

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

PROJECT VERITAS,

Plaintiff,

- against -

THE NEW YORK TIMES COMPANY, MAGGIE ASTOR,
TIFFANY HSU, AND JOHN DOES 1-5,

Defendants.

Index No. 63921/2020

Hon. Charles D. Wood

DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT

Defendants The New York Times Company (“The Times”), Maggie Astor, and Tiffany Hsu (collectively, the “Defendants”), by their undersigned attorneys, hereby answers Plaintiff’s Complaint, filed November 2, 2020 (Dkt. No. 1) (the “Complaint”).

Except as otherwise expressly set forth below, Defendants deny each and every allegation set forth at the Complaint. Defendants respectfully submit that they are only required to respond, and only do respond, to those allegations made specifically against them and, unless otherwise indicated, Defendants deny having knowledge or information sufficient to form a belief regarding the truth or falsity of any allegations concerning any other person or entity.

Defendants respectfully submit that the headings, subheadings, and unnumbered paragraphs used in the Complaint do not require a response, but, for the avoidance of doubt, such allegations are denied to the extent they set forth allegations against Defendants.

The Complaint incorporates references to, purported descriptions and/or summaries of, and purported quotations from, various publicly available documents and statements. As

indicated throughout this Answer, Defendants refer to the relevant documents and statements for their complete and accurate content and context without admitting the truth thereof or the admissibility of the documents and statements. To the extent that those purported descriptions, summaries, and quotations are taken from sources not specifically identified in the Complaint, not in Defendants' possession, or are otherwise unclear, Defendant denies having knowledge or information sufficient to form a belief regarding the truth or falsity of the allegations and, in the case of quotations, regarding the accuracy of such quotations.

For its specific responses to the Complaint, Defendants respond or state as follows:

SPECIFIC RESPONSES

1. Defendants admit that, on September 29, 2020, an article by Times reporter Maggie Astor, titled "Project Veritas Video Was a 'Coordinated Disinformation Campaign,' Researchers Say," was published on The Times's website; on September 29, 2020, an article by Times reporter Maggie Astor, titled "Researchers Say a Project Veritas Video Accusing Ilhan Omar of Voter Fraud Was a 'Coordinated Disinformation Campaign,'" was published on The Times's website; and on September 30, 2020, an article by Times reporter Maggie Astor, titled "Project Veritas Releases Misleading Video, Part of What Experts Call a Coordinated Effort," was published in The Times's print edition (collectively, the "Astor Articles"). Defendants deny the remaining allegations in Paragraph 1.

2. Defendants admit that Project Veritas published a video on September 27, 2020 (the "September 27, 2020 Video" or "Video") and refer to the Video for the precise contents

thereof.¹ Defendants deny the remaining allegations in Paragraph 2.

3. Defendants admit that the Video was published, among other places, on Project Veritas's website on a page titled "Ilhan Omar Connected Cash-For-Ballots Voter Fraud Scheme Corrupts Elections: 'These Here Are All Absentee Ballots...Look...My Car Is Full...' 'Money Is The King Of Everything,'" refer to the various versions of the Video (see footnote 1) for their precise content, and otherwise deny the allegations in Paragraph 3.

4. Defendants deny the allegations in Paragraph 4.

5. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5, and on that basis deny them.

6. Defendants refer to the various versions of the Video (see footnote 1) for their precise contents and otherwise deny the allegations in Paragraph 6.

7. Defendants admit that Congresswoman Ilhan Omar was elected as the U.S. Representative for Minnesota's 5th congressional district in 2018 and otherwise deny the allegations in Paragraph 7.

8. Defendants refer to the various versions of the Video (see footnote 1) for their precise contents and otherwise deny the allegations in Paragraph 8.

¹ Defendants aver that the Video, referenced throughout the Complaint, was published on the Project Veritas website. Project Veritas, *Ilhan Omar Connected Cash-For-Ballots Voter Fraud Scheme Corrupts Elections: 'These Here Are All Absentee Ballots...Look...My Car Is Full...' 'Money Is The King Of Everything,'* (Sept. 27, 2020), <https://www.projectveritas.com/news/ilhan-omar-connected-cash-for-ballots-voter-fraud-scheme-corrupts-elections/>. It was also published several different times and in several different forms on Project Veritas's social media sites, including on Twitter and YouTube. James O'Keefe (@JamesOKeefeIII), Twitter (Sept. 27, 2020, 9:00 p.m.), <https://twitter.com/JamesOKeefeIII/status/1310383750040219649>; Project Veritas (@Project_VeritasJames), Twitter (Sept. 28, 2020, 1:09 p.m.), https://twitter.com/Project_Veritas/status/1310627613635993607; Project Veritas, *Ilhan Omar connected Ballot Harvester in cash-for-ballots scheme: "Car is full" of absentee ballots, YouTube*, Sept. 27, 2020, <https://www.youtube.com/watch?v=ZWK56l2VaLY>. There are differences between the various published versions of the Video.

9. Defendants refer to the various versions of the Video (see footnote 1) for their precise contents and otherwise deny the allegations in Paragraph 9.

10. Defendants admit that The Times published an article about President Trump's tax returns on September 27, 2020, titled "The President's Taxes: Long-Concealed Records Show Trump's Chronic Losses and Years of Tax Avoidance" by Russ Buettner, Susanne Craig, and Mike McIntire, and that the Video was published on September 27, 2020 and otherwise deny the allegations in Paragraph 10.

11. Defendants deny the allegations in Paragraph 11.

12. Defendants deny the allegations in Paragraph 12.

13. Defendants deny the allegations in Paragraph 13.

14. Defendants admit that the September 29, 2020 article by Maggie Astor, titled, "Project Veritas Video Was a 'Coordinated Disinformation Campaign,' Researchers Say" and published on The Times's website, includes hyperlinks to a September 29, 2020 report by the Election Integrity Partnership analyzing the Video (the "EIP Report") and that the September 27, 2020 article published by The Times was titled "The President's Taxes: Long-Concealed Records Show Trump's Chronic Losses and Years of Tax Avoidance" by Russ Buettner, Susanne Craig, and Mike McIntire, and otherwise deny the allegations in Paragraph 14.

15. Defendants deny the allegations in the first three sentences of Paragraph 15. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the last sentence of Paragraph 15, and on that basis deny them.

16. Defendants admit that some versions of the Video feature an individual identified as Omar Jamal and that The Times has quoted Omar Jamal in previously published articles. Defendants otherwise deny the allegations in Paragraph 16.

17. Defendants admit that Ms. Astor and The Times did not seek comment from Omar Jamal or Project Veritas prior to publishing the Astor Articles and otherwise deny the allegations in Paragraph 17.

18. Defendants deny the allegations in Paragraph 18.

19. Defendants admit that, in response to Project Veritas's retraction demand, the Times's lawyers asserted that some of the challenged statements were plainly opinion and not actionable as a matter of law and otherwise deny the allegations in Paragraph 19.

20. Defendants admit that the quoted language appears in The Times's handbook, titled Ethical Journalism, available at <https://www.nytimes.com/editorial-standards/ethical-journalism.html#>, refer to that publication for its complete and accurate content and context, and otherwise deny the allegations in Paragraph 20.

21. Defendants deny the allegations in Paragraph 21.

22. Defendants admit that The Times published an October 25, 2020 article by Tiffany Hsu, titled "Conservative News Sites Fuel Voter Fraud Misinformation," on The Times's website and an October 26, 2020 article by Tiffany Hsu, titled, "False Voter Fraud Stories are Churning on Conservative News Sites," in The Times's print edition (together the "Hsu Articles"), admit that the quoted language appears in the Hsu Articles, refer to the Hsu Articles for their complete and accurate content and context, and otherwise deny the allegations in Paragraph 22.

23. Defendants deny the allegations in Paragraph 23.

24. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24, and on that basis deny them.

25. Defendants admit the allegations in Paragraph 25.

26. Defendants admit the allegations in Paragraph 26.

27. Defendants admit the allegations in Paragraph 27, except deny that Defendant Hsu is a citizen of the State of New York and resides in New York City.

28. Defendants admit that, before initiating this litigation, Project Veritas requested that The Times identify the editors who worked on the Astor and Hsu Articles. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations regarding Plaintiff's knowledge in Paragraph 28, and on that basis deny them, and otherwise deny the allegations in Paragraph 28.

29. To the extent Paragraph 29 sets forth legal conclusions, no response is required. To the extent a response is required, Defendants do not contest the subject matter jurisdiction of this Court.

30. To the extent Paragraph 30 sets forth legal conclusions, no response is required. To the extent a response is required, The Times does not contest that this Court has personal jurisdiction over it in this case.

31. To the extent Paragraph 31 sets forth legal conclusions, no response is required. To the extent a response is required, Defendant Astor does not contest that this Court has personal jurisdiction over her.

32. To the extent Paragraph 32 sets forth legal conclusions, no response is required. To the extent a response is required, Defendant Hsu does not contest that this Court has personal jurisdiction over her.

33. To the extent Paragraph 33 sets forth legal conclusions, no response is required. To the extent a response is required, Defendants do not contest venue in this Court.

34. Defendants lack knowledge or information sufficient to form a belief as to the

truth of the allegations in Paragraph 34, and on that basis deny them.

35. Defendants deny the allegations in Paragraph 35.

36. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 36, and on that basis deny them.

37. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 37, and on that basis deny them.

38. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 38, and on that basis deny them.

39. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 39, and on that basis deny them.

40. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 40, and on that basis deny them.

41. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 41, and on that basis deny them.

42. Defendants admit the allegations in Paragraph 42.

43. Defendants admit the allegations in Paragraph 43.

44. Defendants refer to the report for its complete and accurate content and context and otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 44, and on that basis deny them.

45. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 45, and on that basis deny them.

46. Defendants refer to the various versions of the Video (see footnote 1) for their complete and accurate content and context and otherwise lack knowledge or information

sufficient to form a belief as to the truth of the allegations in Paragraph 46, and on that basis deny them.

47. Defendants refer to the various versions of the Video (see footnote 1) for their complete and accurate content and context and otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 47, and on that basis deny them.

48. Defendants refer to the various versions of the Video (see footnote 1) for their complete and accurate content and context and otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 48, and on that basis deny them.

49. Defendants refer to the various versions of the Video (see footnote 1) for their complete and accurate content and context and otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 49, and on that basis deny them.

50. Defendants admit that Minnesota law currently provides that “an agent may deliver or mail the return envelopes of not more than three voters in any election,” and otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 50, and on that basis deny them.

51. Defendants refer to the various versions of the Video (see footnote 1) for their precise contents and otherwise deny the allegations in Paragraph 51.

52. Defendants refer to the various versions of the Video (see footnote 1) for their complete and accurate content and context and otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52, and on that basis

deny them.

53. To the extent Paragraph 53 sets forth legal conclusions, no response is required.

To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 53, and on that basis deny them.

54. Defendants refer to the various versions of the Video (see footnote 1) for their complete and accurate content and context and otherwise deny the allegations in Paragraph 54.

55. Defendants refer to the various versions of the Video (see footnote 1) for their complete and accurate content and context, admit that The Times has quoted Mr. Jamal in previously published articles, lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations regarding Mr. Jamal in Paragraph 55, and on that basis deny them, and otherwise deny the allegations in Paragraph 55.

56. Defendants refer to the various versions of the Video (see footnote 1) for their complete and accurate content and context and otherwise deny the allegations in Paragraph 56.

57. Defendants refer to the various versions of the Video (see footnote 1) for their complete and accurate content and context, lack knowledge or information sufficient to form a belief as to the truth of the allegations regarding Mr. Jamal's cooperation with Project Veritas in Paragraph 57, and on that basis deny them, and otherwise deny the allegations in Paragraph 57.

58. Defendants refer to the various versions of the Video (see footnote 1) for their complete and accurate content and context and otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 58, and on that basis deny them.

59. Defendants refer to the various versions of the Video (see footnote 1) for their complete and accurate content and context and otherwise lack knowledge or information

sufficient to form a belief as to the truth of the allegations in Paragraph 59, and on that basis deny them.

60. Defendants refer to the various versions of the Video (see footnote 1) for their complete and accurate content and context and otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 60, and on that basis deny them.

61. Defendants refer to the various versions of the Video (see footnote 1) for their complete and accurate content and context and otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 61, and on that basis deny them.

62. Defendants refer to the various versions of the Video (see footnote 1) for their complete and accurate content and context and otherwise deny the allegations in Paragraph 62.

63. Defendants refer to the various versions of the Video (see footnote 1) for their complete and accurate content and context and otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 63, and on that basis deny them.

64. Defendants refer to the various versions of the Video (see footnote 1) for their complete and accurate content and context and otherwise deny the allegations in Paragraph 64.

65. Defendants admit that on September 27, 2020 The Times published an article titled “The President’s Taxes: Long-Concealed Records Show Trump’s Chronic Losses and Years of Tax Avoidance” by Russ Buettner, Susanne Craig, and Mike McIntire, refer to that article for its precise content, and otherwise deny the allegations in Paragraph 65.

66. Defendants admit the allegations in Paragraph 66, except deny that the New York

State Attorney General has thus far unsuccessfully sought President Trump's tax returns.

67. Defendants refer to the September 27, 2020 article titled "The President's Taxes: Long-Concealed Records Show Trump's Chronic Losses and Years of Tax Avoidance" by Russ Buettner, Susanne Craig, and Mike McIntire and published by The Times for its complete and accurate content and context and otherwise deny the allegations in Paragraph 67.

68. Defendants admit the allegations in Paragraph 68.

69. Defendants admit that the Video was originally scheduled for release on September 28, 2020 and otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 69, and on that basis deny them.

70. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 70, and on that basis deny them.

71. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 71, and on that basis deny them.

72. Defendants deny the allegations in Paragraph 72.

73. Defendants deny the allegations in Paragraph 73.

74. Defendants deny the allegations in the first sentence of Paragraph 74 and admit the allegations in the second sentence of Paragraph 74.

75. Defendants deny the allegations in Paragraph 75.

76. Defendants deny the allegations in Paragraph 76.

77. Defendants admit the allegations in Paragraph 77.

78. Defendants admit the allegations in Paragraph 78 and refer to the cited article for its complete and accurate content and context.

79. Defendants admit the quoted language set forth at Paragraph 79 appears in the

September 29, 2020 article by Maggie Astor, titled, “Project Veritas Video Was a ‘Coordinated Disinformation Campaign,’ Researchers Say” published on The Times’s website, and refer to the cited article for its complete and accurate content and context.

80. Defendants admit that researchers from Stanford University and the University of Washington published a blog post about the Video on September 29 as part of a joint project called the “Election Integrity Partnership,” refer to the blog post for its complete and accurate content and context, lack knowledge or information sufficient to form a belief as to the truth of the allegations regarding student participation in the EIP, and on that basis deny them, and otherwise deny the allegations in Paragraph 80.

81. Defendants admit that one of The Times’s lawyers characterized the Astor Articles as “a fairly plain-vanilla account of research done by academics” and otherwise deny the allegations in Paragraph 81.

82. Defendants deny the allegations in Paragraph 82.

83. Defendants admit the allegations in Paragraph 83.

84. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 84, and on that basis deny them.

85. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 85, and on that basis deny them.

86. Defendants admit that The Times published Ms. Astor’s story at approximately 6:11pm EDT on September 29, 2020 and otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 86, and on that basis deny them.

87. Defendants deny the allegations in Paragraph 87 but aver that, after receiving a copy of the EIP Report — and before the publication of the September 29, 2020 article titled

“Project Veritas Video Was a ‘Coordinated Disinformation Campaign,’ Researchers Say” — Ms. Astor read and digested the EIP Report, contacted the authors of the EIP Report for comment, contacted other individuals for comment, submitted her draft article to her editors for review and approval, and finalized her story.

88. Defendants deny the allegations in Paragraph 88, but aver that Ms. Astor received an embargoed copy of the EIP Report before it was published.

89. Defendants deny the allegations in Paragraph 89.

90. Defendants deny the allegations in Paragraph 90.

91. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first two sentences of Paragraph 91, and on that basis deny them. Defendants deny the allegations in the last sentence of Paragraph 91.

92. Defendants admit that the September 29, 2020 report published by the EIP analyzing the September 27, 2020 Video (the “EIP Report”) does not contain the word “deceptive,” refer to the report for its complete and accurate content and context, and otherwise deny the allegations in Paragraph 92.

93. Defendants admit the allegations in Paragraph 93.

94. Defendants admit that the allegations in Paragraph 94.

95. Defendants admit that the quoted passage appears in the September 30, 2020 article by Maggie Astor, titled, “Project Veritas Releases Misleading Video, Part of What Experts Call a Coordinated Effort” published in The Times’s print edition, refer to the cited article for its complete and accurate content and context, and otherwise deny the allegations in Paragraph 95.

96. Defendants admit that the quoted language appears in the September 30, 2020

article by Maggie Astor, titled, “Project Veritas Releases Misleading Video, Part of What Experts Call a Coordinated Effort” published in The Times’s print edition, refer to the cited article for its complete and accurate content and context, and otherwise deny the allegations in Paragraph 96.

97. Defendants deny the allegations in Paragraph 97.

98. Defendants deny the allegations in Paragraph 98, except admit that Ms. Astor watched a version of the Video before publishing her articles about the Video.

99. Defendants deny the allegations in Paragraph 99.

100. Defendants admit that Mr. Mohamed is identified in the Video, lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of Paragraph 100 about Mr. Mohamed posting videos to Snapchat, and on that basis deny them, refer to the various versions of the Video (see footnote 1) for their complete and accurate content and context, and otherwise deny the allegations in Paragraph 100.

101. Defendants deny the allegations in Paragraph 101.

102. Defendants admit that the September 29, 2020 article by Maggie Astor, titled, “Project Veritas Video Was a ‘Coordinated Disinformation Campaign,’ Researchers Say” and published on The Times’s website stated that “depending on when the video was filmed, may not have been illegal, because a district court judge in July temporarily suspended Minnesota’s ban on third parties collecting and returning large numbers of completed ballots” and that the September 30, 2020 article by Maggie Astor, titled, “Project Veritas Releases Misleading Video, Part of What Experts Call a Coordinated Effort” published in The Times’s print edition includes the phrase “[m]aking claims without evidence of ballot harvesting,” refer to those articles for their complete and accurate content and context, and otherwise deny the allegations in Paragraph

102.

103. To the extent Paragraph 103 sets forth legal conclusions, no response is required.

To the extent a response is required, Defendants deny the allegations in Paragraph 103.

104. Defendants admit that district court ruling delaying enforcement of the law against ballot collection was issued on July 28, 2020, refer to the various versions of the Video (see footnote 1) for their complete and accurate content and context, and otherwise deny the remaining allegations in Paragraph 104, and on that basis deny them.

105. Defendants deny the allegations in Paragraph 105.

106. Defendants deny the allegations in Paragraph 106.

107. Defendants deny the allegations in Paragraph 107.

108. Defendants deny the allegations in Paragraph 108.

109. Defendants admit that, in certain circumstances, the Times relies on confidential and anonymous sources and otherwise deny the allegations in Paragraph 109.

110. Defendants admit that a June 14, 2018 article, titled “How The Times Uses Anonymous Sources,” by Phillip B. Corbett and published by The Times on its website, states that: “The Times sometimes agrees not to identify people who provide information for our articles. Under our guidelines, anonymous sources should be used only for information that we think is newsworthy and credible, and that we are not able to report any other way” and also states that: “[o]n the record, people in sensitive positions will often simply mouth the official line; they will be candid only if they know their name won’t be used.” Defendants refer to the cited article for its complete and accurate content and context and otherwise deny the allegations in Paragraph 110.

111. Defendants deny the allegations in Paragraph 111.

112. Defendants deny the allegations in Paragraph 112.

113. Defendants admit that a man named Omar Jamal is featured in the Video, refer to the various versions of the Video (see footnote 1) for their complete and accurate content and context, lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations regarding Mr. Jamal in at Paragraph 113, and on that basis deny them, and otherwise deny the allegations in Paragraph 113.

114. Defendants refer to the various versions of the Video (see footnote 1) for their complete and accurate content and context, lack knowledge or information sufficient to form a belief as to the truth of the allegations regarding Mr. Jamal's cooperation with Project Veritas in Paragraph 114, and on that basis deny them, and otherwise deny the allegations in Paragraph 114.

115. Defendants deny the allegations in Paragraph 115.

116. Defendants deny the allegations in the first sentence of Paragraph 116, admit that there is nothing inherently deceptive about relying on prominent, respected, and credible sources with firsthand knowledge of events, and otherwise deny the second sentence of Paragraph 116 and deny that it accurately describes Project Veritas' use of Mr. Jamal in the various versions of the Video.

117. Defendants admit that The Times has quoted Mr. Jamal in previously published articles and that Mr. Jamal has been photographed for The Times, and otherwise deny the allegations in Paragraph 117.

118. Defendants admit the allegations in the first sentence of Paragraph 118, admit that Mr. Jamal was an on-the-record source in the articles referenced in Paragraph 118, admit that the quoted statements appeared in the referenced articles, and refer to the referenced articles for their

complete and accurate content and context, and otherwise deny the allegations in Paragraph 118.

119. Defendants admit that the cited article includes the quoted language and states that “Mr. Jamal said he believed Ms. Omar was paying the price for focusing too heavily on Israel,” refer to the cited article for its complete and accurate content and context, and otherwise deny the allegations in Paragraph 119.

120. Defendants admit that the allegations in Paragraph 120.

121. Defendants admit that The Times has quoted Mr. Jamal in previously published articles and otherwise deny the allegations in Paragraph 121.

122. Defendants deny the allegations in Paragraph 122.

123. Defendants admit that Ms. Astor, her editors, and The Times did not reach out to Mr. Mohamed, Mr. Jamal, or Mr. Awed for comment and otherwise deny the allegations in Paragraph 123.

124. Defendants deny the allegations in Paragraph 124.

125. Defendants admit that Ms. Astor, her editors, and The Times did not reach out to Project Veritas for comment before publishing the Astor Articles, admit that the quoted passage appears in The Times’s “Guidelines of Integrity” published on May 7, 1999 and updated September 25, 2008, available at <https://www.nytimes.com/editorial-standards/guidelines-on-integrity.html>, respectfully refer to the guidelines for their complete and accurate content and context, and otherwise deny the allegations in Paragraph 125.

126. Defendants admit that the September 29, 2020 article by Maggie Astor, titled, “Project Veritas Video Was a ‘Coordinated Disinformation Campaign,’ Researchers Say” published on The Times’s website, included hyperlinks to the EIP Report, a statement from a spokesperson for Rep. Omar, and The Times’s story regarding President Trump’s tax returns,

admit that the cited article did not include a hyperlink to the Video, and otherwise deny the allegations in Paragraph 126.

127. Defendants deny the allegations in Paragraph 127.

128. Defendants deny the allegations in Paragraph 128.

129. Defendants admit that the allegations in Paragraph 129.

130. Defendants refer to the September 30, 2020 letter for its complete and accurate content and context, and otherwise deny the allegations in Paragraph 130.

131. Defendants admit that, on October 2, 2020, Dana Green, counsel for The Times, sent a response to Mr. Ede's letter stating that The Times stood by its reporting and stated that certain challenged statements were plain opinion and not actionable as a matter of law, refer to the October 2, 2020 letter for its complete and accurate content and context, and otherwise deny the remaining allegations in Paragraph 131.

132. Defendants admit that Ms. Astor is not an opinion writer for The Times and is a political reporter and otherwise deny the allegations in Paragraph 132.

133. Defendants admit that the quoted language appears in The Times's handbook titled Ethical Journalism, available at <https://www.nytimes.com/editorial-standards/ethical-journalism.html#>, refer to the publication for its complete and accurate content and context, and otherwise deny the allegations in Paragraph 133.

134. Defendants deny the allegations in Paragraph 134.

135. Defendants deny the allegations in Paragraph 135.

136. Defendants refer to the cited article for its complete and accurate content and context and otherwise deny the allegations in Paragraph 136.

137. Defendants admit that the Astor Articles have not been updated and otherwise

deny the allegations in Paragraph 137.

138. Defendants deny the allegations in Paragraph 138.

139. Defendants deny the allegations in Paragraph 139.

140. Defendants refer to The Times's "Guidelines of Integrity," published on May 7, 1999 and updated September 25, 2008, available at <https://www.nytimes.com/editorial-standards/guidelines-on-integrity.html>, for their complete and accurate content and context and otherwise deny the allegations in Paragraph 140.

141. Defendants deny the allegations in Paragraph 141.

142. Defendants admit that Project Veritas' outside counsel Clare Locke LLP sent a letter to New York Times Deputy General Counsel David McCraw on October 9, 2020, refer to that letter for its complete and accurate content and context, and otherwise deny the allegations in Paragraph 142.

143. Defendants admit that, in an October 12, 2020 letter from David McCraw, Senior Vice President & Deputy General Counsel of The Times, to counsel for Project Veritas, Mr. McCraw states that the Astor Articles are factually accurate, refer to the October 12, 2020 letter for its complete and accurate content and context, and otherwise deny the allegations in Paragraph 143.

144. Defendants deny the allegations in Paragraph 144.

145. Defendants admit that, on October 16, 2020, Clare Locke LLP wrote to Mr. McCraw about the Video, refer to the October 16, 2020 letter for its complete and accurate content and context, and otherwise deny the allegations in Paragraph 145.

146. Defendants admit that the October 16, 2020 letter provided a redlined version of Ms. Astor's September 29 story that purported to reflect Project Veritas's perspective, refer to

the October 16, 2020 letter for its complete and accurate content and context, and otherwise deny the allegations in Paragraph 146.

147. Defendants admit that the quoted language appears in The Times's "Guidelines of Integrity" published on May 7, 1999 and updated September 25, 2008, available at <https://www.nytimes.com/editorial-standards/guidelines-on-integrity.html>, refer to the guidelines for their complete and accurate content and context, and otherwise deny the allegations in Paragraph 147.

148. Defendants admit that Project Veritas threatened to pursue litigation if The Times did not retract the Astor and Hsu Articles and otherwise deny the allegations in Paragraph 148.

149. Defendants deny the allegations in Paragraph 149.

150. Defendants admit that on October 25, 2020, The Times published on The Times's website an article by Tiffany Hsu, titled, "Conservative News Sites Fuel Voter Fraud Misinformation," admit that the quoted language appears in the article, refer to the article for its complete and accurate content and context, and otherwise deny the allegations in Paragraph 150.

151. Defendants admit the allegations in Paragraph 151.

152. Defendants admit that the quoted language appears in Ms. Hsu's article, refer to the article for its complete and accurate content and context, and otherwise deny the allegations in Paragraph 152.

153. Defendants deny the allegations in Paragraph 153.

154. Defendants deny the allegations in Paragraph 154.

155. Defendants admit that Ms. Astor and Ms. Hsu watched a version of the Video before publishing their articles and otherwise deny the allegations in Paragraph 155.

156. Defendants lack knowledge or information sufficient to form a belief as to the

truth of the allegations regarding whether Ms. Hsu is a registered Democrat, and on that basis deny them, and otherwise deny the allegations in Paragraph 156.

157. Defendants admit that Defendants did not seek comment from Project Veritas prior to publishing Ms. Hsu's article and otherwise deny the allegations in Paragraph 157.

158. Defendants admit that Ms. Hsu's article did not include a hyperlink to the Video and otherwise deny the allegations in Paragraph 158.

159. Defendants admit that The Times's lawyers asserted that certain challenged statements in the Astor Articles were plainly opinion and not actionable as a matter of law, admit that Ms. Hsu is a news reporter, admit that her article was published in the Media News section of The Times's website, and otherwise deny the allegations in Paragraph 159.

160. Defendants deny the allegations in Paragraph 160.

161. Defendants deny the allegations in Paragraph 161.

162. Defendants admit that The Times did not retract the Hsu Articles and otherwise deny the allegations in Paragraph 162.

163. Defendants deny the allegations in Paragraph 163.

164. To the extent Paragraph 164 sets forth legal conclusions, no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 164.

165. Defendants admit that the quoted language appears in The Times's handbook titled Ethical Journalism, available at <https://www.nytimes.com/editorial-standards/ethical-journalism.html#>, refer to that publication for its complete and accurate content and context, and otherwise deny the allegations in Paragraph 165. Defendants aver that The Times believes in the importance of presenting truthful information to readers and viewers.

166. Defendants admit that the quoted language appears in The Times's handbook

titled Ethical Journalism, available at <https://www.nytimes.com/editorial-standards/ethical-journalism.html#>, refer to that publication for its complete and accurate content and context, and otherwise deny the allegations in Paragraph 166.

167. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 167, and on that basis deny them.

168. Defendants deny the allegations in Paragraph 168.

169. Defendants deny the allegations in Paragraph 169.

170. Defendants deny the allegations in Paragraph 170.

171. Defendants admit that at one time The Times disclosed it had a daily circulation of nearly half a million copies in the United States and an additional 5.7 million digital subscribers and otherwise deny the allegations in Paragraph 171.

172. Defendants deny the allegations in Paragraph 172.

173. Defendants deny the allegations in Paragraph 173.

174. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 174, and on that basis deny them.

175. Defendants deny the allegations in Paragraph 175.

176. Defendants deny the allegations in Paragraph 176.

177. Defendants deny the allegations in Paragraph 177.

178. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations regarding Project Veritas's expenditures set forth at Paragraph 178, and on that basis deny them, and otherwise deny the allegations in Paragraph 178.

179. Defendants admit that The Times refused to publish a correction in any of the Astor Articles or Hsu Articles and otherwise deny the allegations in Paragraph 179.

180. Defendants deny the allegations in Paragraph 180.

181. Defendants admit that Clare Locke LLP has sent three separate letters to The Times's lawyers demanding retractions, admit that The Time's has not retracted the Hsu or Astor Articles, and otherwise deny the allegations in Paragraph 181.

182. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 182 about the fees expended in seeking retractions, and on that basis deny them, and otherwise deny the allegations in Paragraph 182.

183. Defendants repeat and restate their answers set forth at the preceding Paragraphs, inclusive, as if fully set forth herein.

184. Defendants deny the allegations in Paragraph 184.

185. Defendants admit that Exhibit D is a copy of the September 29, 2020 article by Maggie Astor, titled, "Project Veritas Video Was a 'Coordinated Disinformation Campaign,' Researchers Say" and published on The Times's website, and refer to Exhibit D for its complete and accurate content and context.

186. Defendants admit that the quoted language appears in the September 29, 2020 article by Maggie Astor, titled, "Project Veritas Video Was a 'Coordinated Disinformation Campaign,' Researchers Say" and published on The Times's website, refer to the September 29, 2020 article for its complete and accurate content and context, and otherwise deny the allegations in Paragraph 186.

187. Defendants deny the allegations in Paragraph 187.

188. To the extent Paragraph 188 sets forth legal conclusions, no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 188.

189. Defendants deny the allegations in Paragraph 189.

190. Defendants admit the allegations in Paragraph 190.
191. Defendants admit the allegations in Paragraph 191.
192. Defendants deny the allegations in Paragraph 192.
193. Defendants deny the allegations in Paragraph 193.
194. Defendants deny the allegations in Paragraph 194.
195. Defendants deny the allegations in Paragraph 195.
196. Defendants deny the allegations in Paragraph 196.
197. Defendants deny the allegations in Paragraph 197.
198. Defendants deny the allegations in Paragraph 198.
199. Defendants deny the allegations in Paragraph 199.
200. Defendants deny the allegations in Paragraph 200.
201. Defendants deny the allegations in Paragraph 201.
202. Defendants deny the allegations in Paragraph 202.
203. Defendants deny the allegations in Paragraph 203.
204. Defendants deny the allegations in Paragraph 204.
205. Defendants deny the allegations in Paragraph 205.
206. Defendants deny the allegations in Paragraph 206.
207. Defendants deny the allegations in Paragraph 207.
208. Defendants deny the allegations in Paragraph 208.
209. Defendants deny the allegations in Paragraph 209.
210. Defendants deny the allegations in Paragraph 210.
211. Defendants deny the allegations in Paragraph 211.
212. Defendants deny the allegations in Paragraph 212.

213. Defendants repeat and restate their answers set forth at the preceding Paragraphs, inclusive, as if fully set forth herein.

214. Defendants deny the allegations in Paragraph 214.

215. Defendants admit that Exhibit E is a copy of the September 29, 2020 article by Maggie Astor, titled, “Researchers Say a Project Veritas Video Accusing Ilhan Omar of Voter Fraud Was a ‘Coordinated Disinformation Campaign’” and published on The Times’s website, and refer to Exhibit E for its complete and accurate content and context.

216. Defendants admit that the quoted language appears in the September 29, 2020 article by Maggie Astor, titled, “Researchers Say a Project Veritas Video Accusing Ilhan Omar of Voter Fraud Was a ‘Coordinated Disinformation Campaign’” published on The Times’s website, refer to the September 29, 2020 article for its complete and accurate content and context, and otherwise deny the allegations in Paragraph 216.

217. Defendants deny the allegations in Paragraph 217.

218. To the extent Paragraph 218 sets forth legal conclusions, no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 218.

219. Defendants deny the allegations in Paragraph 219.

220. Defendants admit the allegations in Paragraph 220.

221. Defendants admit the allegations in Paragraph 221.

222. Defendants deny the allegations in Paragraph 222.

223. Defendants deny the allegations in Paragraph 223.

224. Defendants deny the allegations in Paragraph 224.

225. Defendants deny the allegations in Paragraph 225.

226. Defendants deny the allegations in Paragraph 226.

227. Defendants deny the allegations in Paragraph 227.
228. Defendants deny the allegations in Paragraph 228.
229. Defendants deny the allegations in Paragraph 229.
230. Defendants deny the allegations in Paragraph 230.
231. Defendants deny the allegations in Paragraph 231.
232. Defendants deny the allegations in Paragraph 232.
233. Defendants deny the allegations in Paragraph 233.
234. Defendants deny the allegations in Paragraph 234.
235. Defendants deny the allegations in Paragraph 235.
236. Defendants deny the allegations in Paragraph 236.
237. Defendants deny the allegations in Paragraph 237.
238. Defendants deny the allegations in Paragraph 238.
239. Defendants deny the allegations in Paragraph 239.
240. Defendants deny the allegations in Paragraph 240.
241. Defendants deny the allegations in Paragraph 241.
242. Defendants deny the allegations in Paragraph 242.
243. Defendants repeat and restate their answers set forth at the preceding Paragraphs, inclusive, as if fully set forth herein.
244. Defendants deny the allegations in Paragraph 244.
245. Defendants admit that Exhibit F is a copy of the September 30, 2020 article by Maggie Astor, titled, “Project Veritas Releases Misleading Video, Part of What Experts Call a Coordinated Effort” published in The Times’s print edition, and refer to Exhibit F for its complete and accurate content and context.

246. Defendants admit that the quoted language appears in the September 30, 2020 article by Maggie Astor, titled, “Project Veritas Releases Misleading Video, Part of What Experts Call a Coordinated Effort” published in The Times’s print edition, refer to the article for its complete and accurate content and context, and otherwise deny the allegations in Paragraph 246.

247. Defendants deny the allegations in Paragraph 247.

248. To the extent Paragraph 248 sets forth legal conclusions, no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 248.

249. Defendants deny the allegations in Paragraph 249.

250. Defendants admit the allegations in Paragraph 250.

251. Defendants admit the allegations in Paragraph 251.

252. Defendants deny the allegations in Paragraph 252.

253. Defendants deny the allegations in Paragraph 253.

254. Defendants deny the allegations in Paragraph 254.

255. Defendants deny the allegations in Paragraph 255.

256. Defendants deny the allegations in Paragraph 256.

257. Defendants deny the allegations in Paragraph 257.

258. Defendants deny the allegations in Paragraph 258.

259. Defendants deny the allegations in Paragraph 259.

260. Defendants deny the allegations in Paragraph 260.

261. Defendants deny the allegations in Paragraph 261.

262. Defendants deny the allegations in Paragraph 262.

263. Defendants deny the allegations in Paragraph 263.

264. Defendants deny the allegations in Paragraph 264.

265. Defendants deny the allegations in Paragraph 265.

266. Defendants deny the allegations in Paragraph 266.

267. Defendants deny the allegations in Paragraph 267.

268. Defendants deny the allegations in Paragraph 268.

269. Defendants deny the allegations in Paragraph 269.

270. Defendants deny the allegations in Paragraph 270.

271. Defendants deny the allegations in Paragraph 271.

272. Defendants deny the allegations in Paragraph 272.

273. Defendants repeat and restate their answers set forth at the preceding Paragraphs, inclusive, as if fully set forth herein.

274. Defendants deny the allegations in Paragraph 274.

275. Defendants admit that Exhibit G is a copy of the October 25, 2020 article by Tiffany Hsu, titled, “Conservative News Sites Fuel Voter Fraud Misinformation” published on The Times’s website, and refer to Exhibit G for its complete and accurate content and context.

276. Defendants admit that the quoted language appears in the October 25, 2020 article by Tiffany Hsu, titled, “Conservative News Sites Fuel Voter Fraud Misinformation” published on The Times’s website, refer to the October 25, 2020 article for its complete and accurate content and context, and otherwise deny the allegations in Paragraph 276.

277. Defendants deny the allegations in Paragraph 277.

278. To the extent Paragraph 278 sets forth legal conclusions, no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 278.

279. Defendants deny the allegations in Paragraph 279.

- 280. Defendants admit the allegations in Paragraph 280.
- 281. Defendants admit the allegations in Paragraph 281.
- 282. Defendants deny the allegations in Paragraph 282.
- 283. Defendants deny the allegations in Paragraph 283.
- 284. Defendants deny the allegations in Paragraph 284.
- 285. Defendants deny the allegations in Paragraph 285.
- 286. Defendants deny the allegations in Paragraph 286.
- 287. Defendants deny the allegations in Paragraph 287.
- 288. Defendants deny the allegations in Paragraph 288.
- 289. Defendants deny the allegations in Paragraph 289.
- 290. Defendants deny the allegations in Paragraph 290.
- 291. Defendants deny the allegations in Paragraph 291.
- 292. Defendants deny the allegations in Paragraph 292.
- 293. Defendants deny the allegations in Paragraph 293.
- 294. Defendants deny the allegations in Paragraph 294.
- 295. Defendants deny the allegations in Paragraph 295.
- 296. Defendants deny the allegations in Paragraph 296.
- 297. Defendants deny the allegations in Paragraph 297.
- 298. Defendants deny the allegations in Paragraph 298.
- 299. Defendants deny the allegations in Paragraph 299.
- 300. Defendants deny the allegations in Paragraph 300.
- 301. Defendants deny the allegations in Paragraph 301.
- 302. Defendants deny the allegations in Paragraph 302.

303. Defendants deny the allegations in Paragraph 303.

304. Defendants repeat and restate their answers set forth at the preceding Paragraphs, inclusive, as if fully set forth herein.

305. Defendants admit that Exhibit H is a copy of the October 26, 2020 article by Tiffany Hsu, titled, “False Voter Fraud Stories are Churning on Conservative News Sites” published in The Times’s print edition, refer to Exhibit H for its complete and accurate content and context, and otherwise deny the allegations in Paragraph 305.

306. Defendants admit that the quoted language appears in the October 26, 2020 article by Tiffany Hsu, titled, “False Voter Fraud Stories are Churning on Conservative News Sites” published in The Times’s print edition, refer to the article for its complete and accurate content and context, and otherwise deny the allegations in Paragraph 306.

307. Defendants deny the allegations in Paragraph 307.

308. To the extent Paragraph 308 sets forth legal conclusions, no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 308.

309. Defendants deny the allegations in Paragraph 309.

310. Defendants admit the allegations in Paragraph 310.

311. Defendants admit the allegations in Paragraph 311.

312. Defendants deny the allegations in Paragraph 312.

313. Defendants deny the allegations in Paragraph 313.

314. Defendants deny the allegations in Paragraph 314.

315. Defendants deny the allegations in Paragraph 315.

316. Defendants deny the allegations in Paragraph 316.

317. Defendants deny the allegations in Paragraph 317.

318. Defendants deny the allegations in Paragraph 318.

319. Defendants deny the allegations in Paragraph 319.

320. Defendants deny the allegations in Paragraph 320.

321. Defendants deny the allegations in Paragraph 321.

322. Defendants deny the allegations in Paragraph 322.

323. Defendants deny the allegations in Paragraph 323.

324. Defendants deny the allegations in Paragraph 324.

325. Defendants deny the allegations in Paragraph 325.

326. Defendants deny the allegations in Paragraph 326.

327. Defendants deny the allegations in Paragraph 327.

328. Defendants deny the allegations in Paragraph 328.

329. Defendants deny the allegations in Paragraph 329.

330. Defendants deny the allegations in Paragraph 330.

331. Defendants deny the allegations in Paragraph 331.

332. Defendants deny the allegations in Paragraph 332.

333. Defendants deny the allegations in Paragraph 333.

334. Defendants repeat and restate their answers set forth at the preceding Paragraphs, inclusive, as if fully set forth herein.

335. Defendants admit the allegations in the first sentence of Paragraph 335 and otherwise deny the allegations in Paragraph 335.

336. Defendants admit the allegations in the first sentence of Paragraph 336 and otherwise deny the allegations in Paragraph 336.

337. Defendants admit the allegations in the first sentence of Paragraph 337 and

otherwise deny the allegations in Paragraph 337.

338. Defendants admit the allegations in the first sentence of Paragraph 338 and otherwise deny the allegations in Paragraph 338.

339. Defendants admit the allegations in the first sentence of Paragraph 339 and otherwise deny the allegations in Paragraph 339.

340. Defendants deny the allegations in Paragraph 340.

341. Defendants deny the allegations in Paragraph 341.

342. Defendants deny the allegations in Paragraph 342.

Defendants deny that Plaintiff is entitled to any of the relief claimed in the unnumbered prayer for relief paragraph.

DEFENSES

Defendants do not relieve Plaintiff of proving, under the appropriate standard of proof, all elements of the claims that Plaintiff alleges. Without admitting any wrongful conduct on its part, and without assuming any burden of persuasion or presentation or production of evidence that it would not otherwise bear, Defendants assert the following defenses. Defendants reserve the right to rely on any affirmative or other defense or claim that may subsequently come to light, and expressly reserves the right to amend its Answer to assert such additional defenses or claims.

FIRST DEFENSE

The Complaint fails to state a claim upon which relief may be granted.

SECOND DEFENSE

Plaintiff's claims are barred, in whole or in part, by the First and Fourteenth Amendments to the Constitution of the United States, and/or Article I, Section 8 to the New York State

Constitution.

THIRD DEFENSE

Some or all of the statements at issue are not actionable because they constitute statements of opinion, or statements of opinion based on disclosed facts.

FOURTH DEFENSE

Any allegedly defamatory statement of and concerning Plaintiff is true or substantially true, and Plaintiff cannot carry her burden of proving that they are materially false.

FIFTH DEFENSE

Some or all of the statements at issue are not reasonably capable of the defamatory meaning attributed to them by Plaintiff.

SIXTH DEFENSE

At all relevant times, Plaintiff was a public figure for purposes of the law of defamation as relevant to her claims in this action.

SEVENTH DEFENSE

The statements in question all related to matters of substantial public interest and legitimate public concern.

EIGHT DEFENSE

The action is barred under the anti-SLAPP law pursuant to CPLR § 3211(g), N.Y. Civ. Rights Law § 70-a, and N.Y. Civ. Rights Law § 76-a.

NINTH DEFENSE

Defendants acted without constitutional malice and without common law malice.

TENTH DEFENSE

Defendants acted without fault, as required by the United States Constitution, in all of

their conduct relating to the statements at issue.

ELEVENTH DEFENSE

Defendants did not proximately cause any injury that Plaintiff allegedly suffered.

TWELFTH DEFENSE

Plaintiff's alleged damages, if any, are the result of its own conduct or the conduct of others beyond Defendants' control and for whom Defendants are not legally responsible.

THIRTEENTH DEFENSE

Plaintiff is libel-proof with respect to the issues raised in its Complaint.

FOURTEENTH DEFENSE

By reason of the First and Fourteenth Amendments to the Constitution of the United States, Defendants are immune from liability for punitive or exemplary damages under the circumstances alleged in the First Amended Complaint.

JURY DEMAND

Defendants demand a trial by jury of all issues triable by jury.

PRAYER FOR RELIEF

WHEREFORE, Defendants respectfully request that a final judgment be entered in its favor dismissing the Complaint with prejudice; awarding Defendants the reasonable costs of this action, including reasonable attorneys' fees; and granting Defendants such other and further relief as the Court deems just and proper.

Dated: New York, New York
April 12, 2021

Respectfully submitted,

By: /s/ Joel Kurtzberg

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