

**IN THE SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

IMRAN AWAN, ABID AWAN, JAMAL
AWAN, TINA ALVI, and RAO ABBAS,
1900 L Street, NW
Washington, D.C. 20036
Plaintiffs,

v.

THE DAILY CALLER, INC.,
1920 L Street, NW, Suite 200
Washington, D.C. 20036

THE DAILY CALLER NEWS
FOUNDATION,
1920 L Street, NW, Suite 205
Washington, D.C. 20036

REGNERY PUBLISHING, INC., a
subsidiary of SALEM MEDIA GROUP, INC.,
300 New Jersey Avenue, NW
Washington, D.C. 20001, and

LUKE ROSIAK,
11200 Potowmack Street,
Great Falls, Virginia 22066
Defendants.

Case No. _____

**COMPLAINT AND
DEMAND FOR JURY TRIAL**

This lawsuit seeks accountability for a relentless, xenophobic campaign of defamatory attacks that have destroyed the reputations and ruined the livelihoods of a group of Pakistani-American Muslims who were employed as information-technology workers in the U.S. House of Representatives. The plaintiffs bring this suit because *The Daily Caller*, Regnery Publishing, and Luke Rosiak have perpetuated and profited from these malicious attacks over the past year, through numerous online articles, a bestselling book, audiobooks, national cable news broadcasts, radio interviews, podcasts, and online videos—all falsely accusing the plaintiffs of crimes, including hacking, espionage, and theft of House IT systems—even after the FBI and the U.S. Department of Justice took the extraordinary step of affirmatively debunking those very claims.

TABLE OF CONTENTS

Introduction 3

Parties..... 5

Jurisdiction 6

Factual allegations..... 7

 The Awans’ path to America and to Congress 7

 The Awans are falsely attacked by *The Daily Caller* and Rosiak for “hacking”
 the House and threatening national security..... 8

 After a thorough investigation, the U.S. Department of Justice clears the Awans of
 any wrongdoing related to their work at the House..... 11

 Despite the Awans’ exoneration, Regnery Publishing and Rosiak publish a book
 asserting numerous false and defamatory statements about them, and *The Daily
 Caller* and Rosiak continue to defame the Awans in the national media..... 13

 The Awans suffer severe reputational, economic, and emotional injury as
 the defendants continue to baselessly attack them 15

Claims for relief..... 20

 Count I: Defamation, defamation per se, and false light invasion of privacy 20

 Count II: Intentional infliction of emotional distress 22

 Count III: Unjust enrichment 23

Jury trial demand 24

Prayer for relief 24

INTRODUCTION

Until 2017, Imran Awan and his family were living the American dream. After immigrating to the United States as a teenager, Imran worked a fast-food job to support his family and paid his own way through college at Johns Hopkins University, earning a degree in informational technology. His work ethic and demeanor so impressed members of Congress that he was hired immediately after graduating. Over more than a decade, Imran earned the trust and respect of dozens of members of Congress and their staffs by reliably assisting them with their technology needs. He eventually brought in members of his family and a friend, whom he trained as colleagues. Having achieved professional and financial success, the Awans settled into a happy and quiet life, raising their children in the Virginia suburbs of Washington, D.C.

But all that changed in February 2017, when an “investigative reporter” for *The Daily Caller* named Luke Rosiak began publishing claims that Imran and his family were guilty of hacking, espionage, extortion, bribery, theft, blackmail, money laundering, and torture, among other serious crimes. Other outlets piled on, no doubt aware that a “national security scandal” involving Pakistani-born Muslims would find a predisposed audience. The Awans not only lost their six-figure jobs in the House but also became targets of a federal criminal inquiry.

After an extensive and thorough FBI investigation—including approximately 40 witness interviews and forensic examination of House servers—the U.S. Department of Justice found *The Daily Caller’s* allegations to be baseless and took the unusual step of affirmatively clearing Imran of allegations that he had hacked and spied on House IT systems. In August 2018, Judge Chutkan of the U.S. District Court for the District of Columbia observed that these “numerous, baseless accusations”—“conspiracy theories linking Mr. Awan to the most nefarious kind of conduct”—are “unfounded” and were “investigated and found to be untrue” by federal authorities. Judge

Chutkan observed that Imran “has remained strong for his family despite the unbelievable onslaught of scurrilous media attention to which he and his family have been subjected.”

Remarkably, even after all this, Rosiak and *The Daily Caller* continued their false attacks. Months after the DOJ’s public exoneration, Regnery Publishing released *Obstruction of Justice: How the Deep State Risked National Security to Protect the Democrats*—a book by Rosiak that doubles down on his defamatory claims about the Awans. He falsely asserts that Imran was “caught ... stealing the identity of an intelligence specialist” and “sending electronic equipment to foreign officials”; that “Imran solicited a cash bribe”; that the Awans were “stealing a couple hundred thousand in laptops”; and that Imran and others “hacked the House.” Over the past year, Rosiak has continued to concoct lies about the Awans while promoting the book through outlets like *The Daily Caller* and *Fox News*. He asserts that “Imran Awan is basically an attempted murderer, an extortionist, a blackmail artist, [and] a con man” and that the Awans “stole millions of dollars.” He says: “I don’t just go around saying people broke the law. These guys did it. They did it.”

When these outrageous claims were debunked by the U.S. Department of Justice, the Awans understandably believed that their names had finally been cleared and that they would be able to go on with their lives. Instead, in knowing disregard of the truth, the defendants have persisted with a defamatory (and lucrative) media campaign targeting the Awans. As a result, the Awans have been subjected to repeated death threats, so much so that they have at times been afraid to go outside; they have suffered severe emotional distress, including suicide attempts and hospitalization; they have had to relocate and pull their children from school to avoid harassment; and they have experienced extreme financial hardship and had difficulty obtaining and keeping gainful employment. Because the defendants’ statements are false, malicious, and defamatory, the Awans ask this Court to enter judgment against the defendants and to award them compensatory and punitive damages and disgorgement of the defendants’ unjust profits.

PARTIES

1. Plaintiff Imran Awan is an information-technology professional who worked for numerous members of the House of Representatives from 2004 to 2017.

2. Plaintiff Tina Alvi is Imran's wife, formerly named Hina Alvi, and also a former House employee.

3. Plaintiff Abid Awan is Imran's brother, and also a former House employee.

4. Plaintiff Jamal Awan is Imran's brother, and also a former House employee.

5. Plaintiff Rao Abbas is Imran's close friend, akin to a member of the Awan family, and also a former House employee.

6. Defendant The Daily Caller, Inc. operates *The Daily Caller*, a for-profit media outlet cofounded in 2010 by *Fox News* host Tucker Carlson. The Daily Caller, Inc., is incorporated in Delaware with its principal place of business at 1920 L Street, NW, Suite 200, Washington, D.C. 20036. *The Daily Caller* describes itself on its website as a "news publication" staffed by "experienced, full-time reporters and editors" who are credentialed and reliable. The site has received an estimated 12.14 million views in the last six months alone, according to Similar Web, a public website-traffic tracking service. *The Daily Caller* has published articles by Jason Kessler, a white supremacist who organized a rally of hundreds of white nationalists in Charlottesville, Virginia; Peter Brimelow, founder of white supremacist website VDARE; and David Hilton, who has claimed that Israel was responsible for the 9/11 attacks.

7. Defendant The Daily Caller News Foundation is an entity claiming 501(c)(3) tax-exempt status, incorporated in Delaware with its principal place of business at 1920 L Street NW, Suite 205, Washington, DC 20036. According to its website, the Foundation is a "separate legal" entity from the for-profit The Daily Caller, Inc., and the two organizations have a licensing agreement that allows the news outlet to run content created by the Foundation. The

Foundation describes itself as an “original investigative reporting” outlet that operates for the benefit of the public. Its website emphasizes its editorial independence and claims that it practices “honest, balanced[,] and ethical journalism.”

8. Defendant Regnery Publishing, Inc., is a publishing company incorporated in Delaware, with its principal place of business at 300 New Jersey Avenue, NW, Suite 500, Washington, DC 20001. Founded by Henry Regnery in 1947, Regnery advertises itself as “the country’s leading publisher of conservative books” and “a major force within the conservative movement.” Regnery has published books by authors such as Ann Coulter, Sarah Palin, Newt Gingrich, Mike Pence, and self-described “Islamophobe” Robert Spencer (a founder of anti-Muslim organizations designated as hate groups by the Southern Poverty Law Center). In 2014, Regnery was bought by the Salem Media Group, a national radio broadcaster, internet content provider, and magazine and book publisher incorporated in Delaware with its principal place of business at 4880 Santa Rosa Road, Camarillo, California. As of 2018, Regnery’s books are distributed nationally by Simon & Schuster. Regnery published Luke Rosiak’s book, *Obstruction of Justice: How the Deep State Risked National Security to Protect the Democrats*.

9. Defendant Luke Rosiak holds himself out as an “investigative reporter.” He is employed by *The Daily Caller* in Washington, D.C., and he resides at 11200 Potowmack Street, Great Falls, Virginia 22066. When Rosiak acted as described in this complaint, he did so as an agent of *The Daily Caller* and within the scope of its authority, and it is therefore liable for the damages proximately caused by Rosiak under the doctrine of respondeat superior.

JURISDICTION

10. This Court has subject-matter jurisdiction under D.C. Code § 11-921(a).

11. This Court has personal jurisdiction under D.C. Code § 13-422 and § 13-423(a).

The defendants maintain their principal place of business in the District and the allegations and

claims arise from their “transaction of business” and “doing business” in the District.

FACTUAL ALLEGATIONS

The Awans’ path to America and to Congress

12. Imran Awan was born to a working-class family in Faisalabad, Pakistan. When he was fifteen years old, he spent his Eid money (a gift given to children by elder relatives in celebration of Muslim holidays) to enter the U.S. diversity lottery, through which he received visas for himself and his family to immigrate to the United States.

13. Imran, his parents, and his siblings (including his brothers Abid and Jamal) moved to Virginia in 1997, where they initially slept on a distant relative’s floor as they began to make America their home. Imran worked at a McDonald’s to support his family. While paying for his own education, he attended high school, completed three years at community college, and eventually transferred to Johns Hopkins University, where he earned a degree in information technology.

14. As a student at Johns Hopkins, Imran interned at a firm that provided IT services to House and Senate offices on Capitol Hill. During the internship, he worked for the office of Representative Robert Wexler, Democrat of Florida. The congressman and his staff were so impressed that they hired Imran to work for them in 2004, directly after he graduated.

15. On the Hill, Imran was a relentless worker, a patient and kind IT staffer, and a warm and charming presence beloved by those he helped. He grew more successful as members and their chiefs of staff recommended him to other Democratic House offices, and he eventually brought in members of his family—his brothers Abid and Jamal, his wife Hina Alvi, and his close friend Rao Abbas, who is akin to a family member (collectively referred to throughout this complaint as “the Awans”)—all of whom he trained and mentored as colleagues.

16. Because of their hard work and experience—and because they had earned the

trust and respect of various members of Congress—the Awans ended up managing the IT systems for dozens of congressional offices in the U.S. House of Representatives.

The Awans are falsely attacked by The Daily Caller and Rosiak for “hacking” the House and threatening national security

17. In early 2017, certain media outlets, led by *The Daily Caller*, began to take a deep interest in the Awans—private individuals who had never sought the public limelight. This interest traced back to a September 2016 meeting in which the House Inspector General’s office briefed House leaders on concerns that the Awans may have been accessing congressional servers without authorization. To some, “the fact that the employees were born in Pakistan set off alarms about national security.”¹

18. In reality, the House Inspector General’s briefing concerned minor violations of House information-technology protocols, not national security. Earlier in 2016, the House Inspector General reviewed a series of mobile device purchases by House IT employees, including Imran, Abid, Jamal, Hina, and Rao, to determine whether they were breaking up purchases for iPads and iPhones into multiple charges below \$500. This procedure—frequently performed at the express direction of members of Congress—was routinely followed by IT workers across the Hill to avoid mandatory inventory reporting requirements that significantly delayed the delivery of needed devices to offices. The Inspector General’s inquiry also investigated allegations that the employees—who were shared across multiple offices—had shared duties with one another, for example by logging into computers and accessing information from offices that only some of them were technically entitled to manage.

19. The House investigators found “no evidence that the IT workers had any

¹ Shawn Boburg, “Federal probe into House technology worker Imran Awan yields intrigue, no evidence of espionage,” *The Washington Post* (Sept. 16, 2017), https://www.washingtonpost.com/investigations/federal-probe-into-house-technology-worker-imran-awan-yields-intrigue-no-evidence-of-espionage/2017/09/16/100b4170-93f2-11e7-b9bc-b2f7903bab0d_story.html.

connection to a foreign government,” nor any evidence that the Awans had risked national security. Instead, they found that the Awans were not adhering to House protocols by “using one congressional server as if it were their home computer, storing personal information such as children’s homework and family photos.”² The Inspector General’s office ultimately referred the investigation to the Capitol Police, who were assisted by the FBI’s Joint Terrorism Task Force.

20. The first articles discussing the House IG’s investigation into the five then-unnamed House employees were published on February 2, 2017.³ Two days later, all five employees—Imran, Abid, Jamal, Hina, and Rao—were publicly identified in the media for the first time by name in an “exclusive” authored by Rosiak in *The Daily Caller*.⁴

21. Other articles reporting the “results” of the investigation—and what it allegedly failed to uncover—soon followed. In particular, “*The Daily Caller*, with almost two dozen articles on the family, . . . led the pack in reporting the story, packaging new details that ha[d] dribbled out of the investigation into a growing web of material.”⁵ Rosiak wrote these *Daily Caller* articles.

22. Rosiak’s *Daily Caller* articles about the Awans in 2017 were replete with false attacks, which often linked them to wide-ranging and unfounded conspiracy theories. For example, when *The Washington Post* reported the Awans’ restriction from House IT networks, “[f]ar-right news organizations seized on it as a potential coverup of an espionage ring that plundered national secrets and might have been responsible for the campaign hacking of the Democratic National Committee.”⁶

² Boburg, “Federal probe into House technology worker,” *The Washington Post*.

³ John Stanton, “Congressional IT Staff Under Investigation In Alleged Procurement Scam,” *Buzzfeed News* (Feb. 2, 2017), <https://perma.cc/D7VF-87VD>; Heather Caygle, “House staffers under criminal investigation for alleged equipment theft,” *Politico* (Feb. 2, 2017), <https://perma.cc/UND4-CZDB>.

⁴ Luke Rosiak, “EXCLUSIVE: House Intelligence, Foreign Affairs Committee Members Compromised By Rogue IT Staff,” *The Daily Caller* (Feb. 4, 2017), <https://perma.cc/M6FV-XD52>.

⁵ Nicholas Fandos, “Trump Fuels Intrigue Surrounding a Former I.T. Worker’s Arrest,” *The New York Times* (July 28, 2017), <https://perma.cc/9SXZ-LSFW>.

⁶ Boburg, “Federal probe into House technology worker,” *The Washington Post*.

23. *The Daily Caller's* false claims eventually got the attention of President Donald Trump, who promoted and propelled the attacks through his Twitter account. In addition to retweeting articles tying the Awans to various conspiracies, President Trump directly referenced them in a number of tweets, including:

“Just heard the Campaign was sued by the Obstructionist Democrats. This can be good news in that we will now counter for the DNC Server that they refused to give to the FBI, the Debbie Wasserman Schultz Servers and Documents held by **the Pakistani mystery man** and Clinton Emails.” (Apr. 20, 2018)

“Our Justice Department must not let Awan & Debbie Wasserman Schultz off the hook. **The Democrat I.T. scandal** is a key to much of the corruption we see today. They want to make a ‘plea deal’ to hide what is on their Server. Where is Server? Really bad!” (Jun. 7, 2018)

“The Rigged Witch Hunt, originally headed by FBI lover boy Peter S (for one year) & now, 13 Angry Democrats, should look into the missing DNC Server, Crooked Hillary’s illegally deleted Emails, **the Pakistani Fraudster**, Uranium One, Podesta & so much more. It’s a Democrat Con Job!” (July 7, 2018)

24. At his now-notorious joint press conference in Helsinki, Finland, with Russian President Vladimir Putin on July 17, 2018, President Trump brought further attention to the Awans’ alleged involvement in the “hacking” conspiracy concocted by Rosiak and *The Daily Caller*. Addressing Russian interference in the 2016 U.S. presidential election, Trump stated:

“[President Putin] just said it’s not Russia. I will say this. I don’t see any reason why it would be, but I really do want to see the server. But I have confidence in both parties. I really believe that this will probably go on for a while, but I don’t think it can go on without finding out what happened to the server. **What happened to the servers of the Pakistani gentleman that worked on the DNC?** Where are those servers? They’re missing. Where are they?”⁷

25. As time went on, the conspiracy theories deepened to include assertions in various online sources that “Imran Awan and his relatives were running a massive spy operation from within the House computer system”; that “the Awan Brothers are actually foreign intelligence

⁷ Jennie Neufeld, “Read the full transcript of the Helsinki press conference,” *Vox* (July 17, 2018), <https://perma.cc/FE4F-ECKG>.

agents for Pakistan”; that Imran is a “Blackmailer” and part of “Pakistan Intelligence (ISI)/MB” who “worked for Debbie W. Schultz/DNC and was given access to HRC [Hillary Rodham Clinton’s] private server(s)”; that the “Democrat Muslim IT Spy Ring Sent Sensitive Intel to the MUSLIM BROTHERHOOD”; and that “Imran Awan went to [a] bar with Seth Rich day he was killed” and the “Awan Brothers framed #SethRich.”

26. The Awans were barred from accessing the House network in early February 2017. As a result, most of the House offices that had employed the Awans without incident for years, and who continued to value their service, concluded that they had no choice but to terminate their employment. Representative Debbie Wasserman Schultz—citing “racial and ethnic profiling concerns,” and her “great concern” that Imran’s “due process rights were being violated”—continued to employ him in an advisory role. But she, too, ultimately concluded that she had no choice but to terminate the employment relationship.

After a thorough investigation, the U.S. Department of Justice clears the Awans of any wrongdoing related to their work at the House

27. Under political pressure from the highest levels of the Trump Administration, the FBI and the U.S. Department of Justice thoroughly and extensively investigated the Awans, interviewing approximately 40 people and conducting a searching forensic examination of all potentially relevant computer systems and devices. The investigation definitively concluded that the Awans had not violated any laws in the course of their work at the House.

28. The investigators were able to identify only a single violation of law by one of the IT workers—one totally unrelated to the Awans’ work in Congress. While applying for a home equity loan to help his dying father in Pakistan who was suffering from kidney failure and needed expensive medical care, Imran had made a misstatement on a loan application to a credit union, stating that a property was his primary residence when it was not. Although Imran had quickly

repaid the loan in full, and the credit union lost nothing, he was charged with felony bank fraud and pleaded guilty.

29. The U.S. Department of Justice included what U.S. District Judge Tanya Chutkan called an “extraordinary paragraph” in the plea agreement, addressing the “public allegations” in the media and affirmatively exonerating Imran of any wrongdoing related to his employment in the House. The full paragraph (with emphasis added) reads:

[T]he Government agrees that the public allegations that [Imran] stole U.S. House of Representatives (“House”) equipment and engaged in unauthorized or illegal conduct involving House computer systems do not form the basis of any conduct relevant to the determination of the sentence in this case. The Government conducted a thorough investigation of those allegations, including interviewing approximately 40 witnesses; taking custody of the House Democratic Caucus server, along with other computers, hard drives, and electronic devices; examining those devices, including inspecting their physical condition and analyzing log-in and usage data; reviewing electronic communications between pertinent House employees; consulting with the House Office of General Counsel and House information technology personnel to access and/or collect evidence; and questioning [Imran] during numerous voluntary interviews. ***The Government has uncovered no evidence that [Imran] violated federal law with respect to the House computer systems. Particularly, the Government has found no evidence that [Imran] illegally removed House data from the House network or from House Members’ offices, stole the House Democratic Caucus Server, stole or destroyed House information technology equipment, or improperly accessed or transferred government information, including classified or sensitive information.***

30. Federal prosecutors sought no jail time. At a hearing on August 21, 2018, Judge Chutkan expressed that Imran “has remained strong for his family despite the unbelievable onslaught of scurrilous media attention to which he and his family have been subjected.” Judge Chutkan also referenced the “numerous, baseless accusations, conspiracy theories linking Mr. Awan to the most nefarious kind of conduct, all of which have been accusations lobbed at him from the highest branches of government, unfounded, while this case was pending and all of which have been investigated and found to be untrue by the United States Department of Justice

and the FBI.”

31. After expressing her view that “Mr. Awan and his family have suffered sufficiently,” Judge Chutkan sentenced Imran to time served and three months of supervised release. Imran offered to pay a fine of \$4,004 to repay the government for the cost of supervising him, but Judge Chutkan declined to order it.

32. Legitimate media outlets—including *The Washington Post*, CNN, NBC, and *Newsweek*—reported that the U.S. Department of Justice had “debunked” the conspiracy theory propagated by *The Daily Caller*. Now that they had been publicly exonerated, the Awans believed that they would be able to go on with their lives.

33. Members of Congress likewise absolved Imran of any nefarious activity during his time at the House, expressing indignation that his “good name was dragged through the muck and mire of right-wing conspiracy theorists.” In an op-ed after Imran pleaded guilty, former Congressman Steve Israel wrote: “Maybe if the staffer’s name was Ed Smith, this would have been . . . a fairly uninteresting story.” But “this congressional staffer had made one grave mistake, or at least his parents had: He was named Imran Awan. He is a Pakistani American who had access to computers in congressional offices.”⁸

Despite the Awans’ exoneration, Regnery Publishing and Rosiak publish a book asserting numerous false and defamatory statements about them, and The Daily Caller and Rosiak continue to defame the Awans in the national media

34. On January 29, 2019, six months after the U.S. Department of Justice and the U.S. District Court exonerated Imran of any wrongdoing related to his work at the House, Rosiak and Regnery Publishing published *Obstruction of Justice: How the Deep State Risked National Security to Protect the Democrats*. A photo of Imran appears on the book’s cover.

⁸ Steve Israel, “How the right wing got it so wrong on the ‘Pakistani mystery man,’” *The Washington Post* (July 18, 2018), https://www.washingtonpost.com/opinions/how-the-right-wing-got-it-so-wrong-on-the-pakistani-mystery-man/2018/07/18/d630bae6-89fc-11e8-8aea-86e88ae760d8_story.html.

35. The 311-page book is riddled with outrageous, false, and defamatory attacks against the Awans, including but not limited to claims that they conspired to hack congressional servers, spied for foreign countries, and took advantage of their status as House employees to commit extortion, theft, and bribery.

36. Despite federal prosecutors' months-long investigation concluding that the Awans had not acted unlawfully while working at the House, Rosiak's book makes numerous defamatory statements about the Awans, including but not limited to:

- a. Imran "hacked the House" and "was using his position to make 'unauthorized access' to House data";
- b. "The House had secretly caught the Awans hacking congressional servers";
- c. "Imran solicited a cash bribe from Taylor [a fellow IT staff] in order to sell access to a Florida congresswoman's office";
- d. Imran was "caught . . . stealing the identity of an intelligence specialist, and sending electronic equipment to foreign officials";
- e. Imran had revealed "that he was a 'mole' in Congress";
- f. Abid was "stealing cell phones" and "sending iPads and iPhones to government officials in Pakistan";
- g. The Awans were "stealing a couple hundred thousand in laptops" and "charged hundreds of thousands of dollars of equipment to congressional offices, sometimes delivered straight to their homes, but never took the invoices to chiefs of staff";
- h. Imran bragged about "how he used money he earned in Congress to pay police in Pakistan to torture his enemies," and "actually gave money to a police officer and said, 'Rape the guy. How many times you will rape him? I will pay you.'";
- i. Imran told fellow House IT contractors that, "I have these guys that work for the Faisalabad police department, and all we have to do is pay them \$100 a month and they take [people] over to the police station, strip their clothes off, hang them upside down and beat them with a shoe."

37. Apart from the specific statements listed above, the book as a whole depicts a false, defamatory, and malicious portrayal of Imran and the Awans, the gist of which is that they

committed numerous felonies and crimes of dishonesty while working in positions of trust at the U.S. House of Representatives.

38. At one point Rosiak posted on social media that his book had risen to Amazon’s “top ten” list for online sales.⁹ The dust jacket includes favorable blurbs by prominent right-wing figures, including Tucker Carlson, Sean Hannity, and Dana Loesch. On the book’s Amazon listing, Regnery highlights claims by Former Speaker of the House Newt Gingrich—who wrote the book’s foreword—that Rosiak had uncovered “possibly the largest scandal and coverup in the history of the United States House of Representatives.”¹⁰ Two months after the book’s publication, Rosiak released an audiobook edition published by Audible (a subsidiary of Amazon), exposing the defamatory material to a new audience.

The Awans suffer severe reputational, economic, and emotional injury as the defendants continue to baselessly attack them

39. Ever since the book’s publication, Rosiak has continued to spread lies about the Awans in appearances to promote the book through various media outlets, including *The Daily Caller* and *Fox News*. In many of these appearances, his claims are even more inflammatory and spurious than those in the book.

40. For example, on January 28, 2019, Rosiak went on *The Sean Hannity Show*—the second-most popular commercial radio show in the United States, with an estimated 15 million listeners¹¹—to promote his book.¹² On the program, Imran Awan was described by Sean Hannity as an “agent of Pakistan” who was “peddling” “classified” and “top-secret information” “to foreign officials,” among many other defamatory statements. Hannity described the book as

⁹ Luke Rosiak, Facebook (Jan. 30, 2019), <https://perma.cc/LWP3-GW7C>.

¹⁰ Amazon.com, Obstruction of Justice: How the Deep State Risked National Security to Protect the Democrats, <https://perma.cc/9RW6-S8QC> (last accessed Jan. 28, 2020).

¹¹ “Top Talk Audiences,” *Talkers Magazine* (December 2019), <https://perma.cc/9VPN-V8HP>.

¹² “Obstruction of Justice,” *The Sean Hannity Show* (Jan. 28, 2019), <https://www.iheart.com/podcast/51-the-sean-hannity-show-24392822/episode/obstruction-of-justice-30478509/>.

“an amazing but chilling and scary book about the ability of people from foreign countries to hack into our system, get secure information, and nobody seemingly to care.”

41. Also on Hannity’s radio program, Rosiak described the Awans as “sociopathic extortionists” who were “cooking the books in Congress to steal computers and send them over to Pakistan.” Imran Awan was described as a “Pakistani fella” with access to “all the files in Congress” who was taking “information” “that he should not have been accessing at the House, funneling it off the network, uh, he was also taking computer supplies, sending them over to Pakistan, huge sums of computers just disappearing.” Rosiak and Hannity both made numerous other defamatory statements regarding the Awans on the program. On *Fox News* that same evening, Hannity again hosted Rosiak, this time on his eponymous television show—the top-rated program in cable news.¹³

42. In addition, just two days after *Obstruction of Justice*’s publication, Rosiak appeared on *Fox Business Network*’s “Lou Dobbs Tonight” to promote his book.¹⁴ In this appearance, Rosiak makes a number of false and defamatory statements about Imran and the Awans, including but not limited to:

- a. The Awans “were never even charged with the crimes despite the massive amount of evidence laid out in my book.”
- b. “These guys are out free, probably running around in Pakistan with the millions of dollars that they funneled from Congress over to Pakistan.”
- c. “There’s this Pakistani guy on the House network who is ... sending government devices over to Pakistan, and he’s impersonating an intelligence staffer.”
- d. “[T]hey cover the whole thing up very deliberately, and the wool’s pulled over the eyes of the American people so they can trot out this Russia narrative.”

¹³ Nellie Andreeva and Ted Johnson, “Cable Ratings 2019: Fox News Tops Total Viewers, ESPN Wins 18-49 Demo As Entertainment Networks Slide,” *Deadline* (Dec. 27, 2019), <https://perma.cc/R493-XYZF/>.

¹⁴ “Daily Caller’s Luke Rosiak slams Democrats for ‘covering up’ Imran Awan scandal,” *Fox Business Network* (Jan. 31, 2019), <https://video.foxbusiness.com/v/5997155807001/#sp=show-clips>.

43. Several days later, *The Daily Caller* published a podcast and YouTube video featuring one of its reporters interviewing Rosiak about the book.¹⁵ Rosiak again made a number of outrageous statements about the Awans, going so far as to claim that, before working in Congress, Imran “made a fake name” and pretended to be a “faith healer” in order to “scam” and “shake down” “vulnerable Pakistanis in the U.S. who were dying of cancer” for money. Other false and defamatory statements during this interview include but are not limited to:

- a. The House Inspector General found that the Awans “hacked Congress.”
- b. The Awans are “unvetted Muslims who were hired by Democrats who hacked Congress.”
- c. There was “an actual bust, of actual Pakistanis with names, who are doing a very, very similar hack [to that of DNC], equally serious . . . And so for seven months, Paul Ryan and Nancy Pelosi knew that the House of Representatives was currently being hacked by these Pakistanis.”
- d. Awan “was funneling data outside of the House network.”
- e. “[S]ome of these members over the years knew something was up, and they had fired Imran Awan and his relatives . . . What does he do? He logs in to their servers after he’s fired, he’s retaliating against them. . . . at the end of the day, it was readily documented that this guy had broken, had committed a huge cyber breach.”
- f. “Everyone [the Awans] interact with winds up saying these guys are fraudsters, they double-crossed me, and tricked me in some way.”
- g. There’s “obvious witness intimidation [by Imran] but it’s like the FBI wants the witnesses to be intimidated.” The FBI “never talk to any witness in this case . . . I’m talking like less than a handful.”

44. Rosiak’s stream of lies did not let up after his initial efforts to publicize his book. Throughout 2019, Rosiak broadcasted his defamatory campaign against the Awans on various

¹⁵ *The Daily Daily Caller Podcast* (Feb. 1, 2019), <https://perma.cc/KBT6-H63F>.

media programs. For example, in just a single interview in July 2019,¹⁶ Rosiak falsely claims that: “Imran Awan is basically an attempted murderer, an extortionist, a blackmail artist, [and] a con man”; “This was a story of actual hacking[,] blackmail, collusion with foreign governments, threats, evidence tampering”; “Pakistanis were hacking the House of Representatives and they let them keep doing it”; “The Democrats brought tremendous force to rigging a criminal case and protecting blackmailers connected to foreign spies”; “[Imran] set up various money-laundering entities, one of which was called CIA LLC”; “We have this guy who we know is stealing all this data from Congress”; “[The Awans] stole the server. They physically took the server and walked it out of Capitol Hill. And that is kind of, you have your first example of evidence tampering.” Rosiak even claims that investigators “f[ou]nd out that he’s ransacked [Yvette] Clarke’s office, and stolen all the computers.”

45. As recently as last month, Rosiak continued to falsely tie the Awans to a number of wild and unfounded conspiracy theories. In a December 2019 appearance on *Fox News*’s “Fox and Friends First,”¹⁷ Rosiak not only repeated his previous defamatory and false statements but explicitly made defamatory assertions that the FBI, the DOJ, and Congress conspired together to cover up the Awans’ wrongdoing, including but not limited to:

- a. “So for two years the Imran Awan case, as evidence mounted that this IT guy broke into Congressional servers, funneled data offsite, was receiving money from Hezbollah, you know, had ties to Pakistani spy agencies, basically falsified finances to hide this money he was taking in—all these things, documented left and right—and the FBI’s doing nothing and they said, ‘Well, we just can’t say anything cause there’s an ongoing investigation.’ Fast forward two years, and they basically give him an immunity deal and put out this statement saying he did nothing wrong. And they get the media to say, ‘hey, it was all fake, he didn’t do anything.’”
- b. “There is so much going on in this case. The FBI and the DOJ consistently

¹⁶ Jan Jekielek, “What the Jeffrey Epstein, Imran Awan, and Jackson Cosko Scandals Might Have in Common: Luke Rosiak,” *The Epoch Times* (July 17, 2019), https://www.theepochtimes.com/what-the-jeffrey-epstein-imran-awan-jackson-cosko-scandals-might-have-in-common-luke-rosiak_3004594.html.

¹⁷ “Judicial Watch suing for evidence in case of congressional IT staffer Imran Awan,” *Fox News* (Dec. 13, 2019), <https://video.foxnews.com/v/6115541275001#sp=show-clips>.

misrepresented it, contradicted themselves, and hid behind secrecy. And so the idea was, now that the case is over, you have an obligation to kind of say what was really going on. And they say, well, there's actually an ongoing sealed criminal matter involving Imran Awan right now. And so, that is pretty, pretty crazy.”

- c. Representative Wasserman Schultz “threatened the Capitol Police to basically take away all their funding unless they gave up some key evidence that was needed in the hacking probe. Imran Awan stole the identity of an intelligence committee staffer and was sending emails pretending to be him, the stuff that was going on in this case, I mean, this is really foreign meddling, hacking, you know, collusion, all the things we were hearing about from Fusion GPS about Russia, kind of all these things were playing out—heavily documented, when you look into it—on Capitol Hill with Imran Awan. . . . Some really powerful forces were going to great lengths to cover this thing up.”

46. Despite the thorough investigations exonerating the Awans and the other public evidence, Rosiak has maintained that his accusations are true. Rosiak stressed in media interviews that he “wrote this book *Obstruction of Justice* to be a true story.”¹⁸

47. Similarly, on *The Daily Daily Caller* podcast, Rosiak asserted: “I’m careful about that as a reporter. I don’t just go around saying people broke the law. These guys did it. They did it. I mean, the documents show it.” In another online interview, Rosiak said, “there’s really no specific fact in the book that you can quibble with. It’s very clear what happened. It’s all documented. You cannot make the argument that this is a conspiracy theory.”¹⁹ But that is precisely what it is: an unfounded, defamatory, and baseless conspiracy theory—fueled by Islamophobia and racism—that has been debunked by federal prosecutors, the FBI, members of Congress, and a federal district court.

48. The defendants’ ongoing publication of these lies has caused the Awans to suffer significant harms, both reputational and otherwise, including the loss of their livelihoods, extreme

¹⁸ Jekielek, “What the Jeffrey Epstein, Imran Awan, and Jackson Cosko Scandals Might Have in Common: Luke Rosiak,” *The Epoch Times*.

¹⁹ “The Democrat-Deep State-Media Cover-Up that Protected the Russiagate Narrative — Revisiting the Awan Cybersecurity Scandal with Luke Rosiak,” Ben Weingarten (May 29, 2019), <https://benweingarten.com/2019/05/revisiting-the-democrat-awan-brothers-cybersecurity-scandal-in-the-post-russiagate-era-with-luke-rosiak/#transcript>.

financial distress, and ongoing and future economic harm.

49. As a result of the publication and amplification of these defamatory lies about the Awans, they also suffered severe emotional distress. This distress included but was not limited to related loss of income, loss of community, loss of reputation, humiliation, ostracism, and relocation.

50. Following the publication of the defamatory statements, the plaintiffs faced repeated death threats. They all faced severe stress related to their prolonged unemployment; several still have not recovered full-time employment. The plaintiffs' children were bullied and threatened, and had to change schools. One plaintiff changed their name. Another developed a serious mental illness that required hospitalization. Some had to move their home. Several were afraid to go outside. One suffered suicide attempts and continues to experience suicidal thoughts.

51. Upon information and belief, Rosiak has used his Twitter account to publish additional defamatory statements about the Awans in the past year—statements that he has since deleted, perhaps in anticipation of this litigation. In one now-deleted tweet published at the time of his book's release, Rosiak assured readers that his claims about the Awans are "all true."

CLAIMS FOR RELIEF

COUNT I

Defamation, Defamation Per Se, and False Light Invasion of Privacy

52. The defendants have made defamatory statements against Imran Awan, Abid Awan, Jamal Awan, Hina Alvi, and Rao Abbas—both as a group and individually—as described and as specifically enumerated in the preceding paragraphs.

53. The defendants' defamatory statements have been widely published and broadcasted throughout the United States, including through a book, online articles, national cable news programs, radio interviews, podcasts, and online videos.

54. The defamatory statements against the Awans are false, both in their particular facts and in the main point, essence, or gist in the context in which they were made.

55. In viewing, hearing, or reading any or all of the defamatory statements, a reasonable member of the public would be justified in inferring that the publications implicated the plaintiffs. Individuals who know the plaintiffs, or know their identities, understood the defamatory statements to concern them.

56. The defamatory statements were defamatory in their plain meaning or were reasonably susceptible to a defamatory meaning by innuendo. A reasonable person, reviewing any and all of the statements in question, could conclude either through the plain meaning or through innuendo that the plaintiffs were being accused of engaging in fraudulent or illegal activity.

57. These defendants' statements and publications placed the plaintiffs in a false light that would be offensive to a reasonable person. As a result of the defendants' statements and publications, the plaintiffs received unreasonable and highly objectionable publicity that attributed to them characteristics, conduct, or beliefs that are false, and thereby placed the plaintiffs before the public in a false position.

58. The plaintiffs are private individuals and are not public figures.

59. The defendants published the defamatory statements with actual malice and wrongful intent. The statements were made with actual knowledge of their falsity, or with reckless disregard as to their truth or falsity, and with wanton and willful disregard of the Awans' reputation and rights.

60. The defendants' defamatory statements were designed to harm the plaintiffs' reputation and subject the plaintiffs to public contempt, disgrace, ridicule, and attack.

61. The defendants' defamatory statements were not privileged.

62. The defamatory statements are defamatory *per se*, because they falsely charge the Awans with serious crimes and self-evidently injured the Awans in their business and profession.

63. The defendants knew or should have known that the defamatory statements were injurious to the Awans' careers and reputation.

64. The defendants' publication and broadcast of the defamatory statements have directly and proximately injured the Awans.

65. Because the defendants made the defamatory statements with actual malice, they are liable to the Awans for punitive damages.

COUNT II
Intentional Infliction of Emotional Distress

66. The defendants engaged in extreme and outrageous conduct by consistently publishing highly offensive and false assertions about the circumstances of the plaintiffs' employment and their character for years, long after they should have known the allegations were false and causing emotional distress and danger. These statements were made in a widely released book, high-profile social media accounts, and on nationally-viewed platforms—including cable television news.

67. The defendants knew or should have known the conduct described above would cause the plaintiffs severe emotional distress and cause their family to be the subject of harassment, ridicule, and threats to their safety.

68. The defendants made the statements described above in bad faith and with malicious motives, knowing the statements were false or made in reckless disregard for the truth, and knowing they would cause severe emotional distress.

69. The cumulative quality and quantity of the harassment has been extreme and outrageous, going beyond all possible bounds of decency.

70. The defendants intentionally or recklessly disseminated these false statements to the general public.

71. The defendants' dissemination of the false statements to the general public was the direct cause of the plaintiffs' severe emotional distress because the private and public reactions and responses to defendants' conduct traumatized and mentally anguished the plaintiffs.

72. As a result of the defendants' acts, the plaintiffs suffered severe emotional distress, including the development of a severe mental illness, hospitalization associated with mental illness, and other severe emotional distress detailed above.

COUNT III
Unjust Enrichment

73. The defendants made money and otherwise financially benefited, to the detriment of the plaintiffs, by publishing false and defamatory statements using the plaintiffs' names, personal information, and facts and circumstances of the plaintiffs' private lives. This enrichment scheme is ongoing and includes any profits, revenues, or income made by *The Daily Caller* that is associated with the publication of defamatory material about the Awans, including all online advertising revenue attributable to articles about the Awans; any revenue made by Regnery Publishing associated with *Obstruction of Justice*; Rosiak's personal royalties from the publication of the book; any advance he may have obtained on those royalties; any income made by Rosiak from his employment at *The Daily Caller* that is attributable to time spent making defamatory statements about the Awans in articles, media appearances, and a book; and any speaking or related fees associated with appearances by Rosiak to discuss the book, the Awans, or both.

74. The defendants have retained the profits of this unjust scheme.

75. These profits, in justice and equity, belong to the plaintiffs.

76. There is otherwise no adequate remedy at law to compensate the plaintiffs for

their injury as a result of the defendant's unjust scheme of enrichment.

JURY TRIAL DEMAND

The plaintiffs hereby demand a trial by jury.

PRAYER FOR RELIEF

The plaintiffs request that the Court:

- a. Declare that the defendants are liable to each of the plaintiffs for defamation, defamation per se, false light invasion of privacy, and intentional infliction of emotion distress, and that the defendants were unjustly enriched by their statements and conduct towards the plaintiffs;
- b. Award the plaintiffs general and compensatory damages in an amount to be established at trial for the economic, emotional, reputational, and other injuries that have been and will continue to be suffered by each of the plaintiffs as a result of the defendants' legal violations and wrongdoing;
- c. Award the plaintiffs punitive damages;
- d. Order the disgorgement and recovery of the defendants' profits and revenues as a result of their unjust enrichment;
- e. Award any appropriate preliminary or permanent injunctive relief, including an order requiring the defendants to immediately cease and desist from publishing any statements that have been adjudicated to be false, defamatory, or constituting false light invasion of privacy;
- f. Award the plaintiffs their reasonable costs, expenses, expert fees, and attorney fees; and
- g. Award all other appropriate relief.

Respectfully submitted,

/s/ Deepak Gupta

Deepak Gupta (D.C. Bar No. 495451)

Peter Romer-Friedman (D.C. Bar. No. 993376)

Neil K. Sawhney*

Larkin Turner*

GUPTA WESSLER PLLC

1900 L Street, NW

Washington, DC 20036

(202) 888-1741

Hassan A. Zavareei (D.C. Bar. No. 456161)

Sarah C. Kohlhofer (D.C. Bar. No. 1026092)

TYCKO & ZAVAREEI LLP

1828 L Street, NW

Washington, DC 20036

(202) 973-0900

Kyle Farrar (*pro hac vice* application forthcoming)

Mark Bankston (*pro hac vice* application forthcoming)

FARRAR & BALL LLP

1117 Herkimer Street

Houston, TX 77008

(713) 221-8300

** Not admitted in the District of Columbia; practicing under direct supervision of members of the D.C. Bar pursuant to Rule 49(c)(8)*

January 28, 2020

Attorneys for Plaintiffs