

# **EXHIBIT B**

~~SUPREME COURT OF THE STATE OF NEW YORK~~  
~~COUNTY OF NEW YORK~~ UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

~~E. JEAN CARROLL,~~

*Plaintiff,*

Index No. \_\_\_\_\_

~~—against—~~

~~COMPLAINT AND~~  
~~JURY DEMAND~~

~~DONALD J. TRUMP, in his personal~~  
~~capacity,~~

*Defendant.*

E. JEAN CARROLL,

*Plaintiff,*

No. 20 Civ. 7311 (LAK)

v.

FIRST AMENDED COMPLAINT  
AND DEMAND FOR JURY  
TRIAL

DONALD J. TRUMP, in his personal capacity,

*Defendant.*

Plaintiff E. Jean Carroll (~~“Plaintiff” or “Carroll”~~),<sup>2</sup> by and through her attorneys at Kaplan Hecker & Fink LLP, alleges as follows:

**INTRODUCTION**

1. Nobody in this nation is above the law. Nobody is entitled to conceal acts of sexual assault behind a wall of defamatory falsehoods and deflections. The ~~rape~~ sexual assault of a woman is a violent crime; compounding that crime with acts of malicious libel and slander is abhorrent. Yet that is what Defendant Donald J. Trump did to Plaintiff E. Jean Carroll. ~~—repeatedly, over several years, and even after a jury of six men and three women in this District unanimously found~~

him liable for sexual abuse and defamation based on a statement that was substantially similar to the ones at issue in this lawsuit.

2. Roughly 2327 years ago, what began as playful banter at the luxury department store Bergdorf Goodman on Fifth Avenue in New York City took a dark turn when Trump seized Carroll, forced her up against a dressing room wall, pinned her in place with his shoulder, and ~~raped~~sexually assaulted her.

3. In the aftermath, Carroll confided in two close friends. One urged her to report the crime to the police, but the other warned that Trump would ruin her life and livelihood if she reported it.

4. Carroll chose silence—and remained silent for over two decades.

5. Carroll knew then that sexual assault was pervasive. She also knew that men have been assaulting women and getting away with it since before she was born. And she knew that while a woman who accused *any* man of ~~rape~~sexual assault was rarely believed, a woman who accused a rich, famous, violent man of ~~rape~~such conduct would ~~probably lose~~risk losing everything. She therefore reasonably concluded that if she accused Donald Trump of ~~rape~~assault, he would bury her in threats ~~and lawsuits~~, and she would probably lose her job and reputation, not to mention everything she had worked for and achieved, all of which turned out to be true.

6. Near the end of the 2016 presidential election, Carroll watched in horror as numerous women offered highly credible (and painfully familiar) accounts of Trump assaulting them; Trump responded with insults and denials; the public fractured; and Trump not only won the election, but actually grew *more* popular with some supporters as a result of the controversy.

7. Carroll's mother, a ~~respected~~former Republican official in Indiana, was dying during the last six weeks of the presidential election. Carroll, wanting to make her mother's last

days as pleasant as possible and avoid causing her any pain, decided to remain silent about what Trump had done to her.

8. But that all changed in late 2017, when the Harvey Weinstein scandal and its aftermath signaled a profound shift in how American society responds to accusations of sexual misconduct by powerful men. It suddenly seemed possible that even Trump could be held to account.

9. For Carroll, that project grew more urgent—and more personal—as the #MeToo era prompted a flood of new letters to her advice column seeking her counsel about how to respond to sexual assault and abuse. In her column, Carroll encourages her readers to be brave, to think clearly, and to seek justice. When readers overcome with ~~the~~ doubt and anxiety have turned to her seeking advice, Carroll has always advised taking action. But she never confessed her own experiences. She never revealed that she, too, had been a victim of sexual assault. Over time, as described below, the contradiction between Carroll’s words and her actions became increasingly untenable.

10. Carroll is a journalist. She watched as a throng of women came forward and accused Trump of sexual assault, only to be denigrated and then brushed aside. When she felt she should finally come forward herself, Carroll wanted to do it differently. She decided to describe Trump’s ~~rape~~sexual assault in a book she had already begun to write about her experiences with various men. She did not want to tell her story to the police, a newspaper, an elected official, or a fellow journalist, and be treated as a “victim.” In other words, she wanted to tell her own story on her own terms.

11. When Carroll’s account was published, Trump lashed out with a series of false and defamatory statements. He denied the ~~rape~~sexual assault. But there was more: he also denied ever

having met Carroll or even knowing who she was. Through express statements and deliberate implications, he accused Carroll of ~~lying about the rape~~fabricating her allegations in order to increase book sales, carry out a political agenda, advance a conspiracy with the Democratic Party, and make money. He also deliberately implied that she had falsely accused other men of ~~rape~~assault. For good measure, he insulted her physical appearance.

12. Each of these statements was false. Each of them was defamatory.

13. Trump knew that these statements were false; at a bare minimum, he acted with reckless disregard for their truth or falsity. Trump had recognized Carroll on sight at Bergdorf Goodman. He knew who she was when he ~~raped~~sexually abused her, and he knew who she was in 2019. He certainly knew that she was telling the truth. After he lied about attacking her, he surrounded that central lie with a swarm of related lies in an effort to explain why she would invent an accusation of ~~rape~~sexual assault. To do so, he smeared her integrity, honesty, and dignity—all in the national press.

14. These lies were familiar to Trump. He had used them before, when other women stated that he had grabbed, ~~or~~ groped, ~~or raped~~ them.

15. Trump's June 2019 defamatory statements injured Carroll, adding to the harm she suffered from his underlying sexual assault. They inflicted emotional pain and suffering, they damaged her reputation, and they caused substantial professional harm.

16. But Trump's defamatory lies did not stop in 2019. He made additional, substantially similar false claims about Carroll again in October 2022 when he was a private citizen. This time, Trump posted similar smears—once again asserting that he never sexually abused Carroll, denied having known her, and asserted that she was too ugly to have assaulted—to his more than four

million followers on his own social media platform, Truth Social, damaging her reputation even further.

17. On May 9, 2023, after a two-week trial in the Southern District of New York, a nine-person jury found that Trump had sexually abused Carroll and that his 2022 statement denying the assault on Truth Social was defamatory. The jury awarded Carroll \$5 million in damages: \$2.02 million for the assault, and \$2.98 million for the defamation.

18. But Trump, undeterred by the jury's verdict, persisted in maliciously defaming Carroll yet again. On the very next day, May 10, 2023, Trump lashed out against Carroll during a televised, primetime "town hall" event hosted by CNN. He doubled down on his prior defamatory statements, asserting to an audience all too ready to cheer him on that "I never met this woman. I never saw this woman," that he did not sexually assault Carroll, and that her account—which had just been validated by a jury of Trump's peers one day before—was a "fake," "made up story" invented by a "whack job." Those statements resulted in enthusiastic cheers and applause from the audience on live TV.

~~16.19.~~ Carroll filed this lawsuit to obtain redress for ~~those~~her injuries and to demonstrate that even a man as powerful as Trump can be held accountable under the law.

### **THE PARTIES**

~~17.20.~~ Plaintiff E. Jean Carroll is a journalist, author, former writer for Saturday Night Live, and former advice columnist for *Elle* magazine. She is a ~~resident~~domiciliary of the State of New York.

~~18.21.~~ Defendant Donald J. Trump is ~~currently~~ the former President of the United States, ~~although~~and he is sued here only in his personal capacity. ~~Since taking~~While in office, Trump ~~has~~ filed several lawsuits in his personal capacity, including *Trump v. Vance, Jr. et al.*, No. 19 Civ. 8694 (S.D.N.Y.), *Trump et al. v. Deutsche Bank AG et al.*, No. 19 Civ. 3826 (S.D.N.Y.), *Donald*

*J. Trump for President, Inc. et al. v. Padilla et al.*, No. 19 Civ. 1501 (E.D. Cal.), *Trump v. Committee on Ways and Means of the U.S. House of Representatives et al.*, No. 19 Civ. 2173 (D.D.C.), and *Trump et al. v. Committee on Oversight and Reform of the U.S. House of Representatives et al.*, No. 19 Civ. 1136 (D.D.C.). At the time Carroll filed this suit, Trump is was also defending a related case pending in this Court. See *Zervos v. Trump*, No. 150522/2017 (N.Y. Sup. Ct., N.Y. Cty.). Trump is a resident domiciliary of the State of New York.

~~**JURY DEMAND**~~

~~19. Plaintiff E. Jean Carroll hereby demands a trial by jury.~~

~~**JURISDICTION & AND VENUE**~~

~~20. This Court has jurisdiction pursuant to NY CPLR § 301.~~

~~21. Venue is proper in this county pursuant to NY CPLR § 503 and § 509.~~

~~22. Carroll initiated this action in the Supreme Court of the State of New York on November 4, 2019. The Attorney General's delegate then issued a certification pursuant to 28 U.S.C. § 2679(d)(2), and the United States removed the action to this Court on September 8, 2020. This Court thus has subject matter jurisdiction of this action. See *Osborn v. Haley*, 549 U.S. 225, 245 (2007).~~

~~23. Venue is proper pursuant to 28 U.S.C. § 2679(d)(2). It is also proper pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to this action occurred in this District.~~

~~24. Personal jurisdiction over Trump is proper pursuant to C.P.L.R. § 301, as Trump was a domiciliary of the State of New York at the time Carroll initiated this action.~~

~~**FACTUAL ALLEGATIONS**~~

I. TRUMP RAPESSEXUALLY ASSAULTS CARROLL AT BERGDORF GOODMAN

22:25. One evening ~~between the fall of 1995 and~~in the spring of 1996, Carroll left work and went to Bergdorf Goodman, the luxury department store on Fifth Avenue in New York City. She was and remains a regular shopper at Bergdorf's.

23:26. That evening, Carroll did not find whatever she was looking for and prepared to leave Bergdorf's empty-handed. As she exited through Bergdorf's revolving side door on 58th Street, Trump arrived and entered through that very same door, which was cater-cornered across from the Plaza Hotel.

24:27. Trump instantly recognized Carroll on sight. They had met at least once before and had long traveled in the same New York City media circles. In this period, Carroll was doing the daily *Ask E. Jean* TV show, a small hit on the "America's Talking" network started by Roger Ailes. Trump himself had appeared on Ailes's talk show, *Straight Forward*, on that network in November 1995. And Carroll's show re-ran each night at 11 p.m., right before the nightly re-run of Ailes's show. She was also on a frequent guest and commentator on the widely watched *Today* show and *Good Morning America*.

28. Trump and Carroll had previously been photographed at a party together:





25.29. At the 58th Street revolving glass doorway of Bergdorf's, Trump put up his hand to stop ~~her~~Carroll from exiting and said, "Hey, you're that advice lady!" Carroll, struck by his boyish good ~~looks~~looks, responded by saying, "Hey, you're that real estate tycoon!"

26.30. Trump said that he was at Bergdorf's to buy a present for "a girl" and asked Carroll to come advise him. Carroll was surprised but thrilled that Trump would want her advice. She stuck around, imagining the funny stories that she might later recount.

27.31. Trump and Carroll began searching for a gift that Trump could give to the unnamed girl. As they stood just inside the door, Carroll pointed to the handbags. Trump made a face; he did not like that idea. Carroll instead suggested a hat. Trump walked over, going straight for a fur hat, prompting Carroll to object that no woman would wear a dead animal on her head.

28.32. As Trump ~~euddled~~petted the fur hat, Carroll asked how old "the girl" was. Trump did not answer, instead asking Carroll how old she was. When Carroll replied that she was fifty-two years old, he taunted her, "You're so *old!*"

29.33. Trump then had an idea: He would buy lingerie instead.

30.34. Trump and Carroll rode up the escalator to the lingerie department. When they arrived, it was ~~uncharacteristically~~ empty, with no sales attendant in sight, as was not uncommon past 6 p.m. on a Thursday night in the spring of 1996. Sitting on the counter near them were two or three boxes and a see-through bodysuit in lilac gray.

~~31.35.~~ Snatching the bodysuit, Trump insisted that Carroll try it on. Bemused, Carroll responded that *he* should try it on himself, adding that it was his color. Trump and Carroll went back and forth, teasing each other about who should try on the bodysuit.

~~32.36.~~ Suddenly, Trump grabbed Carroll's arm and said, "Let's put this on."

~~33.37.~~ Trump maneuvered Carroll to the dressing room. As they moved, Carroll laughed, thinking to herself that she would make him put the bodysuit on over his pants.

~~34.38.~~ ~~Strangely for~~ As was not uncommon at Bergdorf's during this period, the dressing room door was open and unlocked.

~~35.39.~~ Trump closed the door of the dressing room.

~~36.40.~~ Immediately, Trump lunged at Carroll, pushing her against the wall, bumping her head quite badly, and putting his mouth on her lips.

~~37.41.~~ Carroll shoved him back. Utterly shocked by Trump's unexpected attack, Carroll burst out in awkward laughter. She could hardly process the insanity of the situation. She also hoped, at least at first, that laughter would bruise his ego and cause him to retreat.

~~38.42.~~ But Trump did not stop. He seized both of her arms and pushed her up against the wall again, bumping her head a second time. While pinning Carroll against the wall with his shoulder, Trump jammed his hand under her coatdress and pulled down her tights.

~~39.43.~~ Trump opened his overcoat and unzipped his pants. Trump then pushed his fingers around Carroll's genitals and forced his penis inside of her.

~~40.44.~~ Carroll resisted, struggling to break free. She tried to stomp his foot with her high heels. She tried to push him away with her one free hand (as she kept holding her purse with the other). Finally, she raised a knee up high enough to push him out and off her.

~~41.45.~~ Carroll ran out of the dressing room, out of Bergdorf's, and onto Fifth Avenue.

42.46. The whole attack lasted ~~two to three~~ only a few minutes.

## II. **CARROLL CONFIDES IN TWO FRIENDS ABOUT THE RAPES SEXUAL ASSAULT**

43.47. As soon as she was outside Bergdorf's, Carroll pulled her phone out of her purse and called her friend Lisa Birnbach, the author, journalist, and correspondent on TV morning shows.<sup>1</sup> Carroll was breathless and still reeling from the assault. She kept laughing, manically—her way of coping with the stress and trauma that she had just experienced.

44.48. Carroll recounted to Birnbach how Trump had attacked her in Bergdorf's dressing room. She told Birnbach how Trump had pulled down her tights and put his penis inside of her.

45.49. "He raped you," Birnbach kept repeating. She begged Carroll to go to the police and offered to accompany her. Still in shock and reluctant to think of herself as a ~~rape~~ victim, Carroll did not want to speak to the police. She told Birnbach that it was just a few minutes of her life and that it was over. She implored Birnbach never to tell anyone what had happened.

46.50. Carroll drove home and crawled straight into bed.

47.51. Over the next few days, Carroll confided in a second friend, the New York City journalist and news anchor Carol Martin. They sat together in the kitchen as Carroll described the ~~rape~~ incident. This time, Carroll did not laugh. Nobody laughed. The gravity of the assault had finally started to sink in.

48.52. Martin solemnly advised Carroll to tell no one. Recognizing that Trump was a powerful man, Martin feared that if her friend came forward, disaster would ensue. Martin warned

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<sup>1</sup> Birnbach wrote a story about Trump's Mar-a-Lago that was published in February 1996. See Lisa Birnbach, *Mi Casa Es Su Casa*, NEW YORK (Feb. 12, 1996). Birnbach has suggested that it was because of her work on that article that Carroll called her immediately after the assault.

Carroll, in sum and substance: “Tell no one. Forget it! He has two hundred lawyers. He’ll bury you.”

~~49.53.~~ Carroll took Martin’s advice. She knew how brutal and dangerous Trump could be.

~~50.54.~~ Carroll was also afraid of being dragged through the mud if she reported the ~~rape~~sexual assault. She was convinced that nobody would believe her if she came forward. And like so many other survivors of sexual assault, Carroll also blamed herself. She called herself “stupid.” She told herself that she “deserved it” for agreeing to go lingerie shopping with Trump. She struggled with the guilt that, somehow, though she had fought to protect herself from his attack, it was her fault that Trump had ~~raped~~assaulted her because she had entered that Bergdorf dressing room.

~~51.55.~~ Fundamentally, Carroll was raised to believe that strong women get by in the world with a stiff upper lip—*i.e.*, by putting hardship and suffering behind them. She believed that strong women laugh at disasters because feeling sad only doubles the burden. To Carroll, laughter is how women have dealt with calamity for thousands of years. So Carroll put her chin up and tried to move on.

~~52.56.~~ Carroll thus chose silence.

~~53.57.~~ Carroll did not mention the ~~rape~~sexual assault again for over twenty years. She did not want to be seen—or to see herself—as a victim of sexual assault.

~~54.—Carroll has not had sex with anyone since that day when Trump raped her.~~

### III. CARROLL REMAINS SILENT FOR TWENTY YEARS

~~55.58.~~ For the next twenty years, Carroll pursued her career as a writer and advice columnist. Over time, she built a loyal audience and enjoyed the support of her publisher. Her *Ask*

E. Jean advice column in *Elle* magazine became the longest, still-active advice column in American publishing. Its success resulted in large part from the many letters sent to her by readers.

~~56.59.~~ Carroll's column in *Elle* was about life and love. Readers' questions ranged from the lighthearted to the deeply personal. From time to time, readers would ask questions about whether behavior that they experienced at work, at church, and in their relationships was appropriate. When Carroll detected sexism or abuse, she did her level best to call it out and to help women protect themselves.

~~57. — One reader, for example, despaired in 1994, "My boss is always rubbing up against me . . . . He scares me because he's very powerful and could ruin me." Carroll responded: "Darling, if the old snake has done so much to help your career, why are you still an assistant? Sex harassers are filthy yellow sneaking cowards and must be won over, or crushed . . . . If all else fails, next time the old waterhead touches you, give him a knee in the groin. You've got nowhere to go but up."<sup>2</sup>~~

~~58. — Another reader had been raped when thirteen years old and sought advice from Carroll because her rapist had just been hired as a co-worker. Carroll responded: "[T]he gentleness of your [letter] speaks strongly for your forgiving nature; however, it makes my duty very difficult. Because now I must harden your soul. I must twist a little bit of steel—I'd try a big block of metal if I could—around your backbone, and persuade you to report your friend to the police."<sup>3</sup> Carroll added:~~

~~"First, call your rape crisis center and speak with a counselor. Second, join a group of rape survivors—with their hardy support, you'll start constructing a world for yourself and leave the world the rapist built for you. And, third, find another job at~~

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<sup>2</sup> Reprinted in E. JEAN CARROLL, *A DOG IN HEAT IS A HOT DOG AND OTHER RULES TO LIVE BY* 28–29 (1996).

<sup>3</sup> *Id.* at 141–42.

~~once. (Do not tell your employer about the rape. Do not inform the rapist of these steps. Stay cool. He's dangerous.)~~<sup>24</sup>

~~59.60.~~ In her advice columns, Carroll sought to offer witty, wise, and worldly guidance, and to address her readers in a clear, straightforward manner. She often urged readers to speak the truth and to recognize patterns of rationalization and abuse. Readers' perception of Carroll as honest, thoughtful, frank, and well-meaning were essential to Carroll's professional success.

~~60.61.~~ But in responding to her readers, Carroll did not confess her own life experiences, including the sexual assault by Trump described above.

~~61.62.~~ During the last month of the election of 2016, Carroll watched a multitude of women reveal that Trump had engaged in sexual misconduct. She saw Trump brutally attacking his accusers on a national stage—denying their accusations, while also savaging their reputations and insulting their ~~appearance~~appearances.

~~62.63.~~ And as Carroll sat at the bedside of her dying mother in a Bloomington, Indiana hospital, watching numerous, credible women stun the nation with their stories of Trump's sexual brutality, Carroll briefly considered whether she, too, should reveal that Trump had ~~raped~~assaulted her. But she feared—just as she had for decades—that Trump would lie his way out of it, while destroying her life and reputation. He had done it before to plenty of women and, it seemed to Carroll, he would readily do it again. And, worst of all, coming forward with her story would also cause a media storm in Indiana and destroy her mother's last happy days on the planet. Carroll feared that it would cost her and her family dearly without actually changing anything, especially since any accusation made during the presidential campaign would be characterized by Trump and his allies as a stunt to thwart his election.

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<sup>4</sup> ~~Id. at 142.~~ —

~~63-64.~~ Indeed, Carroll worried that she might make Trump *more* popular in states like Indiana by revealing the ~~rape~~sexual assault, since his electoral fortunes had steadily improved despite credible allegations of sexual abuse. To Carroll, it appeared that some of Trump's political supporters actually admired the fact that Trump was rich enough, macho enough, and powerful enough to be sued by—and to pay off—all these women he had groped and penetrated (especially porn stars and *Playboy* models).

~~64-65.~~ Carroll, in honor of her mother's remarkable life, many years of which were spent as a local and loyal Republican elected official, and because she thought the publicity would help Trump win the election, warily persisted in her decades-old silence.

~~65-66.~~ Carroll's mother died on October 11, 2016. In 2017, Carroll decided to write a book drawing on her observations as an advice columnist, but focusing specifically on her own life and trying to understand why so many *Ask E. Jean* letter-writers complained about men. On the morning of October 5, 2017, Carroll set out on a road trip, traveling to towns named after women. When she arrived in each town named after a woman (Angelica, New York, Tallulah, Louisiana, Marianna, Arkansas, and so forth), she spoke to women from all walks of life about their relationships with men. She asked many of her subjects about the roles that men play in their lives.

#### IV. CARROLL DECIDES TO SPEAK OUT

~~66-67.~~ On the very day Carroll began her road trip for her book, October 5, 2017, the *New York Times* revealed that Harvey Weinstein had sexually assaulted and harassed dozens of women in the film industry.<sup>5</sup> The news went off in Carroll's mind like a bomb. She could not stop reading. Painful memories of abuse at the hands of men, including Trump, swept over her.

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<sup>5</sup> Jodi Kantor & Megan Twohey, *Harvey Weinstein Paid Off Sexual Harassment Accusers for Decades*, N.Y. TIMES (Oct. 5, 2017).

~~67.68.~~ Days later, several women accused Weinstein of rape.<sup>6</sup> It soon became clear to Carroll, and to the American people, that Weinstein's abuses had been enabled for decades by a loose network of loyalists and lawyers, who had ensured that Weinstein evaded accountability for his exploitation of women—even though it was an open secret in Hollywood.

~~68.69.~~ As the Weinstein scandal persisted, Carroll saw society respond to the accusations with a seriousness and depth of self-reflection that she had never seen before; all too often, and as recently as the 2016 election, many Americans had brushed aside or marginalized accusations of sexual misconduct by powerful men. Carroll also saw other women suddenly feel emboldened to come forward with their own reports of harassment, exploitation, abuse, violence, and rape.

~~69.70.~~ Carroll was profoundly moved by this experience. The walls that she had erected in her mind—the fear that Trump would emerge unscathed, the wariness of allowing him and his allies to come after her, the doubt that speaking up would actually matter, and the nagging anxiety that she was somehow to blame for being ~~rapedsexually assaulted~~—began to crumble. Decades of deflection, diversion, and denial dissolved, resurfacing memories and feelings that she had hidden away.

~~70.71.~~ Carroll was struck by the fact that Weinstein, for all his wealth and power, could still be held accountable for his sexual misconduct. She saw how women had at last changed the public conversation by saying “Me Too” and by demanding accountability.

~~71.72.~~ These observations leaded Carroll to reflect again on her column in *Elle* magazine, and to ask whether she was a hypocrite. For decades, she had paired her trademarked wit with steely resolve in confronting the everyday unfairness—and, all too often, the abuse—that her

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<sup>6</sup> Ronan Farrow, *From Aggressive Overtures to Sexual Assault: Harvey Weinstein's Accusers Tell Their Stories*, NEW YORKER (Oct. 10, 2017).



(largely female) readers confessed. Carroll's written persona was brave. But she *still* had not confessed her own experiences of abuse, her fear of coming forward, or her creeping self-doubt.

72.73. These internal reflections loomed larger in her mind—and became inescapable—as more readers of Carroll's advice column began asking, "Should I come forward with my account of surviving sexual abuse or harassment?"

73.74. Carroll finally decided that she owed her readers the truth. She also owed them (and many other women) solidarity in their efforts to bring justice and accountability to powerful men who had engaged in sexual assault and gotten away with it. She knew that it would be painful to speak up. But she also knew that it was the right thing to do so.

74.75. While Carroll was on the road trip across the country talking to women as research for her book, she started a list of the 21 most hideous men she had ever encountered—men who had, each in his own way, left indelible and ugly marks on her story. This list grew into a book, *What Do We Need Men For?: A Modest Proposal*. In that book, Carroll interspersed the stories of women she had met while traveling the country with the men on her "Most Hideous List."

75.76. Two men on the Most Hideous List haunted Carroll the most. The first was Cam Parks, the Waterfront Director at her Girl Scout camp, a man who sexually abused her every day during a two-week period when she was twelve. The second was Donald Trump, the man who ~~raped~~sexually abused her when she was 52. Carroll described that attack in detail.

76.77. Carroll knew a book was the right place for her to come forward about Trump's assault. Writing is Carroll's lifeblood; she writes to process the world around her and to reveal her inner self. It's her normal way of living: she writes about what happens to her, often in a confessional, idiosyncratic manner. She also believed that a book would allow her to control her narrative and speak directly to her readers. This was important. Carroll did not want to be, or to

act like, a victim. She wanted to tell her story on her terms, rather than as filtered through journalists or social media. Her language was specific.

77-78. In her book, Carroll truthfully described, in meticulous detail, the ~~rape~~sexual assault in Bergdorf Goodman:

“The next moment, still wearing correct business attire, shirt, tie, suit jacket, overcoat, he opens the overcoat, unzips his pants, and, forcing his fingers around my private area, then thrusts his penis halfway—or completely—, I’m not certain—inside me.”<sup>7</sup>

78-79. She also explained why she had not come forward earlier:

“Receiving death threats, being driven from my home, being dismissed, being dragged through the mud, and joining the sixteen women who’ve come forward with credible stories about how the man grabbed, badgered, belittled, mauled, molested, and assaulted them, only to see the man turn it around, deny, threaten, and attack them, ~~never sounded~~ doesn’t sound like much fun. Also, I’m a coward.”<sup>8</sup>

79-80. At noon on June 21, 2019, *New York* magazine published Carroll’s account of the ~~rape~~sexual assault on NYMag.com as an excerpt of her forthcoming book. The excerpt first appeared on *The Cut*, a vertical on NYMag.com. The excerpt appeared on newsstands three days later in the June 24-July 7 print edition.

80-81. Carroll’s book was released by St. Martin’s Press on July 2, 2019.

**V. TRUMP REPEATEDLY DENIES RAPINGSEXUALLY ASSAULTING CARROLL AND MAKES A SLEW OF FALSE, INSULTING STATEMENTS ABOUT HER**

81-82. In three statements—published on June 21, 22, and 24, 2019, respectively—Trump responded to Carroll by denying the attack and publicly, falsely, and maliciously smearing her reputation.

82-83. On June 21, 2019, Trump issued the following public statement:

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<sup>7</sup> E. JEAN CARROLL, WHAT DO WE NEED MEN FOR?: A MODEST PROPOSAL 248 (2019).

<sup>8</sup> *Id.* at 244.

“Regarding the ‘story’ by E. Jean Carroll, claiming she once encountered me at Bergdorf Goodman 23 years ago. I’ve never met this person in my life. She is trying to sell a new book—that should indicate her motivation. It should be sold in the fiction section.

Shame on those who make up false stories of assault to try to get publicity for themselves, or sell a book, or carry out a political agenda—like Julie Swetnick who falsely accused Justice Brett Kavanaugh. It’s just as bad for people to believe it, particularly when there is zero evidence. Worse still for a dying publication to try to prop itself up by peddling fake news—it’s an epidemic.

Ms. Carroll & New York Magazine: No pictures? No surveillance? No video? No reports? No sales attendants around?? I would like to thank Bergdorf Goodman for confirming that they have no video footage of any such incident, because it never happened.

False accusations diminish the severity of real assault. All should condemn false accusations and any actual assault in the strongest possible terms.

If anyone has information that the Democratic Party is working with Ms. Carroll or New York Magazine, please notify us as soon as possible. The world should know what’s really going on. It is a disgrace and people should pay dearly for such false accusations.”

83-84. Upon information and belief, Trump’s June 21, 2019 statement was first given to the press, including Laura Litvan of *Bloomberg News*, who posted it on Twitter at 2:17 p.m.<sup>9</sup>

84-85. Trump’s June 21, 2019 statement was subsequently shared online by other journalists and covered by many leading news sources as Trump’s statement in response to Carroll.<sup>10</sup>

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<sup>9</sup> See Laura Litvan (@LauraLitvan), Twitter (June 21, 2019 2:17 PM), <https://twitter.com/LauraLitvan/status/1142179819075121154>.

<sup>10</sup> See, e.g., AFP News Agency, *US Writer Says Trump Sexually Assaulted Her in Mid-1990s*, AL JAZEERA, (June 21, 2019); Alexandra Alter, *E. Jean Carroll Accuses Trump of Sexual Assault in Her Memoir*, N.Y. TIMES (June 21, 2019); Jenna Amatulli, *Trump on E. Jean Carroll Rape Allegation: “I’ve Never Met This Person in My Life”*, HUFFINGTON POST (June 21, 2019); Amber Athey, *Trump Responds to Rape Accuser: “People Should Pay Dearly for Such False Accusations”*, DAILY CALLER (June 21, 2019); Brian Bennet, *Trump Says He “Never Met” Author Who Has Accused Him of Sexual Assault*, TIME (June 21, 2019); Ellie Bufkin, *Trump Issues Blistering Denial of E. Jean Carroll’s Rape Allegation*, WASH. EXAMINER (June 21, 2019); Adam

85-86. In the June 21, 2019 statement, Trump falsely stated that he did not ~~rape~~sexually assault Carroll.

86-87. In the June 21, 2019 statement, Trump falsely stated that he had never met Carroll.

87-88. In the June 21, 2019 statement, Trump falsely implied and affirmatively intended to imply that he had no idea who Carroll was.

88-89. In the June 21, 2019 statement, Trump falsely implied and affirmatively intended to imply that Carroll had invented ~~the rape accusation~~her allegations as a ploy for increased book sales.

89-90. In the June 21, 2019 statement, Trump falsely implied and affirmatively intended to imply that Carroll invented ~~the rape accusation~~her allegations to carry out a political agenda.

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Carlson, *Noted Advice Columnist Says Trump Raped Her in Manhattan Department Store in the '90s—“Never Happened,” Trump Responds*, PEOPLE MAG. (June 21, 2019); Matthew Choi, *Trump Dismisses New Sexual Assault Allegation*, POLITICO (June 21, 2019); Casey Darnell, *Writer Says She Was Raped by Trump in 1990s*, YAHOO! NEWS (June 21, 2019); EJ Dickson, *E. Jean Carroll Alleges President Donald Trump Assaulted Her*, ROLLING STONE (June 21, 2019); Vivian Ho & Lauren Gambino, *Evening Summary: Trump Responds to E Jean Carroll’s Allegations*, GUARDIAN (June 21, 2019); Colby Itkowitz, *Magazine Columnist Accuses Trump of Sexual Assault More than Two Decades Ago, an Allegation He Denies*, WASH. POST (June 21, 2019); Sarah Jones, *E. Jean Carroll: “Trump Attacked Me in the Dressing Room of Bergdorf Goodman.”*, N.Y. MAG. (June 21, 2019); Hilary Lewis, *E. Jean Carroll Says Bringing Rape Charges Against Trump Would Be “Disrespectful” to Migrant Women*, HOLLYWOOD REP. (June 22, 2019); Caitlin Mac Neal, *Advice Columnist E. Jean Carroll Accuses Donald Trump Of Sexual Assault*, TALKING POINTS MEMO (June 21, 2019); Alex Pappas, *Longtime Advice Columnist E. Jean Carroll Accuses Trump of Sexual Assault in 1990s*, FOX NEWS, (June 21, 2019); Daniel Politi, *Trump Goes on Tirade to Deny Latest Assault Allegation: Women Are “Paid Money” to Make False Claims*, SLATE (June 22, 2019); Christina Prignano, *Author E. Jean Carroll Accuses President Trump of Sexual Assault in 1990s*, BOS. GLOBE (June 21, 2019); Eliza Relman, *Trump Claims He’s Never Met the Columnist Who Just Accused Him of Sexual Assault Despite Photo Evidence of Them Together*, BUS. INSIDER (June 21, 2019); Darlene Superville, *Trump Denies Knowing NY Woman Accusing Him of Sexual Assault*, ASSOCIATED PRESS (June 22, 2019); Jessica Taylor, *Trump Denies New Sexual Assault Allegation by Advice Columnist E. Jean Carroll*, NPR (June 21, 2019); Josh Wingrove, *Columnist E. Jean Carroll Accuses Trump of Sexual Assault in 1990s*, FORTUNE (June 21, 2019); *Trump Dismisses E. Jean Carroll Rape Allegation as “Fiction”*, BBC NEWS (June 22, 2019); Josh Wingrove, *Woman Accuses Trump of Sexual Assault at New York Store in 1990s*, BLOOMBERG (June 21, 2019).

90-91. In the June 21, 2019 statement, Trump falsely implied and affirmatively intended to imply that Carroll invented ~~the rape accusation~~her allegations as part of a conspiracy with the Democratic Party.

91-92. On June 22, 2019, Trump made the following statement to reporters:

“[Reporter]: [Y]ou had said earlier that you never met E. Jean Carroll. There was a photograph of you and her in the late 1980’s—

[Trump]: I have no idea who this woman is. This is a woman who has also accused other men of things, as you know. It is a totally false accusation. I think she was married—as I read; I have no idea who she is—but she was married to a, actually, nice guy, Johnson—a newscaster.

[Reporter]: You were in a photograph with her.

[Trump]: Standing with coat on in a line—give me a break—with my back to the camera. I have no idea who she is. What she did is—it’s terrible, what’s going on. So it’s a total false accusation and I don’t know anything about her. And she’s made this charge against others.

And, you know, people have to be careful because they’re playing with very dangerous territory. And when they do that—and it’s happening more and more. When you look at what happened to Justice Kavanaugh and you look at what’s happening to others, you can’t do that for the sake of publicity.

New York Magazine is a failing magazine. It’s ready to go out of business, from what I hear. They’ll do anything they can. But this was about many men, and I was one of the many men that she wrote about. It’s a totally false accusation. I have absolutely no idea who she is. There’s some picture where we’re shaking hands. It looks like at some kind of event. I have my coat on. I have my wife standing next to me. And I didn’t know her husband, but he was a newscaster. But I have no idea who she is—none whatsoever.

It’s a false accusation and it’s a disgrace that a magazine like New York—which is one of the reasons it’s failing. People don’t read it anymore, so they’re trying to get readership by using me. It’s not good.

You know, there were cases that the mainstream media didn’t pick up. And I don’t know if you’ve seen them. And they were put on Fox. But there were numerous cases where women were paid money to say bad things about me. You can’t do that. You can’t do that. And those women did wrong things—that women were actually paid money to say bad things about me.

But here's a case, it's an absolute disgrace that she's allowed to do that."<sup>11</sup>

92-93. Like his first statement, Trump's June 22, 2019 statement regarding Carroll was widely reported in the national press.<sup>12</sup>

93-94. In the June 22, 2019 statement, Trump falsely stated that he did not ~~rape~~sexually assault Carroll.

94-95. In the June 22, 2019 statement, Trump falsely stated that he had no idea who Carroll was.

95-96. In the June 22, 2019 statement, Trump falsely implied and affirmatively intended to imply that Carroll had falsely accused other men of sexual assault.

96-97. In the June 22, 2019 statement, Trump falsely implied and affirmatively intended to imply that Carroll had been paid money to invent ~~the rape accusation~~allegations against him.

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<sup>11</sup> *Remarks by President Donald Trump Before Marine One Departure*, WHITE HOUSE (June 22, 2019).

<sup>12</sup> *See, e.g.*, Matthew Chapman, *Trump Goes on Manic Tirade After Being Asked About New Rape Allegation: Women Get "Paid Money to Say Bad Things About Me"*, RAW STORY (June 22, 2019); William Cummings, *Writer E. Jean Carroll Made a Claim of Sexual Assault Against Trump. Here's What We Know*, USA TODAY (June 25, 2019); Gillian Edevane, *George Conway Says Trump's Credibility is "Annihilated" After President Denies Knowing Alleged Assault Victim*, NEWSWEEK (June 22, 2019); Lulu Garcia-Navarro, *"It Hurt. And It Was Against My Will": Trump Accuser Stands by Her Story*, NPR (June 22, 2019); Amanda Holpuch, *Trump Repeats Contested Claim He Does Not Know Latest Sexual Assault Accuser*, GUARDIAN (June 22, 2019); Colby Itkowitz et al., *Trump Compares Himself to Kavanaugh in Latest Sexual Assault Allegation*, WASH. POST (June 22, 2019); Darlene Superville, *Trump Denies Knowing E. Jean Carroll, Woman Accusing Him of Sexual Assault in Department Store*, ABC NEWS (June 22, 2019); Darlene Superville, *Trump Denies Knowing NY Woman Accusing Him of Sexual Assault*, ASSOCIATED PRESS (June 22, 2019); Mihir Zaveri, *Trump Emphatically Denies Sexual Assault Allegation by E. Jean Carroll*, N.Y. TIMES (June 22, 2019); *Trump Dismisses E. Jean Carroll Rape Allegation as "Fiction"*, BBC NEWS (June 22, 2019).



97.98. Two days later, on June 24, 2019, *The Hill* released an interview in which Trump made the following statement in response to Carroll: “I’ll say it with great respect: Number one, she’s not my type. Number two, it never happened. It never happened, OK?”<sup>13</sup>

98.99. Trump’s statement in *The Hill* was widely reported by the national press.<sup>14</sup>

99.100. This insulting statement was consistent with Trump’s response to other accusations of sexual assault. About one woman, Jessica Leeds, who claimed he groped her and tried to put his hand up her skirt while they were seated next to each other on an airplane, Trump told crowds at a rally, “Believe me—She, she would not be my first choice—That, that I can tell

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<sup>13</sup> Jordan Fabian & Saagar Enjeti, *EXCLUSIVE: Trump Vehemently Denies E. Jean Carroll Allegation, Says “She’s Not My Type”*, HILL (June 24, 2019).

<sup>14</sup> See, e.g., Julia Arciga, *Trump on E. Jean Carroll’s Assault Allegations: “She’s Not My Type”*, DAILY BEAST (June 24, 2019); Associated Press, *Trump on E. Jean Carroll Sexual Assault Claim: “She’s Not My Type”*, HOLLYWOOD REP. (June 25, 2019); Associated Press, *Trump Says Famed Advice Columnist Who Accused Him of Sexual Assault Is “Not My Type”*, CHI. TRIB. (June 24, 2019); Associated Press, *Trump: Woman Who Accused Him of Sexual Assault Not His Type*, DENVER POST (June 24, 2019); Amber Athey, *Trump Says Columnist Who Accused Him of Rape Is “Not My Type”*, DAILY CALLER (June 24, 2019); Peter Baker & Neil Vigdor, *Trump, Accused Again of Sexual Misconduct, Insults Woman Who Said He Assaulted Her*, BOS. GLOBE (June 25, 2019); Antonia Blumberg, *Trump on E. Jean Carroll Accusing Him of Rape: “She’s Not My Type”*, HUFFINGTON POST (June 24, 2019); Doina Chiacu, *Trump Denies Woman’s Sexual Assault Accusation: “She’s Not My Type”*, BUS. INSIDER (June 25, 2019); Doina Chiacu, *Trump Denies Woman’s Sexual Assault Accusation: “She’s Not My Type”*, REUTERS (June 25, 2019); Burgess Everett & Melanie Zanona, *“I Believe the President”: GOP Stands by Trump on Sexual Assault Allegation*, POLITICO (June 25, 2019); Rebecca Falconer, *Trump Says He Didn’t Rape Author E. Jean Carroll: “She’s Not My Type”*, AXIOS (June 24, 2019); Megan Garber, *The Real Meaning of Trump’s “She’s Not My Type” Defense*, ATLANTIC (June 25, 2019); Rebecca Morin, *“She’s Not My Type”: Trump Again Denies E. Jean Carroll’s Sexual Misconduct Allegation*, USA TODAY (June 24, 2019); Ari Shapiro, *A Look at President Trump’s Pattern of Responding To Accusations Of Sexual Misconduct*, NPR (June 25, 2019); Matt Stieb, *Trump Responds to E. Jean Carroll Rape Allegation: “She’s Not My Type”*, CUT (June 25, 2019); Jia Tolentino, *E. Jean Carroll’s Accusation Against Donald Trump, and the Raising, and Lowering, of the Bar*, NEW YORKER (June 25, 2019); Jay Willis, *Donald Trump Responds to E. Jean Carroll’s Rape Allegation: “She’s Not My Type”*, GQ (June 25, 2019); Anthony Zurcher, *Trump Says Sexual Assault Accuser E Jean Carroll “Not My Type”*, BBC NEWS (June 25, 2019).

you.”<sup>15</sup> He ~~reportedly~~ called ~~that same woman~~ Leeds “the cunt on the airplane” when he ran into her at a charity gala years after the assault.<sup>16</sup> About a second woman, Natasha Stoyloff, who claimed he forcibly pinned her to a wall and kissed her without consent while she was interviewing him for a magazine, Trump said to crowds at another rally, “Take a look. ~~You, you~~ take a look. Look at her, [then] look at her words. ~~You, you~~ tell me what you think. ~~I don’t think so.~~ I don’t think so.”<sup>17</sup> Indeed, Trump often responds to claims that he has behaved inappropriately by simultaneously attacking the individual’s credibility and attractiveness. When a female journalist quoted him as saying in a 1992 interview that “you have to treat women like shit,” Trump insisted later, “The woman’s a liar, extremely unattractive, lots of problems because of her looks.”<sup>18</sup>

~~100.101.~~ In the June 24, 2019 statement, Trump falsely stated that he did not ~~rape~~ sexually assault Carroll.

~~101.102.~~ On June 27, 2019, Birnbach and Martin went on the record to corroborate Carroll.<sup>19</sup>

~~102.103.~~ Speaking to Carroll, Martin, and a reporter, Birnbach said:

“I remember [Carroll] saying repeatedly, he pulled down my tights . . . . [Carroll] did say, he put his penis in me. And I said—my face just did it. What? He raped you? And [Carroll] said, eh, ~~he~~. He kept pulling down—he pulled down my tights. He pulled down my tights . . . . It just—it was horrible. We fought. And I said, let’s go to the police. [Carroll said,] No. [Birnbach said,] Come to my house. [Carroll

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<sup>15</sup> Jose A. DelReal, *Trump Mocks Sexual Assault Accusers: “She Would Not Be My First Choice”*, WASH. POST (Oct. 14, 2016).

<sup>16</sup> BARRY LEVINE & MONIQUE EL-FAIZY, *ALL THE PRESIDENT’S WOMEN: DONALD TRUMP AND THE MAKING OF A PREDATOR* 72 (2019).

<sup>17</sup> Naomi Lim, *Donald Trump on Accuser: “Take a Look at Her . . . I Don’t Think So”*, CNN (Oct. 13, 2016).

<sup>18</sup> Nancy Collins, *Donald Trump Talks Family, Women in Unearthed Transcripts: “When I Come Home and Dinner’s Not Ready, I Go Through the Roof”*, HOLLYWOOD REP. (Oct. 13, 2016).

<sup>19</sup> Michael Barbaro et al., *Corroborating E. Jean Carroll*, N.Y. TIMES (June 27, 2019).



said,] No. I want to go home. [Birnbach said,] I'll take you to the police. [Carroll said,] No. It was 15 minutes of my life, it's over. Don't ever tell anybody. I just had to tell you."<sup>20</sup>

103.104. Responding to Carroll, Birnbach, and a reporter, Martin said:

"From what I could sense of you, [Carroll], you were, A, you were handling it, as you handle things. She doesn't break down easily on anything. And there was none of that, as you told me. It wasn't like she started crying, or nothing that was a frantic kind of response to it. It was like, I can't believe this happened."<sup>21</sup>

104.105. Martin added: "I said, don't tell anybody. I wouldn't tell anybody this."<sup>22</sup>

105.106. Separately, Birnbach observed, "I believe E. Jean in this episode that she recounted to me in 1996. Yes. Without hesitation. She's not a fabulist. She doesn't make things up."<sup>23</sup>

**VI. TRUMP'S FALSE STATEMENTS ABOUT CARROLL IN JUNE 2019 WERE MADE WITH KNOWLEDGE OF FALSITY OR RECKLESS DISREGARD FOR THE TRUTH**

106.107. The false statements that Trump made about Carroll on June 21, 22, and 24, 2019, were published with knowledge of their falsity and/or with reckless disregard for the truth.

107.108. Trump knew who Carroll was at the time he rapedsexually assaulted her. And Trump also knew who Carroll was when he made his false statements in June 2019.

109. Trump was photographed with Carroll in the years prior to the assault.

108.110. Trump identified Carroll on sight as the "advice lady" when they met at Bergdorf Goodman.

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<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> Jessica Bennett et al., *Why E. Jean Carroll, "the Anti-Victim," Spoke Up About Trump*, N.Y. TIMES (June 27, 2019).

~~109.111.~~ In that period, Trump moved in the same highly publicized New York City media circles as Carroll, who also appeared on her own popular daily television program.

~~110.~~ In 1987, Trump and Carroll were photographed at a party together:



~~111.112.~~ Trump has stated that he possesses “one of the great memories of all time.”<sup>24</sup>

~~112.113.~~ Trump has also described himself as a “very stable genius.”<sup>25</sup>

~~113.114.~~ In June 2019, Trump knew it was false to state that he had never met Carroll.

~~114.115.~~ In June 2019, Trump knew it was false to state that he had no idea who Carroll was.

~~115.116.~~ In June 2019, Trump knew it was false to state that he had never ~~raped~~ sexually assaulted Carroll.

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<sup>24</sup> Foreign Staff, *Donald Trump: I Have “One of the Greatest Memories of All Time”*, TELEGRAPH (Oct. 26, 2017).

<sup>25</sup> Daniella Diaz, *Trump: I’m a “Very Stable Genius”*, CNN (Jan. 6, 2018).

~~116.117.~~ \_\_\_\_\_ Trump’s other defamatory statements about Carroll in June 2019—that she had fabricated the ~~rape~~-accusation to increase her book sales, to carry out a political agenda, as part of a conspiracy with the Democratic Party, or in exchange for payment—rested on the express or deliberately-implied premise that Carroll’s underlying accusation was false. Because Trump knew that the accusation was true, he also knew that his other statements about Carroll were false.

~~117.118.~~ \_\_\_\_\_ ~~Moreover,~~ Trump has admitted that he lacked any factual basis for these highly specific statements regarding why Carroll had revealed to the public that he ~~raped her at Bergdorf Goodman~~-sexually assaulted her at Bergdorf Goodman. Trump had no knowledge of Carroll’s financial circumstances or the details of Carroll’s book deal, and he had no knowledge of Carroll’s political affiliation or party registration. Trump did not personally investigate any of the relevant factual circumstances, nor did he instruct anyone else on his White House staff to do so. Indeed, Trump has admitted that neither he nor anyone on his staff reached out to Bergdorf Goodman prior to his June 2019 statements, in which he thanked the store for “confirming they have no video footage of any such incident.” Additionally, although Trump requested in his June 21, 2019 statement to be notified if “anyone has information that the Democratic party is working with Ms. Carroll,” he testified in his deposition that he could recall no one ever providing any such information. And since all of these statements about Carroll were made to impute motives for lying, when in fact he knew that Carroll had spoken the truth, Trump had strong reason to doubt the veracity of his own insulting claims. Trump thus published these statements with reckless disregard for the truth.

~~118.119.~~ \_\_\_\_\_ Trump also lacked any factual basis for stating (or affirmatively implying) that Carroll had falsely accused other men of sexual assault. When he made his June 2019 statements, Trump had not read the excerpt of Carroll’s book in which certain of these allegations

appeared and had no knowledge of their truth or falsity. As of his October 19, 2022 deposition, Trump had not read the excerpt or any other part of Carroll's book either. And since he knew that her accusation against him was truthful, he had strong reason to doubt the veracity of his statement that she was lying about other men. Trump thus made this statement with reckless disregard for the truth.

~~119.~~120. Carroll did not reveal Trump's rapesexual assault for any of the reasons imputed to her by Trump. Each and every statement that he made about her motives for coming forward—and her supposed conspiracy with political actors to fabricate a rapesexual assault accusation—was false.

~~120.~~121. To the contrary, Carroll feared that revealing Trump's rapesexual assault would cause terrible damage to her reputation, career, and personal life. That was especially true given Trump's famed litigiousness and public abuse of those who criticize him. Carroll made this decision to honor her values and to inspire other sexually abused women to seek justice and accountability.

~~121.~~122. With respect to politics, to the extent Carroll considered such things at all, it was principally to worry that coming forward might *benefit* Trump by firing up his base and affording him another opportunity to play the victim on national television.

~~122.~~123. Trump's series of false, insulting, and defamatory statements about Carroll—and his actual malice in making those statements—are fully consistent with his tried-and-true playbook for responding to credible public reports that he sexually assaulted women.

~~123.124.~~ In 2005, Trump admitted—on a hot mic—to repeatedly sexually assaulting women in almost exactly the same manner that he had ~~raped~~sexually assaulted Carroll:

“I’d better use some Tic Tacs just in case I start kissing her [the woman Trump was looking at, whom he had never met before]. You know, I’m automatically attracted to beautiful—I just start kissing them. It’s like a magnet. Just kiss. I don’t even wait. And when you’re a star, they let you do it. You can do anything. . . . Grab ~~them~~’em by the pussy. You can do anything. . . . ~~Oh~~Ooh, [she has] nice legs, huh?”<sup>26</sup>

~~124.125.~~ Based on Carroll’s own experiences, Trump’s 2005 statement was not “locker room talk” or mere braggadocio. It was a true description of how Trump believes he can treat women—and of how he *has* treated them on many occasions, including at Bergdorf Goodman.

~~125.—~~ Indeed, Trump has openly suggested that sexual assault is inevitable when men and women interact. In 2013, for instance, he tweeted: “26,000 unreported sexual assaults [sic] in the military . . . . What did these geniuses expect when they put men & women together?”<sup>27</sup>

~~126.—~~ In addition to Carroll, Trump has been accused publicly by over a dozen women of forcibly kissing them, groping them above or below the waist, or attempting to rape them—often upon meeting him for the very first time. Those women include Jill Harth, Jessica Leeds, Cathy Heller, Temple Taggart McDowell, Karena Virginia, Bridget Sullivan, Tasha Dixon, Mindy McGillivray, Rachel Crooks, Natasha Stoyhoff, Summer Zervos, and Cassandra Searles. Trump has responded to their accusations in a manner eerily similar to the statements he made about Carroll in June 2019.

~~127.126.~~ A recently published book by Barry Levine and Monique El-Faizy documents 67 incidents of alleged inappropriate behavior by Trump toward women, including 26

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<sup>26</sup> *Transcript: Donald Trump’s Taped Comments About Women*, N.Y. TIMES (Oct. 8, 2016).

<sup>27</sup> ~~Daniella Diaz, *Trump Defends Tweet on Military Sexual Assault*, CNN (Sept. 8, 2016).~~

~~allegations of unwanted sexual contact. Forty-three of the allegations of inappropriate behavior in the book had not been previously reported.<sup>28</sup> The book traces “Trump’s transformation from a kid from Queens to high school ‘ladies’ man’ into a womanizing, model-chasing, porn-star-frequenting philanderer,” who “repeatedly and systematically engaged in aggressive sexual pursuit of women over the course of many decades.”<sup>29</sup> In one instance, Karen Johnson describes Trump hiding behind a tapestry at his Mar-a-Lago home during a party and, when she walked by to use the restroom, grabbing her by the genitals, pulling her toward him, and kissing her without consent.<sup>30</sup> In another, Kristin Anderson describes Trump putting his hands up her skirt and touching her vagina through her underwear in a Manhattan nightclub. Trump denied that could have happened because he never would have been at a nightclub alone.<sup>31</sup> Indeed, Trump has emphasized that stars have been able to grab women by their genitals for “the last million years”—a circumstance that he suggested might be “fortunate[.]” for stars like him.~~

127. Trump thus knew he was lying when he said that Carroll had fabricated her ~~rape~~ accusation for a hodgepodge of unsavory reasons that he himself had invented out of whole cloth, for purely personal reasons. He knew she was telling the truth because he knew who she was and he knew that he had ~~raped~~sexually assaulted her, just as he had sexually assaulted ~~many~~ other women over many years.

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<sup>28</sup> ~~See LEVINE & EL-FAIZY, *supra* n.16, at 2.~~

<sup>29</sup> ~~*Id.* at 2-3.~~

<sup>30</sup> ~~*Id.* at 80-82, 88, 254.~~

<sup>31</sup> ~~*Id.* at 250-51.~~

**VII. TRUMP'S FALSE STATEMENTS ABOUT CARROLL IN JUNE 2019 WERE MADE FOR PURELY PERSONAL REASONS**

128. In making the June 2019 statements, Trump was motivated by purely personal reasons, rather than presidential or official reasons.

129. At the time Trump made his statements in June 2019, nobody in the White House (to Trump's knowledge) had undertaken any research into Carroll or her allegations.

130. Thus, at the time Trump made his statements in June 2019, neither Trump nor (to his knowledge) any of his White House aides had conducted any research or investigation into Carroll's financial arrangements, her publication contract, her book sales, her political leanings, her connections to political actors (or lack thereof), her reasons for speaking up, or the veracity of her allegations concerning experiences of sexual misconduct at the hands of other men.

131. At the time Trump made his statements in June 2019, neither Trump nor (to his knowledge) any of his White House aides had contacted Bergdorf Goodman about this matter.

132. At the time Trump made his statements in June 2019, Trump had not read Carroll's book excerpt and had no firsthand knowledge of her statements concerning his sexual assault.

133. At his deposition in this case, Trump did not identify any White House personnel as involved in investigating, preparing, strategizing, or creating his June 2019 statements. Nor did he identify any other administration official as playing any role at all in the June 2019 statements, or any official meetings focused on Carroll's allegations or his response that he attended, organized, requested, or proposed.

134. For example, Trump testified that he did not recall speaking about Carroll's allegations with Mick Mulvaney (Trump's acting Chief of Staff at the time of his June 2019 statements) or Emma Doyle (his Principal Deputy Chief of Staff). He testified that he did not speak with Sarah Sanders (his Press Secretary at the time of the June 2019 statements) or Hope Hicks

(his Communications Director). And he has alternately denied speaking to or said he had “not much” conversation with Stephanie Grisham (whom Trump promoted to Press Secretary and Communications Director on June 25, 2019).

135. In fact, at Trump’s deposition, the *only* individuals at all associated with the Executive Branch with whom Trump recalled speaking about Carroll’s allegations were two of his family members: First Lady Melania Trump and his daughter, Ivanka Trump, who served in an unpaid advisory position during Trump’s presidency.

136. The fact that Trump discussed Carroll’s allegations only with his wife and daughter—and did not discuss Carroll’s allegations or his response in June 2019 with White House or Executive Branch political officials—reflects the personally motivated nature of his conduct.

137. The nature and content of Trump’s statement further betrayed his personal motives, and revealed his ill will and spite toward Carroll. Trump did not simply deny Carroll’s allegations in his June 2019 statements, but instead launched deeply personal attacks. Trump implied that Carroll was too ugly for him to sexually assault, falsely stated that Carroll had previously lodged fake allegations of sexual misconduct against other men, and invented a baseless narrative that Carroll fabricated her accusation for money, to promote a book, or to further a political conspiracy—without possessing or pointing to one iota of support for those claims.

138. When asked at his deposition in this action whether his statements were intended to punish Carroll, Trump initially denied it, but then stated: “She made a false charge. People shouldn’t be allowed to make false charges.”

139. Trump’s private motives are underscored by the fact that he later made materially identical defamatory statements about Carroll (detailed below) in his capacity as a private citizen. These statements included substantively similar, strikingly personal lies. In October 2022, for



example, Trump again defamed Carroll, denigrating her as not his “type” and claiming that he didn’t know her, had never met her, and her account of being sexually assaulted by him was a “[h]oax and a lie” and a “scam” to “promot[e] a really crummy book.” More recently, in May 2023 and following an adverse jury verdict, Trump demeaned Carroll once more, making light of his assault by referring to it as “hanky-panky” and stating that he had “no idea who the hell she is.”

128.140. This pattern of personally motivated attacks not only persisted long after Trump left elected office; it also preceded his election in 2016. Trump has a long history of viciously demeaning women who credibly accuse him of sexual assault. It’s his personal *modus operandi*. Put differently, Trump has a playbook that he uses to attack women who reveal his own sexual misconduct, and that conduct arises from private motives rather than any governmental purpose.

#### **VII.VIII. CARROLL SUFFERS REPUTATIONAL AND OTHER HARM**

129.141. Trump’s false and insulting ~~statements~~claims about Carroll in June 2019 were defamation *per se*. They tended to (and did) damage Carroll in her trade, occupation, and/or business, and they were defamatory on their face without reference to any extrinsic information.

130.142. Carroll has suffered harm as a direct result of Trump’s false, defamatory statements.

131.143. Carroll endured stoically when she kept secret the fact that Trump had ~~raped~~sexually assaulted her. But coming forward put her in the crosshairs of the most powerful man on the planet. He has since used ~~that~~this platform—now as a candidate for President—to repeatedly attack her integrity, demean her appearance, condemn her as a liar, and accuse her of conspiring with political operatives in a despicable lie.

~~132.~~144. ~~These Trump's~~ defamatory statements have caused Carroll emotional pain and suffering at the hands of the man who ~~rapedsexually assaulted~~ her, as well as injury to her reputation, honor, and dignity.

~~133.~~145. Carroll has suffered professional harm as a direct result of Trump's defamatory statements. Carroll's professional success is inextricably bound up with her *Ask E. Jean* advice column, where readers look to her for wisdom, wit, honesty, integrity, and courage. By attacking Carroll, Trump has injured the reputation on which she makes her livelihood and attracts readers.

~~134.~~146. Trump's defamatory statements caused Carroll to lose the support and goodwill of many of her readers. Many were turned off by even the idea of writing to a woman whom the President of the United States branded a "liar." Since Trump defamed her, some fans have stopped sending letters altogether—thus impairing Carroll's column, which requires a steady flood of compelling letters to which she can respond. In the months of July, August, and September 2019, Carroll received roughly 50% fewer letters than she received during the same period in 2018.

147. In all, and based on conservative assumptions, Trump's June 2019 defamatory statements generated between 142,334,424 and 188,155,507 impressions across various media. An estimated 34,075,512 to 42,936,354 of these were receptive impressions—i.e., impressions involving individuals likely to believe Trump's false claims about Carroll. As a result, the minimum appropriate corrective campaign, as calculated by Professor Ashlee Humphreys, would cost at least \$10 million.

~~135.~~148. Carroll is an advice columnist whose reputation is the very lifeblood of her trade, and Trump's defamatory statements have therefore inflicted wide-ranging and substantial harm.

~~136.~~149. Carroll filed this lawsuit to obtain redress for those injuries.

**IX. A JURY FINDS TRUMP LIABLE FOR BATTERY AND DEFAMATION IN CARROLL II**

150. As part of his defense to this action, Trump has claimed various immunities from liability by virtue of his status as President at the time he made his June 2019 defamatory statements. Trump's efforts to obtain immunity have contributed to years of delay that have extended forward to today.

151. These delays have given Trump further opportunity to inflict further harm on Carroll. In due course, he seized on it.

152. On October 12, 2022, nearly three years after Carroll filed this action, Trump posted a lengthy message on his personal account on Truth Social, a social media platform created by Trump as an alternative to Twitter. In that statement, Trump substantially repeated his June 2019 defamatory statements:

"This 'Ms. Bergdorf Goodman case' is a complete con job, and our legal system in this Country, but especially in New York State (just look at Peekaboo James), is a broken disgrace. You have to fight for years, and spend a fortune, in order to get your reputation back from liars, cheaters, and hacks. This decision is from the Judge who was just overturned on my same case. I don't know this woman, have no idea who she is, other than it seems she got a picture of me many years ago, with her husband, shaking my hand on a reception line at a celebrity charity event. She completely made up a story that I met her at the doors of this crowded New York City Department Store and, within minutes, 'swooned' her. It is a Hoax and a lie, just like all the other Hoaxes that have been played on me for the past seven years. And, while I am not supposed to say it, I will. This woman is not my type! She has no idea what day, what week, what month, what year, or what decade this so-called 'event' supposedly took place. The reason she doesn't know is because it never happened, and she doesn't want to get caught up with details or facts that can be proven wrong. If you watch Anderson Cooper's interview with her, where she was promoting a really crummy book, you will see that it is a complete Scam. She changed her story from beginning to end, after the commercial break, to suit the purposes of CNN and Andy Cooper. Our Justice System is broken along with almost everything else in our Country."

He then continued:

“In the meantime, and for the record, E. Jean Carroll is not telling the truth, is a woman who I had nothing to do with, didn’t know, and would have no interest in knowing her if I ever had the chance. Now all I have to do is go through years more of legal nonsense in order to clear my name of her and her lawyer’s phony attacks on me. This can only happen to ‘Trump’!”<sup>32</sup>

153. Trump published the October 12, 2022 statement to his more than four million followers on Truth Social. Around the same time, Trump emailed the statement to a listserv of supporters, and it was widely reported in the press, reaching millions upon millions of people.

154. On November 24, 2022, Carroll sued Trump for defamation for the harms that she incurred as a result of the October 12, 2022 statement. See *Carroll v. v. Trump*, No. 22 Civ. 10016 (S.D.N.Y.) (“*Carroll I*”). As part of that lawsuit, Carroll also brought a claim for battery pursuant to New York’s Adult Survivors Act relating to the underlying sexual assault. That Act revived certain battery claims for a one-year period if the conduct of the defendant would have constituted a sex offense as defined in Article 130 of the New York Penal Law. C.P.L.R. § 214-j.

155. Trial in *Carroll II* began on April 25, 2023. The Court empaneled an anonymous jury of nine members, including six men and three women.

156. Over the next two weeks, Carroll presented eleven witnesses who corroborated key aspects of her account. Those included Birnbach and Martin, the two friends who Carroll told of the assault right after it happened; two former employees of Bergdorf’s who worked at the store during the period when the assault occurred; a psychological expert who testified that Carroll’s reaction to and damages from the assault were consistent with responses to sexual trauma more generally; a defamation damages expert who testified regarding the significant harm that Carroll’s reputation suffered as a result of the October 12, 2022 statement; two women who Trump had

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<sup>32</sup> Donald J. Trump (@realDonaldTrump), Truth Social (Oct. 12, 2022, 10:38 PM), <https://truthsocial.com/@realDonaldTrump/posts/109158644496040450>.

assaulted in remarkably similar ways; Carroll’s sister; Carroll’s former boss at *Elle* magazine; and Carroll herself. An aggressive cross-examination of Carroll, in which Trump’s attorney sought to undermine her credibility by asking why she didn’t scream when Trump assaulted her and whether having someone “rummage around in” her vagina was different than having someone insert a finger in her vagina, took up almost two full trial days.

157. Trump, for his part, chose not to testify—or to attend any of the trial at all. Instead, he let the jury hear from him only through video excerpts of the deposition taken in this action on October 19, 2022. Trump called no witnesses of his own.

158. After the parties rested and presented their closing arguments, the Court instructed the jury on the morning of May 9, 2023. Less than three hours later, the jury reached a verdict.

159. On the first count, battery, the jury found in favor of Carroll. The jury determined by a preponderance of the evidence that Trump sexually abused her in the dressing room at Bergdorf’s—*i.e.*, that Trump subjected Carroll to sexual contact (meaning any touching of the sexual or other intimate parts of a person for the purpose of gratifying the sexual desire of either person), without her consent, by the use of forcible compulsion (meaning intentionally to compel by the use of physical force). *See* N.Y.P.L. § 130.65. The jury awarded Carroll \$2 million in compensatory damages for this claim.

160. The jury also determined by a preponderance of the evidence that Trump’s sexual abuse was willfully or wantonly negligent, reckless, or done with a conscious disregard of Carroll’s rights or was so reckless as to amount to such disregard. Accordingly, the jury awarded Carroll \$20,000 in punitive damages.

161. On the second count, defamation, the jury also found in favor of Carroll. It determined by a preponderance of the evidence that Trump’s October 12, 2022 statement—in

which Trump denied knowing Carroll, claimed he “had nothing to do with” her, and insisted that Carroll had “completely made up” the incident at Bergdorf’s—was defamatory.<sup>33</sup> The jury further determined by clear and convincing evidence that Trump’s statement was false and that Trump had made it with actual malice. After determining that Carroll was injured by Trump’s statement, the jury awarded her \$2.7 million in compensatory damages.

162. The jury also found that Trump had acted maliciously, out of hatred, ill will, or spite, or with wanton, reckless, or willful disregard of Carroll’s rights in making his October 12, 2022 statement and awarded Carroll \$280,000 in punitive damages.

163. In total, the jury held Trump liable for \$5 million in damages.

**X. TRUMP AGAIN DENIES SEXUALLY ABUSING CARROLL AND MAKES A SLEW OF FALSE, INSULTING CLAIMS ABOUT HER**

164. Immediately after the verdict was announced, Trump began lashing out in response. He started by posting various messages and videos on his Truth Social account decrying the verdict, and disparaging Carroll, the jury, and the judicial system more generally.

165. Mere minutes after the verdict became public, Trump repeated the defamatory lie that he had no idea who Carroll was and again claimed that her accusation of sexual assault was politically motivated: “I HAVE ABSOLUTELY NO IDEA WHO THIS WOMAN IS. THIS

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<sup>33</sup> The jury was directed to consider those portions of the October 12, 2022 about Carroll—*i.e.*, where Trump called Carroll’s accusation “a complete con job” and “a Hoax, and a lie”; stated that Carroll “completely made up a story that I met her at the doors of this crowded New York City department store and, within minutes ‘swooned’ her”; claimed that his sexual abuse “never happened” and that “Carroll is not telling the truth”; asserted that Carroll “changed her story from beginning to end” during a CNN interview; insinuated that Carroll fabricated her accusation as part of “a complete Scam” to “promot[e] a really crummy book”; asserted that he “didn’t know” and “had nothing to do with” Carroll; stated that he “would have no interest in knowing her if [he] ever had the chance”; and insisted that she was not his “type.”

VERDICT IS A DISGRACE – A CONTINUATION OF THE GREATEST WITCH HUNT OF ALL TIME!”<sup>34</sup>

166. Shortly after midnight that night, Trump followed up with another Truth Social post attacking the “partisan Judge & Jury on the just concluded Witch Hunt Trial,” and again insisting that the “Hoax” (Carroll’s suit and the ensuing trial) was part of a political conspiracy.<sup>35</sup>

167. Less than an hour later, Trump once again insisted that Carroll’s accusation and suit were a “Rigged Hoax,” “yet another TRAVESTY OF JUSTICE,” and “a continuation of the greatest political Witch Hunt of all time!!!”<sup>36</sup>

168. Then, in the evening of May 10, 2023, CNN hosted a primetime town hall event in New Hampshire. Trump received questions from the audience and the event’s moderator, Kaitlan Collins. Early in the broadcast, Collins turned to the prior day’s jury verdict. Trump responded to her questions by repeating many of the same defamatory statements for which the jury had just found him liable the day before:

COLLINS: This was a jury of nine people who found you –

TRUMP: That’s right.

COLLINS: – liable of sexual abuse. Do you think that – that will deter women from voting for you?

TRUMP: No, I don’t think so because I think the whole thing – just so you understand – ready? I never met this woman. I never saw this woman. This woman said I met her at the front door of Bergdorf Goodman which I never go into other than for a couple of charities. I met her in the front door. She was about 60 years. This is like 22, 23 years ago. I met her in the front door of Bergdorf Goodman. I was immediately attracted to her and she was immediately attracted to me. And we

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<sup>34</sup> Donald J. Trump (@realDonaldTrump), Truth Social (May 9, 3:29 PM), <https://truthsocial.com/@realDonaldTrump/posts/110340379870475514>.

<sup>35</sup> Donald J. Trump (@realDonaldTrump), Truth Social (May 10, 12:34 AM), <https://truthsocial.com/@realDonaldTrump/posts/110342521655891366>.

<sup>36</sup> Donald J. Trump (@realDonaldTrump), Truth Social (May 10, 1:20 AM), <https://truthsocial.com/@realDonaldTrump/posts/110342704670441764>.

had this great chemistry. We're walking into a crowded department store. We had this great chemistry. And a few minutes later, we end up in a room, a dressing room of Bergdorf Goodman, right near the cash register. And then she found out that there were locks in the door. She said, I found one that was open. She found one, she learned this at trial. She found one that was open. What kind of a woman meet somebody and brings them up and within minutes, you're playing hanky-panky in a dressing room, okay? I don't know if she was married then or not. John Johnson, I feel sorry for you, John Johnson.

COLLINS: Mr. President, can I – can I ask you this?

TRUMP: Think of it, think of this –

COLLINS: I know you're recounting what you said but, Mr. President –

TRUMP: But let me just, if I could because you asked a question.

COLLINS: This was a jury though –

TRUMP: Just so you understand, because I was walking in at a department – because I was very famous then and I owned the Plaza Hotel right next door and I owned the buildings around it. I'm not going into a dressing room of a crowded department store. Then I say, if she was being raped – and by the way, they said she wasn't raped, okay? That was her charge. It wasn't –

COLLINS: They found that you sexually abused her.

TRUMP: Oh, that was – say what the – they didn't – they said he didn't rape her.

COLLINS: They did not say –

TRUMP: And I didn't do anything else either. You know what? Because I have no idea who the hell she is. I don't know who this woman is.

COLLINS: But, Mr. President, can I – can I ask you given your recounting and your version –

TRUMP: I don't know who – and I tell you this. Are you ready?

COLLINS: But, Mr. President, can I – can I ask you because –

TRUMP: And I swear on my children, which I never do. I have no idea who this woman. This is a fake story, made up story. We had a horrible Clinton-appointed judge. He was horrible. He allowed her to put everything in. He allowed us to put nothing in. This is a fake story.



COLLINS: Mr. President, you're recounting your version of events here right now to the audience. You reference the trial. You did not go to the trial and actually testify.

TRUMP: That's right.

COLLINS: Do you wish that you had testified?

TRUMP: No, it wouldn't have made a difference. This is rigged deal. This was a – my lawyer said, sir, you don't have to do it. I actually said, I think I should, it would be disrespectful. They said, sir, don't do it. This is fake story and you don't want to give it credibility.

COLLINS: One thing you –

TRUMP: That's why I didn't go.

COLLINS: One thing you did do in this –

TRUMP: And I swear and I've never done that, and I swear to – I have no idea who the hell – she's a whack job.<sup>37</sup>

169. During the exchange, Trump falsely stated that he did not sexually abuse Carroll, that he has no idea who Carroll was, and that Carroll's now-proven accusation was a "fake" and "made up story" created by a "whack job." Trump also insulted Carroll's character and downplayed his sexual abuse of her by asking "what kind of woman meets someone" and then "within minutes" plays "hanky-panky in a dressing room."

170. Approximately 3.3 million viewers watched the CNN broadcast during which this exchange took place.<sup>38</sup> Viewers heard the studio audience applauding and laughing along uproariously to Trump's comments. The entire segment ran from 8:00 p.m. to 9:15 p.m. During that time, CNN was the most-watched cable news network, more than doubling the ratings of Fox

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<sup>37</sup> READ: Transcript of CNN's Town Hall with Former President Donald Trump, CNN (May 11, 2023).

<sup>38</sup> Ted Johnson, CNN's Donald Trump Town Hall Wins Time Slot With 3.3 Million Viewers — Update, DEADLINE (May 11, 2023).

News and MSNBC.<sup>39</sup> CNN reported that the program was the network's second most-viewed single-candidate town hall since 2016.<sup>40</sup>

171. Trump's statements about Carroll were also widely reported in the press.<sup>41</sup>

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<sup>39</sup> Id.

<sup>40</sup> Id.

<sup>41</sup> E.g., Benjamin Weiser, Lola Fadulu, and Kate Christobek, *E. Jean Carroll May Sue Trump a Third Time After 'Vile' Comments on CNN*, N.Y. TIMES (May 11, 2023); Claire Lampen, *Donald Trump Still Claims He Doesn't Know E. Jean Carroll*, CUT (May 11, 2023); Steve Peoples, *Trump turned his liabilities into laugh lines at CNN town hall, underscoring GOP rivals' challenge*, ASSOCIATED PRESS (May 11, 2023); Peter Sblendorio, *Donald Trump's 'disastrous' CNN town hall elicits strong reactions*, N.Y. DAILY NEWS (May 11, 2023); Kierra Frazier, *CNN's own employees are disparaging the Trump town hall*, POLITICO (May 11, 2023); Abigail Weinberg, *Trump Mocked E. Jean Carroll Live on CNN. The Audience Laughed*, MOTHER JONES (May 11, 2023); Laura Italiano and Natalie Musumeci, *Sex-assault survivors unleash a firestorm of anger at CNN letting Trump try to re-victimize E. Jean Carroll by dismissing his abuse as 'hanky panky'*, INSIDER (May 11, 2023); *Fact-checking Trump's CNN town hall in New Hampshire*, CNN (May 11, 2023); Christian Blauvelt, *CNN Trump Town Hall Backlash Grows After Verdict in E. Jean Carroll Case*, INDIE WIRE (May 10, 2023); Kyler Alvord, *Trump Draws Laughter, Applause as He Mocks E. Jean Carroll During CNN Town Hall*, PEOPLE MAG. (May 11, 2023); Brian Bennett, *Trump Uses CNN Town Hall to Mock E. Jean Carroll After a Jury Found Him Liable For Sexually Abusing Her*, TIME (May 10, 2023); *Trump takes aim at E. Jean Carroll at CNN town hall after lawsuit loss*, AXIOS (May 10, 2023); Jill Colvin, *Trump Digs In On Election Lies, Insults Accuser During CNN Town Hall Event*, ASSOCIATED PRESS (May 11, 2023); Domenico Montanaro, *Trump Continues Lies About Election And Lashes Out After N.Y. Verdict In Town Hall*, NPR (May 10, 2023); Kevin Breuninger, *Trump pushes false election claims, mocks E. Jean Carroll to applause during CNN town hall*, CNBC (May 10, 2023); Nikki McCann Ramirez, *Trump Mocks E. Jean Carroll at Town Hall, as His Fans Cheer Him On*, ROLLING STONE (May 10, 2023); Brett Samuels, *Trump calls E. Jean Carroll a 'whack job' after sexual abuse verdict*, HILL (May 10, 2023); Ursula Purano, *Trump Abused and Defamed E. Jean Carroll All Over Again on CNN*, DAILY BEAST (May 10, 2023); Patrick Reilly, *Trump claims E. Jean Carroll trial was rigged after he was found liable of sexual abuse, defamation*, N.Y. POST (May 10, 2023); Chris Stein, *Trump town hall live: ex-president repeats election lies and denies sexual abuse verdict to mostly Republican crowd*, GUARDIAN (May 10, 2023); Michelle L. Price, *What to know about Trump's CNN town hall: Lies about election and abortion, attacks on accuser*, ASSOCIATED PRESS (May 10, 2023); Isaac Arnsdorf and Maeve Reston, *Trump's CNN town hall: Defending rioters, mocking sexual assault, threatening default*, WASH. POST (May 10, 2023); Jeremy Herb, *Trump again refuses to concede 2020 election while taking questions from New Hampshire GOP primary voters*, CNN (May 10, 2023); Kathryn Watson, Jacob Rosen, and Olivia Rinaldi, *Trump CNN town hall highlights include comments on E. Jean Carroll verdict, Jan. 6 and more*, CBS NEWS (May 11, 2023); Allan Smith, *Trump dismisses his sex abuse verdict and gloats that it will help his 2024 bid*, NBC NEWS (May 10, 2023); Nathan Layne and Tim Reid, *Trump jokes about sexual abuse*

172. Supporters of Trump echoed many of the lies and demeaning remarks that Trump made about Carroll. One Twitter user wrote: “@ejeancarroll You’ve not won a thing. You’ve just proven what men have known for years: once women are short of cash you fabricate a crock of shite to fund your plastic lifestyle. A two-bit money grabbing whore who belongs in an asylum. Such antics are typical of cretins.”<sup>42</sup> Another wrote: “They laughed when Trump provided a scenario, absolutely so absurd, in which a woman would meet a stranger & go into a dressing room for ‘hanky panky’ - that is what garnered the laugh. Americans know @ejeancarroll LIED to stop Trump 2024 run.”<sup>43</sup> Yet another: “can someone please JFK this lunatic. @ejeancarroll is the most vile disgusting piece of rotten smelly putrid shit i have ever fucking seen.”<sup>44</sup>

137.173. These and other similar messages are exactly what Trump intended. Trump used a national platform to demean and mock Carroll. He egged on a laughing audience as he made light of his violent sexual assault, called Carroll names, implied that Carroll was asking to be assaulted, and dismissed the jury’s verdict vindicating Carroll.

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*verdict, repeats election falsehoods*, REUTERS (May 10, 2023); Brent D. Griffiths, *Trump insulted the woman he was found liable of sexually abusing — and CNN’s audience laughed about it*, INSIDER (May 11, 2023); Ed Kilgore, *Trump’s CNN Town Hall Was a MAGA Rally*, N.Y. MAG. (May 10, 2023); Brian Niemietz, *Donald Trump bashes E. Jean Carroll, repeats 2020 election lies in CNN town hall*, N.Y. DAILY NEWS (May 10, 2023); Mel Leonor Barclay, *Trump uses CNN town hall to insult a woman he assaulted*, 19TH (May 10, 2023); Meredith Deliso and Will McDuffie, *Trump denies knowing E. Jean Carroll during CNN town hall: ‘I swear on my children’*, ABC NEWS (May 10, 2023); Ryan Gajewski, *CNN Town Hall Audience Members Laugh, Cheer as Trump Talks About E. Jean Carroll Sexual Abuse Verdict*, HOLLYWOOD REP. (May 10, 2023).

<sup>42</sup> Hank (@HankJoho), Twitter (May 13, 2023, 4:47 PM), <https://twitter.com/HankJoho/status/1657487688772235264>.

<sup>43</sup> Dawn (@Dogs4Dawn), Twitter (May 11, 2023, 8:40 AM), <https://twitter.com/Dogs4Dawn/status/1656640433651429376>.

<sup>44</sup> Keke Gayle McGavock (@aloveykink), Twitter (May 13, 2023, 3:02 PM), <https://twitter.com/aloveykink/status/1657461413877633026>.

174. At the jury trial that took place in the related action between April 25 and May 9, 2023, this Court instructed the jury concerning an award of punitive damages in connection with Trump's October 12, 2022 defamatory statement as follows: "[P]unitive damages . . . may be awarded to punish a defendant who has acted maliciously and to discourage others from doing the same. . . . A statement is made with malice or it's made maliciously . . . if it's made with deliberate intent to injure or made out of hatred or ill will or spite or made with willful or wanton or reckless disregard of another's rights." Both "prior or subsequent defamations" and "subsequent statements of the defendant" may reflect a defendant's malice. *Celle v. Filipino Reporter Enters. Inc.*, 209 F.3d 163, 184–85 (2d Cir. 2000) (quoting *Herbert v. Lando*, 441 U.S. 153, 164 n.12 (1979)). Trump's defamatory statements post-verdict show the depth of his malice toward Carroll since it is hard to imagine defamatory conduct that could possibly be more motivated by hatred, ill will, or spite. This conduct supports a very substantial punitive damages award in Carroll's favor both to punish Trump, to deter him from engaging in further defamation, and to deter others from doing the same.

#### **CAUSE OF ACTION: DEFAMATION**

~~138.~~175. ~~Plaintiff~~ Carroll incorporates by reference all preceding paragraphs and alleges them as if set forth fully herein.

~~139.~~176. Trump published statements to the media on June 21, 22, and 24, 2019.

~~140.~~177. Each of those statements identified—and was "of or concerning"—Carroll.

~~141.~~178. Each of those statements contained numerous falsehoods about Carroll, whether on their face and/or by virtue of a clear implication affirmatively intended by Trump.

~~142.~~179. Trump's false statements in June 2019 regarding Carroll were defamatory *per se*.

~~143.180.~~ Trump's These false and defamatory statements were published throughout New York ~~State~~ and around the world on television, in newspapers and magazines, on social media, and elsewhere in print and on the internet. Trump ensured that his false and defamatory statements about Carroll would receive a wide circulation by making them to the national press.

~~144.181.~~ Trump made these false and defamatory statements knowing that they were false or with reckless disregard for their truth or falsity.

~~145.182.~~ Trump made these false statements with ill will and spite, and with wanton, reckless, or willful disregard for their injurious effects on Carroll and Carroll's rights.

~~146.183.~~ Trump's false and defamatory statements caused Carroll to suffer reputational, emotional, and professional harm, as alleged above.

#### **PRAYER FOR RELIEF**

WHEREFORE, Carroll prays for relief as follows:

- a. Ordering Trump to retract any and all defamatory statements;
- b. Ordering Trump to pay compensatory damages in an amount to be determined at trial, but in no event less than \$10 million;
- c. Ordering Trump to pay punitive damages in an amount to be determined at trial; and
- d. Awarding pre- and post-judgment interest, costs, and such other and further relief as this Court may deem just and proper.

#### **JURY DEMAND**

Plaintiff E. Jean Carroll hereby demands a trial by jury on all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated: New York, New York  
May 22, 2023

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