamic terrorism. To the contrary, as Defendant Fox TV would later concede in its own internal draft script for one of its broadcasts, Dr. Abou-Allaban in fact had “no known connection to terrorism.” Attached hereto at Tab 30 is a true and accurate copy of a draft script bates stamped FOX 5532-5533. This statement concerning Dr. Abou-Allaban was omitted from the actual Fox TV broadcast.

64. During November 2004, Defendants Fox TV, Wells, Wisniewski and Beaudet, with the assistance and input of other involved Defendants, published at least four (4) broadcasts in which they defamed the ISB and its leadership. The dates of the first three of these broadcasts are not currently known but will be identified at trial. In their initial broadcasts, the involved Defendants repeated many of the libels previously reported in the Herald and/or published by Defendants Emerson, The Investigative Project, Sapers, The David Project, Kolodner, Citizens For Peace and Tolerance, Cohen and Hale. Defendant Hale actually appeared on at least one of these broadcasts and repeated several of the libels of and concerning the ISB and its leadership.

65. In early November 2004, Defendant Beaudet, an on-air reporter, accompanied by other employees of Defendant Fox TV including a camera operator, surprised Dr. Abou-Allaban in the parking lot of the building in which his medical practice was then located. In classic “ambush” style journalism, and despite the fact that the ISB had responded previously to inquiries from Defendant Fox TV voluntarily, Defendant Beaudet trailed Dr. Abou-Allaban from his car to his office door asking him,

with the TV camera recording and intimidating Dr. Abou-Allaban, whether he is a member of the Muslim Brotherhood. Shocked and intimidated by Defendant Beaudet and the tactics of Defendant Fox TV, Dr. Abou-Allaban was physically and emotionally able to respond only by stating that he was late for a patient meeting and that he could not speak to Defendant Beaudet at that time. Later, by telephone, Dr. Abou-Allaban made it clear that he was not a member of the Muslim Brotherhood. The events described in this paragraph were traumatic for Dr. Abou-Allaban. The tactics utilized here were unnecessary and intimidating, and intended to be so.

66. On November 16, 2004, Defendant Fox TV aired a broadcast on “Fox Undercover” asserting as fact and without qualification that leaders of the ISB, including Dr. Abou-Allaban and Dr. Kandil, are members of the “grandfather” of all Islamic terrorist organizations, the Muslim Brotherhood, and that this organization, which the broadcast described as having a goal of world domination, had arrived in Boston in the form of the leadership of the ISB, including Dr. Abou-Allaban and Dr. Kandil. The November 16, 2004 broadcast was the product and result of the “media campaign” described above and specifically targeted the building of the Mosque and Cultural Center suggesting both directly and by defamatory innuendo that the project posed a danger to the public. Clearly, this is how the involved Defendants themselves saw the broadcast as, after it aired, as some of the involved Defendants sent at least one congratulatory email to one another and asked how the campaign could be taken further. Each and every Defendant named herein is responsible for the broadcast and its defamatory content.

67. In addition to the footage of Defendant Beaudet ambushing Dr. Abou-Allaban in the parking lot at his workplace, the broadcast included videotape of a person

purported to have been the president of the Muslim Brotherhood in the United States prior to 1995 -- approximately 9 years earlier. The man portrayed was identified as Ahmed Elkadi, a physician. Dr. Elkadi was shown being assisted from a car to a wheelchair. The broadcast reported that Defendant Fox TV had asked Dr. Elkadi whether Dr. Abou-Allaban and Dr. Kandil were currently members of the Muslim Brotherhood and that he had replied "Yes" to these questions. The questions and answers were displayed through a written representation during the broadcast and the questions and answers were represented implicitly to be the truthful and complete content of what Dr. Elkadi had told Defendant Fox TV. This was not true and critical facts concerning Defendants Fox TV, Wells and Beaudet's knowledge about and contact with Dr. Elkadi and his wife, Iman Elkadi, were intentionally omitted from the broadcast.

68. Dr. Elkadi was the Fox Defendants' sole source of information purporting to support the representation to the public about Dr. Abou-Allaban and Dr. Kandil's alleged membership in the Muslim Brotherhood. However, the Fox Defendants knowingly failed to report that Dr. Elkadi is totally and permanently disabled, secondary to a series of cerebral infarctions which started several years ago, culminating in a cerebral hemorrhage during the summer of 2004, that his neurological status is one of severe impairment and that he carries a diagnosis of being cognitively impaired with significant dementia. Indeed, Dr. Elkadi spends most of his days in a treatment and care center for persons suffering from dementia. Defendant Wells was personally aware of Dr. Elkadi's poor health and unreliable memory, having read about Dr. Elkadi's diagnosis in a *Chicago Tribune* article prior to the broadcast and having been specifically warned by Mrs. Elkadi prior to the broadcast that her husband was sick and that his

memory was not intact. Attached hereto at Tab 31 is a true and accurate copy of a Statement of Iman Elkadi detailing both the warning she gave to Defendant Wells about her husband's poor health and failing memory, and her shock at learning that Defendant Fox TV nevertheless broadcast a story relying upon her husband's supposed recollection.

69. Worse, however, is the fact that draft scripts produced by Defendant Fox TV in this case reflect that the involved Defendants did not even publish the information they say they were provided by Dr. Elkadi in a complete or accurate manner. Instead, draft scripts of the broadcast reveal an intentional effort to disregard facts actually in the involved Defendants' possession. Without limitation, those draft scripts reflect that Defendant Fox TV actually recognized and saw the necessity of disclosing during its broadcast the fact that Dr. Elkadi was "suffering from a degenerative brain disorder." See Tab 30 (draft script). However, as broadcast, the story omitted this statement, which appears in a draft script, and stated only that Dr. Elkadi was "in poor health." A true and accurate transcript from the Fox TV broadcast is attached hereto as Tab 32, p. 15.

70. As aired, the broadcast also fabricated by omission what it was that Dr. Elkadi had supposedly said to Defendant Wells about Dr. Kandil. During a telephone "interview" of Dr. Elkadi initiated by Defendant Wells, the following exchange took place according to a transcript of the interview prepared by Defendant Wells and produced by Defendant Fox TV in this case and bates-stamped FOX 02207, a true and accurate copy of which is attached at Tab 33: "Q. [Defendant Wells] Is Dr. Kandil still a member of the Muslim Brotherhood? A. I don't know." In an effort to portray the ISB leadership as having current associations with and ties to terrorists, the involved Defendants simply omitted this question and answer from the broadcast.

71. Although Defendant Beaudet was the reporter for the original broadcast, Defendant Wells produced and supervised the original broadcast and, upon information and belief, Defendants Wisniewski, The Investigative Project, Emerson, Sapers, The David Project, Kolodner, Citizens for Peace and Tolerance, Cohen and Hale all contributed or facilitated the broadcast as part of the previously announced “media campaign.” For his part, Defendant Wells personally also had information available to him from his prior work at the Herald which demonstrated the inherent unreliability of the story about Dr. Kandil, including, without limitation, specific information from the Biheiri case that Dr. Kandil in fact was not a member of the Muslim Brotherhood. Defendants Wells and the other involved Defendants chose not to include that information in their story.

72. The involved Defendants had no other credible source for their allegations that Dr. Abou Allaban and Dr. Kandil are members of a terrorist organization. Neither Dr. Abou-Allaban nor Dr. Kandil is now or has ever been a member of any terrorist organization, nor have either of them ever been affiliated with or involved in any such organization. As stated above, the suggestion that Dr. Abou-Allaban is a member of the Muslim Brotherhood puts him in danger of arrest or worse in Syria. The same is true with regard to Dr. Kandil and his frequent travel to Egypt.

73. The Fox TV broadcasts were seen by a large television audience. Advance and supporting advertisements for the broadcast further increased the number of people to whom the Defendants published their libels of the ISB, Dr. Abou-Allaban and Dr. Kandil. The effect of the “media campaign” conceived, joined in and carried out by the Defendants resulted in the intimidation of the ISB, its leadership, and Dr. Abou-

Allaban and Dr. Kandil. Sentiments, biases and passions against Muslims were unfairly and unnecessarily inflamed. As a result of the Defendants' actions, the Plaintiffs are afraid in their daily lives and in the practice of their religion.

74. Even following the airing of the Fox-TV broadcasts, the Defendants' coordinated and conspiratorial efforts continued as they looked for additional ways of undermining the ISB, its leadership and the project. In February, 2005, for example, Defendant Koldoner and Defendant Wells actively conspired to steal a holy book, a Quran, from the ISB library. Specifically on February 4, 2005, Defendant Wells wrote Defendant Kolodner an email which stated as follows: "I'd still really like to get a Quran out of the ISB. Any progress on that?" Defendant Kolodner replied, "Jon, I am trying to see if we can get a copy of the Quran." A true and accurate copy of this email exchange, bates stamped FOX 6476 is attached hereto as Tab 34.

Count One
(Defamation)
(ISB v. All Defendants)

75. The ISB repeats and realleges Paragraphs 1 through 74 above.

76. The Defendants each published statements of and concerning the ISB which were known to be false or which should have been known to be false in the exercise of reasonable care. The statements were defamatory and/or defamatory per se.

77. In so doing, they held the ISB up to public scorn and ridicule, and destroyed its good name and reputation. The consequences to the ISB have been devastating. The public has been left with the false understanding that the ISB supports and condones an anti-American agenda, the funding of terrorism, and is a terrorist

organization itself. The Defendants are liable for the damages they have caused and continue to cause.

Count Two
(Defamation)
**(Dr. Abou-Allaban and Dr. Kandil v. The Investigative Project,
Steve Emerson, William Sapers, The David Project,
Anna Kolodner, The Citizens for Peace and Tolerance,
Steven Cohen and Dennis Hale)**

78. Dr. Abou-Allaban and Dr. Kandil repeat and reallege Paragraphs 1 through 77 above.

79. The Investigative Project, Steve Emerson, William Sapers, The David Project, Anna Kolodner, The Citizens for Peace and Tolerance, Steven Cohen and Dennis Hale each published statements of and concerning Dr. Abou-Allaban and Dr. Kandil which were known to be false or which should have been known to be false in the exercise of reasonable care. The statements were defamatory and/or defamatory per se.

80. In so doing, the above identified Defendants held Dr. Abou-Allaban and Dr. Kandil up to public scorn and ridicule, and destroyed their good names and reputation. The consequences to Dr. Abou-Allaban and Dr. Kandil have been devastating. The public has been left with the false understanding that they support and condone an anti-American agenda, the funding of terrorism, and are terrorists themselves. The above identified Defendants are liable for the damages they have caused and continue to cause.

Count Three
(False Light)
(ISB v. All Defendants)

81. The ISB repeats and reallege Paragraphs 1 through 80 above.

82. By disseminating a significant falsehood about the ISB, which would be objectionable to the reasonable person, particularly post-9/11, including without limitation that the ISB supports, condones and/or finances terrorism, that it supports, condones and/or finances a radical Muslim agenda, that it is anti-American, that it supports and condones suicide bombings, that it is under investigation as part of a federal terrorism probe, that individuals associated with the ISB left the United States as a result of that probe, and the other false, defamatory and defamatory per se statements of and concerning the ISB as described above, the Defendants portrayed the ISB in a false light.

83. This conduct includes, but is not limited to, placing photographs, videotape and other graphics depicting the ISB's project strategically next to or following pictures of known terrorists and criminals, including Osama bin Ladin. This conduct, among other things, portrayed the ISB in a false light.

84. The involved Defendants are each responsible for the portrayal of the ISB in a false light with malice and/or a reckless disregard for the truth.

85. The ISB has suffered damages as a result of being portrayed to the public in a false light.

86. The Defendants are each jointly and severally liable in damages to the ISB.

Count Four
(False Light)

**(Dr. Abou-Allaban and Dr. Kandil v. The Investigative Project,
Steve Emerson, William Sapers, The David Project,
Anna Kolodner, The Citizens for Peace and Tolerance,
Steven Cohen and Dennis Hale)**

87. Dr. Abou-Allaban and Dr. Kandil repeat and reallege Paragraphs 1 through 86 above.

88. By disseminating a significant falsehood about Dr. Abou-Allaban and Dr. Kandil, which would be objectionable to the reasonable person, particularly post-9/11, including without limitation that they are members, or are involved with individuals who are members, of terrorist organizations, that they support, condone and/or finance terrorism, that they support, condone and/or finance a radical Muslim agenda, that they are anti-American, that they support and condone suicide bombings, that they are under investigation as part of a federal terrorism probe, and the other false, defamatory and defamatory per se statements of and concerning Dr. Abou-Allaban and Dr. Kandil as described above, the above identified Defendants portrayed Dr. Abou-Allaban and Dr. Kandil in a false light.

89. This conduct includes, but is not limited to, placing photographs, videotape and other graphics depicting Dr. Abou-Allaban and Dr. Kandil strategically next to or following pictures of known terrorists and criminals, including Osama bin Ladin. This conduct, among other things, portrayed Dr. Abou-Allaban and Dr. Kandil in a false light.

90. The above named defendants are each responsible for the portrayal of the Dr. Abou-Allaban and Dr. Kandil in a false light with malice and/or a reckless disregard for the truth.

91. Dr. Abou-Allaban and Dr. Kandil have suffered damages as a result of being portrayed to the public in a false light as terrorists or affiliates of terrorists, including embarrassment, shame, harassment, fear for the physical safety of themselves and their families, and/or feeling it necessary to travel to other countries to escape the resulting harassment and shame.

92. The above identified Defendants are each jointly and severally liable in damages to Dr. Abou-Allaban and Dr. Kandil.

Count Five
(Civil Conspiracy)
(ISB v. All Defendants)

93. The ISB repeats and realleges Paragraphs 1 through 92 above.

94. As described above, the Defendants acted in concert and joined together in an unlawful and unfair manner, pursuant to a common design to intimidate, injure and defame the ISB.

95. Each Defendant knew or in the exercise of reasonable care should have known about the conduct of the others and about the common tortious scheme.

96. Each Defendant gave substantial assistance and/or encouragement to the other Defendants, with the knowledge that this assistance contributed to the common plan to defame the ISB and undermine the building of the Mosque and Cultural Center. As a result, each Defendant is responsible for the defamatory and tortious acts of the other Defendants.

97. The Defendants, acting jointly in an uncommon uniting of individuals, a so-called terrorist expert and media outlets, had a stronger and more peculiar power and ability to intimidate the ISB than if any of the individual Defendants had acted alone.

98. As a direct and proximate result of the Defendants' civil conspiracy, the ISB was intimidated both in the free exercise of its religious and charitable purpose, and the ISB was intimidated in its efforts to build the Mosque and Cultural Center. As a result of the Defendants' conspiracy, the ISB has suffered monetary losses.

99. The Defendants are each jointly and severally liable in damages to the ISB.

Count Six
(Civil Conspiracy)
**(Dr. Abou-Allaban and Dr. Kandil v. The Investigative Project,
Steve Emerson, William Sapers, The David Project,
Anna Kolodner, The Citizens for Peace and Tolerance,
Steven Cohen and Dennis Hale)**

100. Dr. Abou-Allaban and Dr. Kandil repeat and reallege Paragraphs 1 through 99 above.

101. As described above, the above identified Defendants acted in concert and joined together in an unlawful and unfair manner, pursuant to a common design to intimidate, injure and defame Dr. Abou-Allaban and Dr. Kandil.

102. Each of the above identified Defendants knew or in the exercise of reasonable care should have known about the conduct of the others and about the common tortious scheme.

103. Each of the above identified Defendants gave substantial assistance and/or encouragement to the other Defendants, with the knowledge that this assistance contributed to the common plan to defame Dr. Abou-Allaban and Dr. Kandil and undermine the building of the Mosque and Cultural Center. As a result, each of the above identified Defendants is responsible for the defamatory and tortious acts of the other Defendants.

104. The above identified Defendants, acting jointly in an uncommon uniting of individuals, a so-called terrorist expert and media outlets, had a stronger and more peculiar power and ability to intimidate Dr. Abou-Allaban and Dr. Kandil than if any of the individual Defendants had acted alone.

105. As a direct and proximate result of the above identified Defendants' civil conspiracy, Dr. Abou-Allaban and Dr. Kandil were intimidated both in their own lives and the free exercise of their religion. Dr. Abou-Allaban and Dr. Kandil feared for their physical safety and the safety of their families, feared for the safety of ISB members and feared for the safety of the greater Muslim community. As a result of the Defendants' conspiracy, Dr. Abou-Allaban and Dr. Kandil have suffered monetary losses.

106. The above identified Defendants are each jointly and severally liable in damages to Dr. Abou-Allaban and Dr. Kandil.

Count Seven
(Violation of M.G.L. c. 12, §§11H-11I)
(ISB v. All Defendants)

107. The ISB repeats and realleges Paragraphs 1 through 105 above.

108. The Defendants violated the ISB's state and federal Constitutional right to the free exercise of their religion, their right to free association, their right to assembly and their right to privacy. The violation of these rights constitute corresponding violations of their civil rights pursuant to G.L. c. 12, §§ 11H-11I.

109. As a direct and proximate result of Defendants' violation of G.L. c. 12, §§ 11H-11I, the ISB suffered damages.

110. The Defendants are each jointly and severally liable in damages to the ISB.

Count Eight
(Violation of M.G.L. c. 12, §§11H-11I)
**(Dr. Abou-Allaban and Dr. Kandil v. The Investigative Project,
Steve Emerson, William Sapers, The David Project,
Anna Kolodner, The Citizens for Peace and Tolerance,
Steven Cohen and Dennis Hale)**

111. Dr. Abou-Allaban and Dr. Kandil repeat and reallege Paragraphs 1 through 110 above.

112. The above identified Defendants violated Dr. Abou-Allaban and Dr. Kandil's state and federal Constitutional right to the free exercise of their religion, their right to free association, their right to assembly and their right to privacy. The violation of these rights constitute corresponding violations of their civil rights pursuant to G.L. c. 12, §§ 11H-11I.

113. As a direct and proximate result of the above identified Defendants' violation of G.L. c. 12, §§ 11H-11I, Dr. Abou-Allaban and Dr. Kandil suffered damages.

114. The above identified Defendants are each jointly and severally liable in damages to Dr. Abou-Allaban and Dr. Kandil.

Count Nine
(Tortious Interference With Business Relations)
(The ISB v. All Defendants)

115. The ISB repeats and realleges Paragraphs 1 through 114 above.

116. The ISB has enjoyed relationships with individuals and entities who associate with the ISB, particularly individuals who worship at the ISB's mosque, individuals who volunteer their time to assist the ISB and individuals who donate money and other valuable resources to the ISB including for the construction of the Mosque and Cultural Center.

117. The Defendants were aware of these relationships and intentionally set out to undermine them.

118. The Defendants unlawfully interfered with these relationships with improper motive and through improper means.

119. The Defendants' unlawful interference, has caused, and continues to cause, the ISB damages for which the Defendants are liable.

WHEREFORE, the Plaintiffs, the ISB, Dr. Abou-Allaban and Dr. Kandil respectfully request that the Court grant them the following relief:

- i. after trial, enter judgment on each Count asserted by them in their favor and award them damages in the amount so assessed by the jury against each defendant, jointly and severally;
- ii. award them attorneys' fees and costs pursuant to Counts VII and VIII; and
- iii. grant such other and further relief as the Court deems just and proper.

THE ISB, DR. ABOU-ALLABAN AND DR. KANDIL CLAIM A TRIAL BY JURY ON ALL ISSUES AND CLAIMS SO TRIABLE.

THE ISLAMIC SOCIETY OF BOSTON,
THE TRUSTEES OF THE ISLAMIC
SOCIETY OF BOSTON, DR. YOUSEF
ABOU-ALLABAN AND DR. OSAMA
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Dated: October __, 2005