

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Tampa Division**

PRESIDENT DONALD J. TRUMP,
an individual,

Plaintiff,

v.

NEW YORK TIMES COMPANY,
a New York corporation, SUSANNE
CRAIG, an individual, RUSS BUETTNER,
an individual, PETER BAKER,
an individual, MICHAEL S.
SCHMIDT, an individual,
and PENGUIN RANDOM HOUSE LLC,
a Delaware company,

Defendants.

Case No.

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

Plaintiff, PRESIDENT DONALD J. TRUMP, by and through his counsel, sues Defendants, NEW YORK TIMES COMPANY (the “New York Times” or the “Times”), SUSANNE CRAIG (“Craig”), RUSS BUETTNER (“Buettner”), PETER BAKER (“Baker”), MICHAEL S. SCHMIDT (“Schmidt”), and PENGUIN RANDOM HOUSE LLC (“Penguin”) (collectively, “Defendants”), and alleges as follows:

NATURE OF THE ACTION

1. On November 5, 2024, President Trump won the 2024 Presidential Election over Vice President Kamala Harris in historic fashion, emerging victorious in both the Electoral College and the popular vote, and securing a resounding mandate from the American people. President Trump trounced Harris with 312 electoral votes and a sweep of all seven “battleground” states. This victory was remarkable for many historic reasons, including because President Trump had to overcome persistent election interference from the legacy media, led most notoriously by the New York Times.



2. With the overwhelming victory, President Trump secured the greatest personal and political achievement in American history. All across our country, Americans from a wide array of backgrounds saw the truth about him and voted accordingly—the same truth that the New York Times refused to recognize as it continued spreading false and defamatory content about President Trump.

3. There was a time, long ago, when the New York Times was considered the “newspaper of record,” and its editors dutifully adhered to the motto “All the News That’s Fit to Print.” Those halcyon days have passed. Whatever the historical merit of this self-congratulation, the Times has betrayed the journalistic ideals of honesty, objectivity, and accuracy that it once professed. Today, the Times is a full-throated mouthpiece of the Democrat Party. The newspaper’s editorial routine is now one of industrial-scale defamation and libel against political opponents. As such, the Times has become a leading, and unapologetic, purveyor of falsehoods against President Trump on the legacy media landscape.

4. It came as no surprise when, shortly before the Election, the newspaper published, on the front page, highlighted in a location never seen before, its deranged endorsement of Kamala Harris with the hyperbolic opening line “[i]t is hard to imagine a candidate more unworthy to serve as president of the United States than Donald Trump.” *See* Editorial Board, *The Only Patriotic Choice for President*, THE NEW YORK TIMES (Sept. 30, 2024),

<https://www.nytimes.com/2024/09/30/opinion/editorials/kamala-harris-2024-endorsement.html> (last visited Sept. 15, 2025) (photo excerpt below). The Board asserted hypocritically and without evidence that President Trump would “defy the norms and dismantle the institutions that have made our country strong.” *Id.*



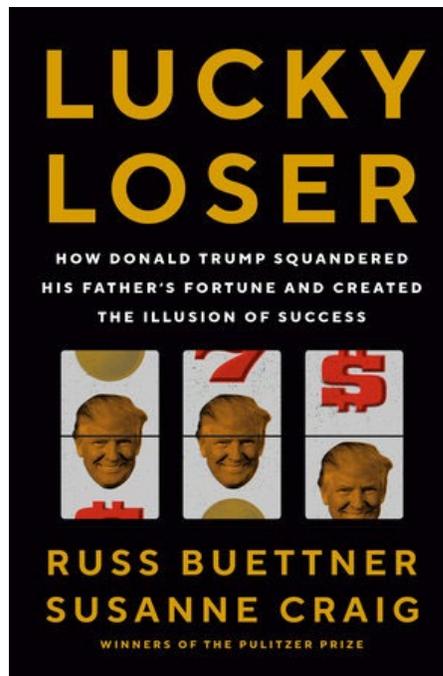
5. The New York Times, ironically, has zero regard for “norms” or “institutions”—for example, just in the last three years, the Times printed opinion pieces that: (a) called for the Senate to retire the filibuster for the purpose of ramming through radical legislation designed to undermine election integrity, (b) characterized the Constitution as “broken” and proposed “pack[ing] the Union with new states” to guarantee its amendment, and (c) deemed the Constitution “dangerous.” See Editorial Board, *For Democracy to Stay, the Filibuster Must Go*, THE NEW YORK TIMES (March 11, 2021), <https://www.nytimes.com/2021/03/11/opinion/us-filibuster-senate.html?camp=> (last visited Sept. 15, 2025); Ryan D. Doerfler and Samuel Moyn, *The Constitution*

Is Broken and Should Not Be Reclaimed, THE NEW YORK TIMES (Aug. 19, 2022), <https://www.nytimes.com/2022/08/19/opinion/liberals-constitution.html> (last visited Sept. 15, 2025); Jennifer Szalai, *The Constitution Is Sacred. Is It Also Dangerous*, THE NEW YORK TIMES (Aug. 31, 2024), <https://www.nytimes.com/2024/08/31/books/review/constitution-secession-democracy-crisis.html> (last visited Sept. 15, 2025).

6. The subject matter of this action—a malicious, defamatory, and disparaging book written by two of its reporters and three false, malicious, defamatory, and disparaging articles, all carefully crafted by Defendants, with actual malice, calculated to inflict maximum damage upon President Trump, and all published during the height of a Presidential Election that became the most consequential in American history—represent a new journalistic low for the hopelessly compromised and tarnished “Gray Lady.” Defendants’ pre-election goal was to kill three birds with one stone: (a) damage President Trump’s hard-earned and world-renowned reputation for business success, (b) in the process, sabotage his 2024 candidacy for President of the United States, and (c) prejudice judges and juries in the unlawful cases brought against President Trump, his family, and his businesses by his political opponents for purposes of election interference. With President Trump having won the Presidency, Defendants’ goals remain similar and unlawful:

tarnish his legacy of achievement, destroy his reputation as a successful businessman, and subject him to humiliation and ridicule.

7. Specifically, on September 17, 2024, Penguin published a false, malicious, and defamatory book titled “*Lucky Loser: How Donald Trump Squandered His Father’s Fortune and Created the Illusion of Success*” (the “Book”), authored by Craig and Buettner. See Susanne Craig and Russ Buettner, *Lucky Loser: How Donald Trump Squandered His Father’s Fortune and Created the Illusion of Success*, PENGUIN RANDOM HOUSE (Sept. 17, 2024), <https://www.penguinrandomhouse.com/books/672076/lucky-loser-by-russ-buettner-and-susanne-craig/> (last visited Sept. 15, 2025) (photo excerpt below).



8. In the leadup to the publication of the Book days earlier, on September 14, 2024, the New York Times published a defamatory, malicious, and false article

titled “*The Star-Making Machine That Created ‘Donald Trump’*” (the “First Article”), authored by Craig and Buettner. *See* Susanne Craig and Russ Buettner, *The Star-Making Machine That Created ‘Donald Trump,’* THE NEW YORK TIMES (Sept. 14, 2024), <https://www.nytimes.com/2024/09/14/business/donald-trump-apprentice.html> (last visited Sept. 15, 2025) (attached hereto as **Exhibit A** with photo excerpt below).



9. Then, on October 20, 2024, the Times published another defamatory, malicious, and false article titled “*For Trump, a Lifetime of Scandals Heads Toward a Moment of Judgment*” (the “Second Article”), authored by Baker. *See* Peter Baker, *For Trump, a Lifetime of Scandals Heads Toward a Moment of Judgment*, NEW YORK TIMES (Oct. 20, 2024), <https://www.nytimes.com/2024/10/20/us/politics/trump-scandals.html> (last visited Sept. 15, 2025) (attached hereto as **Exhibit B** with photo excerpt below).



10. In another election-interfering salvo, on October 22, 2024, the Times published a third false, malicious, defamatory, and disparaging article about President Trump (the “Third Article,” and together with the First Article and the Second Article, the “Articles”), authored by Schmidt. *See* Michael S. Schmidt, *As Election Nears, Kelly Warns Trump Would Rule Like a Dictator*, NEW YORK TIMES (October 22, 2024), <https://www.nytimes.com/2024/10/22/us/politics/john-kelly-trump-fitness-character.html> (last visited Sept. 15, 2025) (attached hereto as **Exhibit C** with photo excerpt below).

The New York Times

Trump Transition | **LIVE** Updates 2m ago | Cabinet Tracker | A Rift Over Treating Obesity | The Economy's Murky Outlook | Trump's Threats to the Media

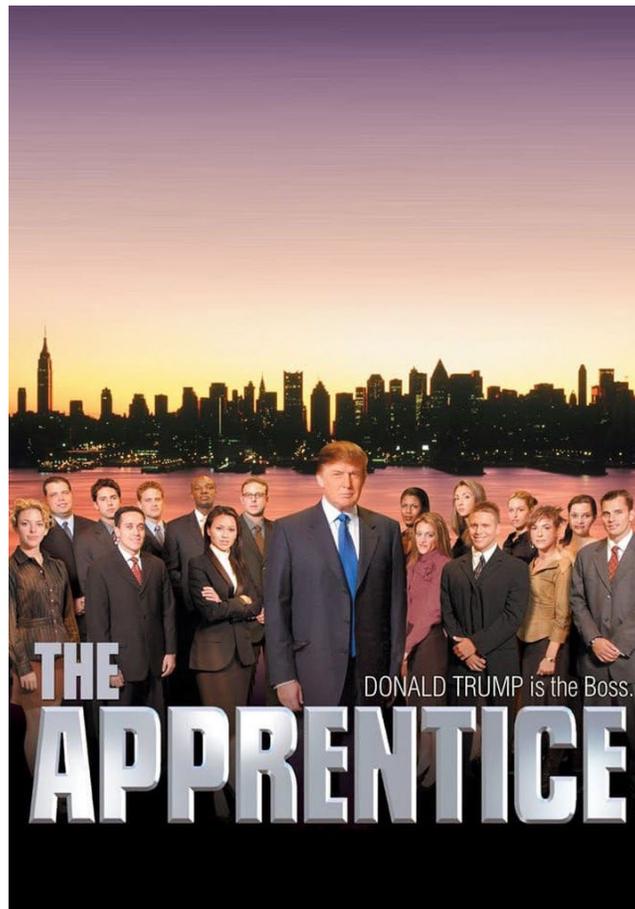
As Election Nears, Kelly Warns Trump Would Rule Like a Dictator

John Kelly, the Trump White House's longest-serving chief of staff, said that he believed that Donald Trump met the definition of a fascist.

11. The Book and Articles are part of a decades-long pattern by the New York Times of intentional and malicious defamation against President Trump. Defendants maliciously published the Book and the Articles knowing that these publications were filled with repugnant distortions and fabrications about President Trump. Defendants simply ignored their breach of journalistic ethics because the Book and the Articles would further the goals of the New York Times and its backers in the Democrat Party. These publications were created with a backward methodology: the authors started with a desired narrative for the Book and the Articles, and then, to achieve that narrative, they falsified, distorted, and manipulated facts, while otherwise accurate information was, and remains, available from public and private sources. To hastily churn out the Book and the Articles right before the Presidential Election, with them appealing as crude works of paparazzi rather than as public interest reports, Defendants chose politics over truth. Defendants could not accept President Trump's win in 2016 and could not fathom his winning again by a landslide, which is what the American people chose to make reality. Hence, Defendants' desperate need to defame with a partisan spear rather than report with an authentic looking glass.

12. To try and falsely and maliciously tear down President Trump's worldwide reputation for success, the New York Times, Craig, Buettner, and Penguin decided to try and confront, head-on, what remains to this day one of the

President’s most well-known successes—in addition to his decades of magnificent real estate achievements, winning the Presidency, and then winning the Presidency *again*—his remarkable performance as the star of “The Apprentice,” one of the top-rated shows of all time and a trailblazer in American television. Thanks solely to President Trump’s *sui generis* charisma and unique business acumen, “The Apprentice” generated hundreds of millions of dollars in revenue, and remained on television for over thirteen years, with nearly 200 episodes. “The Apprentice” represented the cultural magnitude of President Trump’s singular brilliance, which captured the *zeitgeist* of our time.



13. However, for the Defendants, President Trump’s historic performance on “The Apprentice” was *such* an appealing target that they had no qualms betraying journalistic standards to push a fake story helpful to the Democrats at any cost. In a shocking example of reckless disregard for the truth, Craig and Buettner wrote the Book and the First Article—green-lit for publication and published by Penguin and the Times, respectively—without interviewing the famed Mark Burnett (“Burnett”), who co-created “The Apprentice” with President Trump and served as the show’s executive producer. As the Times, Craig, Buettner, and Penguin admitted in the Book and the First Article, “*Mr. Burnett did not respond to invitations to be interviewed.*” (Emphasis added). However, Burnett spoke very clearly in 2003, when, knowing that nothing less than President Trump’s celebrity and charisma would suffice to make “The Apprentice” a smash-hit, he agreed—extraordinarily—to split the show’s profits 50/50 with President Trump. *See* Book at pp. 345-347.

14. Nonetheless, unwilling to let reality stand in the way of sensational fiction, the New York Times, Craig, Buettner, and Penguin maliciously peddled the fact-free narrative that Burnett somehow “discovered” President Trump for “The Apprentice” and magically transformed him into a celebrity—even though at and prior to the time of publication Defendants knew that President Trump was already a mega-celebrity and an enormous success in business. Yet, throughout the Book and the First Article, these Defendants desperately clung to the “discovery” narrative

like a life-raft, as though Burnett’s decision to work with President Trump on “The Apprentice” was on par with Christopher Columbus discovering the New World circa 1492. That was all maliciously false defamation.

15. This false narrative about “The Apprentice” was just the tip of Defendants’ melting iceberg of falsehoods. Defendants made numerous other malicious, defamatory, and disparaging claims about President Trump in the Book and the Articles, including about his family, his overwhelming success, his businesses, his acumen, his brand, his wealth, and much more. This is all consistent with the *modus operandi* of the New York Times and its so-called journalists—a pattern of falsehoods and defamation.

16. Indeed, since 2015, when President Trump famously rode down the escalator at Trump Tower to announce his history-making candidacy for President of the United States, and continuing to the present time, in which he is once again the President, the New York Times has made it abundantly clear that it has no intention of engaging in accurate reporting about President Trump. See Jim Rutenberg, *Trump is Testing the Norms of Objectivity in Journalism*, THE NEW YORK TIMES (August 7, 2016), <https://www.nytimes.com/2016/08/08/business/balance-fairness-and-a-proudly-provocative-presidential-candidate.html> (last visited Sept. 15, 2025) (“If you view a Trump presidency as something that’s potentially dangerous, then your reporting is

going to reflect that. You would move closer than you've ever been to being oppositional.”). The Times does have every intention of defaming and disparaging the world-renowned Trump brand that consumers have long associated with excellence, luxury, and success in entertainment, hospitality, and real estate, among many other industries, as well as falsely and maliciously defaming and disparaging him as a candidate for the highest office in the United States, the 45th, and now 47th President of the United States.

17. Given Defendants' political positions and alliances, and the timing of the publication of the Book and Articles—which were released in the two months leading up to the 2024 Presidential Election, while early voting was already underway—it is evident that the defamatory and disparaging statements in the Book and the Articles were specifically designed to try and damage President Trump's business, personal, and political reputation, and to provide maximum dissemination of the defamatory falsehoods.

18. Contrary to the Times' and its reporters' apparent impression, the First Amendment has never furnished the Times—or Penguin, or anyone else—with an unqualified privilege to make false, malicious, and defamatory statements about its opponents in order to try and ruin their lives and livelihoods. President Trump brings this suit to highlight that principle and to clearly state to all Americans exhausted

by, and furious at, the decades of journalistic corruption, that the era of unchecked, deliberate defamation by the Times and other legacy media outlets is over.

THE PARTIES

19. President Trump is a citizen of the United States, a resident of the State of Florida, the 45th President of the United States of America, and, having handily won the 2024 Presidential Election despite Defendants' best efforts to the contrary, is the 47th President of the United States. In addition to his unprecedented political success, President Trump is universally known for his decades of remarkable business achievements, particularly at the helm of the world-renowned Trump Organization, with its worldwide portfolio of luxury real estate holdings. Having long established himself as a global celebrity, he then revolutionized television as the star of "The Apprentice." President Trump continues to redefine what is possible in business and media, including with his founding, and powerful use, of the immensely successful social media platform, *Truth Social*.

20. Recently, President Trump's transcendent ability to defy wrongful conventions has been vividly reflected in his successful undertaking to restore integrity to journalism, and repair the immense damage caused by legacy media outlets such as the Times for the better part of a decade. These legal victories were so significant that even the Times had no choice but to, at last, reverse their position, and reluctantly recognize the importance of the President's highly meritorious and

successful cases. See Michael M. Grynbaum and Alan Feuer, *ABC to Pay \$15 Million to Settle a Defamation Suit Brought by Trump*, THE NEW YORK TIMES (Dec. 14, 2024), <https://www.nytimes.com/2024/12/14/business/media/trump-abc-settlement.html> (last visited Sept. 15, 2025); Benjamin Mullin, Michael M. Grynbaum, Lauren Hirsch and David Enrich, *Paramount to Pay Trump \$16 Million to Settle '60 Minutes' Lawsuit*, THE NEW YORK TIMES (July 2, 2025), <https://www.nytimes.com/2025/07/02/business/media/paramount-trump-60-minutes-lawsuit.html> (last visited Sept. 15, 2025).

21. Indeed, ABC News not only made a \$15 million settlement payment but also paid an additional \$1 million in legal fees and published a statement of regret for the abhorrent defamation of President Trump by George Stephanopoulos during a March 2024 segment of ABC's *This Week*. "Under the terms of [the] settlement . . . ABC News will donate the \$15 million to [President] Trump's future presidential foundation and museum. The network and its star anchor, George Stephanopoulos, also published a statement saying they 'regret' remarks made about Mr. Trump during a televised interview in March." See Grynbaum and Feuer, *ABC to Pay \$15 Million to Settle a Defamation Suit Brought by Trump*, *supra*.

22. Paramount and CBS News, for their part, made a \$16 million settlement for their deceptive tampering with the infamous *60 Minutes* interview of failed presidential candidate Kamala Harris and subsequent concealment of the unedited

interview transcript. Additionally, consistent with President Trump’s steadfast commitment to ensure accurate and fair reporting that serves the public good, he secured as part of the settlement a landmark new transparency Rule requiring CBS News to promptly release unedited transcripts of its future presidential interviews. “Paramount said late Tuesday that it had agreed to pay President Trump \$16 million to settle his lawsuit over the editing of an interview on the CBS News program ‘60 Minutes,’ an extraordinary concession to a sitting president by a major media organization As part of the settlement, Paramount said, it agreed to release written transcripts of future ‘60 Minutes’ interviews with presidential candidates.” See Mullin, Grynbaum, Hirsch and Enrich, *Paramount to Pay Trump \$16 Million to Settle ‘60 Minutes’ Lawsuit, supra*.

23. In addition, Paramount will be furnishing an additional \$20 million in advertising and programming in the form of advertising, PSAs, and programming, bringing the total settlement to over \$36 million. See Joey Garrison, *Trump says he expects \$20 million worth of ads, programs from ‘60 Minutes settlement*, USA TODAY (July 23, 2025), <https://www.usatoday.com/story/news/politics/2025/07/23/trump-20-million-side-pot-60-minutes-paramount-settlement/85345680007/> (last visited Sept. 15, 2025).

24. President Trump's victories over ABC and CBS were monumental. As he emphatically stated of the results of the transformative legal actions:

BREAKING NEWS! We have just achieved a BIG AND IMPORTANT WIN in our Historic Lawsuit against 60 Minutes, CBS, and Paramount. Just like ABC and George Slopapoulos, CBS and its Corporate Owners knew that they defrauded the American People, and were desperate to settle. Paramount/CBS/60 Minutes have today paid \$16 Million Dollars in settlement, and we also anticipate receiving \$20 Million Dollars more from the new Owners, in Advertising, PSAs, or similar Programming, for a total of over \$36 Million Dollars. This is another in a long line of VICTORIES over the Fake News Media, who we are holding to account for their widespread fraud and deceit. The Wall Street Journal, The Failing New York Times, The Washington Post, MSDNC, CNN, and all other Mainstream Media Liars, are ON NOTICE that the days of them being allowed to deceive the American People are OVER. MAKE AMERICA GREAT AGAIN!

See @REALDONALDTRUMP, X.COM, (<https://truthsocial.com/@realDonaldTrump/posts/114898229237459086>) (last visited Sept. 15, 2025)

25. Further, President Trump has also brought a powerhouse defamation suit against the *The Wall Street Journal*, arising out of a July 17, 2025 article falsely claiming that he authored, drew, and signed a card to wish the late—and utterly disgraced—Epstein a happy fiftieth birthday. *See President Donald J. Trump v. Dow Jones & Company, Inc. d/b/a The Wall Street Journal, News Corporation, Keith Rupert Murdoch, Robert Thomson, Khadeeja Safdar, and Joseph Palazzolo*, Case 1:25-cv-23232 (S.D. Fl. July 18, 2025) (*arising out of: Khadeeja Safdar and Joseph Palazzolo, Jeffrey Epstein's Friends Sent Him Bawdy Letters for a 50th Birthday Album. One Was From Donald Trump*, WALL STREET JOURNAL (July 17, 2025),

https://www.wsj.com/politics/trump-jeffrey-epstein-birthday-letter-we-have-certain-things-in-common-f918d796?mod=hp_lead_pos7 (last visited Sept. 15, 2025)).

26. Notwithstanding President Trump’s undeniable legal successes against the biased legacy media, the Times has predictably and bitterly criticized the lawsuits. See David Enrich, *Trump’s New Line of Attack Against the Media Gains Momentum*, THE NEW YORK TIMES (Feb. 7, 2025), <https://www.nytimes.com/2025/02/07/business/media/trump-media-lawsuits.html> (last visited Sept. 15, 2025) (“First Amendment experts say Mr. Trump’s lawsuits, based on unproven legal theory, lack merit. But more could be on the way.”).

27. Despite wrong and partisan criticism from the Times and other major outlets, President Trump has also been extraordinarily successful and prolific in defeating the numerous “lawfare” cases brought against him by Democrats and frequently “reported” about, but actually just cheered on, by the Times in a grossly biased manner. Vitaly, on August 21, 2025, the New York Appellate Division vacated an unconstitutional civil fraud penalty of over \$520,000,000 against President Trump, members of his family, and his businesses handed down by a biased judge as a result of a sham lawsuit brought by Democrat New York Attorney General Letitia James, which involved no financial losses, no victims, and only gross mistakes by James and Democrat-backed Justice Arthur Engoron, such as valuing

magnificent Mar-a-Lago in Palm Beach, Florida, at a ludicrous \$18 million when it is worth at least 100 times that amount. *See* Jonah E. Bromwich and Ben Protess, *Divided Court Eliminates Trump's Half-Billion-Dollar Fine in Fraud Case*, THE NEW YORK TIMES (Aug. 21, 2025), <https://www.nytimes.com/2025/08/21/nyregion/trump-fraud-james.html> (last visited Sept. 15, 2025). Throughout the pendency of this grotesque and unprecedented sham, the Times and its reporters acted as unabashed cheerleaders for James, even perversely portraying her as the victim. *See* Jeffrey Toobin, *Adam Schiff, Letitia James and Trump's Payback Plan*, THE NEW YORK TIMES (Aug. 14, 2025), <https://www.nytimes.com/2025/08/14/opinion/schiff-james-trump-investigation.html> (last visited Sept. 15, 2025); Jonah E. Bromwich, *She Relishes Being Trump's Nemesis. Now He Is Out for Revenge*, THE NEW YORK TIMES (June 11, 2025), <https://www.nytimes.com/2025/06/11/nyregion/trump-james-ny-attorney-general-investigation.html> (last visited Sept. 15, 2025); Jonah E. Bromwich and Ben Protess, *What the Civil Fraud Ruling Means for Trump's Finances and His Empire*, THE NEW YORK TIMES (Feb. 16, 2024),

<https://www.nytimes.com/2024/02/16/nyregion/trump-fraud-trial-finances.html>

(last visited Sept. 15, 2025).

28. Defendant Times is a New York corporation and global media organization with its principal place of business in New York, New York.

29. Defendant Craig is a natural person over the age of eighteen, a citizen of the State of New York, and an employee of the Times. Craig has “[i]n recent years [has] been focused on shedding light on Mr. Trump’s finances.” *See Susanne Craig*, THE NEW YORK TIMES, <https://www.nytimes.com/by/susanne-craig> (last visited Sept. 15, 2025).

30. Defendant Buettner is a natural person over the age of eighteen, a citizen of the State of New York, and an employee of the Times. *See Russ Buettner*, THE NEW YORK TIMES, <https://www.nytimes.com/by/russ-buettner> (last visited Sept. 15, 2025).

31. As detailed in the Book and related reporting, Craig and Buettner received stolen tax returns from convicted felon Charles Littlejohn. *Plaintiff’s Notice of Filing Redacted Version of ECF 111-2 in Compliance with Court Order (ECF 114)*, *Kenneth C. Griffin v. Internal Revenue Service and U.S. Department of the Treasury*, Case No. 22-cv-24023 (S.D. FL Apr. 25, 2024), ECF No. 119 Exhibit 1 (Deposition of Charles Littlejohn).

32. Defendant Baker is a natural person over the age of eighteen and, a citizen of the District of Columbia, and an employee of the Times. Baker was the “chief White House correspondent . . . covering President Biden and his administration,” who “sometimes” writes about President Trump. *See Peter Baker*, THE NEW YORK TIMES, <https://www.nytimes.com/by/peter-baker> (last visited Sept. 15, 2025). Baker also wrote a biography on former President Obama, “The Call of History” (*see Book Review, available at https://perma.cc/4RX8-MQZW* (last visited Sept. 15, 2025)), and his wife, Susan Glasser, is active in her social media attacks on President Trump. *See X Profile, Susan Glasser, available at https://x.com/sbg1* (last visited Sept. 15, 2025).

33. Defendant Schmidt is a natural person over the age of eighteen, is a citizen of the District of Columbia, and is an employe of the Times. *See Michael S. Schmidt*, THE NEW YORK TIMES, <https://www.nytimes.com/by/michael-s-schmidt> (last visited Sept. 15, 2025). Schmidt, also a contributor to MSNBC and NBC News, wrote a book attacking President Trump, published by Penguin. *See Michael S. Schmidt, Donald Trump v. The United States: Inside the Struggle to Stop a President*, PENGUIN RANDOM HOUSE (Sept. 1, 2020),

<https://www.penguinrandomhouse.com/books/604656/donald-trump-v-the-united-states-by-michael-s-schmidt/> (last visited Sept. 15, 2025).

34. Defendant Penguin is a Delaware limited liability company with its principal place of business in New York, New York, and is the U.S. arm of Penguin Random House, the world's largest trade publisher.

JURISDICTION AND VENUE

35. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1332(a). The parties are completely diverse, as President Trump is a citizen of Florida, while all Defendants are citizens of New York, Delaware, and the District of Columbia, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

36. The Court possesses personal jurisdiction over Defendants pursuant to Florida Statute §48.193(2) on the grounds that Defendants, during the operative period alleged in this Complaint, engaged in substantial and not isolated business activities in Florida, and more specifically in this District. By way of illustration, Defendant Times publishes online news reports, editorials, and other media content at <https://www.nytimes.com>, which are regularly read by individuals in Florida, including the content at issue in this action; Defendant Times sells printed, regularly read newspapers in Florida, which contain news reports, editorials, and other media content, including the content at issue in this action; Defendant Penguin publishes

online books/e-books at <https://www.penguinrandomhouse.com/books/>, which are regularly read by individuals in Florida, including the book at issue in this action; and Defendant Penguin sells printed, regularly read books in Florida, including the book at issue in this action.

37. In addition, this Court possesses personal jurisdiction over Defendants pursuant to: (a) Florida Statute §48.193(1)(a)(1) on the grounds that Defendants Times and Penguin operate, conduct, engage in, or carry on a business in this state or have an office or agency in this state, (b) Florida Statute §48.193(1)(a)(2) on the grounds that Defendants committed a tortious act in this state (as alleged in this Complaint), and (c) Florida Statute §48.193(1)(a)(6) on the grounds that Defendants caused injury to President Trump within this state arising out of an act or omission by Defendants outside this state, while at or about the time of the injury, products, materials, or things processed, serviced, or manufactured by Defendants were used or consumed within this state in the ordinary course of commerce, trade, or use.

38. The Book and Articles were published in Florida, remain accessible by the public in Florida, and have been accessed and read by individuals in Florida. The New York Times's newspapers, online content, and subscriptions are available for public consumption in Florida, and Penguin's publications are available for public consumption in Florida. Injury to President Trump's reputation in Florida and among

Florida citizens is particularly damaging and injurious to President Trump, and to his business and political efforts.

39. The Times and its reporters produce a distinct newspaper for distribution and sale in Florida each day. Depending on current events and whether the particular issue of the Times is a weekday or weekend edition, the Times distributes and sells between thousands and tens of thousands of copies of its paper each day in Florida, to Floridians—not to mention the thousands of subscribers to its interactive digital content who reside in Florida. In the aggregate, the Times and its reporters generate millions of individual copies of the Times per year fully intending those copies to be distributed and sold in Florida, to Floridians.

40. When writing for the Times, Craig, Buettner, Baker, and Schmidt were all aware of the Times' nationwide circulation, including its regular distribution and sale in Florida. Each write for the Times in part because of its national presence. Each was aware that their writings would be published and distributed in Florida, to Floridians, and each approved of the Times' distribution and sale of their writings in Florida as a part of selling the Times.

41. Penguin similarly regularly publishes, distributes, and sells books in Florida. It publishes titles under numerous brands, including *Penguin Random House*, *Penguin Books*, *Viking*, *Dutton Children's Books*, *The Princeton Review*, *Ballantine Books*, *Image Catholic Books*, *Alfred A. Knopf*, *Doubleday*, and *Vintage*

Books. Across its various brands, Penguin publishes approximately 85,000 unique titles in the United States annually, with approximately 15,000 printed, distributed, and sold as physical media and the remaining 70,000 as digital books; some titles are published, distributed, and sold via both print and digital channels.

42. Penguin markets, distributes, and sells substantially all these titles, including *Lucky Loser*, the title at the center of this litigation, in Florida for sale to Floridians. Penguin has sold thousands or tens of thousands of copies of *Lucky Loser* in Florida through both its print and digital channels. Defendants Craig and Buettner were, once again, aware that *Lucky Loser* would be published, distributed, and sold in Florida, and each approved of Penguin's marketing, distributing, and selling their book in Florida. Penguin continues to distribute and sell *Lucky Loser* in Florida as of the filing of this Complaint. Penguin also maintains an office in Florida, located at 8950 SW 74 Court, Suite 2010, Miami, FL 33156.

43. Penguin's extensive business contacts with, and interest in, Florida, are further evidenced by its litigation to protect what it perceives to be threats to its business. In August 2024, for example, Penguin joined five other publishers in filing a lawsuit in this District against the Florida State Board of Education and State officials in connection with HB 1069, an education law protecting youth against inappropriate content in school libraries. *See* Complaint, *Penguin Random House LLC et al. v. Ben Gibson, in his official capacity as Chair of the Florida State Board*

of *Education et al.*, No. 6:24-cv-01573 (M.D. Fl. Aug. 29, 2024), https://www.publishersweekly.com/binary-data/ARTICLE_ATTACHMENT/file/000/006/6535-1.pdf (last visited Sept. 15, 2025).

44. Defendants Craig and Buettner aggressively marketed *Lucky Loser* to a nationwide audience and repeatedly republished its central claims in a series of interviews through nationwide channels. These interviews included appearances on *CNN*, *Mediaite*, *National Public Radio*, and other programs; they were predictably republished in a series of other sources which further called attention to Craig and Buettner's defamatory, malicious, false, and harmful claims about President Trump. Both Craig and Buettner appeared on these programs to promote their book knowing that these promotions would be rebroadcast in Florida and intending for their appearances to increase the nationwide sales of their books, including in Florida.

45. As of the filing of this Complaint, the several New York Times articles in dispute remain in circulation in Florida and available online in Florida via the Times' website. Each has had several hundred comments, including comments by Florida readers, as the Times encourages its readers to discuss the contents of its articles to promote engagement with the Times's articles.

46. Venue is proper in this district under 28 U.S.C. § 1391(b)(2) and (b)(3). A substantial part of the events or omissions giving rise to Plaintiff's claims occurred

in this District: both the Times and Penguin distributed and sold between thousands and tens of thousands of copies of their respective publications within this District. Defendants have published their false and harmful statements to the millions of residents of this District, if not more. Because many of the statements that Defendants have made within this District are of the sort for which harm is presumed, this Court can and should presume that the reputation of President Trump and his businesses, the Trump Organization, and President Trump's other business holdings during the relevant period, including the *Truth Social* platform and the \$TRUMP crypto project, were harmed with the millions of residents of this District.

47. Additionally, Trump Media & Technology Group ("TMTG"), the media and technology company that owns and operates *Truth Social*, which President Trump is founder of, is headquartered in Sarasota, within this District. The President founded TMTG, and was TMTG's majority shareholder at the time his claims accrued.

FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS FOR RELIEF

President Trump's Sterling Business & Real Estate Background

48. President Trump's family has long been one of the most influential and successful real estate families in New York City, New York State, and around the world.

49. President Trump's late father, Fred C. Trump, was a legendary businessman and a patriot, who built over 27,000 apartments in New York City. He likewise was responsible for building one of New York City's first modern supermarkets, called Trump Market, in Woodhaven, Queens; building Shore Haven in Bensonhurst, which included thirty-two six-story buildings and a shopping center covering some thirty acres; constructing the twenty-three building Beach Haven Apartments over 40 acres near Coney Island; building barracks and garden apartments for the U.S. Navy along the East Coast during World War II; and building middle-income housing for the returning veterans and their families after the war had ended. For his efforts and accomplishments, in 1985, Fred Trump received the Horatio Alger Award for distinguished Americans.

50. Fred Trump's success was a major source of inspiration for President Trump and a catalyst for the Trump family's overwhelming success going forward.

51. President Trump initially learned about the real estate business from his father and leveraged the skills he gained under his father's tutelage for his own historic accomplishments, starting in New York City's real estate market—the toughest in the world.

52. President Trump's early success and business acumen were nationally recognized in 1982 as he was listed in *The Forbes 400* List of the wealthiest people in America. See Antoine Gara, *Donald Trump Through the Years*, FORBES (Dec. 2,

2016), <https://www.forbes.com/pictures/ghmf45edldg/1982-the-forbes-400> (last visited Sept. 15, 2025).

53. Thereafter, President Trump's stewardship of the Trump Organization has made it and the Trump name synonymous not only with New York City real estate but also with worldwide excellence, luxury, and opulence. Under President Trump's leadership, the Trump brand has come to symbolize the highest standards of class, quality, and consumer satisfaction.

54. President Trump built much of New York City's famed skyline, owning and operating many of the key New York landmarks.

55. Currently, President Trump and the Trump Organization own and operate the magnificent Trump Tower, Trump International Hotel and Tower, The Trump Building, 1290 Avenue of the Americas, Trump Park Avenue, Trump Parc, Trump Parc East, Trump World Tower, 610 Park Avenue, Trump Tower City Center, Trump Palace, Trump Park Residences Yorktown, Trump Plaza, 200 Riverside Boulevard, 220 Riverside Boulevard, 240 Riverside Boulevard, 1 Central Park West, the Grand Hyatt Hotel, and 40 Wall Street, in addition to numerous other iconic properties.

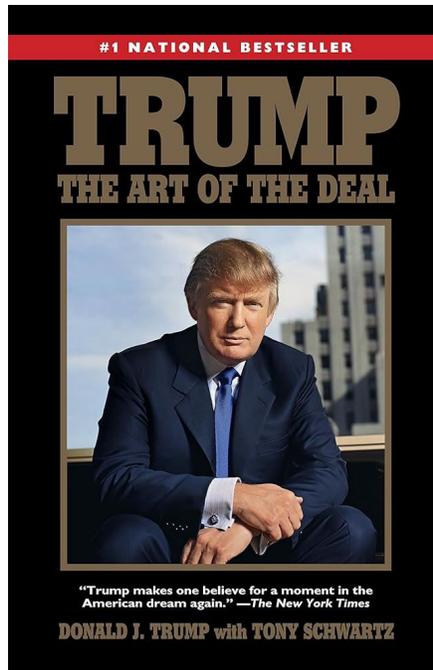


56. President Trump has built, transformed, established, and revitalized businesses, projects and brands, including “The Apprentice;” *Truth Social*; Trump Tower, New York City; Trump International Hotel and Tower, New York City; The Trump Building, New York City; the GM Building, New York City; 1290 Avenue of the Americas, New York City; Trump Park Avenue, New York City; Trump Parc, New York City; Trump Parc East, New York City; Trump World Tower, New York City; 610 Park Avenue, New York City; Trump Tower City Center, New York City; Trump Palace, New York City; Trump Plaza, New York City; Plaza Hotel, New York City; 200 Riverside Boulevard, New York City; 240 Riverside Boulevard, New York City; 1 Central Park West, New York City; the Grand Hyatt Hotel, New

York City; Wollman Rink, New York City; West Side Railyards, New York City; Trump Park Residences, Yorktown; Mar-a-Lago, Palm Beach, Florida; Trump Plaza and Casino, Atlantic City; Trump Castle, Atlantic City; Trump Taj Mahal, Atlantic City; Trump International Hotel, D.C.; Trump International Hotel, Las Vegas; Trump International Hotel and Tower, Chicago; Trump National, Westchester; Trump International Golf Club, West Palm Beach; Trump International Golf Club, Puerto Rico; Trump National Golf Club, Ranchos Palos Verdes; Trump National Golf Club, Bedminster; Trump National Golf Club, Charlotte; Trump National Golf Club, Philadelphia; Trump National Golf Club, Jupiter; Trump National Golf Club, D.C.; Trump National Golf Club, Doral; Trump International Golf Links, Scotland; Trump Turnberry, Scotland; Trump International Golf Links, Doonbeg, Ireland; Trump Links at Ferry Point, Bronx; Trump International Golf Dubai; USFL Football League (Team Owner); Miss Universe Organization; Miss USA; and Miss Teen USA.



57. President Trump has authored many best-selling books, including: *Trump: The Art of the Deal* (1987); *Trump: Surviving at the Top* (1990); *Trump: The Art of the Comeback* (1997); *The America We Deserve* (2000); *Trump: How to Get Rich* (2004); *Trump: Think Like a Billionaire* (2004); *Why We Want You to Be Rich* (2006); *Trump 101: The Way to Success* (2006); *Trump: The Best Real Estate Advice I Ever Received* (2006); *Think Big and Kick Ass: In Business and Life* (2007); *Never Give Up: How I Turned My Biggest Challenges into Success* (2008); *Think Like a Champion: An Informal Education In Business and Life* (2008); *Time to Get Tough: Making America #1 Again!* (2011); *Midas Touch: Why Some Entrepreneurs Get Rich - and Why Most Don't* (2012); *Why We Want You to Be Rich: Two Men, One Message* (2014); *Crippled America: How to Make America Great Again* (2015); *Great Again: How to Fix Our Crippled America* (2015); *Our Journey Together* (2021); *The Greatest Speeches of Donald J. Trump* (2022); *Letters to Trump* (2023); *Trumped: The Wit and Wisdom of Donald J. Trump* (2024); *Time to Get Tough: Make America Great Again* (2024); and *Save America* (2024).



58. President Trump’s hundreds of history-making media appearances and roles include: *WrestleMania V* (1989); *Ghosts Can’t Do It* (1989); *All My Children* (1992); *Lady Boss* (1992); *Home Alone 2* (1992); *Fallen Champ: The Untold Story of Mike Tyson* (1993); *Fresh Prince of Bel Air* (1994); *The Little Rascals* (1994); *Across the Sea of Time* (1995); *Eddie* (1996); *The Nanny* (1996); *The Associate* (1996); *The Drew Carey Show* (1997); *NightMan* (1997); *Spin City* (1998); *54* (1998); *Celebrity* (1998); *Sex In The City* (1998); *Miss Universe 2001* (2001); *The Job* (2001-2002); *Zoolander* (2001); *Donald Trump Real Estate Tycoon!* (2002) (video game); *Two Weeks Notice* (2002); *Miss USA 2002* (2002); *Ali G Show* (2003); *Marmalade* (2004); *Days of Our Lives* (2005); *Miss Universe Pageant*; *The Apprentice* (2004-2015) and *Celebrity Apprentice* (2008-2015); Hosted *Saturday Night Live* (2015); Hosted *WWE*; and much more.

59. President Trump has utilized his business and real estate acumen to grow his business and holdings across America and internationally, including Ireland, Oman, Scotland, Vietnam, and Dubai. Trump properties include majestic buildings, bespoke resorts, world-class golf courses, and elite restaurants.

60. After leaving office in 2021, President Trump began new business ventures, ranging from social media enterprises (*Truth Social*) to crypto projects (\$TRUMP).

61. As evidenced by the meteoric rise of *Truth Social*, President Trump's business success resonates in the American collective consciousness, his winning appeal to the electorate is based, in significant part, on his getting unmatched results across various and multiple industries. Without being involved in day to day operations, President Trump with his brand and social media prowess alone propelled the company to great success—even after several of the company's early directors had already inflicted incalculable harm on the nascent business. *See Trump Media & Tech. Grp. Corp., et al. v. ARC Glob. Investments II LLC, et al.*, No. 2024 CA 001061 (Fla. 12th Cir. Ct.).

62. These diverse businesses depend on public patronage and public participation for their revenue; in turn, the demand to visit Trump Organization properties depends in large part on President Trump's well-earned reputation as a shrewd businessman—and his name's association with excellence, luxury, and

elegance—which have proven vital to the values of many of these businesses and properties. President Trump prides himself on having a reputation for high standards, excellence, and consumer satisfaction; statements falsely casting aspersions on President Trump’s reputation as a businessman or the Trump Organization’s legitimacy therefore cause direct and easily foreseeable harm to these businesses’ value, revenue, and profitability.

**President Trump’s Celebrity and Achievements Pave the Way for
“The Apprentice”**

63. President Trump masterfully applied his eminence in real estate and business to worldwide publicity, which fueled the growth of the Trump Organization and continued to bolster his sterling reputation through the 1980s, 1990s, and into the 21st century, as evidenced by his appearances and speaking parts in numerous well-known movies, television shows, and beauty pageants.

64. By the early 2000s, President Trump was a well-known household name to the American people and internationally. The public associated President Trump’s persona with someone who was highly successful, had built an enterprise worth over a billion dollars, and was tough and principled, yet courageous enough to speak his mind without fear of rebuke.

65. President Trump’s hard-earned reputation for excellence led Burnett to seek him out when the idea for the television show “The Apprentice” began to formulate. President Trump and Burnett created “The Apprentice,” which first aired

in 2004 and gave the public an inside look into President Trump’s brilliant business acumen and unique real estate abilities.

66. Because of President Trump’s *sui generis* charisma and personality, “The Apprentice” instantly became a top-rated television show. The program generated hundreds of millions of dollars in revenue and was on television for over thirteen years, with nearly 200 episodes.

67. Vitally, on “The Apprentice,” President Trump coined the iconic catchphrase “You’re Fired!” This led to numerous derivative works and merchandise that utilized the phrase and embodied President Trump’s name, image, and likeness.



68. “The Apprentice” was a monumental success *directly because of* President Trump.

**'THE (CELEBRITY) APPRENTICE' RATINGS:
HOW 'YUGE' WAS TRUMP'S RUN?**

Season	Show	18-49 Rating	Total Viewers (Millions)
2014-2015	Celebrity Apprentice	2.4	7.609
2012-2013	All-Star Celebrity Apprentice	1.9	5.807
2011-2012	Celebrity Apprentice	2.5	7.283
2010-2011	Celebrity Apprentice (Spring)	3.3	9.046
2010-2011	The Apprentice (Fall)	1.7	4.675
2009-2010	Celebrity Apprentice	3.2	8.210
2008-2009	Celebrity Apprentice	3.5	8.981
2007-2008	Celebrity Apprentice	4.0	9.784
2006-2007	The Apprentice	3.1	7.486
2005-2006	The Apprentice (Spring)	4.1	9.944
2005-2006	The Apprentice (Fall)	5.0	11.010
2004-2005	The Apprentice (Spring)	6.4	13.963
2004-2005	The Apprentice (Fall)	7.8	16.143
2003-2004	The Apprentice	10.1	20.704

SOURCE: NIELSEN

THE WRAP

The Illogical, Tortured, and Twisted Falsity of the Book and the Articles

69. Clearly indicating Defendants’ actual malice, the Book and the First Article center on the absurd, fanciful, and false story that President Trump somehow owes his public persona and celebrity status to Burnett and other NBC executives. *See* First Article (“Mr. Trump had mostly luck to credit for being discovered, at age 57, by Mark Burnett, then the hottest name in the hottest new television genre.”).

Nothing could be further from the truth. NBC and all of the producers are indebted to President Trump for making “The Apprentice” a smash hit in a way that no other celebrity could have accomplished. As conceded in the Book, “Trump was the star.” *See* Book at p. 371. One producer even observed that “he couldn’t have been a better reality star.” *Id.* at p. 373.

70. Indeed, the false thrust of the Book and the First Article—the twisted inversion of President Trump’s importance to “The Apprentice”—is belied by Burnett’s and NBC’s choice of President Trump in the first place. They recognized that not just anybody could turn “The Apprentice” into a success. Only President Trump had the necessary combination of actual business achievement, charisma, fame, personality, intellect, and instinctual comfort in front of a television audience that could drive the show to television heights.

71. The Book and the First Article revolve around this false, malicious, and defamatory premise that Burnett and NBC “discovered” and made President Trump, despite the authors’ admission that before “The Apprentice,” President Trump was already charismatic and famous. *See* Book at p. 7 (“No telling of Donald Trump’s life could be complete without occasionally marveling at the power of his innate and unique charisma. Across the decades, Donald Trump drew eyeballs, viewers, and everyday people who just wanted to touch his suit”); *Id.* at p. 225 (“I think people were mesmerized by him,’ [Norman] Levin later recalled. ‘He had this

extraordinary charisma that anything he said was like gospel.’ ”); First Article (“Donald J. Trump opened [Trump Tower] early *in his first rise to fame.*”); (“For better or worse, *Mr. Trump, long a staple of the New York City tabloids, drew eyeballs and would never shy away from a camera.*”); (In the most recent Gallup survey measuring Mr. Trump’s reputation before the show, *98 percent of those polled knew his name*”) (emphasis added).

72. Further underscoring the defamatory nature of the false premise that the producers of “The Apprentice” somehow made an undiscovered President Trump into a successful celebrity, and the actual malice of Craig, Buettner, and Penguin, they concede that in 1985:

The *revered* CBS news program *60 Minutes* had been working on a profile of Donald. A producer on the show later recalled that segment came about organically from the simple observation that Donald Trump seemed to be everywhere Known for his tough scrutiny of subjects, correspondent Mike Wallace opened the segment by lending his voice to Donald Trump’s favorite version of himself. “In a world where mere millionaires have become a dime a dozen,” Wallace said, “there’s a new billionaire in town. Trump’s the name. Donald Trump.” The most serious news program on national television had just crowned Donald Trump a billionaire

See Book at p. 227 (emphasis added).

73. With this paragraph, the untenable, tortured logic of Craig, Buettner, and Penguin is laid bare: they claim on the one hand that “The Apprentice” magically transformed President Trump from unknown businessman to successful celebrity thanks to Burnett’s “discovery,” while conceding on the other hand that as early as

1985, the then-most famous news program in America, and its equally famous lead correspondent, christened President Trump as a national mega-celebrity.

74. The alarming level of intellectual dishonesty and lack of narrative logic within the Book is not limited to the paragraph about the Wallace segment. Several pages later, Craig, Buettner, and Penguin report about the legendary Robin Leach’s visit to President Trump at Mar-a-Lago:

For those first few months [in 1985 after purchasing Mar-a-Lago], the Trumps flew back and forth between Florida and New York most weekends. Donald and Ivana . . . allowed Mar-a-Lago to be the site of a fundraiser for the local landmark preservation charity . . . They broke the staid local norms by letting *Lifestyles of the Rich and Famous* film the event as part of another profile of Donald Trump’s wealth. “Trump heads a two-billion-dollar-plus real estate empire,” host Robin Leach said . . . Leach promised viewers that learning what Trump had been up to would “shock, surprise, and delight you.” “He’s bought a winter house! But not any winter house. This Trump castle is the number-one home in America,” Leach said as a helicopter camera shot zoomed across the beach toward the estate’s red-tile roofs. “It’s the nation’s largest and most expensive private residence. You’re about to tour this incredible estate—all one hundred twenty-eight rooms!”

Id. at p. 232.

75. The Defendants themselves prove that their other false claims are malicious defamation against President Trump. Craig, Buettner, and Penguin concede that by 1986, “Trump had been transformed from a real estate developer into a national celebrity. People stopped him on the streets of Manhattan for an autograph. Some asked to touch him for good luck, as if he were a Blarney Stone in pinstripes.” *Id.* at p. 236. They continue: “His name appeared in newspapers every

day, sometimes in multiple places in the same paper. He had become so well-known that ‘Donald Trump’ was now its own simile and metaphor, shorthand for success and prominence.” *Id.*

76. In truth, this transformation had occurred even earlier. President Trump had been the subject of the cover article in *GQ* in May 1984 “that had sold very well.” *Id.* at 237.

77. Ironically, in 1986, even the New York Times—which now seeks to tear President Trump’s reputation down—wrote of “big time real estate entrepreneurs such as Donald Trump,” while another newspaper included the phrase “the nation’s firmament of big developers—the Donald Trumps.” *Id.* at 236. The Times even listed him as a name that stood shoulder-to-shoulder with “the heads of American Express, General Electric, and Citicorp.” *Id.*

78. As if all this were not enough, just as President Trump “benefited from pop culture and people’s growing interest in the lives of the rich and famous, he also benefitted from an explosive trend in book publishing.” *Id.* After President Trump signed a book contract for his famed book *The Art of the Deal*, “[t]he book-in-progress was announced by Liz Smith, then one of the most prominent gossip columnists in the country, as the lead item in her nationally syndicated column, which ended with this line: ‘This book could very well out-Iacocca Lee Iacocca’s smashing best-seller!’” (referring to the long-running smash-hit Iacocca: An

Autobiography, which “chronicled Lee Iacocca’s rise from child of Italian immigrants in Pennsylvania to leading the Chrysler Corporation back from the brink of collapse in the early 1980s,” which became “the bestselling nonfiction book of 1984 and 1985”). *Id.* at 237.

79. Another highly inconvenient but material fact—buried by Craig, Buettner, and Penguin deep in the middle pages of the Book just before the Robin Leach visit to Mar-a-Lago—puts the lie to their attacks on President Trump’s business acumen. President Trump acquired Mar-a-Lago for a total of “\$8 million for the estate and its contents, plus another \$2 million for a four-hundred-foot strip of beach across Ocean Boulevard from the mansion” with a “down payment of \$2,812.” *Id.* at 232. Today, Mar-a-Lago, situated in the exclusive Palm Beach, Florida, is likely worth well over \$1,000,000,000. Indeed, “Mar-a-Lago has more than 10 times the acreage of the property that holds the record for Palm Beach’s most expensive home. That property, a nearly 1.6-acre estate on North Country Road . . . sold for \$170 million in 2023” See Katherine Clark and E.B. Solomont, *How Much Is Mar-a-Lago Actually Worth? It’s a Billion-Dollar Question*, THE WALL STREET JOURNAL, (June 7, 2024), <https://www.wsj.com/real-estate/luxury-homes/donald-trump-mar-a-lago-worth-71c278a1> (last visited Sept. 15, 2025). “Mar-a-Lago could be worth north of \$1 billion, said Todd Michael Glaser, the

developer behind the Tarpon Island Project, calling the club ‘the Mona Lisa’ of Palm Beach real estate.” *Id.*

80. And, last year, even the antagonistic Baker conceded in the pages of the New York Times that President Trump had been a “celebrity builder” before running for office. Peter Baker, *Trump’s Wild Claims, Conspiracies, and Falsehoods Redefine Presidential Bounds*, THE NEW YORK TIMES (Nov. 3, 2024), <https://www.nytimes.com/2024/11/03/us/politics/trump-falsehoods-claims-election.html> (last visited Sept. 15, 2025)

81. All this begs the question: how could Burnett have “discovered” President Trump after newspapers and television programs of national prominence, including but not limited to *60 Minutes*, *Lifestyles of the Rich and Famous*, and the New York Times itself, had decades earlier confirmed the President’s business acumen and mega-celebrity status? The answer, of course, is that Burnett could not possibly have “discovered” President Trump, thus laying waste to the central, nonsensical, false, malicious, and defamatory premise of the Book.

82. In truth, President Trump was the *only* man who could have delivered the results that Burnett and NBC sought. Craig, Buettner, and Penguin, again contradicting their own false narrative, conceded as much:

Just like that, without consulting anyone or taking time to reflect, Trump had said yes. Burnett believed he needed Trump. [Conrad] Riggs had contacted several moguls—Jack Welch, Warren Buffett, and Richard Branson—but Burnett and Riggs felt those other moguls would either not be open to the

demands of a weekly show or lacked the necessary charisma and good looks. For better or worse, Trump drew eyeballs. He would make for good television and never shy away from a camera. Burnett thought the normal talent fees paid by the network would not be enough to lock in someone of Trump's stature. He knew the deal it would take. "Fifty-fifty," Burnett said. "Okay," Trump said, and the two men shook hands.

See Book at pp. 345-346; *see also* First Article at p. 4.

83. Regarding President Trump's singular importance, Rob LaPlante, one of Burnett's producers, agreed: "People look at Donald Trump as a beacon of opportunity. He has a reputation of whatever he touches turns to gold, and people want to find out how he does it." *See* Book at p. 351.

84. In 2003, Burnett even told the New York Times that he considered President Trump to be a "soul mate." *Id.* at p. 348. Burnett also joined the team that helped organize President Trump's first inauguration and they were pictured together in January 2017 at a pre-inauguration dinner at Union Station in Washington, D.C. *See* Book at commentary under 19th photograph in hardcover edition. Burnett currently serves as United States Special Envoy for the United Kingdom.

85. But, adding insult to injury, the Book and the First Article falsely painted President Trump's affable personality, which Burnett had found so appealing, in a negative light. Defendants were surely aware of prior efforts to involve President Trump in reality-themed programming, such as HBO's *Ali G Show* (2003), just before "The Apprentice," and even in that unscripted circumstance,

President Trump was thoughtful and courteous, and the filming of his offices belied Defendants' claims of degraded conditions or a non-working environment.

86. Overall, Defendants used the Book and the Articles to make numerous malicious, defamatory, and disparaging claims about President Trump based on distortion and fabrication. The Book and the Articles recklessly disregard the truth that the President's fortune was developed through business genius, creativity, perseverance, talent, authenticity, and other unique traits. Not, as the Book and the Articles falsely claim, by luck, any semblance of wrongdoing, "twisting the rules," or reliance on government programs. *See* Book at p. 6. The utter falsity of the Book and the Articles, abundantly evident on the face of this Complaint, will be even further developed with a reasonable opportunity for further discovery and investigation.

Defendants' False Statements

87. Defendants individually and collectively published numerous false statements while subjectively realizing that these statements were false or, at a minimum, subjectively harboring serious misgivings that they would turn out to be false given sufficient investigation or additional information from objective sources not hostile to President Trump. (For brevity, in the following section, the statement that Defendants "knew" that something was false should be understood to mean that

either Defendants knew that the statement was false or recklessly disregarded the truth but published it nonetheless).

88. Penguin, Craig, and Buettner published the following false statements in the Book, among others, and without limitation:

(a) “Donald Trump had received the equivalent of more than \$400 million from his father, much of it through fraudulent tax evasion schemes.” At the time of publication, Craig, Buettner, and Penguin knew that President Trump had not received money from his father through fraudulent tax evasion schemes. *See* Book at p. 5.

(b) “The family fortune that launched Donald Trump was built on government programs designed to ease the pain caused by the Great Depression and World War II, and to assist the veterans returning from that war”; “His father wrung millions of additional dollars from those programs by twisting the rules.” A reasonable reader would have understood these statements as asserting as a matter of fact that Fred Trump violated federal law to wrongfully benefit from these government programs. At the time of publication, Craig, Buettner, and Penguin knew that President Trump’s fortune had not been built on violated federal law regarding these or any other government programs. *Id.* at p. 6.

(c) “Mark Burnett, the television producer who made Trump a star, did not just hand him a fortune [S]killed hands created a version of Donald Trump—diligent, measured, polite but authoritative—that might have been nonexistent but was highly marketable.” *Id.* at pp. 7-8. At the time of publication, Craig, Buettner, and Penguin knew that President Trump’s presence on “The Apprentice” fairly depicted how he conducted himself in his personal and business dealings outside the show.

(d) “Sometimes, despite himself, Donald Trump received his fortune from those sources mostly outside of his ability to run a business. The secret of his life, one that emerges in hundreds of moments big and small, is that the less he has been involved in decision-making, the better his chances of financial success.” *Id.* at p. 8. A reasonable reader would have understood this statement as asserting as a matter of fact that President Trump reduced the value of the enterprises that he owned and directed. At the time of publication, Craig, Buettner, and Penguin knew that President Trump’s association with a business or product increased its value, including due to the premium that consumers and investors placed on President Trump’s business judgment.

(e) “It was the first of many such relationships in Trump’s life. He would be drawn to men who displayed a penchant for violence, and wax sentimentally about the days when, in his perception, society accepted resolving disputes with physical violence.” *Id.* at p. 69. A reasonable reader would have understood this statement as asserting as a matter of fact that President Trump approved of the illegal use of violence to solve disputes; further, a reasonable reader would have understood this statement as asserting as a matter of fact that President Trump himself had a penchant for physical violence. At the time of publication, Craig, Buettner, and Penguin knew that President Trump neither condoned illegal violence nor was he a violent man.

(f) “Tenants at the Pembroke and Hague Towers blamed the Trumps for infestations of cockroaches and mice, a broken air-conditioning system, elevators that did not work, a lack of hot water, and an unusable swimming pool.” *Id.* at p. 148. A reasonable reader would have understood this statement both as a statement of fact regarding the conditions at the Pembroke and Hague Towers as well as a statement of fact that the Trump family maintained low-quality real estate not suitable for habitation. At the time of publication, Craig, Buettner, and Penguin knew that the Pembroke and Hague Towers did not suffer from

these conditions specifically and that President Trump and his family maintained high-quality housing for their tenants.

(g) “With no real estate or financial staff at his disposal, Donald’s assessment of a potential opportunity started and stopped at the end of his nose. There would be no deliberative planning and very little in the way of an analysis of risks or potential return on investment.” *Id.* at p. 159. A reasonable reader would have understood this statement as an assertion that President Trump neither conducted nor participated in reasonable diligence before making real-estate investments. At the time of publication, Craig, Buettner, and Penguin knew that President Trump conducted proper due diligence for his real estate projects, including relevant planning and evaluating estimated returns on investments.

(h) “In the language of the tax code, Fred had given his son taxable gifts masquerading as loans, a likely tax fraud that went unnoticed.” *Id.* at p. 166. A reasonable reader would have understood this statement as an assertion that Fred Trump and President Trump participated in criminal tax fraud. At the time of publication, Craig, Buettner, and Penguin knew that neither Fred Trump nor President Trump committed tax fraud, either alone or in concert with one another.

- (i) “Even as his father’s chosen successor and the child who benefitted the most from his father’s wealth, Donald accelerated his long efforts to erase his father’s accomplishments from the public consciousness in service of artificially inflating his own.” *Id.* at p. 184. At the time of publication, Craig, Buettner, and Penguin knew that President Trump cherished and protected his father’s legacy, and continues to do so to this day.
- (j) “He increasingly saw no value in working with partners, or in heeding the advice of others, whether prominent business consultants, experienced sports team owners, or executives with one of the best-run hotel and casino companies on the world.” *Id.* at p. 219. A reasonable reader would have understood this statement as an assertion that President Trump was not a willing business partner. At the time of publication, Craig, Buettner, and Penguin knew that President Trump frequently worked successfully with partners and considered the advice of others as appropriate.
- (k) “As the national economy slowed, Trump took on costs and debts with breathtaking speed, each time without seriously running the numbers to spec out potential profits.” *Id.* at p. 270. A reasonable reader would have understood this statement as an assertion that President Trump

neither conducted nor participated in reasonable diligence before making real-estate investments. At the time of publication, Craig, Buettner, and Penguin knew that President Trump conducted, or directed other qualified entities to conduct, reasonable due diligence on his projects prior to making them.

(l) “During a fifteen-year rise, he had paid close attention to aesthetic details, from the waterfall and ficus trees in the lobby of Trump Tower to the angle of the telephone handsets on his yacht for high rollers. He had not paid similar attention to financial details, especially whether his individual businesses could support their payments on the money he borrowed to buy or build them.” *Id.* at p. 290. At the time of publication, Craig, Buettner, and Penguin knew that President Trump paid appropriate attention to the finances of his businesses, including their expected cash flow and expected returns on his investments.

(m) “A plan was soon devised to funnel some of Fred’s cash to Donald and his three siblings. They would accomplish that goal by adding a sham layer to Fred’s business, one designed to evade the gift and estate taxes. They would call that extra layer All County Building Supply and Maintenance. It would serve no purpose beyond creating an off-ramp to send cash to his children.” *Id.* at p. 300. A reasonable reader

would have understood this statement as an assertion that Fred Trump, President Trump, and the Trump family criminally violated relevant federal tax laws through use of a shell corporation. At the time of publication, Craig, Buettner, and Penguin knew that neither Fred Trump, President Trump, nor the family committed criminal tax evasion.

(n) “So the Trumps began submitting the padded bills to request rent increases from state officials. Part of the cost of Donald Trump’s off-the-books inheritance would be passed along to his father’s middle-income tenants.” *Id.* at p. 301. A reasonable reader would have understood this statement as an explanation as to how the Trump family committed criminal tax evasion and defrauded state officials, their tenants, or both. At the time of publication, Craig, Buettner, and Penguin knew that President Trump and his family did not defraud anyone or commit criminal tax evasion through an invoice or bill-padding scheme.

(o) “Between the trust funds, the invoice-padding operation, and other devices created to siphon off his father’s wealth outside the gift and estate tax system, Donald was already collecting almost \$2 million a year from his father’s companies. His own business failures meant he

kept that money tax-free.” *Id.* at p. 314. Again, a reasonable reader would have understood this statement in context as an explanation as to how President Trump personally profited from alleged criminal tax evasion and that President Trump’s businesses were somehow not successful. At the time of publication, Craig, Buettner, and Penguin knew that Fred Trump did not commit criminal tax evasion. Craig, Buettner, and Penguin further understood that President Trump was not a party to a criminal tax-evasion scheme. They further understood that because no such criminal scheme occurred, by definition, President Trump was not the beneficiary of any such scheme. They also understood, and state in other portions of the Book, that President Trump was hugely successful in his own right.

(p) “After experiencing years of sensory overload in jungles around the world, the first thing Burnett’s producers noticed when they arrived on the twenty-sixth floor of Trump Tower was the stink, a musty and moldy carpet smell that seemed to emanate from every corner. As they walked through, with eyes trained to notice small details, they saw the chipped wood on seemingly every piece of furniture.” *Id.* at p. 352. A reasonable reader would have understood this statement as both communicating specific flaws with Trump Tower and its twenty-sixth

floor as well as asserting as a statement of fact that Trump Tower and its twenty-sixth floor were in a state of serious disrepair. At the time of publication, Craig, Buettner, and Penguin knew that Trump Tower in general, and in particular the office on the twenty-sixth floor, were in excellent condition and had no such defects.

(q) “Trump’s desk showed no signs of real work—no computer, contracts, or files. It was just smothered by newspaper and magazine articles focused on one subject: himself.” *Id.* at p. 353. A reasonable reader would also have understood this statement as an assertion that President Trump did not actively participate in his businesses. At the time of publication, Craig, Buettner, and Penguin knew that President Trump did actively participate in his businesses.

(r) “Beyond the studio space, the harder work of reinventing Trump had only just begun.” *Id.* at p. 354. A reasonable reader would have understood this as a statement of fact that President Trump’s typical demeanor would have made him unfit for serving as the host of “The Apprentice.” At the time of publication, Craig, Buettner, and Penguin knew that President Trump’s demeanor on “The Apprentice” was a reasonably accurate approximation of how he conducted himself in his off-air business dealings.

- (s) “Donald Trump, the self-described world’s greatest dealmaker, had sold the bulk of his father’s empire for almost \$250 million less than it was worth.” *Id.* at p. 360. At the time of publication, Craig, Buettner, and Penguin knew that no such unsuccessful sale occurred.
- (t) “The business model that Burnett had spent the prior decade perfecting—selling corporations on the value of letting him weave their products into his show—was about to make Trump the equivalent of a second inheritance. And as when he was born, other people would do all the work.” *Id.* at p. 366. At the time of publication, Craig, Buettner, and Penguin knew that President Trump, collaborating with Burnett, expended substantial effort to make “The Apprentice” successful.
- (u) “Trump typically lied or fuzzed the fact that he did not own the [construction] projects and was not the developer, creating the illusion that he was everywhere, buying properties, taking on risk, and pouring concrete.” *Id.* at p. 398. At the time of publication, Craig, Buettner, and Penguin knew that President Trump did not lie in connection with construction projects and in fact did own and develop them.
- (v) “Donald Trump had faced these moments before, periods when it seemed his failures could not be saved only by aggressive tax maneuvers or not paying his debts. But there always came a new

windfall from plain old luck. The luck of his birth. The luck of being made into a television celebrity.” *Id.* at p. 444. At the time of publication, Craig, Buettner, and Penguin knew that President Trump did not use repeated, undeserved windfalls to escape failures and that he was not “made into a television celebrity” but rather made “The Apprentice” the successful show that it was. President Trump has always worked for his success and Defendants knew that.

(w) “Here’s the part that may sting the most in a country that sees itself as history’s greatest meritocracy: Good things happened to Donald Trump. He did not earn most of those good things. He was born. He was discovered by a revolutionary television producer. And he was pushed into an investment against his will. And from those three bits of good luck came the equivalent today of more than \$1.5 billion. That sort of tailwind could paper over a litany of failure and still fund a lavish life. And there is no evidence that in fifty years of labor Donald Trump added to his lucky fortunes. He would have been better off betting on the stock market than himself.” *Id.* at p. 445. At the time of publication, Craig, Buettner, and Penguin knew that President Trump did earn what he has, was not “discovered” to become a television star but was already a star in business who was singularly essential to “The Apprentice.”

Defendants knew that President Trump tirelessly worked to achieve the grand scale of accomplishments he has garnered.

(x) “Then Mark Burnett’s *The Apprentice* fortified Trump’s fact-free bubble, while also making it national and bankable in ways that Trump never did on his own.” *Id.* at p. 448. At the time of publication, Craig, Buettner, and Penguin knew that President Trump had built a national brand on his own prior to “The Apprentice.”

(y) “As much as the illusion of success was the ultimate creation of Trump’s first seventy years, the illusion of persecution may be his final masterpiece.” *Id.* at p. 449. At the time of publication, Craig, Buettner, and Penguin knew that President Trump’s success that led to being elected President multiple times was no illusion.

89. The New York Times, Craig, and Buettner published the following false statements in the First Article, without limitation and among others:

(a) “Late in the summer of 2003, a team of television producers stepped off the elevator on the 26th floor of Trump Tower eager to survey the set of their next reality show. After years filming “Survivor” in jungles around the world, training cameras on exotic spiders and deadly snakes to evoke danger, they came looking for a different set of sensory clues, the tiny details that would convey wealth and power. Right away, they

knew they had a problem. The first thing they noticed was the stench, a musty carpet odor that followed them like an invisible cloud. Then they spotted scores of chips in the finish of the wooden desks and credenzas. The décor felt long out of date, making the space seem like a time capsule from when Donald J. Trump opened the building early in his first rise to fame.” *See* First Article at p. 1. A reasonable reader would have understood this statement as both communicating specific flaws with Trump Tower and its twenty-sixth floor as well as asserting as a statement of fact that Trump Tower and its twenty-sixth floor were in a state of serious disrepair. At the time of publication, New York Times, Craig, and Buettner knew that Trump Tower in general, and in particular the office on the twenty-sixth floor, were in excellent condition and had no such defects.

(b) “At the office’s spiritual center, Mr. Trump’s own desk bore no evidence of work, no computer screens or piles of contracts and blueprints, just a blanket of news articles focused on one subject: himself.” *Id.* at pp. 1-2. At the time of publication, New York Times, Craig, and Buettner knew that President Trump’s desk was in no such condition. A reasonable reader would also have understood this statement as an assertion that President Trump did not actively

participate in his businesses. At the time of publication, New York Times, Craig, and Buettner know that President Trump did actively participate in his businesses and their historic success.

(c) “As he began playing a wealthy tycoon on television, Mr. Trump secretly put a plan in motion to tap into his father’s fortune again.” *Id.* at p. 3. At the time of publication, the New York Times, Craig, and Buettner knew that President Trump was in fact a wealthy businessman and was not “playing” a role.

(d) “Mr. Trump had mostly luck to credit for being discovered, at age 57, by Mark Burnett, then the hottest name in the hottest new television genre.” *Id.* At the time of publication, the New York Times, Craig, and Buettner knew that President Trump had built a national brand on his own prior to “The Apprentice,” and was not “discovered” by Burnett.

(e) “Mr. Trump would need only to play a re-crafted version of himself.” *Id.* at p. 4. A reasonable reader would have understood this as a statement of fact that President Trump’s typical demeanor would have made him unfit for serving as the host of The Apprentice. At the time of publication, New York Times, Craig, and Buettner knew that President Trump’s demeanor on “The Apprentice” was a reasonably accurate approximation of how he conducted himself in his off-air

business dealings, and was the overwhelming reason for the show's success.

(f) “The producers would also need to invent a version of Donald Trump that did not actually exist—measured, thoughtful and endlessly wealthy—a complete rehabilitation of his public image.” *Id.* A reasonable reader would have understood this as a statement of fact that President Trump's typical demeanor and business success would have made him unfit for serving as the host of “The Apprentice.” At the time of publication, New York Times, Craig, and Buettner knew that President Trump's demeanor on “The Apprentice” was a reasonably accurate approximation of how he conducted himself in his off-air business dealings, and that his businesses were amazingly successful.

(g) “[H]e had just directed his siblings to sell the dozens of buildings their late father had left them in trust funds, a betrayal of Fred C. Trump's wishes to keep his empire in the family. Donald Trump, four years after his father's death, orchestrated the private sale for \$738 million. It was a huge number. But the buyers' banks valued the buildings at about \$975 million, raising a question about Mr. Trump's claim to have mastered the art of the deal.” *Id.* at p. 8. At the time of publication, Craig, Buettner, and Penguin knew that President Trump and his

siblings did not participate in below - market transactions that were against Fred C. Trump's wishes.

(h) "Mr. Trump was on his way to collect more than \$200 million from "The Apprentice" and an even quirkier offshoot, 'Celebrity Apprentice,' as host for over more than a decade. Thanks to his rehabilitated image, he would earn another \$200 million from licensing and endorsement deals. That lucky windfall, similar in size to his inheritance and also requiring no business expertise, funded a new wave of Trump-run businesses" *Id.* at p. 21. At the time of publication, the New York Times, Craig, and Buettner knew that President Trump, collaborating with Burnett, expended substantial effort to make "The Apprentice" successful, and that these amounts were no lucky windfall, but were the result of his self-made star power.

90. The New York Times and Baker published the following false statements in the Second Article:

(a) "Mr. Trump got an early start learning how to cut corners. As a high school student at New York Military Academy, he knowingly borrowed a friend's dress jacket with a dozen medals attached to wear for his yearbook photo, in effect appropriating medals that he did not win himself, according to [the Book]." At the time of publication, the New

York Times and Baker knew that President Trump did not appropriate medals to claim credit for his friend's accomplishments.

(b) "He likewise cheated to get into college, according to his estranged niece, Mary L. Trump. The future president paid a friend to take the SAT for him, Ms. Trump asserted in her own book, earning a score that later helped him transfer to Wharton business school at the University of Pennsylvania, a credential he has boasted about ever since." At the time of publication, the New York Times and Baker knew that President Trump did not cheat to get into college and that Mary Trump has been spreading vicious lies about the President that are subject to a lawsuit by him against her.

(c) "Federal, state and local authorities looked into his ties with the Mafia, found violations of money laundering rules and penalized him for skirting stock trade rules." At the time of publication, the New York Times and Baker knew that President Trump did not have ties to the Mafia and did not violate money laundering rules.

91. The New York Times and Schmidt published the following false statement in the Third Article: they reported on the discredited former chief-of-staff John Kelly, who was fired by President Trump and whose other false statements have been thoroughly debunked, repeating the false allegation that President Trump

“had made admiring statements about Hitler, had expressed contempt for disabled veterans and had characterized those who died on the battlefield for the United States as ‘losers’ and ‘suckers’” At the time of publication, the New York Times and Schmidt knew that Kelly’s false claims had been debunked and were not credible, and that President Trump did not make the statements attributed to him.

92. The New York Times knew better than to publish Kelly’s obvious “Hitler” lie; after all, in 2017, the Times reported extensively on President Trump’s historic decision to recognize Jerusalem as the capital of Israel. *See, e.g.,* Mark Landler, *Trump Recognizes Jerusalem as Israel’s Capital and Orders U.S. Embassy to Move*, THE NEW YORK TIMES (Dec. 6, 2017), <https://www.nytimes.com/2017/12/06/world/middleeast/trump-jerusalem-israel-capital.html> (last visited Sept. 15, 2025). Moreover, after President Trump’s commanding victory in the 2024 presidential election, even the Times grudgingly acknowledged his history of strong support for Israel. *See, e.g.,* Liam Stack, *Trump Has History of Strong Support for Israel*, THE NEW YORK TIMES (Nov. 6, 2024), <https://www.nytimes.com/2024/11/06/world/middleeast/trump-israel-support.html> (last visited Sept. 15, 2025). In light of this prior reporting and actual knowledge, the Times knew that Kelley’s statements were false, discredited, and should not be repeated uncritically.

Defendants Double Down and Refuse to Retract Their Falsehoods

93. Since its publication, the First Article has gained substantial traction and republication across various mediums.

94. For example, the First Article received 585 comments from readers of the New York Times just within the first 24 hours of publication; upon information and belief, some of whom reside in Florida. *See* Craig and Buettner, *The Star-Making Machine That Created 'Donald Trump,' supra*. Notably, the Times, apparently unwilling to stand by its reporting, disabled comments the day after the First Article was published; the Article would have drawn tens of thousands of comments otherwise.

95. The First Article is also accompanied by a thirty-seven-minute commentary that adds additional color to the defamatory statements therein, which has been heard many times by readers of the New York Times. *Id.*

96. On X.com, Craig, who has 88,000 followers, has pinned a tweet that shows that the Book, which contains all of these and other defamatory statements, had been atop the New York Times's best seller list for two weeks. *See* @SUSANNECRAIG, X.COM, (<https://x.com/susannecraig/status/1841851317981000151>) (last visited Sept. 15, 2025).

97. Buettner, who has 15,900 followers on X.com, has also published several tweets about the Book. *See* @RUSSBUETTNER, X.com, (<https://x.com/russbuettner>) (last visited Sept. 15, 2025).

98. The Book, which is also available in audiobook format, is currently listed as the number 20 most-read book on Amazon, with 893 reviews. *See* Craig and Buettner, *Lucky Loser: How Donald Trump Squandered His Father's Fortune and Created the Illusion of Success*, AMAZON (<https://www.amazon.com/Lucky-Loser-Squandered-Fathers-Illusion/dp/0593298640>) (last visited Sept. 15, 2025). The Book's readers, on information and belief, include many readers in Florida and in this District.

99. Even as Defendants continued to expand on their falsehoods, they also rejected President Trump's reasonable demands for retraction of the defamatory statements.

100. By letter dated October 29, 2024, President Trump notified Defendants of the defamatory publications at issue, demanded that the Defendants cease and desist from their publication of the defamatory statements, issue a full and fair retraction of the statements made in the Book and the Articles, and immediately issue an apology for the defamatory statements. (October 29, 2024 Letter attached hereto as **Exhibit D**).

101. By letter dated October 31, 2024, David E. McCraw, Senior Vice President & Deputy General Counsel for the New York Times, wrote, *inter alia*: “I have reviewed the letter and the stories with our editors and reporters, and we see no basis for a correction of any of the articles.” (October 31, 2024 Letter attached hereto as **Exhibit E**).

102. By letter also dated October 31, 2024, Carolyn K. Foley, Senior Vice President & Associate General Counsel for Penguin, wrote, *inter alia*: “Your letter falls short, however, of identifying an actionable claim for defamation against Penguin Random House Press.” (October 31, 2024 Letter attached hereto as **Exhibit F**).

103. Clearly, these Defendants have no interest whatsoever in correcting or retracting their damaging falsehoods, and instead appear content to double down.

104. All the above-referenced articles, posts, and statements have damaged President Trump due to the malicious, false, defamatory, and misleading statements made in the Book, the Articles, and in subsequent publications of them all.

105. All conditions precedent to the bringing of this action have occurred, been satisfied, or have otherwise been waived.

106. As a result of Defendants’ tortious conduct described herein and President Trump’s need to protect and enforce his legal rights, President Trump has

retained the undersigned attorneys and is required to incur the burden of attorneys' fees to prosecute this action.

Defendants' Actual Malice Towards President Trump

107. Defendants each desire for President Trump fail politically and financially. Each feels actual malice towards President Trump in the colloquial sense: that is, each—Craig, Buettner, Baker, and Schmidt, as individuals, and the Times and Penguin's relevant executives as corporations—subjectively wishes to harm President Trump, and each wish to manipulate public opinion to President Trump's disadvantage to worsen his current and future political and economic prospects. Put bluntly, Defendants baselessly hate President Trump in a deranged way.

108. One need not speculate as to the existence of this hatred—the Times admits that it views President Trump as a threat, and as a result, the far-left newspaper has worked tirelessly to maliciously and falsely portray him as dishonest, erode public trust in him, and tear down his achievements. See The New York Times Trust Team, *You Asked, We Answered: How The Times Is Reporting on the Trump Administration*, THE NEW YORK TIMES (Mar. 24, 2025), <https://www.nytimes.com/2025/03/06/insider/how-the-new-york-times-reports-on-trump.html> (last visited Sept. 15, 2025) (“The newsroom of the Times has been reporting for years on Donald Trump’s tenuous relationship with facts. We routinely

point out falsehoods, exaggerations and misstatements, making sure that we also then let readers know what's accurate.”); Peter Baker, *Dishonesty Has Defined the Trump Presidency. The Consequences Could Be Lasting*. THE NEW YORK TIMES (Nov. 1, 2020), <https://www.nytimes.com/2020/11/01/us/politics/trump-presidency-dishonesty.html> (last visited Sept. 15, 2025) (“the Trump presidency has been a factory of falsehood from the start”); Angelo Fichera, *The Method Behind Trump’s Mistruths*, THE NEW YORK TIMES (Apr. 8, 2024), <https://www.nytimes.com/interactive/2024/04/08/us/politics/trump-speech-mistruths.html> (last visited Sept. 15, 2025) (“Since the beginning of his political career, Donald J. Trump has misled, mischaracterized, dissembled, exaggerated and, at times, flatly lied.”).

109. In furtherance of their ill will towards President Trump, Defendants have adopted numerous patterns and practices regarding their treatment of President Trump that both deviate from their typical journalistic patterns and practices—including those that the Times, its reporters, and Penguin used when dealing with President Biden and his administration—as well as broadly regarded best practices for journalism and nonfiction publishing.

110. For example, the Times has a series of patterns and practices that its reporters understand and follow when addressing President Trump: stories covering President Trump are to be written in the most antagonistic and negative way

possible. To that end, Times reporters routinely resolve any factual ambiguities or uncertainties in their reporting in the way that will most harm President Trump, his family, his businesses, and his associates.

111. These policies— broadly understood and followed by the Times’ reporters, including Craig, Buettner, Baker, and Schmidt, and enforced by its editors—include practices that go against widely accepted journalistic standards, such as deliberately ignoring potentially exculpatory sources of information, deeming statements by witnesses or insiders that tend to support President Trump, his family, or his businesses to be “not reliable” or “not credible” because of their support for President Trump, and publishing negative claims about President Trump based on exclusively anonymous sources, which often do not exist, and without verification of sources’ claims.

112. Likewise, the Times and its reporters, including Craig, Buettner, Baker, and Schmidt, have a pattern and practice of contacting President Trump and his team regarding negative stories on a short timeline so as to be able to state that they sought comment—in order to preserve a scintilla of the pretense of neutrality—while making it functionally impossible for President Trump to comment on stories with factual errors, correct those errors, or provide a responsive quote before publication. This policy further enables the Times and its reporters to publish negative assertions about President Trump about which they subjectively harbor doubts as to their

truthfulness by permitting them to claim that they sought factual confirmation or denial regarding their stories, even when they subjectively realize that they did not do so in good faith.

113. Another pattern and practice shared by all Defendants is to attempt to couch statements in ways that they subjectively know will be taken by a reasonable reader as assertions of fact in language that allows them to claim they are making mere opinion statements. Defendants each employ this technique with the subjective intent of communicating false or likely false factual assertions to their readers while avoiding potential legal liability. Indeed, Defendants use this technique with the specific intent of convincing readers of false and harmful statements of fact about President Trump while attempting to minimize their potential defamation liability.

114. All Defendants similarly pursue a pattern and practice of turning a deliberate blind eye towards research or investigatory methods that would disprove their anti-Trump thesis. For non-exhaustive examples, and as detailed *supra*, Defendants published numerous statements regarding President Trump's role in "The Apprentice" without first securing an interview from primary sources senior to the production of The Apprentice, such as Burnett. Defendants knew that Burnett would likely have contradicted numerous specific false, malicious, and defamatory purported statements of fact that they made regarding President Trump's role in "The Apprentice" as well as their general narrative regarding President Trump's role in

the show's success. Defendants therefore did not sufficiently pursue speaking with Burnett even after he did not grant an interview, did not sufficiently seek to obtain his original notes or records, and otherwise failed to engage with Burnett and other potential insiders with "The Apprentice" because they subjectively believed that these sources would have tended to contradict the defamatory lies that they wished to publish about President Trump.

115. Likewise, Defendants made numerous false statements regarding Fred Trump and President Trump's business decisions and compliance with federal tax laws based on incomplete, minimal information—having only several years of tax returns, and even those only obtained illegally—and realized that a responsible assessment of the Trump family's compliance with tax laws would have required forensic auditing, expert tax legal advice, and other expensive investigatory tools that would have confirmed that neither Fred Trump nor President Trump violated federal tax laws. Defendants refused to do so specifically because they subjectively wished to publish false assertions about the Trump family's compliance with tax laws to cause President Trump personal, political, and professional harm. That neither Fred Trump nor President Trump was investigated for, charged with, or convicted of tax fraud was irrelevant; facts were not to get in the way of the Defendants' pre-determined narrative.

116. These long-running defamatory patterns and practices have a common thread: they work together toward publication of false, negative assertions about President Trump, his family, and his businesses that Defendants either knew were false or, at a minimum, had grave concerns as to their veracity. Defendants nonetheless published these statements out of a common subjective desire to cause reputational and economic harm to President Trump, his family, his businesses, and those in his orbit. Indeed, even though Defendants received notice from President Trump that their work contained numerous false statements, *supra*, they have failed to retract or correct any of them.

117. Defendants' actual malice manifested in numerous ways. Defendants launched investigations into President Trump, his family, and his businesses for the express purpose of harming all three. Defendants deliberately refused to engage with individuals expected to speak well of President Trump and his businesses. Defendants resolved any apparent ambiguities in statements or evidence regarding President Trump or his businesses in favor of the most negative statements that the Times, its reporters, and Penguin could publish. In short, Defendants maintained and abided by a clear pattern and practice of avoiding truthful and positive claims about President Trump, exhaustively investigating negative claims about President Trump, and relying near-exclusively on materials chosen to highlight false, negative claims about President Trump. Consequently, Defendants published numerous false and

defamatory statements about President Trump even though they knew that a reader with access to the information and sources that Defendants had would not believe what Defendants published.

118. It is also a matter of public record that the New York Times and its reporters do not believe that they need to cover President Trump fairly, as confirmed by Times reporter Jim Rutenberg. *See, e.g., Rutenberg, Trump is Testing the Norms of Objectivity in Journalism, supra.* While the simple fact of the Times's self-proclaimed bias is already public record, discovery in this action will reveal an even more disturbing picture.

119. These breaches of journalistic ethics are further proven by the Times's enthusiastic aiding and abetting of the Russia Collusion Hoax, which is well on its way to becoming one of the most profoundly chilling and disturbing criminal political scandal in American history.

120. On July 18, 2025, Director of National Intelligence Tulsi Gabbard posted on X: "Americans will finally learn the truth about how in 2016, intelligence was politicized and weaponized by the most powerful people in the Obama Administration to lay the groundwork for what was essentially a years-long coup against President @realDonaldTrump, subverting the will of the American people and undermining our democratic republic." *See @DNIGABBARD, X.COM, (https://x.com/DNIGabbard/status/1946271402971312514?ref_src=twsrc%5Etfw*

<https://www.breitbart.com/politics/2025/07/18/declassified-obama-admin-manufactured-intelligence-to-push-fake-trump-russia-collusion-narrative/> (last visited Sept. 15, 2025); *see also* Brooke Singman, *Obama admin manufactured intelligence to create 2016 Russian election interference narrative, documents show*, FOX NEWS (July 18, 2025), <https://www.foxnews.com/politics/obama-admin-manufactured-intelligence-create-2016-russian-election-interference-narrative-documents-show> (last visited Sept. 15, 2025); Joel B. Pollak, *Tulsi Gabbard's Revelations Vindicate Mark Levin*, *Breitbart News, Trump*, BREITBART (July 21, 2025), <https://www.breitbart.com/the-media/2025/07/21/tulsi-gabbards-revelations-vindicate-mark-levin-breitbart-news-trump/> (last visited Sept. 15, 2025).

121. Two days later, Director Gabbard posted on X: “In the months leading up to the November 2016 election, the Intelligence Community agreed that there was no intelligence that reflected that Russia was trying to hack the election...So it was very striking when we look back at the documents that I declassified and released that show there was a shift in early December.” *See* @RAPIDRESPONSE47, X.COM, (<https://x.com/RapidResponse47/status/1946939059928011247>). She further observed: “The effect of what Pres. Obama and his senior national security

team did was subvert the will of the American people, undermining our democratic republic, and enacting what would be essentially a years-long coup against President Trump.” See @RAPIDRESPONSE47, X.COM, (<https://x.com/RapidResponse47/status/1946936900377329917>) (last visited Sept. 15, 2025).

122. As a willing accomplice in the Russia Collusion Hoax, the Times knowingly spread falsehoods calculated to undermine President Trump’s historic victory in the 2016 presidential election and to delegitimize his presidency. See, e.g., David E. Sanger and Scott Shane, *Russian Hackers Acted to Aid Trump in Election, U.S. Says*, THE NEW YORK TIMES (Dec. 19, 2016), <https://www.nytimes.com/2016/12/09/us/obama-russia-election-hack.html> (last visited Sept. 15, 2025); Michael D. Shear and David E. Sanger, *Putin Led a Complex Cyberattack Scheme to Aid Trump, Report Finds*, THE NEW YORK TIMES (Jan. 6, 2017), <https://www.nytimes.com/2017/01/06/us/politics/donald-trump-wall-hack-russia.html?searchResultPosition=36> (last visited Sept. 15, 2025); Scott Shane, *What Intelligence Agencies Concluded About the Russian Attack on the U.S. Election*, THE NEW YORK TIMES (Jan. 6, 2017), <https://www.nytimes.com/2017/01/06/us/politics/russian-hack-report.html?searchResultPosition=46> (last visited Sept. 15, 2025); Scott Shane, *What We Know and Don’t Know About the Trump-Russia Dossier*, THE NEW YORK

TIMES (Jan. 11, 2017), <https://www.nytimes.com/2017/01/11/us/politics/trump-intelligence-report-explainer.html?searchResultPosition=94> (last visited Sept. 15, 2025); Michael S. Schmidt, Mark Mazzetti, and Matt Apuzzo, *Trump Campaign Aides Had Repeated Contacts With Russian Intelligence*, THE NEW YORK TIMES (Feb. 14, 2017), <https://www.nytimes.com/2017/02/14/us/politics/russia-intelligence-communications-trump.html> (last visited Sept. 15, 2025); Scott Shane and Mark Mazzetti, *The Plot to Subvert an Election*, THE NEW YORK TIMES (Sept. 20, 2018), <https://www.nytimes.com/interactive/2018/09/20/us/politics/russia-interference-election-trump-clinton.html> (last visited Sept. 15, 2025); Karen Yourish and Larry Buchanan, *Mueller Report Shows Depth of Connections Between Trump Campaign and Russians*, THE NEW YORK TIMES (April 19, 2019), <https://www.nytimes.com/interactive/2019/01/26/us/politics/trump-contacts-russians-wikileaks.html> (last visited Sept. 15, 2025); Editorial Board, *The Trump Campaign Accepted Russian Help*, THE NEW YORK TIMES (Aug. 19, 2020), <https://www.nytimes.com/2020/08/19/opinion/trump-russia-2016-report.html?smid=tw-nytopinion&smtyp=cur> (last visited Sept. 15, 2025); Julian E. Barnes, *The Intelligence on Russia Was Clear. It Was Not Always Presented That Way.*, THE NEW YORK TIMES (March 17, 2021), <https://www.nytimes.com/2021/03/17/us/politics/russia-elections-trump-intelligence.html> (last visited Sept. 15, 2025).

123. The Times’s reaction to this revelation of criminal conduct by the Obama Administration and its deep state lawfare targeting President Trump was predictably grotesque. First, the Times cynically asserted that Gabbard’s report about the politically motivated Russia Collusion Hoax was itself “politically motivated.” Julian E. Barnes and David E. Sanger, *Gabbard Claims Obama Administration Tried to Undermine Trump in 2016*, THE NEW YORK TIMES (July 18, 2025), <https://www.nytimes.com/2025/07/18/us/politics/gabbard-obama-trump-russia.html> (last visited Sept. 15, 2025). Second, the Times, oblivious to the irony of its own propaganda, declared that “Donald Trump has become the deep state.” Maureen Dowd, *MAGA’s New Target: Trump*, THE NEW YORK TIMES (July 18, 2025), <https://www.nytimes.com/2025/07/19/opinion/trump-maga-epstein-deep-state.html> (last visited Sept. 15, 2025). Indeed, Dowd’s description would have been accurate had she been referring to former President Obama rather than her intended target, President Trump: “He is the keeper of secrets. He is the one stealing away people’s liberties. He is the one weaponizing government and protecting the ruling class.” *Id.*

124. In this case, Defendants, just as they did with respect to the Russia Collusion Hoax, possessed public and non-public information and had access to information which they knew to be accurate. However, consistent with their long-term pattern and *modus operandi*—lie about President Trump when the truth does

not fit their far-left agenda—they deliberately ignored this information and instead published the malicious, false and defamatory Book and the Articles as “hit pieces” calculated to severely harm President Trump and his reputation, as they’ve done for a decade.

Damages

125. Defendants’ defamatory and disparaging statements have caused numerous harms to President Trump and his businesses.

126. Americans voted in historic numbers for President Trump, including, determinatively, in swing states, in large part because of President Trump’s record of success as a businessman and President, particularly given the Biden-Harris Administration’s abysmal economic record and extreme inflation. Sensing the weakness of their preferred candidate in the election, Defendants timed their publications at the height of election season to inflict maximum electoral damage against President Trump. Defendants also used their false and defamatory publications to disparage the American Dream lived out by Fred Trump and President Trump, impugn his lifelong support for America’s men and women in uniform, and attempt to set up as many roadblocks and obstacles as possible in President Trump’s second term.

127. The reputational and economic harm that Defendants have inflicted on President Trump and his businesses can be redressed by this Court. Indeed, courts

for centuries have recognized that some of the defamatory statements directed at President Trump are so loathsome in their character—such as the false claim that President Trump has engaged in illegal activity, including but not limited to tax fraud and wire fraud—that these statements constitute defamation *per se*, where damages are presumed.

128. Discrete economic harms resulted from these defamatory statements. Defendants timed the release of the Book and the First Article to be close in time with the release of the trailer for the forthcoming movie “The Apprentice.” Defendants’ false publications about President Trump also led directly to a precipitous decline in the stock price of TMTG, significantly injuring the President given his ownership stake. More generally, the repeated attacks on President Trump’s business acumen and public image directly affect the profitability of his businesses, which rely in part on their placement in the market as luxury brands and the need for active customer engagement with President Trump across his offerings.

129. The value of President Trump’s one-of-a-kind, unprecedented personal brand alone is reasonably estimated to be worth at over \$100,000,000,000. His business ventures are successful and generate hundreds of millions of dollars of annual revenue for the Trump Organization. Moreover, the injury to President Trump’s business and personal reputation inflicted by these Defendants threatens to

continue, thereby causing massive economic damage to his brand value and significant damage and injury to his future financial prospects. The harm to the value of TMTG stock is one example of how the Defendants' defamation has injured President Trump. Because President Trump's net worth is extremely high and includes his unique brand, which he has carefully cultivated over decades, the reputational injury inflicted in this case reaches billions of dollars.

130. Defendants' smears served only one purpose: to disgrace and humiliate President Trump with false, malicious, and defamatory "reporting" premised on disregarding the truth and actual biographical facts, the televised and recorded record, and relevant business data. The economic harms that President Trump suffered because of Defendants' conduct can and should be redressed by the Court.

CLAIMS FOR RELIEF

COUNT I – DEFAMATION *PER SE* **(All Defendants)**

131. Plaintiff, President Trump, realleges his allegations contained in paragraphs 1 through 130 of this Complaint, *supra*, as if set fully forth herein.

132. Selected unprivileged statements set forth in this Complaint, made by Defendants to tens of millions of individuals about President Trump—including to many individuals in Florida and in this District—are deceptive, malicious, intentional, defamatory, disparaging, distorted, fabricated, false, and misleading, and

injured President Trump in his profession and occupation, thus constituting defamation *per se*.

133. The statements in this Complaint constituting defamation *per se* are, among others, those set forth in paragraphs 88(a), 88(h), 88(m), 88(n), 88(o), 90(c), and 91.

134. The unprivileged statements made by Defendants to others about President Trump are false and defamatory.

135. At the time such statements were made by Defendants, they knew or should have known that they were false and defamatory.

136. Defendants published such statements negligently, with knowledge of the falsity of the statements, and/or with reckless disregard of their truth or falsity.

137. Numerous people read and/or heard the false and defamatory statements.

138. The statements were not privileged.

139. The statements were published by Defendants with actual malice, as part of a long term pattern, with oppression, and fraud in that they were aware at the time of the falsity of the publication and thus, made said publications in bad faith, out of hatred and ill-will directed towards President Trump without any regard for the truth.

140. Defendants possessed information and had access to information that showed their statements were false.

141. Defendants also made statements for which they had no factual basis.

142. Moreover, the statements tend to so harm the reputation of President Trump as to lower his professional reputation in the community or deter third persons from associating or dealing with him and, as such, constitute defamation *per se*.

143. As a proximate result of the maliciously false and defamatory publication of statements to third parties by Defendants, President Trump has been damaged, and is entitled to compensatory damages.

144. Because Defendants' defamatory statements constitute intentional acts which were made with actual malice towards President Trump, he also seeks an award of punitive damages.

145. Moreover, President Trump's economic losses because of Defendants' defamatory statements are enormous and take the form of direct harm to his professional and occupational interests, including the value of his brand, properties, and businesses.

146. President Trump's non-economic damages include attempted severe diminishment and tarnishing of his reputation as President and as a businessman in the eyes of the American public and around the world.

COUNT II – DEFAMATION *PER QUOD*
(All Defendants)

147. Plaintiff, President Trump, realleges his allegations contained in paragraphs 1 through 130 of this Complaint, *supra*, as if fully set forth herein.

148. The unprivileged statements made by Defendants to others about President Trump are false and defamatory *per quod*.

149. The statements in this Complaint constituting defamation *per quod* are, among others, those set forth in paragraphs 88(b), 88(c), 88(d), 88(e), 88(f), 88(g), 88(i), 88(j), 88(k), 88(l), 88(p), 88(q), 88(r), 88(s), 88(t), 88(u), 88(v), 88(w), 88(x), 88(y), 89(a), 89(b), 89(c), 89(d), 89(e), 89(f), 89(g), 89(h), 90(a), and 90(b).

150. At the time such statements were made by Defendants, they knew or should have known that they were false and defamatory.

151. Defendants published such statements negligently, with knowledge of the falsity of the statements, and/or with reckless disregard of their truth or falsity.

152. The statements were not privileged.

153. The statements were published by Defendants with actual malice, as part of a long term pattern, with oppression and fraud in that they were aware at the time of the falsity of the publication and thus, made said publications in bad faith, out of hatred and ill-will directed towards President Trump without any regard for the truth.

154. Moreover, the statements tend to so harm the reputation of President

Trump as to lower his professional reputation in the community or deter third persons from associating or dealing with him.

155. As a proximate result of the false and defamatory publication of statements to third parties by Defendants, President Trump has been damaged, and is entitled to compensatory damages.

156. Because Defendants' defamatory statements constitute intentional acts which were made with actual malice towards President Trump, he also seeks an award of punitive damages.

WHEREFORE, Plaintiff, PRESIDENT DONALD J. TRUMP demands judgment against Defendants NEW YORK TIMES COMPANY, SUSANNE CRAIG, RUSS BUETTNER, PETER BAKER, MICHAEL S. SCHMIDT, and PENGUIN RANDOM HOUSE LLC, as follows:

- (a) On Counts I and II, compensatory damages in an amount not less than \$15,000,000,000;
- (b) On Counts I and II, punitive damages in an amount to be determined upon trial of this action;
- (c) The costs associated with this action; and
- (d) Such other relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial as to all issues so triable.

Dated: September 15, 2025

Respectfully submitted,

/s/Alejandro Brito
Alejandro Brito
Florida Bar No. 098442
BRITO, PLLC
2121 Ponce de Leon Boulevard
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Tel: 305-614-4071
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/s/Edward Andrew Paltzik
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edward@taylor Dykema.com
(*pro hac vice* admission forthcoming)

/s/Daniel Zachary Epstein
Daniel Zachary Epstein
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Ste A8 #2090
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(*pro hac vice* admission forthcoming)

Counsel to Plaintiff
President Donald J. Trump

JS 44 (Rev. 03/24)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

PRESIDENT DONALD J. TRUMP

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Alejandro Brito, Esq., Brito, PLLC, 2121 Ponce de Leon Blvd. Suite 650, Coral Gables, FL 33134, Tel 305-614-4071

DEFENDANTS

New York Times Company, Susanne Craig, Russ Buettner, Peter Baker, Michael S. Schmidt, Penguin Random House

County of Residence of First Listed Defendant New York, New York
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|-----------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------------------------------|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input checked="" type="checkbox"/> 320 Assault, Libel & Slander		INTELLECTUAL PROPERTY RIGHTS	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	LABOR	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 720 Labor/Management Relations	SOCIAL SECURITY	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 863 DWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
	REAL PROPERTY	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 210 Land Condemnation	CIVIL RIGHTS	IMMIGRATION	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 462 Naturalization Application	FEDERAL TAX SUITS	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 442 Employment		<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 443 Housing/Accommodations			<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	PRISONER PETITIONS		<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 463 Alien Detainee		
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 510 Motions to Vacate Sentence		
		<input type="checkbox"/> 530 General		
		<input type="checkbox"/> 535 Death Penalty		
		Other:		
		<input type="checkbox"/> 540 Mandamus & Other		
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION

Brief description of cause:
Defamation

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. In Excess of \$15,000,000,000

DEMAND \$ _____

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE
09/15/2025

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

The Star-Making Machine That Created ‘Donald Trump’

The inside story of how the producers of “The Apprentice” crafted a TV version of Mr. Trump — measured, thoughtful and endlessly wealthy — that ultimately fueled his path to the White House.



By Russ Buettner and Susanne Craig

Russ Buettner and Susanne Craig are investigative reporters for The New York Times and the co-authors of “Lucky Loser: How Donald Trump Squandered His Father’s Fortune and Created the Illusion of Success,” from which this article is adapted.

Published Sept. 14, 2024 Updated Sept. 16, 2024

Late in the summer of 2003, a team of television producers stepped off the elevator on the 26th floor of Trump Tower eager to survey the set of their next reality show. After years filming “Survivor” in jungles around the world, training cameras on exotic spiders and deadly snakes to evoke danger, they came looking for a different set of sensory clues, the tiny details that would convey wealth and power.

Right away, they knew they had a problem.

The first thing they noticed was the stench, a musty carpet odor that followed them like an invisible cloud. Then they spotted scores of chips in the finish of the wooden desks and credenzas. The décor felt long out of date, making the space seem like a time capsule from when Donald J. Trump opened the building early in his first rise to fame.

The place did not exactly buzz with energy either. Fewer than 50 people worked at Trump Organization headquarters in midtown Manhattan. At the office's spiritual center, Mr. Trump's own desk bore no evidence of work, no computer screens or piles of contracts and blueprints, just a blanket of news articles focused on one subject: himself.

"When you go into the office and you're hearing 'billionaire,' even 'recovering billionaire,' you don't expect to see chipped furniture, you don't expect to smell carpet that needs to be refreshed in the worst, worst way," recalled Bill Pruitt, one of the producers of the new NBC show.

That program, "The Apprentice," would at its essence be a game show, with a job in this office as the ultimate prize. But that prize, in a literal sense, stank. Making viewers believe the central conceit — that Ivy League grads would eagerly connive and humiliate themselves for a chance to learn at the side of this icon of success — would test the bounds of reality television magic.

"The whole thing was absurd to all of us," remembered another producer, Alan Blum.

This account of Mr. Trump's first years on "The Apprentice," and the money he made from it, is drawn from our forthcoming book, "Lucky Loser: How Donald Trump Squandered His Father's Fortune and Created the Illusion of Success." It is based on dozens of interviews over several years, confidential internal records from the show, and the decades of Trump family financial and tax records that we obtained during our prior investigative reporting for The New York Times. Mr. Trump, currently running for president for the third time, did not respond to invitations to be interviewed either for the book or this article.

The office vibe that day only partially captured the difficulties that Mr. Trump faced at the time. More than a decade after his unsupportable borrowing on casinos, an airline shuttle and a hotel pushed him to the brink of financial collapse, Mr. Trump again faced the impending bankruptcy of those casinos, still

EXHIBIT

A

the laggards of Atlantic City. His efforts to expand into golf course ownership had hit roadblocks at zoning boards, and even when he broke through the regulators, his courses failed to produce meaningful profits. A planned tower in Chicago, remained stalled.



Donald Trump and his father, Fred, in 1973 at Trump Village, Fred's last project, in Brooklyn. Barton Silverman/The New York Times

Mr. Trump had never returned to his late 1980s smoke-and-mirrors glory, when he built a hodgepodge conglomerate on the backs of free-lending banks and, without anyone knowing at the time, his father's wealth. The lenders eventually forced him to give back nearly everything, and he put his casinos and a hotel through bankruptcies to escape other debts.

As he began playing a wealthy tycoon on television, Mr. Trump secretly put a plan in motion to tap into his father's fortune again. Though he spent his life denying that fortune existed, deriding his father as a small-timer to make his

own accomplishments seem more heroic, being born rich had been the first lucky break of his very lucky life.

Mr. Trump had mostly luck to credit for being discovered, at age 57, by Mark Burnett, then the hottest name in the hottest new television genre. With two groundbreaking reality hits under his belt — “Eco Challenge” and “Survivor” — Mr. Burnett was the darling of network executives, who were hungry for his next creation. His company, a well-oiled machine with a deep bench of producers, would handle the creative and business sides of the new show. Mr. Trump would need only to play a re-crafted version of himself.

Mr. Burnett’s team had contacted several moguls — Jack Welch, Warren Buffett and Richard Branson — who would not require a reputational makeover. But the producers concluded that those men lacked either the time or the necessary charisma. For better or worse, Mr. Trump, long a staple of the New York City tabloids, drew eyeballs and would never shy away from a camera. (Mr. Burnett did not respond to invitations to be interviewed.)

“The Apprentice” would follow the same format as “Survivor.” Contestants would be divided into two teams and compete in a different “challenge” each week. At the end of an episode, the losing team would meet with Mr. Trump, who after encouraging some sniping among contestants would look at one and utter what became his signature phrase, “You’re fired!” The last two remaining contestants would compete in a season finale for a yearlong apprenticeship — with a salary paid by the network — at the Trump Organization.

Whether it would all work remained an open question. Not letting viewers see, or smell, Mr. Trump’s office would be the easy part. The producers would also need to invent a version of Donald Trump that did not actually exist — measured, thoughtful and endlessly wealthy — a complete rehabilitation of his

public image. In the most recent Gallup survey measuring Mr. Trump's reputation before the show, 98 percent of those polled knew his name, but 58 percent viewed him unfavorably.

“Our job was to make him look legitimate, to make him look like there was something behind it, even though we pretty much all knew that there wasn't — but that was our job,” remembered Jonathon Braun, a producer who had worked on “Survivor.” “We weren't making a documentary,” he added. “Richard Attenborough was not narrating this. This was an entertainment prime-time network show.”

And that show created an unlikely reality TV star, one whose mysterious and yet undeniable appeal to viewers would ultimately find its biggest stage on the presidential campaign trail.

Making Him Out to Be Royalty

To finish crafting the television version of Donald Trump, Mr. Burnett rented vacant space on the fourth floor of Trump Tower, above, agreeing to pay his star about \$440,000 a year, John Taggart for The New York Times

The remaking of Donald Trump began one windy day on the roof of Trump Tower. As Mr. Burnett's production crew huddled around monitors and cameras, and Mr. Trump stood waiting for his cue, a helicopter carrying a videographer hovered near them. The plan called for a shot to zoom in tight on Mr. Trump and then pan out to make him seem like the King of New York. As the chopper moved in, Mr. Trump suddenly shouted out to one of the producers.

“KEVIN! Is my hair OK?”

The producer, Kevin Harris, turned to see that the wind and the whirling helicopter blades had levitated Mr. Trump's hair, which looked like a cotton candy pancake floating over his head. Mr. Harris quickly realized that if he told Mr. Trump the truth the entire shoot would be lost to vanity.

“Yeah, it looks fine!” Mr. Harris shouted above the noise, knowing that the gusts would subside, and Mr. Trump's hair would safely land.

They shot several takes to make sure. Later that day, the crew reviewed the results in a production office. “When that tape went in and that happened the whole room erupted into laughter,” Mr. Harris recalled.

It was then that Mr. Harris, now a producer on the Fox show “The Masked Singer” and who remains fond of Mr. Trump, realized that protecting his star from embarrassment would require vigilance.

After weeks of shooting across the Northeast, and weeks more editing at Mr. Burnett's facilities in Los Angeles, Mr. Burnett's crew completed the final video seeking to remake Donald Trump's image. Titled “Meet the Billionaire,” the segment opened with a signature Burnett aerial montage, taking viewers

soaring over New York Harbor, past the Statue of Liberty, and through the Manhattan skyline with a voice-over of Mr. Trump proclaiming the city's toughness. "But if you work hard, you can really hit it big," Mr. Trump said as the camera passed over Seven Springs, an aging estate north of the city that he had purchased years earlier with a still-stalled plan of building a golf course on the grounds.

Trump Taj Mahal casino in Atlantic City, part of the casino company that had never turned a profit and was nearing bankruptcy as Mr, Trump began filming "The Apprentice." Emile Wamsteker for The New York Times

The screen filled with neon lights glowing outside the Trump Taj Mahal casino in Atlantic City, part of the casino company that had never turned a profit and was nearing bankruptcy again. As Mr. Trump mentioned the words "highest-quality brand," the screen filled with images of Trump Ice, a bottled water that would fail

as a business, and Trump Place, an apartment building bearing Trump's name that had been financed and controlled by other people; Mr. Trump's primary contribution was the use of his last name.

"But it wasn't always so easy," the narration continued. "About 13 years ago, I was seriously in trouble. I was billions of dollars in debt. But I fought back, and I won, big league. I used my brain. I used my negotiating skills, and I worked it all out. Now my company is bigger than it ever was. It's stronger than it ever was. And I'm having more fun than I ever had. I've mastered the art of the deal, and I've turned the name Trump into the highest-quality brand."

Mr. Trump did not mention that he had just directed his siblings to sell the dozens of buildings their late father had left them in trust funds, a betrayal of Fred Trump's wishes to keep his empire in the family. Donald Trump, four years after his father's death, orchestrated the private sale for \$738 million. It was a huge number. But the buyers' banks valued the buildings at about \$975 million, raising a question about Mr. Trump's claim to have mastered the art of the deal. Nevertheless, Mr. Trump's share of the proceeds, after covering small mortgages, would total \$177.3 million.

To finish crafting the television version of Donald Trump, Mr. Burnett rented vacant space on the fourth floor of Trump Tower, agreeing to pay his star about \$440,000 a year for it, Mr. Trump's tax records showed. Mr. Burnett also hired a set designer who had worked for five seasons on "Survivor," tasking her to create a suitably impressive boardroom, along with apartments for the contestants.

Variations of "Meet the Billionaire" would run at the opening of the show every week, strengthening Mr. Trump's remade image through repetition. Eighteen months later, a Gallup survey found half of Americans held a favorable view of Donald Trump.

“We were making him out to be royalty in almost every opportunity,” Mr. Pruitt, a producer, said. “It was our mission to make sure that everybody watching understood that to work for him would be a big deal.”

The Virtues of Unpredictability

David Gould seemed like the perfect contestant. Until Mr. Trump capriciously decided he wasn't. Scott Duncan/NBC

David Gould looked perplexed. Mr. Trump, during the first episode of “The Apprentice,” had just asked the losing contestants to name the worst leader on their team. Everyone said Sam Solovey. Except Mr. Solovey, who said Mr. Gould was the worst. The contestants had battled to make the most money selling lemonade on the streets of Manhattan. Mr. Solovey had decided that his bold stroke would be to sell one cup of lemonade for \$1,000. He failed. Mr. Trump told him to “be careful” because “you’re a wild man.”

All that sounded as if Mr. Gould would be safe. But then Mr. Trump turned to him and uttered the words that would become his calling card: “You’re fired.”

The producers, watching in the windowless control room adjacent to the fake boardroom, were shocked. Mr. Gould was a licensed medical doctor with an M.B.A. who was then working as a venture capitalist; the producers thought he would be around for a long time. But the moment also brought a tingle of excitement.

“Right then we knew that we had a show, because this is not what you expected,” recalled Katherine Walker, one of the producers.

Mr. Trump’s unpredictability, a vice in business, proved to be a virtue in this new setting. The proclivities behind his worst failures — shutting down complicated discussions, ignoring written material, believing in his own genetic superiority — had found a perfect home in a pretend boardroom. He also was not around much. With no role in strategy, filming or production, Mr. Trump would not typically see the contestants “working” during the week.

“He would fire the absolute wrong person,” recalled Mr. Braun, who came to recognize the times when Mr. Trump “had no idea what was going on, and he would just make something up.”

“He just had to choose a name,” Mr. Braun said. “And maybe that was the only name he remembered of the people sitting around.”

For those moments when Mr. Trump’s choice threatened to reflect badly on him and the show, Mr. Burnett’s producers waved their magic wands in the editing bay. “Our job then was to reverse engineer the show and to make him not look like a complete moron,” Mr. Braun said. They would go back through the tape from the week and selectively choose snippets “to make the person who he fired look not as good,” he said.

The facts never really mattered. Drama mattered. Comedy mattered.

Entertainment value mattered. Mr. Burnett liked to call it “dramality.” And Mr. Trump was dramatic, occasionally funny, and always entertaining.

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‘How About a Million Dollars?’

Soon after “The Apprentice” became a ratings success, Mr. Trump appeared on “Saturday Night Live,” announcing: “Nobody’s bigger than me. Nobody’s better than me.” NBCUniversal

By the finale of Season 1 in April 2004, “The Apprentice” had become a certified hit, with an average viewership of 20.7 million. Mr. Trump had become more famous than ever. That March, VH1 aired “The Fabulous Life of Donald Trump.” Two weeks later, he hosted “Saturday Night Live” for the first time. “It’s great to be here for ‘Saturday Night Live,’” Mr. Trump said during his opening monologue. “But I’ll be perfectly honest, it’s even better for ‘Saturday Night Live’ that I’m here. Nobody’s bigger than me. Nobody’s better than me. I’m a ratings machine. I’ve got the No. 1 television show, ‘The Apprentice,’ where after just one season, I’m about to become the highest-paid television personality in America!”

NBC had agreed to pay Mr. Trump \$50,000 per episode for Season 1. He sought a raise to put him on par with the stars of the hit show “Friends.” NBC executives shut him down. But thanks to Mark Burnett’s planning and negotiating, that payment would be a small portion of Mr. Trump’s potential income from the show.

In negotiating with NBC, Mr. Burnett had insisted on control of product integration, the money companies would pay to see their goods featured in an episode. Jeff Zucker, who had been brought over from the news division in part to help NBC catch up to its rivals in the reality television realm, wanted a hit on the scale of “Survivor.” A show like that would generate a fortune from traditional commercials, regardless of whatever cash Mr. Burnett could pull out from featuring a soda or a bag of chips.

“It was just something that was kind of a deal point that Burnett really insisted on, and he had the leverage to do it at that point,” a person briefed on the discussions at the time recalled.

Mr. Burnett, in turn, had thought that someone of Mr. Trump’s stature would not commit to the show just for the money the network would pay him. In pitching the show to Mr. Trump, he offered to evenly split whatever money came from

production integration. During Season 1, Mr. Burnett's team had focused on persuading sponsors to give them free stuff. But the marketing departments of major corporations had been paying attention to the show's ratings and impact on sponsors' businesses.

Their sudden interest was signaled in a phone call to Kevin Harris from Procter & Gamble. A marketing executive wanted to know if Mr. Burnett's team could create an entire episode around a new toothpaste.

"Toothpaste, that doesn't sound very sexy and glamorous," Mr. Harris later recalled responding.

"We will give you half a million dollars if you develop a challenge around the launch of the toothpaste," the marketing person responded, according to Mr. Harris.

Suddenly, toothpaste sounded quite sexy and glamorous. But when he presented the offer to Mr. Burnett, they both concluded that it would amount to selling out the show.

When Mr. Harris delivered the bad news to Procter & Gamble, the woman on the phone barely let him finish the sentence: "How about a million dollars?" she asked.

Mr. Harris was shocked. The company ultimately agreed to throw in another \$100,000 to fund that week's challenge. Mr. Harris agreed but insisted that Mr. Burnett's team would need to retain control of every aspect of the challenge. The deal that Mr. Burnett struck with the network to control product integration, and the success of his show, was about to bring Donald Trump the equivalent of a second inheritance.

'T' Marks the Spot

Dan Gill, a senior brand integration producer for Mr. Burnett, stood on the lawn outside the QVC Network studios gazing over the trees. At his side was Tim Megaw, a senior vice president at QVC, also searching the sky. They had been there for almost half an hour waiting for Donald Trump's helicopter to break the horizon. Still, nothing.

QVC had paid \$900,000 to sponsor an episode during the second season and more to transport the production team and the contestants, according to financial records from the show. As a favor to the star, after the episode had been filmed they invited Mr. Trump back to the campus in West Chester, a borough outside Philadelphia, to hawk his latest book on air. But Mr. Trump had refused to land his helicopter at Brandywine Regional Airport, which was on the adjoining property to QVC. In response, Mr. Megaw had directed employees to create an impromptu heliport on the grass on QVC grounds. And there they waited.

Finally, Mr. Trump's helicopter appeared over the trees and dropped down toward the custom landing spot on the grass. The craft hovered briefly, then inexplicably flew off toward the QVC building.

"What the hell is going on?" Mr. Megaw said to Mr. Gill.

The helicopter buzzed toward the employee parking lot, maybe 200 feet away, and set down, its rotors kicking up hundreds of pebbles and firing them off in all directions, including at employees' cars. More than a few of them would later file insurance claims to cover the damage.

Mr. Megaw was appalled. Mr. Gill felt "pissed" and "so embarrassed." Mr. Gill asked Mr. Trump's bodyguard why the helicopter had not landed on the custom spot. The answer did not make him feel any better.

"He didn't want to step on the grass and muddy his shoes," the bodyguard said.

It was a good day for Mr. Trump, though. His QVC appearance generated about \$500,000 in book sales, Mr. Trump's tax records show.

Mr. Trump was now a star, and he increasingly behaved like one, a moody and appearance-focused presence on "The Apprentice" set. Instead of the customary "X" marking where an on-air personality is expected to stand, Mr. Trump demanded a "T."

Several producers remember him completely losing focus when a woman he found attractive crossed his field of vision. He would accept only the shortest of briefings. Mr. Gill said he would often have no more than four minutes to brief Mr. Trump about the sponsor before taping began. "All that he cared about was how much money the integration thing would give to Trump Productions," Mr. Gill said.

Without having to work for the product integration money, Mr. Trump increasingly focused on hitting up sponsors for side deals of his own, cutting out Mr. Burnett's company.

Levi's paid \$1.1 million to sponsor an episode during Season 2. Just before the scene in which a Levi's executive would pick the winning team, Kevin Harris heard Mr. Trump tell Melania, then his girlfriend, to go upstairs and put on a pair of Levi's. When she returned, Mr. Trump presented her. "I have my girlfriend," he said, "she's wearing your jeans." As Mr. Trump spoke, Melania smiled and turned halfway around to reveal the fit from all sides. Robert Hanson, the president of Levi's, said, "Those look fantastic on you."

After filming wrapped, Mr. Harris spoke with Mr. Trump and offered to pitch Levi's on hiring Melania for a modeling gig.

"It's a great idea, Kevin," Mr. Trump answered, according to Mr. Harris. "Tell you what, I'll give you 10 percent of anything you get for Melania."

Mr. Harris quickly obtained a \$50,000 offer for Melania.

About one week later, Mr. Harris was in the studio on the fourth floor when Mr. Trump called and invited him up to his penthouse apartment.

“I’ve got something for you,” Mr. Trump said.

Mr. Harris hustled to the elevator, excited to receive his \$5,000 check. When he arrived, Mr. Trump opened the door and yelled upstairs for Melania. She gracefully descended the staircase carrying a golf putter in a felt sleeve and ceremoniously handed the putter to Mr. Trump, who presented it to Mr. Harris.

“Thanks for doing the deal,” Mr. Trump said. He then took the putter back, produced a Sharpie, and added his EKG-like signature to the felt cover. “There you go.”

Mr. Harris thought for a beat: “I said to myself, you know what? It’s not worth it. It’s not worth it to say a word. I’m just going to swallow this. He is my host. The TV show is a bigger deal.”

Later, General Motors paid \$3.5 million to sponsor an episode that would introduce a new two-seat roadster, the Pontiac Solstice. After shooting ended, Mr. Trump suggested to Mark-Hans Richer, a senior marketing officer at G.M., that the company should create a car named Trump. “No offense, I don’t think it should be a Pontiac,” Mr. Trump said to the marketing director. “It should probably be a Cadillac.”

Mr. Richer thought maybe Mr. Trump was trying to be funny and responded in-kind, invoking the name of another G.M. brand: “Why don’t we make it a Hummer? We’ll call it a Trummer.”

The star did not laugh. Mr. Trump told an employee to give his business card to Mr. Richer and said they should speak again. After a bit of research, Mr. Richer decided there was no point in proceeding. “We couldn’t really find a compelling case for how a Trump-licensed product had been successful,” he later recalled.

Meatballs on a Pizza

After Stephanie Myers was fired from “The Apprentice,” she delivered Domino’s New American Classic Cheeseburger Pizza to Mr. Trump at Trump Tower in New York. Evan Agostini/Getty Images

An episode built around Domino’s Pizza began to go off the rails as soon as Mr. Trump defined the challenge to the contestants. “For your next task,” Mr. Trump told them, “you are going to create an original style of pizza for Domino’s using toppings they don’t usually offer on a menu. I like meatballs.”

Meatballs. No one had expected Mr. Trump to mention meatballs. Both teams went off to their respective studios to brainstorm, and within a few minutes decided to create meatball pizzas.

This was not ideal television. Mr. Burnett had warned his team to avoid having two groups of contestants doing the same thing because the audience would not be able to track which team was doing what. Indeed, the episode landed like a meatball mishmash, with two teams selling the same pizzas from mobile vehicles in Manhattan.

“You called it a meatball pie?” Mr. Trump asked the team that had sold the most pizzas during a scene taped at his apartment. “I think they’re going with that now. Aren’t they going to make what you did? I think they’re going with it”

Except they weren’t. After watching the filming, Domino’s executives decided the best choice for their menu was anything but meatballs. Trisha Drueke-Heusel, a Domino’s executive who was on set, wrote to Mr. Gill to break the bad news: “Domino’s will not be launching the pizzas the teams came up with during the Domino’s task.”

Ms. Drueke-Heusel, who had made a name for herself at Domino’s developing a Philly cheesesteak pizza, revealed that Domino’s would soon announce a cheeseburger pizza and planned to air commercials promoting it during “The Apprentice.” She had gone around the production team to hire Mr. Trump as the company’s new cheeseburger pizza spokesman: “We are currently negotiating with Mr. Trump to appear in a commercial for this new pizza and have purchased ad time in our episode to run this new spot.”

This time, nothing would be left to chance. To avoid another ad lib that would create more problems, Mr. Trump read from a script to fix what he had said about a coming meatball pie and set the table for the cheeseburger ad.

“Speaking of last week’s task, here’s something you didn’t know,” he said to the contestants. “Both teams created meatball pizza. But if you had done your market research like Domino’s did, you would have discovered that customers don’t want meatball pizza. What they want is cheeseburger pizza.”

During the commercial breaks, Domino's aired the cheeseburger pizza ad featuring Mr. Trump. There he was, in his office, accepting delivery from a Domino's delivery man. As Mr. Trump noshed on a cheeseburger pizza, he blithely told the deliveryman that Domino's should invent a cheeseburger pizza. "You ought to be paying me for this," he deadpanned.

"Saturday Night Live" spoofed the ad, with Darrell Hammond rendering Mr. Trump as a clueless pseudo-thespian, improvising absurd riffs on the wonders of pizza and mispronouncing Domino's. But the money was no joke. Domino's paid Mr. Trump \$500,000 that year, in addition to his share of the \$2.75 million the restaurant chain paid to Mr. Burnett's company for the episode.

Mr. Burnett's money team had never dreamed they would see these kinds of numbers. In one year, they had gone from trying to get sponsors to give them things free to expecting more than \$2 million an episode. Jordan Yospe, a senior lawyer on Mr. Burnett's team who often briefed Mr. Trump on sponsors, looked at the figures coming in and thought, "unbelievable . . . shocking . . . just unbelievable."

Keeping the Talent Happy

After The Learning Annex agreed to be a sponsor of “The Apprentice,” it agreed to a deal that would pay Mr. Trump directly for a series of speeches. That agreement would earn Mr. Trump more than \$7 million for about 20 appearances Michael Nagle for The New York Times

Walking the streets of New York City one day, Mr. Gill noticed a flier for a Learning Annex conference and had a thought. He cold-called the continuing education company to ask if it might sponsor an episode during Season 4.

Heather Moore, the company’s vice president for business operations and product management, loved the idea, Mr. Gill later said. She mentioned that the founder, Bill Zanker, knew Mr. Trump, which Mr. Gill assumed would help seal a deal. Mr. Gill and Ms. Moore began discussing a price upward of \$2 million.

Then Ms. Moore suddenly changed direction. She told Mr. Gill that Mr. Trump and Mr. Zanker had worked out a side deal, Mr. Gill said. The Learning Annex would pay Mr. Trump directly for a series of speeches. That agreement would earn Mr. Trump more than \$7 million for about 20 appearances, his tax records showed. (Ms. Moore declined to comment.)

Mr. Burnett agreed to let the Learning Annex sponsor an episode for just \$50,000. During a production meeting in Los Angeles, Mr. Gill revealed Mr. Trump’s end run around the Burnett team. At least one other senior member of Mr. Burnett’s staff thought Mr. Trump’s side deals sounded “slimy” and undermined everyone working to make him rich.

Mr. Burnett was willing to let it go as a cost of keeping the talent happy.

Let “the chips fall where they may, and we’ll still get a great episode,” Mr.

Burnett told the staff, according to a person who was present. “Trump’s going to make some money. What can we do about it?”

With two groundbreaking reality hits under his belt — “Eco Challenge” and “Survivor” — Mr. Burnett was the darling of network executives, who were hungry for his next creation. Win McNamee/Getty Images

Mr. Trump was on his way to collect more than \$200 million from “The Apprentice” and an even quirkier offshoot, “Celebrity Apprentice,” as host for over more than a decade. Thanks to his rehabilitated image, he would earn another \$200 million from licensing and endorsement deals. That lucky windfall, similar in size to his inheritance and also requiring no business expertise, funded a new wave of Trump-run businesses that would lose money.

In June 2015, Mr. Trump was again at Trump Tower, staging the announcement of his candidacy for president, riding his brassy escalator down to the atrium level in a scene that would look familiar to fans of “The Apprentice.” But in his speech, Mr. Trump stepped from behind the veil of television magic, revealing himself without the protection of Mr. Burnett’s editors to polish his rougher edges. The moment became best known for his comments accusing Mexico of “sending people that have lots of problems” to the United States.

“They’re bringing drugs, they’re bringing crime, they’re rapists,” Mr. Trump continued. “And some, I assume, are good people.”

NBC executives were appalled. Companies licensing the Trump name were appalled. Mr. Trump was soon off the show, and his stream of licensing deals mostly dried up.

But Mr. Trump took with him something of greater intrinsic value: an artfully concocted reputation as a self-made billionaire. That gift from Mr. Burnett would be central to the new, and even more unlikely career, that Donald Trump had only just begun.

Read by Russ Buettner

Audio produced by Jack D’Isidoro.

Russ Buettner is an investigative reporter. He has written extensively about the finances of Donald J. Trump.

Susanne Craig is an investigative reporter. She has written about the finances of Donald J. Trump and Robert F. Kennedy Jr. and has been a journalist for more than 30 years.

A version of this article appears in print on , Section BU, Page 4 of the New York edition with the headline: He Wasn’t a Billionaire. He Just Played One on TV.

No major party presidential candidate, much less president, in American history has been accused of wrongdoing so many times.



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By Peter Baker

Peter Baker covered the Trump presidency and wrote a book on it with his wife, Susan Glasser. He reported from Washington.

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When the history of the 2024 election is written, one of the iconic images illustrating it will surely be the mug shot taken of Donald J. Trump after one of his four indictments, staring into the camera with his signature glare. It is an image not of shame but of defiance, the image of a man who would be a convicted felon before Election Day and yet possibly president of the United States again afterward.

Sometimes lost amid all the shouting of a high-octane campaign heading into its final couple of weeks is that simple if mind-bending fact. America for the first time in its history may send a criminal to the Oval Office and entrust him with the nuclear codes. What would once have been automatically disqualifying barely seems to slow Mr. Trump down in his comeback march for a second term that he says will be devoted to “retribution.”

In all the different ways that Mr. Trump has upended the traditional rules of American politics, that may be one of the most striking. He has survived more scandals than any major party presidential candidate, much less president, in the life of the republic. Not only survived but thrived. He has turned them on their head, making allegations against him into an argument for him by casting himself as a serial victim rather than a serial violator.

**EXHIBIT
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His persecution defense, the notion that he gets in so much trouble only because everyone is out to get him, resonates at his rallies where he says “they’re not coming after me, they’re coming after you, and I’m just standing in the way.” But that of course belies a record of scandal stretching across his 78 years starting long before politics. Whether in his personal life or his public life, he has been accused of so many acts of wrongdoing, investigated by so many prosecutors and agencies, sued by so many plaintiffs and claimants that it requires a scorecard just to remember them all.

Former President Donald J. Trump’s campaign quickly turned his booking photo from Georgia into a piece of promotional material, appearing on posters, T-shirts and buttons. Doug Mills/The New York Times

His businesses went bankrupt repeatedly and multiple others failed. He was taken to court for stiffing his vendors, stiffing his bankers and even stiffing his own family. He avoided the draft during the Vietnam War and avoided paying any income taxes for years. He was forced to shell out tens of millions of dollars to students who accused him of scamming them, found liable for wide-scale business fraud and had his real estate firm convicted in criminal court of tax crimes.

He has boasted of grabbing women by their private parts, been reported to have cheated on all three of his wives and been accused of sexual misconduct by more than two dozen women, including one whose account was validated by a jury that found him liable for sexual abuse after a civil trial.

He is the only president in American history impeached twice for high crimes and misdemeanors, the only president ever indicted on criminal charges and the only president to be convicted of a felony (34, in fact). He used the authority of his office to punish his adversaries and tried to hold onto power on the basis of a brazen lie.

Mr. Trump beat some of the investigations and lawsuits against him and some proved unfounded, but the sheer volume is remarkable. Any one of those scandals by itself would typically have been enough to derail another politician. Joseph R. Biden Jr.'s first bid for the presidency collapsed when he lifted some words from another politician's speech. George W. Bush came close to losing after the last-minute revelation of a long-ago drunken-driving arrest. Hillary Rodham Clinton fell short at least in part because of an F.B.I. investigation into emails that led to no charges.

Not Mr. Trump. He has moved from one furor to the next without any of them sinking into the body politic enough to end his career. The unrelenting pace of scandals may in its own way help him by keeping any single one of them from

dominating the national conversation and eroding his standing with his base of supporters.

He even turned that mug shot into a marketing tool, selling T-shirts, posters, bumper stickers, coffee mugs and even beverage coolers with the image and the slogan, “NEVER SURRENDER.” And victory next month may yet help him escape the biggest threat of all — potentially prison.

Nonetheless, the full record stands out.

Making and Losing Money

Mr. Trump and his father, Fred Trump, at a construction project in Brooklyn in 1973. Barton Silverman/The New York Times

Mr. Trump got an early start learning how to cut corners. As a high school student at New York Military Academy, he knowingly borrowed a friend's dress jacket with a dozen medals attached to wear for his yearbook photo, in effect appropriating medals that he did not win himself, according to a new book, "Lucky Loser," by Russ Buettner and Susanne Craig of The New York Times.

He likewise cheated to get into college, according to his estranged niece, Mary L. Trump. The future president paid a friend to take the SAT for him, Ms. Trump asserted in her own book, earning a score that later helped him transfer to Wharton business school at the University of Pennsylvania, a credential he has boasted about ever since. (A spokeswoman for Mr. Trump has denied this, and the widow of a man with the name cited by Ms. Trump as the test-taking friend said that she was confident her husband did no such thing.)

After graduating from Pennsylvania in 1968, however, the former military academy cadet had no interest in serving in the real military and risked being sent to fight in Vietnam. He managed to avoid the draft with a diagnosis of bone spurs in his heels — a diagnosis that evidently was obtained as a favor from a podiatrist in Queens who rented his office from Mr. Trump's father, Fred C. Trump. Two daughters of the podiatrist, who died in 2007, have said that he often told them about saving the younger Mr. Trump from Vietnam as a courtesy to his landlord.

Freed from military obligations, Mr. Trump went into the family business, helping run his father's empire of rental apartment buildings in the outer boroughs. Even in those early days, he came under suspicion of misconduct. In

1973, the Justice Department sued the Trump family company for racial discrimination in renting apartments. Applications from Black applicants were marked C for “colored.” Mr. Trump fought the matter in court but ultimately agreed to a settlement that the Justice Department at the time called “one of the most far-reaching ever negotiated.”

His business career vaulted him to fame, and he had notable successes, perhaps most prominently the rehabilitation of the Commodore Hotel and the construction of Trump Tower. But he often reached further than he was able to deliver. His record in business was pockmarked with plenty of failures.

The Trump Taj Mahal in Atlantic City, N.J., was just one of Mr. Trump's many business failures. Mark Makela for The New York Times

The Trump Shuttle airline? Failure. His dreams of building a Television City in Manhattan? Failure. A United States Football League franchise? Failure. The Trump Plaza Hotel and Casino, Trump Taj Mahal, Trump's Castle Casino Resort, Trump Mortgage, Trump Vodka, Trump University, Trump Steaks, GoTrump.com? All failures.

His most spectacular flameouts came in the gambling mecca of Atlantic City, where he overextended himself building or buying three casinos that ultimately cannibalized each other's clientele as he failed to keep up with enormous debt payments. He filed bankruptcy for the Taj Mahal in 1991 and then for the other two casinos in 1992. He also filed bankruptcy in 1992 for the Plaza Hotel.

Even after recovering from that debacle, Mr. Trump failed again. His casino company filed for bankruptcy in 2004 and then again in 2009, for his sixth trip into that process. In his various bankruptcies, he was compelled to sell assets, and creditors were forced to write off some of his debt. But Mr. Trump has boasted that he still made money in Atlantic City even after leaving a trail of losses for nearly everyone else involved, including workers who lost jobs.

Mr. Trump played the game along the edge, and sometimes over the line, of propriety. To grease his path, he would hire a governor's son or a federal prosecutor's brother. Along the way, he was investigated time and time again. Federal, state and local authorities looked into his ties with the Mafia, found violations of money laundering laws and penalized him for skirting stock trade rules.

At one point when Mr. Trump was strapped for cash to make an interest payment, his father sent a lawyer to one of the son's casinos to buy \$3.5 million in chips without placing a bet. New Jersey's casino regulators imposed a \$65,000 fine for what amounted to an illegal loan.

But Mr. Trump makes a point of not admitting misdeeds or mistakes. Even his failures he portrays as triumphs. "I made a lot of money in Atlantic City," he once said, "and I'm very proud of it."

'When You're a Star'

Mr. Trump in the control room of “The Apprentice” in New York in 2003. Chester Higgins Jr./The New York Times

For years, Mr. Trump’s personal life was full of scandal, too, enough to make him a frequent topic of the gossip columns of the era. He did not mind. There was almost no headline too scandalous for him. “There’s no bad press unless you’re a pedophile,” he said in front of his campaign manager later in life.

After marrying the Czech model Ivana Zelnickova in 1977 and fathering three children, Mr. Trump began carrying on an affair with a younger model, Marla Maples. He and Ivana fought out their divorce battle in the news media, at one point making the tabloid front pages 11 days running. He even maneuvered The New York Post into running a banner headline “Best Sex I’ve Ever Had” supposedly describing Ms. Maples’s assessment of their bedroom life.

While living with Ms. Maples, he boasted of infidelity to a reporter during a call when, bizarrely, he impersonated a spokesman for himself and insisted that Mr. Trump had “three other girlfriends” in addition to the woman sharing his home. He and Ms. Maples later married anyway and had a daughter before divorcing, too.

He met Melania Knauss, a Slovenian model, and married her in 2005. But he was not always faithful to her either, according to other women. Stephanie Clifford, a porn film actor who goes by the name Stormy Daniels, claimed to have had a tryst with Mr. Trump in 2006, four months after Melania Trump gave birth to his fifth child.

Karen McDougal, a former Playboy Playmate of the Year, said she had a 10-month fling with Mr. Trump around the same time. Michael D. Cohen, then Mr. Trump's lawyer and self-described fixer, arranged for six-figure payments to be made to both Ms. Clifford and Ms. McDougal in 2016 to ensure their silence before the presidential election, hush-money that would later come back to haunt Mr. Trump.

Hush-money payments made to Stephanie Clifford, a porn film actor known as Stormy Daniels, were at the center of the first indictment of Mr. Trump. T.J. Kirkpatrick for The New York Times

His view of women and his belief in his right to pursue them with impunity ultimately was put on display before that election anyway. The now-famous “Access Hollywood” tape posted by The Washington Post weeks before the final balloting revealed his belief that he could “do anything” with women because he was famous. “When you’re a star, they let you do it,” he said. “Grab ’em by the pussy. You can do anything.”

While he later dismissed that as mere “locker room banter,” Mr. Trump has been a one-man #MeToo magnet, accused by two dozen or so women of sexual misconduct that goes well beyond banter. One said he grabbed her breasts and tried to run his hand up her skirt on an airplane. Another said he kissed her while she worked for him, and at least two others said he groped them at the U.S. Open. Perhaps most famously, E. Jean Carroll, a writer, said he raped her in the dressing room of the Bergdorf Goodman department store in Manhattan in the 1990s.

He has consistently denied all charges, suggesting that all of these women, one after the other, simply made it up. “Every woman lied,” he said in 2016. In a couple of instances, he has dismissed the allegations, not by saying that he would never do such a thing but by saying that he would never do such a thing with those particular accusers because of their looks. “She would not have been the chosen one,” he said last month about one of them.

In the only time one of these allegations made it to a verdict in court, a New York jury last year did not establish that he raped Ms. Carroll but did unanimously find that he sexually abused and defamed her and ordered him to pay her \$5 million. Another jury earlier this year found that he continued to defame her and ordered Mr. Trump to pay Ms. Carroll \$83.3 million. He is appealing both judgments.

Avoiding Taxes

The Trump International Hotel and Tower in Chicago. Jamie Kelter Davis for The New York Times

No president in American history has been wealthier than Mr. Trump. And no president in the modern era, at least, paid less in federal income taxes in their first year living in the White House.

Tax documents obtained by The Times in 2020 showed that Mr. Trump paid only \$750 in federal income taxes in 2016, the year he originally ran for president, and only \$750 again in 2017, the first year of his presidency. In fact, in 11 of the 18 years examined by The Times, Mr. Trump paid no income taxes to the federal government whatsoever.

Mr. Trump and his accountants have proved to be master manipulators of the tax code, bending it to benefit him in ways that would usually be damaging to a politician. The self-proclaimed billionaire, currently estimated to be worth \$5.5 billion by Forbes magazine, managed year after year to pay less in income taxes than at least half of American taxpayers through creative bookkeeping if not more questionable tactics.

According to a Times investigation in 2018, Mr. Trump and his siblings took a real estate empire from his father that banks a few years later would value at nearly \$900 million and, through favorable appraisals, paid taxes on it as if it were worth just \$57 million. Buildings given by Fred Trump to his children were valued low by the Trump family for tax purposes and high for other purposes, turning a potential \$10 million tax bill into a charge of just over \$700,000, The Times reported.

He has even gotten the Internal Revenue Service to send him large amounts of cash. By declaring large losses on paper at least, he collected more than \$90 million in local, state and federal refunds. Even Mr. Trump was astonished. “He

could not believe how stupid the government was for giving ‘someone like him’ that much money back,” Mr. Cohen, his former lawyer, recalled in congressional testimony.

A congressional staff member wheeling boxes of what were believed to be Mr. Trump’s tax returns to a House Ways and Means Committee meeting in 2022. Haiyun Jiang/The New York Times

Mr. Trump constantly found ways of getting around paying taxes. At one point, an invoice padding scheme allowed Mr. Trump's family to sell supplies to itself to get out of gift taxes. At another point, he shifted ownership of a failed Chicago tower to another partnership that he also owned to try to claim additional losses for tax purposes, according to an I.R.S. inquiry, a double-dipping scheme that effectively allowed him to claim the same losses twice.

Unlike every other modern president, Mr. Trump refused to voluntarily release his tax forms, going all the way to the Supreme Court in an ultimately futile effort to shield them from public view. But he has made no apology for avoiding taxes where he can. "That makes me smart," he famously said in 2016.

The tax forms that did eventually become public highlighted the disparity between his public claims of business conquests and his private claims of business setbacks. In the same year that he published "The Art of the Deal," his iconic best seller promoting himself as a masterful business mogul, his core businesses reported \$45 million in losses on his tax returns.

Mr. Trump relied heavily on his father's fortune to assemble his own. While he likes to say that he parlayed a \$1 million loan from his father into his own empire, the Times investigation in 2018 found that his father had begun giving him \$200,000 a year in inflation-adjusted dollars starting at age 3 and that over the course of his career he received \$413 million in today's dollars from his father's real estate business. (Mr. Trump disputes this.)

The future president was not content to exploit his own inheritance. He got into a legal battle with his own niece and nephew, who accused him of cheating them out of their share of Fred Trump's estate. Mary Trump and her brother Fred Trump III, the children of Donald's late brother, Fred Trump Jr., argued that they were originally supposed to split a 20 percent share of their grandfather's estate, worth millions, upon his death. Instead, under a revised will, the two were each offered a one-time payment of \$200,000.

Fred Trump in 1983. Donald Trump's niece and nephew accused him of largely cutting them out of his father Fred's will. Don Hogan Charles/The New York Times

When they sued, the future president retaliated by cutting his niece and nephew out of the family's medical insurance fund at a time when the younger Fred Trump was using it to pay for care for his severely ill infant son. "I was angry

because they sued,” Donald Trump later explained to The Times. Fred and Mary eventually settled, but were embittered that their uncle would betray them in what seemed like a bid to find cash to pay his debts.

“He was willing to squeeze his own niece and nephew and manipulate his father’s wishes, all to try and stop his own creditors from collecting the money he legally owed them,” Fred Trump wrote in “All in the Family,” a memoir published in July. “If that meant screwing his late brother — well, so be it. If it meant raiding the inheritance of his brother’s two children — well, OK.”

Mr. Trump’s relatives were not the only ones who considered themselves bilked. Over the years, so did contractors, bankers, business partners, customers and competitors, among others. By the time he first ran for president in 2016, he had been involved in 4,095 lawsuits, according to a count by USA Today, although in many of them he was the plaintiff.

Not counting personal injury lawsuits, which are common for many businesses, Mr. Trump or his firms were the defendants in at least 1,026 of those cases, accused of not paying taxes, not paying overtime, not paying companies he had hired, not paying back golf club fees that were to be refunded and not abiding by contracts. He won many of those fights but lost or settled others.

His educational and philanthropic enterprises were also seen as shams. Just after he was elected president in 2016, Mr. Trump agreed to pay \$25 million to students of his defunct Trump University who accused him of defrauding them. Two years later, New York state authorities found “a shocking pattern of illegality” at the Donald J. Trump Foundation, which functioned “as little more than a checkbook to serve Mr. Trump’s business and political interests.”

And in 2022, one of his tax schemes came unraveled when the Trump Organization, a family-owned business that he controlled, was convicted in criminal court of 17 counts of tax fraud, a scheme to defraud, conspiracy and

falsifying business records for doling out off-the-books perks to some of its top executives. The company was given the maximum fine of \$1.6 million.

Pursuit and Punishment

James B. Comey, the former director of the F.B.I., testifying before the Senate Intelligence Committee in 2017. Doug Mills/The New York Times

Scandal followed him to the White House, so much so that he called it “the cloud” and complained that it was getting in the way of governing.

The most consuming scandal of his time in office stemmed from the investigation into Russia’s interference in the 2016 election. While U.S. intelligence agencies determined that Russia sought to tip the contest to Mr. Trump, the newly sworn-in president refused to believe that and took any inquiry into the matter as an attack on his legitimacy.

Along the way, he escalated the matter by firing James B. Comey, the F.B.I. director leading the investigation into whether his campaign had any ties with the Russians, and then told visiting Russian officials the very next day that doing so had “taken off” what he called “great pressure.” Actually, it did not. Instead, it led to the appointment of Robert S. Mueller III as special counsel.

After nearly two years of investigating, Mr. Mueller concluded that the Russians did interfere on Mr. Trump’s behalf, and he uncovered a stunning array of contacts between people in the president’s orbit and Russian figures. But Mr. Mueller reported that he did not establish any illegal coordination between Russia and the campaign and that “the evidence was not sufficient to charge” anyone with criminal conspiracy.

At the same time, he outlined more than 10 instances where Mr. Trump might have committed obstruction of justice by trying to thwart the investigation — including the dismissal of Mr. Comey. Mr. Mueller said he did not decide if charges were warranted because Justice Department policy precluded prosecution of a sitting president. Mr. Trump insisted this amounted to “total exoneration,” although Mr. Mueller explicitly said he was not exonerating the president.

The investigation and media attention on what he called “the Russia hoax” embittered Mr. Trump, and during his four years in the White House he expanded the use of government power to target perceived enemies in ways not

seen since Watergate. While other presidents shied away from giving the impression that they were wielding the authority of their office for political vengeance, Mr. Trump was open about going after his adversaries.

Mr. Trump with President Vladimir Putin of Russia in Helsinki, Finland, in 2018. Mr. Trump refused to believe U.S. intelligence agencies when they said Russia had interfered in the 2016 election. Doug Mills/The New York Times

Time and again, he publicly pressed his attorneys general — first Jeff Sessions and then William P. Barr — to prosecute Democrats or government officials who angered him. At various times, he called for the prosecution of Mr. Biden, Ms. Clinton and former President Barack Obama and lashed out when advisers resisted.

He grew particularly obsessed with prosecuting certain people, like former Secretary of State John Kerry. Mr. Trump was fixated on the former top diplomat for talking with the Iranians with whom Mr. Kerry had negotiated a nuclear agreement from which Mr. Trump withdrew the United States. In meeting after meeting, Mr. Trump repeatedly badgered Mr. Barr to charge Mr. Kerry, according to a memoir by John R. Bolton, his former national security adviser.

Mr. Bolton's memoir was another example of Mr. Trump pushing the bounds of the presidency to punish someone. Angered that Mr. Bolton had criticized him, Mr. Trump pressured the Justice Department to block his former aide from publishing his book. The decision to go to court to squelch a memoir prior to publication after it had been initially cleared for classified information by a career official was seen as so beyond the pale that the assistant attorney general who filed the suit on White House orders, Jody Hunt, immediately resigned.

Mr. Trump tried to put so many people who irritated him in the cross hairs of the legal system that it is hard to maintain a thorough list. He wanted prosecutors to investigate Mr. Comey as well as Andrew G. McCabe, his acting successor, and other F.B.I. officials who participated in the Russia investigation, including Peter Strzok and Lisa Page.

The president was so determined to revoke security clearances for John O. Brennan, the former C.I.A. director, and James R. Clapper Jr., the former director of national intelligence, who both criticized him on television, that his chief of staff John F. Kelly estimated that Mr. Trump raised the matter between 50 and 75 times.

He also sought to use his power to help specific companies he favored and penalize those that angered him. He told aides to instruct the Justice Department to block the merger of Time Warner with AT&T, which would include the CNN network, one of the biggest thorns in his side. The Justice Department unsuccessfully sought to stop the merger in court, although officials insisted they acted on their own initiative, not at the behest of the White House.

John R. Bolton, Mr. Trump's former national security adviser, and John F. Kelly, his former chief of

Mr. Trump also tried to penalize Amazon, whose founder Jeff Bezos owns The Washington Post, another media irritant, by pressing for increases in U.S. postal rates for the company and by blocking a \$10 billion Pentagon cloud computing contract.

But he monetized the presidency for himself, as his Trump International Hotel in Washington and other properties became magnets for money from people and institutions currying favor, including the governments of Saudi Arabia, Turkey, Kuwait, the United Arab Emirates and the Philippines. Critics took him to court charging him with violating the emoluments clause of the Constitution barring the acceptance of gifts from “any king, prince, or foreign state,” although the Supreme Court threw out legal challenges.

Most notably, Mr. Trump sought to use his office to strong-arm another country to deliver dirt on Mr. Biden, a political rival. The president suspended military aid to Ukraine and leaned on its president, Volodymyr Zelensky, to “do us a favor” by announcing an investigation into supposed corruption involving Mr. Biden and other Democrats.

For that, the House ultimately impeached Mr. Trump for abuse of power on a largely party-line vote, making him only the third president ever to be charged with high crimes, although the Senate failed to reach the two-thirds vote necessary for conviction.

Mr. Trump made prolific use of his presidential pardon power to help friends and political allies — and particularly figures who he might have had reason to fear would turn against him by talking with prosecutors if faced with prison time. Critics argued that dangling pardons amounted to an attempt to obstruct investigators.

Among others, Mr. Trump gave pardons or commutations to Paul Manafort, his onetime campaign chairman; Stephen K. Bannon, his former chief strategist; Roger J. Stone Jr., his friend and political adviser, all of whom had been in the cross hairs of prosecutors looking at Mr. Trump. In the final weeks of his presidency, he also used his clemency power to help convicted felons who paid people close to him to lobby for them.

Mr. Trump's presidency ended in violence as a result of his concerted effort to overturn the 2020 election that he lost so that he could hold onto power despite the will of the voters. He filed dozens of lawsuits and pressured state officials, members of Congress, the Justice Department and his own vice president to help reverse his defeat, something no president has ever done before. And when the crowd of supporters he told to march on Congress stormed the Capitol on Jan. 6, 2021, to try to stop the finalization of Mr. Trump's defeat, he sat in the White House watching on television without trying to stop it for 187 minutes.

The House impeached him again as a result, accusing him of inciting the riot, with 10 Republicans joining Democrats. Never before had a president been impeached a second time. The Senate ultimately acquitted him again, but this time seven Republicans voted for conviction and several others said they voted no only because he was already out of office by the time of the trial.

'The Real Verdict'

Mr. Trump outside the New York State Supreme Court during his criminal trial in May. Doug Mills/The New York Times

The explosive finale of the Trump presidency did not bring an end to the Trump scandals. On the contrary, it opened a new and unprecedented chapter in the epic and still-unresolved struggles between the 45th president and the American law enforcement system.

In the months after he departed the White House, authorities in Washington, New York, Georgia, Florida and Michigan opened investigations that ultimately led them to Mr. Trump. Civil lawsuits also mounted. Mr. Trump became a target or defendant in so many courthouses that his post-presidency has become a full-employment act for defense attorneys.

One after another, judges and juries found against Mr. Trump, branding him a fraudster, a sexual abuser and, through his real estate firm, a tax cheat. The two verdicts on behalf of E. Jean Carroll have left him on the hook for nearly \$100

million including interest. The tax fraud conviction of the Trump Organization made him the first president to head a criminal company.

A separate civil lawsuit brought by the New York State attorney general, Letitia James, went to the heart of Mr. Trump's self-image as a tycoon of Olympian proportions. Mr. Trump's practice of valuing properties according to his needs came back to bite him when a judge found him liable for sweeping business fraud, ruling that he illegally inflated his net worth in securing loans. The judge not only hit him with penalties that could top \$450 million, he also barred Mr. Trump from leading any business in his original home state for three years. Mr. Trump is appealing.

While that judgment in itself was a first in presidential history, it barely seemed to register compared with the criminal cases brought against Mr. Trump. In what was then a stunning move, the F.B.I. conducted a search of his Mar-a-Lago estate in Florida to find classified documents that Mr. Trump took with him when he left the White House and then refused to give back even when subpoenaed. That, too, was a first.

A photo provided by the Justice Department showing boxes of documents stored in a bathroom at Mr. Trump's Mar-a-Lago property. Department of Justice

And then came what might have once been unthinkable — criminal charges against a former president. Mr. Trump was indicted not once, not twice, not three times but four times. While other presidents like Ulysses S. Grant, Warren G. Harding, Richard M. Nixon and Bill Clinton were not without their own scandals, none of them were ever charged with felonies.

The first indictment centered on those hush-money payments to Stormy Daniels. Alvin L. Bragg, the district attorney for Manhattan, charged Mr. Trump with falsifying business records to cover up the affair and the payments. The second indictment came in federal court in Florida where the special counsel Jack Smith charged Mr. Trump with mishandling classified documents and obstructing authorities trying to retrieve them.

The third and fourth indictments both stemmed from Mr. Trump's efforts to overturn the 2020 election that he lost. Mr. Smith brought an election interference case against him in federal court in Washington, while Fani T. Willis, the district attorney of Fulton County, Ga., brought a racketeering case against Mr. Trump for trying to switch Georgia's electoral votes. The Michigan attorney

general, for her part, named Mr. Trump an unindicted co-conspirator in her own election case. He has pleaded not guilty to all charges and blamed Democrats for coming after him for partisan reasons.

The drumbeat of hearings and appeals and procedural fights that have followed may have numbed the shock value, but these cases will stand out in those future history books. He has gone to trial on only one of the four indictments so far, Mr. Bragg's hush-money case, and the jury unanimously found him guilty of 34 felony counts. Sentencing has been pushed off until after the election.

The other three cases are in various states of limbo in part because of aggressive and successful defense moves by Mr. Trump's lawyers aimed at delaying or undercutting the charges against him. The Georgia case was sidetracked by revelations that Ms. Willis had a personal relationship with the prosecutor she chose to manage the case.

The Florida case was thrown out in July by U.S. District Judge Aileen M. Cannon, a Trump appointee, not because she found Mr. Trump innocent but because she considered Mr. Smith's appointment as special counsel to be procedurally improper, a decision that stunned legal experts. Mr. Smith is appealing, and the charges could be reinstated.

The federal election case was thrown off track for months by Mr. Trump's assertion that he had immunity as president. The Supreme Court largely accepted the argument, ruling for the first time in history that presidents have substantial immunity for crimes related to official acts. Now Judge Tanya S. Chutkan must determine whether Mr. Trump's actions in trying to overturn the election to hold onto power constituted official acts, a process that could stretch out for months.

In the end, she may not get a chance. If Mr. Trump is elected next month, he could pull the plug on the federal prosecutions, and even the state cases in New York and Georgia may be frozen while he is in office again. He knows that, and

he is counting on it. As he said earlier this year, “The real verdict is going to be Nov. 5, by the people.”

Mr. Trump at a rally in New York last month. Doug Mills/The New York Times

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A version of this article appears in print on , Section A, Page 1 of the New York edition with the headline: A Scandal-Plagued Career Nears a Decisive Moment

As Election Nears, Kelly Warns Trump Would Rule Like a Dictator

John Kelly, the Trump White House's longest-serving chief of staff, said that he believed that Donald Trump met the definition of a fascist.



By Michael S. Schmidt

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Few top officials spent more time behind closed doors in the White House with President Donald J. Trump than John F. Kelly, the former Marine general who was his longest-serving chief of staff.

With Election Day looming, Mr. Kelly — deeply bothered by Mr. Trump's recent comments about employing the military against his domestic opponents — agreed to three on-the-record, recorded discussions with a reporter for The New York Times about the former president, providing some of his most wide-ranging comments yet about Mr. Trump's fitness and character.

Mr. Kelly was homeland security secretary under Mr. Trump before moving to the White House in July 2017. He worked to carry out Mr. Trump's agenda for nearly a year and a half. It was a tumultuous period in which he drew internal criticism over his own performance and grew disenchanted and distressed by conduct on the part of the president that he considered at times to be inappropriate and reflecting no understanding of the Constitution.

In the interviews, Mr. Kelly expanded on his previously expressed concerns and stressed that voters, in his view, should consider fitness and character when selecting a president, even more than a candidate's stances on the issues.

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“In many cases, I would agree with some of his policies,” he said, stressing that as a former military officer he was not endorsing any candidate. “But again, it’s a very dangerous thing to have the wrong person elected to high office.”

Mr. Kelly said that Mr. Trump met the definition of a fascist. Doug Mills/The New York Times

He said that, in his opinion, Mr. Trump met the definition of a fascist, would govern like a dictator if allowed, and had no understanding of the Constitution or the concept of rule of law.

He discussed and confirmed previous reports that Mr. Trump had made admiring statements about Hitler, had expressed contempt for disabled veterans and had characterized those who died on the battlefield for the United States as “losers” and “suckers” — comments first reported in 2020 by The Atlantic.

Steven Cheung, a spokesman for Mr. Trump's campaign, assailed Mr. Kelly in a statement, calling Mr. Kelly's accounts of his time in the White House "debunked stories" and saying Mr. Kelly had "beclowned" himself.

Here are excerpts from, and audio of, Mr. Kelly's comments.

Kelly said that based on his experience, Trump met the definition of a "fascist."

In response to a question about whether he thought Mr. Trump was a fascist, Mr. Kelly first read aloud a definition of fascism that he had found online.

"Well, looking at the definition of fascism: It's a far-right authoritarian, ultranationalist political ideology and movement characterized by a dictatorial leader, centralized autocracy, militarism, forcible suppression of opposition, belief in a natural social hierarchy," he said.

Mr. Kelly said that definition accurately described Mr. Trump.

"So certainly, in my experience, those are the kinds of things that he thinks would work better in terms of running America," Mr. Kelly said.

He added: "Certainly the former president is in the far-right area, he's certainly an authoritarian, admires people who are dictators — he has said that. So he certainly falls into the general definition of fascist, for sure."

Kelly said Trump chafed at limitations on his power.

"He certainly prefers the dictator approach to government," Mr. Kelly said.

Mr. Trump "never accepted the fact that he wasn't the most powerful man in the world — and by power, I mean an ability to do anything he wanted, anytime he wanted," Mr. Kelly said.

Mr. Kelly with Mr. Trump in the Oval Office in 2018. He said the former president's recent comments about using the military against what he called the "enemy within" were so dangerous that he felt he had to speak out. Eric Thayer for The New York Times

"I think he'd love to be just like he was in business — he could tell people to do things and they would do it, and not really bother too much about whether what the legalities were and whatnot," he said.

He said he was deeply troubled by Trump's recent comments about using the military against domestic opponents.

When Mr. Kelly left the White House in 2019, he decided he would speak out on the record only if Mr. Trump said something that he found deeply troubling or involved him and was wildly inaccurate.

Mr. Trump's recent comments about using the military against what he called the "enemy within" were so dangerous, he said, that he felt he had to speak out.

"And I think this issue of using the military on — to go after — American citizens is one of those things I think is a very, very bad thing — even to say it for political purposes to get elected — I think it's a very, very bad thing, let alone

actually doing it,” Mr. Kelly said.

Mr. Kelly said that Mr. Trump was repeatedly told dating back to his first year in office why he should not use the U.S. military against Americans and the limits on his authority to do so. Mr. Trump nevertheless continued while in office to push the issue and claim that he did have the authority to take such actions, Mr. Kelly said.

Police officers and members of the military faced protesters near the White House before a photo opportunity for Mr. Trump outside St. John’s Church in 2020. Erin Schaff/The New York Times

“Originally, conversation would be: Mr. President, that’s outside your authority, or you know that’s a routine use, you really don’t want to do that inside the United States,” he said. “But now that he’s talking about it as ‘I’m gonna do it’ is, again, it’s disturbing.”

He said he believed Trump stood alone in his lack of understanding of history and the Constitution.

Mr. Kelly said Mr. Trump lacked a fundamental understanding of basic American values and what being president is about.

“He’s certainly the only president that has all but rejected what America is all about, and what makes America America, in terms of our Constitution, in terms of our values, the way we look at everything, to include family and government — he’s certainly the only president that I know of, certainly in my lifetime, that was like that,” Mr. Kelly said.

“He just doesn’t understand the values — he pretends, he talks, he knows more about America than anybody, but he doesn’t.”

He said Trump wanted personal loyalty to outweigh loyalty to the Constitution.

Mr. Kelly said that in the first few days of working for Mr. Trump as his chief of staff in the summer of 2017, he had to explain to the president that top government officials like himself had taken an oath to the Constitution and would place that oath over personal loyalty.

Mr. Kelly said Mr. Trump pressed him about that pledge and seemed to have no appreciation that top aides were supposed to put their pledge to the Constitution — and, by extension, the rule of law — above all else.

“He and I talked about it — it was a new concept for him, I guess is the best way to put it, and I don’t think it’s one he ever totally accepted.”

Mr. Kelly said that personal loyalty “is virtually everything to him.”

Mr. Kelly said that Mr. Trump wrongly believed that the uniformed and retired senior generals he brought in to work for him would be loyal to him above all else. Doug Mills/The New York Times

As soon as someone in his orbit loses that loyalty, Mr. Kelly said, that person is then out of favor with Mr. Trump and “your time is short.”

Mr. Trump, Mr. Kelly said, wrongly believed that the uniformed and retired senior generals he brought in to work for him would be loyal to him above all else.

“Certainly, a big surprise for him, again, was if you remember at the beginning of the administration, he would talk about ‘his generals,’” Mr. Kelly said. “I don’t know why he thought that — but then a very big surprise for him was that we were — those of us who were former generals and certainly people still on active duty — that the commitment, the loyalty was to the Constitution, without question, without second thought.”

Mr. Kelly added: “That was a big surprise to him that the generals were not loyal to the boss, in this case him.”

Trump told him that “Hitler did some good things.”

Mr. Kelly confirmed previous reports that on more than one occasion Mr. Trump spoke positively of Hitler.

“He commented more than once that, ‘You know, Hitler did some good things, too,’” Mr. Kelly said Mr. Trump told him.

Mr. Kelly said that Mr. Trump had little appreciation for history — “I think he’s lacking in that,” he said — but said that he would still try to explain to Mr. Trump why those comments about Hitler were problematic.

Mr. Kelly in the Oval Office in 2017. He said Mr. Trump had little appreciation for history. Tom Brenner/The New York Times

“First of all, you should never say that,” Mr. Kelly said that he told Mr. Trump. “But if you knew what Hitler was all about from the beginning to the end, everything he did was in support of his racist, fascist life, you know, the, you

know, philosophy, so that nothing he did, you could argue, was good — it was certainly not done for the right reason.”

Mr. Kelly said that would usually end the conversation. But Mr. Trump would occasionally bring it up again.

Kelly said Trump looked down on those who were disabled on the battlefield.

In response to a question about previous stories about Mr. Trump having disdain for disabled veterans, Mr. Kelly said Mr. Trump did not want to be seen in public with those who had lost limbs on the battlefield.

“Certainly his not wanting to be seen with amputees — amputees that lost their limbs in defense of this country fighting for every American, him included, to protect them, but didn’t want to be seen with them. That’s an interesting perspective for the commander in chief to have.”

“He would just say: ‘Look, it just doesn’t look good for me.’”

He said Trump called service members who were injured or killed “losers and suckers,” despite denials from Trump and some aides.

Confirming a statement he gave to CNN last year, Mr. Kelly said that on multiple occasions Mr. Trump told him that those Americans wounded, captured or killed in action were “losers and suckers.”

“The time in Paris was not the only time that he ever said it,” Mr. Kelly said, referring to reports that Mr. Trump told him that he did not want to visit a cemetery where American service members killed during World War I were buried.

“Whenever John McCain’s name came up, he’d go through this rant about him being a loser, and all those people were suckers, and why do you people think that people getting killed are heroes? And he’d go through this rant.”

“To me, I could never understand why he was that way — he may be the only American citizen that feels that way about those who gave their lives or served their country,” Mr. Kelly said.

Mr. Kelly said that on top of saying “losers” and “suckers,” Mr. Trump often questioned the decisions by Americans to sacrifice for their country.

Mr. Trump and his wife, Melania, visiting a cemetery for American soldiers in Normandy, France, in 2019. Doug Mills/The New York Times

At Arlington National Cemetery on Memorial Day 2017, Mr. Trump toured the section where recently killed service members are buried, including Mr. Kelly’s son Robert, a Marine who was killed in 2010 while fighting in Afghanistan.

While walking through the cemetery, Mr. Kelly recounted, Mr. Trump asked what had been in it for those who had given their lives.

“And I thought he was asking one of these rhetorical kind of, you know, questions,” Mr. Kelly said. “But I didn’t realize he was serious — he just didn’t see what the point was. As I got to know him, again, this selflessness is something he just didn’t understand. What’s in it for them?”

Mr. Kelly had nothing good to say about Mr. Trump

Mr. Kelly was asked whether Mr. Trump had any empathy.

“No,” Mr. Kelly said.

Michael S. Schmidt is an investigative reporter for The Times covering Washington. His work focuses on tracking and explaining high-profile federal investigations.

A version of this article appears in print on , Section A, Page 12 of the New York edition with the headline: Ex-Chief of Staff Says Trump Would Rule Like Dictator



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October 29, 2024

Via Email and Expedited Mail

Diane Brayton
Executive Vice President & Chief Legal Officer
The New York Times Company
620 Eighth Avenue
New York, NY 10018
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Anke Steinecke
Executive Vice President & Chief Legal Officer
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Re: Cease and Desist Regarding False and Defamatory Statements About
President Donald J. Trump By:
Ms. Susanne Craig (“Craig”)
Mr. Russ Buettner (“Buettner”)
Mr. Peter Baker (“Baker”)
Mr. Michael S. Schmidt (“Schmidt”)

Dear Mses. Brayton and Steinecke:

We write on behalf of our client, President Donald J. Trump. Please direct all future correspondence relating to this matter to my attention.

There was a time, long ago, when The New York Times was considered the “newspaper of record,” and its editors dutifully adhered to the motto “All the News That’s Fit to Print.” Those halcyon days have passed. Today, the Times is a full-throated mouthpiece of the Democratic Party. The newspaper’s editorial routine is now one of industrial-scale libel against political opponents. As such, the Times has become one the most unapologetic purveyors of known, malicious, and defamatory falsehoods against President Donald J. Trump in the modern landscape of legacy mainstream media. However, even by the Times’s compromised ethical standards, the subject matter of this letter—a defamatory and disparaging book written by two of its reporters and three false, defamatory, and disparaging articles, all carefully crafted by the Potential Defendants (as defined *below*) with actual malice calculated to inflict maximum damage upon President Trump, and all published just days before a presidential election that may very well become the most consequential in American history—represents a new journalistic low for the hopelessly compromised and tarnished Gray Lady. The Potential Defendants’ goal was to kill three birds with one stone: (a) damage President Trump’s hard-earned and world-renowned reputation for business success, (b) in the process, sabotage his 2024 candidacy for President of the United States, and (c)



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prejudice judges and juries in the unlawful cases brought against President Trump, his family, and his businesses by his political opponents for purposes of election interference.

This letter concerns a false, defamatory, and disparaging book published by Penguin Random House (“PRH”) and written by New York Times reporters Craig and Buettner, as well as three related false, defamatory, and disparaging articles (written by the reporters identified in “Re:” *above*). Unquestionably, the New York Times, PRH, Craig, Buettner, Baker, and Schmidt (“you” and “Potential Defendants”) believe these are worthy goals. To satisfy these goals, you have continued your malicious, false, and defamatory practices.

The Defamatory Publications

- On September 12, 2024, PRH, Buettner, and Craig published a false, defamatory, and disparaging book about President Trump (“the Book”). *See* Russ Buettner and Susanne Craig, LUCKY LOSER: HOW DONALD TRUMP SQUANDERED HIS FATHER’S FORTUNE AND CREATED THE ILLUSION OF SUCCESS, PENGUIN RANDOM HOUSE (Sept. 12, 2024), <https://www.nytimes.com/books/best-sellers/business-books/>;
- On September 14, 2024, the New York Times published a false, defamatory, and disparaging article about President Trump (the “First Article”). *See* Russ Buettner and Susanne Craig, THE STAR-MAKING MACHINE THAT CREATED ‘DONALD TRUMP,’ NEW YORK TIMES (Sept. 14, 2024), <https://www.nytimes.com/2024/09/14/business/donald-trump-apprentice.html>;
- On October 20, 2024, the Times published another false, defamatory, and disparaging article about President Trump (the “Second Article”). *See* Peter Baker, FOR TRUMP, A LIFETIME OF SCANDALS HEADS TOWARD A MOMENT OF JUDGMENT, NEW YORK TIMES (October 20, 2024), <https://www.nytimes.com/2024/10/20/us/politics/trump-scandals.html>;
- On October 22, 2024, the Times published a third false, defamatory, and disparaging article about President Trump (the “Third Article”). *See* Michael S. Schmidt, AS ELECTION NEARS, KELLY WARNS TRUMP WOULD RULE LIKE A DICTATOR, NEW YORK TIMES (October 22, 2024), <https://www.nytimes.com/2024/10/22/us/politics/john-kelly-trump-fitness-character.html>;

You published the false, defamatory, and disparaging Book and Articles all knowing that these publications were filled with repugnant, defamatory, and false distortions and fabrications about President Trump. Still, you simply ignored this breach of journalistic ethics. You knew that the Book and the Articles would attempt to further the goals of the New York Times and its backers in the Democratic Party precisely as intended. These publications were created with a backward methodology: the authors started with a desired narrative for the Book and the Articles, and then, to achieve that narrative, they falsified, distorted, and manipulated the otherwise accurate information available from public and private sources.



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Indeed, since 2015, when President Trump famously rode down the escalator at Trump Tower to announce his candidacy for President of the United States, and continuing to the present time, in which he is once again the leading candidate for President, the New York Times has made it abundantly clear that it has no intention of engaging in accurate reporting about President Trump. See Jim Rutenberg, *Trump Is Testing the Norms of Objectivity in Journalism* (Aug. 7, 2016), New York Times, available at <https://www.nytimes.com/2016/08/08/business/balance-fairness-and-a-proudly-provocative-presidential-candidate.html> (“If you view a Trump presidency as something that’s potentially dangerous, then your reporting is going to reflect that. You would move closer than you’ve ever been to being oppositional. That’s uncomfortable and uncharted territory for every mainstream, nonopinion journalist I’ve ever known, and by normal standards, untenable.”) But the Times does have every intention of defaming and disparaging the world-renowned Trump brand that consumers have long associated with excellence, luxury, and success in entertainment, hospitality, and real estate, among many other industries, as well as falsely and maliciously defaming and disparaging him as a candidate for the highest office in the United States.

Ironically, to try and falsely and maliciously tear down President Trump’s worldwide reputation for success, you decided to try and confront, head-on, what remains to this day one of the President’s most well-known achievements, in addition to his decades of magnificent real estate achievements and winning the Presidency on the first try—his remarkable performance as the star of “The Apprentice,” one of the top-rated shows of all time and a trailblazer in American television. Thanks solely to President Trump’s *sui generis* charisma and unique business acumen, “The Apprentice” generated hundreds of millions of dollars in revenue and remained on television for over thirteen years, with nearly 200 episodes. “The Apprentice” represented the cultural magnitude of President Trump’s singular brilliance, which captured the *zeitgeist* of the early twenty-first century.

However, for you, President Trump’s historic performance on “The Apprentice” was *such* an appealing target that you had no qualms about betraying journalistic standards to push a fake story helpful to the Democrats at any cost. In a shocking example of reckless disregard for the truth, Buettner and Craig wrote the Book and the First Article—green-lit for publication and published by Penguin Random House and the New York Times, respectively—without interviewing the famed producer Mark Burnett (“Burnett”), who co-created “The Apprentice” with President Trump and served as the show’s executive producer. As admitted in the First Article, “*Mr. Burnett did not respond to invitations to be interviewed.*” (emphasis added).

The False and Defamatory Statements

- Buettner, Craig, and PRH knowingly made the following false, malicious, and defamatory claims, among many others, in the Book with knowing or reckless disregard for the truth: President Trump received money from his father “through fraudulent tax evasion schemes”; his fortune “was built on government programs” and “twisting the rules” of those programs; he was “drawn to men who displayed a penchant for violence . . .”; he “was failing” even when he was at his best; he tried to “erase his father’s accomplishments from the public consciousness in



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service of artificially inflating his own”; he and his family permitted “infestations of cockroaches and mice, a broken air-conditioning system, elevators that did not work, a lack of hot water, and an unusable swimming pool” in their buildings; he did not “run[] the numbers” or conduct serious due diligence on his business investments; “[d]uring a fifteen-year rise,” he “paid close attention to aesthetic details” but “had not paid . . . attention to financial details”; he and his family used a purported nonexistent entity “to evade gift and estate taxes”; he and his family “submit[ed] . . . padded bills to request rent increases from state officials”; he used an “invoice-padding operation . . . to siphon off his father’s wealth outside the gift and estate tax system”; when the producers of the *Apprentice* came to meet him at his office for the first time, there was a “stench, a musty carpet odor that followed them like an invisible cloud [there were] scores of chips in the finish of the wooden desks and credenzas”; “other people would do all the work” on “*The Apprentice*”; the “diligent, measured [and] polite” version of President Trump on “*The Apprentice*” was “nonexistent” in real life; he became “a television celebrity” by “luck”; he “did not earn most of” his fortune and instead “was discovered by a revolutionary television producer”; he did nothing “in fifty years” to add “to his lucky fortunes.”

- Moreover, The New York Times, Buettner, and Craig repeated many of these *exact* false, malicious, and defamatory claims from the Book about President Trump in the First Article.
- Baker and the New York Times made the following false, malicious, and defamatory claims, among many others, in the Second Article with knowing or reckless disregard for the truth: President Trump “knowingly . . . appropriate[ed] medals that he did not win himself” from a friend for his high-school yearbook photo; he “cheated to get into college” by “pa[ying] a friend to take the SAT for him”; and he had “ties with the Mafia” and “violations of money laundering rules.”
- Schmidt and the New York Times made the following false, malicious, and defamatory claims, among many others, in the Third Article with knowing or reckless disregard for the truth: According to discredited former chief-of-staff John Kelly, who was fired by President Trump and whose other false statements have been thoroughly debunked, President Trump “had made admiring statements about Hitler, had expressed contempt for disabled veterans and had characterized those who died on the battlefield for the United States as ‘losers’ and ‘suckers’”

Given the long list of well-known and historic business achievements by President Trump and his family, President Trump’s remarkable business, literary, media, and real estate achievements, and the fact that President Trump—and his life story—are the epitome of the American Dream and what it means to be an American patriot, as well as his lifelong support for America’s men and women in uniform, these defamatory statements are all the more despicable in their falsity.



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President Trump's Sterling Business & Real Estate Background

President Trump's family has long been one of the most influential and successful real estate families in New York City. In 1985, President Trump's father, Fred C. Trump, received the Horatio Alger Award for distinguished Americans. President Trump initially learned about the real estate business from his father and utilized the skills he gained under his father's tutelage for his historic success in New York City's real estate market—the toughest in the world. Indeed, President Trump's early success and business acumen were nationally recognized in 1982 as he was listed in *The Forbes 400* List of the wealthiest people in America. *See e.g.*, 1982: THE FORBES 400, <https://www.forbes.com/pictures/ghmf45edldg/1982-the-forbes-400>.

Thereafter, President Trump's stewardship of the Trump Organization has made it and the Trump name synonymous not only with New York City real estate, but also with excellence, luxury, and worldwide success. Under President Trump's leadership, the Trump brand has come to symbolize the highest standards of class, quality, and consumer satisfaction. It can be accurately and fairly stated that President Trump built much of New York City's famed skyline.

President Trump has built, transformed, established, and revitalized businesses, projects and brands, including "The Apprentice;" Truth Social; Trump Tower, New York City; Trump International Hotel and Tower, New York City; The Trump Building, New York City; the GM Building, New York City; 1290 Avenue of the Americas, New York City; Trump Park Avenue, New York City; Trump Parc, New York City; Trump Parc East, New York City; Trump World Tower, New York City; 610 Park Avenue, New York City; Trump Tower City Center, New York City; Trump Palace, New York City; Trump Plaza, New York City; Plaza Hotel, New York City; 200 Riverside Boulevard, New York City; 240 Riverside Boulevard, New York City; 1 Central Park West, New York City; the Grand Hyatt Hotel, New York City; Wollman Rink, New York City; West Side Railyards, New York City; Trump Park Residences, Yorktown; Mar-a-Lago, Palm Beach; Trump Plaza and Casino, Atlantic City; Trump Castle, Atlantic City; Trump Taj Mahal, Atlantic City; Trump International Hotel, D.C.; Trump International Hotel, Las Vegas; Trump International Hotel and Tower, Chicago; Trump National, Westchester; Trump International Golf Club, West Palm Beach; Trump International Golf Club, Puerto Rico; Trump National Golf Club, Ranchos Palos Verdes; Trump National Golf Club, Bedminster; Trump National Golf Club, Charlotte; Trump National Golf Club, Philadelphia; Trump National Golf Club, Jupiter; Trump National Golf Club, D.C.; Trump National Golf Club, Doral; Trump International Golf Links, Scotland; Trump Turnberry, Scotland; Trump International Golf Links, Doonbeg, Ireland; Trump Links at Ferry Point, Bronx; Trump International Golf Dubai; USFL Football League (Team Owner); Miss Universe Organization; Miss USA; and Miss Teen USA. President Trump has also owned and operated the land underneath the Empire State Building—a New York City landmark.

President Trump has authored 14 bestsellers among dozens of chart-topping books: *Trump: The Art of the Deal* (1987); *Trump: Surviving at the Top* (1990); *Trump: The Art of the Comeback* (1997); *The America We Deserve* (2000); *Trump: How to Get Rich* (2004); *Trump: Think Like a Billionaire* (2004); *Why We Want You to Be Rich* (2006); *Trump 101: The Way to Success* (2006); *Trump: The Best Real Estate Advice I Ever Received* (2006); *Think Big and Kick Ass: In Business and Life* (2007); *Never Give Up: How I Turned My Biggest Challenges into Success* (2008); *Think*



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Like a Champion: An Informal Education In Business and Life (2008); *Time to Get Tough: Making America #1 Again!* (2011); *Midas Touch: Why Some Entrepreneurs Get Rich - and Why Most Don't* (2012); *Why We Want You to Be Rich: Two Men, One Message* (2014); *Crippled America: How to Make America Great Again* (2015); *Great Again: How to Fix Our Crippled America* (2015); *Our Journey Together* (2021); *The Greatest Speeches of Donald J. Trump* (2022); *Letters to Trump* (2023); *Trumped: The Wit and Wisdom of Donald J. Trump* (2024); *Time to Get Tough: Make America Great Again* (2024); and *Save America* (2024).

President Trump's hundreds of history-making media appearances include: *WrestleMania V* (1989); *Ghosts Can't Do It* (1989); *All My Children* (1992); *Lady Boss* (1992); *Home Alone 2* (1992); *Fallen Champ: The Untold Story of Mike Tyson* (1993); *Fresh Prince of Bel Air* (1994); *The Little Rascals* (1994); *Across the Sea of Time* (1995); *Eddie* (1996); *The Nanny* (1996); *The Associate* (1996); *The Drew Carey Show* (1997); *NightMan* (1997); *Spin City* (1998); *54* (1998); *Celebrity* (1998); *Sex In The City* (1998); *Miss Universe 2001* (2001); *The Job* (2001-2002); *Zoolander* (2001); *Donald Trump Real Estate Tycoon!* (2002) (video game); *Two Weeks Notice* (2002); *Miss USA 2002* (2002); *Ali G Show* (2003); *Marmalade* (2004); *Days of Our Lives* (2005); *Miss Universe Pageant*; *The Apprentice* (2004-2015) and *Celebrity Apprentice* (2008-2015); Hosted *Saturday Night Live* (2015); Hosted *WWE*; and much more.

President Trump has leveraged his business and real estate acumen to multiply his holdings across America and internationally, including Ireland, Oman, Scotland, Vietnam, and Dubai. His properties include majestic buildings, bespoke resorts, world-class golf courses, and elite restaurants.

Since leaving office in 2021, President Trump has begun new business ventures, ranging from social media enterprises to cryptocurrency offerings. His business success resonates in the American collective consciousness. "As concerns around the economy and inflation continue, about eight in ten registered voters (81%) say the economy will be vital to their vote in the 2024 presidential election." See Pew Research Center, ISSUES AND THE 2024 ELECTION (Sept. 9, 2024), <https://www.pewresearch.org/politics/2024/09/09/issues-and-the-2024-election/>. President Trump's appeal to the electorate is based, in significant part, on his proven ability to dig the United States out of its current economic disaster.

Further in line with President Trump's business success since leaving office, the Trump Media & Technology Group Corp.'s related Special Purpose Acquisition vehicle, trading under "DJT" on NASDAQ, belies the false accusations in the Article. According to reports, "[s]hares of Trump Media closed up more than 18%, extending the Truth Social owner's sudden turnaround from recent stock price lows and adding hundreds of millions of dollars to Donald Trump's on-paper net worth." See Kevin Breuninger, TRUMP MEDIA STOCK SURGES AS ELECTION BETTING ODDS SHIFT, TRUTH SOCIAL LAUNCHES STREAMING SITE, CNBC (Oct. 14, 2024), <https://www.cnbc.com/2024/10/14/djt-trump-media-election-truth-social-harris.html>. From October 2, 2024 to Oct. 28, 2024, the DJT stock price skyrocketed nearly 75%. See Google.com (search "DJT" and "month").



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President Trump’s Public Persona and “The Apprentice”

President Trump masterfully applied his success in real estate and business into worldwide publicity that fueled the growth of the Trump Organization and continued to bolster his sterling reputation through the 1980s and 1990s as evidenced by his appearances and speaking parts in numerous well-known movies, television shows, and beauty pageants. By the early 2000s, President Trump was a well-known household name to the American public and internationally. The public associated President Trump’s persona with someone who was highly successful, had built an enterprise worth over a billion dollars, and was tough and principled yet courageous enough to speak his mind without fear of rebuke.

President Trump’s hard-earned reputation for excellence led Burnett to seek him out when the idea for the television show “The Apprentice” began to formulate. President Trump and Burnett created “The Apprentice,” which aired in 2004 and gave the public an inside look into President Trump’s brilliant business acumen and unique real estate wizardry. Because of President Trump’s *sui generis* charisma and personality, “The Apprentice” instantly became a top-rated television show. The program generated hundreds of millions of dollars in revenue and was on television for over thirteen years, with nearly 200 episodes. Vitally, on “The Apprentice,” President Trump coined the iconic catchphrase “You’re Fired!” This led to numerous derivative works and merchandise that leveraged the phrase and embodied President Trump’s name, image, and likeness. “The Apprentice” was a monumental success *because of* President Trump.

Your False Representations of Objectivity and Fairness

The New York Times disingenuously asserts the following creed: “We are committed to independent, fair and accurate reporting of stories from around the world. Being dedicated to journalistic independence isn’t always easy or comfortable, but at The Times, colleagues across the company understand this is at the core of everything we do.” *See* CAREERS, <https://www.nytimes.com/careers/>. But this so-called mission statement is a hollow misrepresentation that contributes to the harm caused by the malicious defamation and disparagement at issue.

The New York Times promotes Buettner as someone who is “honored to do [his] part to uphold The Times’s long tradition of integrity and independence in journalism, including by adhering to the standards outlined in our “[Ethical Journalism Handbook](#).” *See* RUSS BUETTNER, <https://www.nytimes.com/by/russ-buettner>. Buettner himself claims that “first and foremost, that means getting things right and being fair to everyone involved. It means recognizing the difference between what we think we know and what can be proven.” *See id.*

The New York Times cynically promotes Craig as an investigative reporter who “[i]n recent years [has] been focused on shedding light on Mr. Trump’s finances.” *See* SUSANNE CRAIG, <https://www.nytimes.com/by/susanne-craig>. Craig herself claims to be “committed to upholding the standards of integrity that are outlined in our [Ethical Journalism Handbook](#)” and to “strive to be accurate and fair, and make every effort to understand issues from multiple angles.” *See* SUSANNE CRAIG, <https://www.nytimes.com/by/susanne-craig>. As detailed in the Book and related



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reporting, Buettner and Craig received stolen tax returns from convicted felon Charles Littlejohn. *See Plaintiff's Notice of Filing Redacted Version of ECF 111-2 in Compliance with Court Order (ECF 114), Kenneth C. Griffin v. Internal Revenue Service and U.S. Department of the Treasury*, Case No. 22-cv-24023 (S.D. FL Apr. 25, 2024), ECF No. 119 Exhibit 1 (Deposition of Charles Littlejohn).

The New York Times promotes Baker as its “chief White House correspondent . . . covering President Biden and his administration,” who also “sometimes” writes about President Trump, “focusing mainly on analytical pieces attempting to place what’s been happening in a larger context and historical framework.” *See* PETER BAKER, <https://www.nytimes.com/by/peter-baker>. Baker himself claims that “journalistic independence is important for us at The Times” *See id.* Baker wrote a fawning biography of President Obama. *See* Peter Baker, OBAMA: THE CALL OF HISTORY, NEW YORK TIMES/CALLAWAY (June 27, 2017), <https://perma.cc/4RX8-MQZW>. Baker’s wife, Susan Glasser, actively attacks President Trump on social media. *See* X Profile, Susan Glasser, available at <https://x.com/sbg1>.

The New York Times promotes Schmidt as “an investigative reporter . . . covering Washington,” who “focuses on tracking and explaining high-profile federal investigations.” *See* MICHAEL S. SCHMIDT, <https://www.nytimes.com/by/michael-s-schmidt>. Schmidt claims he has “dedicated my career to following the facts, without fear or favor.” *See id.* Schmidt, also a contributor to MSNBC and NBC News, wrote a book attacking President Trump, published by PRH. *See* Michael S. Schmidt, DONALD TRUMP V. THE UNITED STATES: INSIDE THE STRUGGLE TO STOP A PRESIDENT, PENGUIN RANDOM HOUSE (Sept. 1, 2020), <https://www.penguinrandomhouse.com/books/604656/donald-trump-v-the-united-states-by-michael-s-schmidt/>.

Your representations of adherence to fairness are false and farcical. Indeed, as the popular saying goes, the New York Times has already “said the quiet part out loud” numerous times. For example, in 2016, Jim Rutenberg, another New York Times reporter, blatantly admitted during the first winning political campaign by President Trump that the New York Times’s biased coverage of President Trump was justified and that it was under no obligation to cover him fairly. *See* Jim Rutenberg, TRUMP IS TESTING THE NORMS OF OBJECTIVITY IN JOURNALISM, NEW YORK TIMES (Aug. 7, 2024). <https://www.nytimes.com/2016/08/08/business/balance-fairness-and-a-proudly-provocative-presidential-candidate.html>.

Liability and Damages

The false, defamatory, and disparaging statements set forth above, which you made to hundreds of millions of individuals about President Trump—in the United States and abroad—are deceptive, malicious, intentional, defamatory, disparaging, distorted, fabricated, false, and misleading. They have attempted to injure President Trump in his candidacy for President and in his profession and occupation, thus constituting defamation per se.

It is undisputed that the Book and the Articles were published for and read by millions of individuals. It is also undisputed that the Book and the Articles were about and concerned President Trump. Further, you published the Book and the Articles and the false, defamatory, and



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disparaging statements contained therein, with actual malice, building on a long pattern of such malicious and defamatory statements. When such statements were made, you knew that the defamatory statements were false, or at minimum, acted with reckless disregard for the truth.

Numerous flashing red indicators of actual malice abound. Illustrative examples include but are not limited to: (a) The reckless decision by the New York Times, Buettner, Craig, and PRH to publish their stories about “The Apprentice” having failed to interview Burnett, clearly the most important person associated with the show other than President Trump and a necessary voice on numerous issues contained in the Book and the First Article (*See* First Article), (b) The shocking, and wrong, certitude with which the New York Times, Buettner, Craig, and PRH falsely claim in multiple instances that President Trump never did anything (or did next to nothing) to build his own fortune or success and that it was somehow all based on luck (you do not appear even willing to concede that at least *some* of President Trump’s success was earned), while yet being fully aware of an overwhelming mountain of publicly available evidence to the contrary (*See* Book and First Article), (c) Your stubborn insistence on repeatedly pushing the fact-free narrative in the Book and the First Article that falsely diminishes President Trump, when in reality it is a matter of public record that President Trump was already a nationally known, hugely successful celebrity long before “The Apprentice” (*See id.*), (d) Your repeated false and strident assertions of wrongdoing by President Trump, without evidence, and with public information clearly stating the opposite. (*See id.*), (e) Baker’s use of cheating allegations and allegations of Mafia affiliation without adequate sourcing or basis in reality, of which there is none (*See* Second Article); and (f) Schmidt’s positioning of Kelly’s debunked and discredited assertions about President Trump as fact notwithstanding well-known facts showing Kelly’s total lack of truthfulness on the subject of the President (*See* Third Article).

You possessed both public and non-public information and had access to information you knew to be accurate that debunked the Book and the Articles. However, you deliberately ignored this information and instead published the Book and the Articles as “hit pieces” calculated to severely harm President Trump and his reputation.

Your tortious statements constitute defamation *per se*, since the statements impugned President Trump’s fitness for office, his professional reputation, his business reputation, and his reputation in his occupation.

President Trump’s economic damages are substantial indeed. The value of his one-of-a-kind, unprecedented personal brand alone is reasonably estimated to be worth at least \$15,000,000,000 and very likely higher. His business ventures are successful and generate hundreds of millions of dollars of annual revenue for the Trump Organization. Moreover, the injury to President Trump’s business and personal reputation inflicted by you threatens to continue, thereby causing massive economic damage to his brand value and significant damage and injury to his future financial prospects. The harm to the value of DJT stock is one example of what you have done to President Trump; if not for your actions, the stock would likely be even higher now than it is. Because President Trump’s net worth is extremely high and includes his unique brand, which he has carefully cultivated over decades, the reputational injury inflicted in this case is at or above \$10,000,000,000.



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Conclusion

Accordingly, given the obviously unlawful conduct you have repeatedly engaged in, you have created an untenable situation that must be addressed immediately. Namely, President Trump hereby demands that you: (1) ***cease and desist*** any and all conduct aimed at disrupting and harming his reputation, including further similar false, defamatory, and disparaging publications; (2) immediately issue ***a full and fair retraction of the statements*** made in the Book and the Articles, and any and all other false, defamatory, and disparaging statements about President Trump in as conspicuous a manner as they were originally published; and (3) immediately ***issue an apology*** for the false, defamatory, and disparaging statements about President Trump.

Moreover, please allow this letter to serve as notice to you, your affiliated entities, your employees, and any other person acting on behalf of or in concert with you to preserve any and all evidence related in any way to the abovementioned statements you made and any other statements that you have published or plan to publish regarding President Trump. By way of this letter, you are hereby directed not to destroy, conceal, or alter any paper or electronic files, physical evidence, and/or other data relating in any way, no matter how remote, to your false accusations against President Trump, and/or the circumstances leading to their dissemination, including, but not limited to: (1) all communications between you and any third party in any way related to your wrongful accusations against President Trump in the Book and the Articles; (2) all sources for your false accusations against President Trump in the Book and the Articles; (3) any and all documents referring to, reflecting, or relating to communications between you and any such third-parties or sources regarding your false accusations against President Trump in the Book and the Articles; (4) any and all documents in any way related to your false accusations against President Trump in the Book and the Articles; and (5) any and all other communications related to any current or planned publications by you regarding President Trump.

I understand that many records and files are maintained electronically. However, this letter specifically requests that all paper and hard copy originals be maintained and preserved in their original format. Electronic documents and the storage media on which they reside may contain relevant, discoverable information beyond that found in printed documents. Therefore, even where a paper copy exists and has been preserved, please preserve and maintain all electronically stored documents in their original native format, including all metadata. This preservation demand encompasses explicitly any and all electronic records, including but not limited to, all word-processed files, e-mails, spreadsheets, all databases, log files, and any other electronically stored and/or generated documents or files.

Should the above-referenced conduct not be addressed immediately, President Trump will have no alternative but to enforce his legal and equitable rights, all of which are expressly reserved and not waived. BE GUIDED ACCORDINGLY.

Sincerely, 

Edward Andrew Paltzik
Counsel to President Donald J. Trump



The New York Times
Company

David E. McCraw
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October 31, 2024

VIA EMAIL

Edward Andrew Paltzik, Esq.
Bochner PLLC
1040 Avenue of the Americas – 15th Floor
New York, NY 10018

Re: Donald Trump

Dear Mr. Paltzik:

I write in response to your letter of October 29 concerning your client Donald Trump and three articles published by The New York Times. I have reviewed the letter and the stories with our editors and reporters, and we see no basis for a correction of any of the articles.

As an initial matter, we have already addressed Mr. Trump's objections to the September 14 article by Russ Buettner and Susanne Craig in our correspondence with Mr. Trump's lawyer, Alejandro Brito. I am puzzled that your letter shows no awareness of Mr. Brito, who told us he was acting on Mr. Trump's behalf. But, whatever the explanation, you will find in that correspondence our response to Mr. Trump's inaccurate and legally deficient claims of error.

As for the issues that your letter raises with the book "Lucky Loser," those are most appropriately addressed by Penguin Random House.

Your letter also challenges two other Times articles: our interview with General John Kelly explaining why he believes Mr. Trump meets

the definition of a fascist and an article by Peter Baker detailing Mr. Trump's long and well-documented history of misconduct, business failures, and legal entanglements. Your letter asserts that General Kelly has made "other false statements [that] have been thoroughly debunked." The truth is much to the contrary. General Kelly was appointed by Mr. Trump as his chief of staff based on his long record of service to our country. General Kelly personally witnessed Mr. Trump's troubling behavior in the White House. He has an important perspective to provide to the American people as they prepare to vote, and his accounts are consistent with those provided by others who served in the administration at the time.

Your attack on Mr. Baker's article is equally misguided. We truthfully reported that investigators looked into Mr. Trump's ties with the Mafia, and we truthfully reported that one of his casinos was found to have violated money-laundering rules. We accurately recounted that his estranged niece had gone public with her allegation that he had cheated to get into college, and we included Mr. Trump's denial. And we accurately reported the claim that Mr. Trump had borrowed a fellow cadet's medal-laden dress jacket for a picture at his military academy – a report provided by the student whose jacket was appropriated. Tellingly, your letter does not dispute – nor could it – the remainder of the article and its lengthy recitation of the legal problems, financial failures, and misdeeds of Mr. Trump.

Little needs to be said about the rest of your letter, which is principally a litany of personal complaints about The New York Times and its reporters, punctuated with falsehoods and premised on the deeply troubling notion that anyone who dares to report unfavorable facts about a presidential candidate is engaged in "sabotage" (as opposed to, say, contributing to the free exchange of information and ideas that makes our democracy possible).

Please be assured that we have implemented appropriate document retention protocols, as you requested. Please provide us with credible assurances that your client has also implemented appropriate retention protocols for his personal files as well as for all the business

enterprises that are mentioned in your letter and remain under the control of Mr. Trump.

Sincerely,

David McCraw

David E. McCraw

Penguin
Random
House

October 31, 2024

Edward Andrew Paltzik, Esq.
BOCHNER PLLC
1040 Avenue of the Americas
15TH Floor, New York, NY 10018
edward@bochner.law

Dear Mr. Poltzik,

On behalf of Penguin Random House and its Penguin Press imprint, this letter responds to yours of October 29, 2024 concerning the book *Lucky Loser*, by Russ Buettner and Susanne Craig (the “Book”). Your letter is a full-throated paean to your client, Donald J. Trump, and your favorable opinion of his life’s work. Your letter falls short, however, of identifying an actionable claim for defamation against Penguin Press. You are no doubt aware that the fact that a particular source declined to be interviewed is far from proof of “reckless disregard for truth.” You also well know that expressions of opinion are not actionable and that the First Amendment protects free, open and robust debate on public issues, especially when the debate focuses on a candidate for President of the United States. The fact that the authors of the book do not share your favorable view of your client’s career, does not provide the foundation for a defamation claim.

You conclude your letter with a document preservation notice. I write to confirm that Penguin Press has taken note of this notice and are taking all reasonable steps to comply. This letter provides you with official notice that you should advise your client to observe the same preservation efforts with regard to all statements made about him in the Book, regardless of whether he challenges them as false. I look forward to your confirmation of the same.

Best,

Carolyn K. Foley
Carolyn K. Foley

Carolyn K. Foley
Penguin Random House LLC
Senior Vice President & Associate General Counsel
1745 Broadway, New York, NY 10019

EXHIBIT
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