

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GARY CONDIT, : TRIAL BY JURY DEMANDED
 :
 Plaintiff, :
 :
 - v. - : COMPLAINT FOR DEFAMATION
 : Case No. _ 02 CIV 9910 _
 DOMINICK DUNNE, :
 :
 Defendant. :
-----X

COMES NOW Plaintiff, Gary Condit, and respectfully states his Complaint for Defamation against Defendant, Dominick Dunne, as follows:

PRELIMINARY STATEMENT

1. This slander per se action arises out of the utterance by Defendant Dominick Dunne of false and defamatory statements accusing Plaintiff Gary Condit of involvement in the crimes of kidnapping and murder.

THE PARTIES

2. Plaintiff Gary Condit (hereinafter "Plaintiff Condit") is an individual who resides in Ceres, Stanislaus County, California.

3. At all times pertinent and relevant to the incidents described in this Complaint, Plaintiff Condit was a duly elected

member of the United States House of Representatives, serving as the Congressman for the 18th Congressional District of California.

4. Defendant Dominick Dunne (hereinafter "Defendant Dunne") is an individual who resides at [REDACTED], [REDACTED], New York, New York [REDACTED].

5. Defendant Dunne is an author and television commentator who for many years has specialized in reporting on the criminal entanglements of individuals he believes are rich and/or famous.

6. Defendant Dunne is a frequent guest on national television and radio shows discussing high-profile criminal investigations and trials.

7. For several years, Defendant Dunne has been employed as a special correspondent for Vanity Fair magazine and has provided readers with his "inside" accounts of several high-profile cases, including the murder trials of Claus von Bulow, the Menendez brothers, Michael Skakel and O.J. Simpson.

8. As a result of his prominent role over the years in writing and commenting about high-profile criminal investigations and trials, Defendant Dunne has attained a high level of credibility with the American public with respect to his statements about such matters.

JURISDICTION AND VENUE

9. Plaintiff Condit is a citizen of the State of California for purposes of diversity jurisdiction under 28 U.S.C. § 1332.

10. Defendant Dunne is a citizen of the State of New York for purposes of diversity jurisdiction under 28 U.S.C. § 1332.

11. This Court has original subject matter jurisdiction with respect to this action pursuant to 28 U.S.C. § 1332 as there exists complete diversity of citizenship between Plaintiff Condit and Defendant Dunne and the amount in controversy exceeds Seventy Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

12. Defendant Dunne is subject to the jurisdiction of this Court pursuant to 28 U.S.C. § 1332 with proper venue pursuant to 28 U.S.C. § 1391.

CAUSE OF ACTION FOR SLANDER PER SE

13. On or about May 1, 2001, Chandra Levy ("Ms. Levy"), a 24-year old employee of the United States Bureau of Prisons, disappeared from her downtown Washington, D.C. apartment.

14. After she was reported as a missing person, Ms. Levy's disappearance triggered an intense investigation by members of the Washington D.C. Police Department and the Federal Bureau of Investigation ("the Levy investigation").

15. On May 10, 2001, Plaintiff Condit publicly acknowledged that he and Ms. Levy were friends and also announced that he would contribute to a reward fund set up to assist in obtaining information related to Ms. Levy's disappearance.

16. After Plaintiff Condit's May 10 public comments, the law enforcement search for Ms. Levy and her disappearance became the subject of a media frenzy with literally round-the-clock coverage of the investigation by members of the print and broadcast media.

17. After his May 10 public comments, the media frenzy surrounding the law enforcement search for Ms. Levy and its investigation into her disappearance escalated and began to focus in large part on speculation about Ms. Levy's relationship with Plaintiff Condit and speculation about Plaintiff's private life.

18. Subsequent to the disappearance of Ms. Levy, Defendant Dunne participated in a number of print and broadcast interviews in which he discussed the Levy investigation and the relationship between Ms. Levy and Plaintiff Condit.

19. During his media interviews discussing the Levy investigation, as hereinafter described, Defendant Dunne uttered false statements of verifiable fact imputing to Plaintiff Condit involvement as a principal and/or a co-conspirator and/or an accessory to the crime of murder and/or the crime of kidnapping.

20. On December 20, 2001, during an interview on *The Laura Ingraham Show*, a nationally syndicated radio talk show on the

Westwood One Radio Network, Defendant Dunne slandered Plaintiff Condit by uttering the following false and defamatory statements:

- (a) That Plaintiff Condit was under suspicion in the Levy case;
- (b) That Defendant Dunne was working with the FBI on the Levy case and that he had uncovered new leads showing that Ms. Levy had stumbled into a noxious ring of prostitution, sex slaves and Middle Eastern sheiks in Washington, D.C. which may have contributed to her disappearance;
- (c) That an individual who was a procurer of young women for Middle Eastern diplomats in Washington, D.C. had seen Ms. Levy being put on a private jet after her disappearance, not walking and surrounded by five men;
- (d) That Ms. Levy had been dumped out of the airplane over the Atlantic Ocean;
- (e) That Plaintiff Condit was a frequent guest at Middle Eastern embassies in Washington, D.C. where young women would be brought for nocturnal pleasures;
- (f) That before April 30, 2001, Plaintiff Condit had confided to one of his Middle Eastern friends that he had been involved with a woman and wanted to end it,

but the woman was threatening to talk and was driving him crazy;

(g) That Plaintiff Condit may have been behind Ms. Levy's abduction; and

(h) That Plaintiff Condit created the atmosphere that led to Ms. Levy's disappearance and murder.

21. In his regular *Vanity Fair* column entitled "Dominick Dunne's Diary," Defendant Dunne admitted that he accepted Laura Ingraham's invitation to appear on her nationally syndicated radio talk show because he "felt like creating some trouble" for Plaintiff Condit.

22. The slanderous statements uttered by Defendant Dunne on *The Laura Ingraham Show* were subsequently reported in articles published in a number of major newspapers around the country, in supermarket tabloids and on Internet websites.

23. On December 30, 2001, at a dinner party at Trader Vic's in Los Angeles, California hosted by Wendy Stark, the daughter of producer Ray Stark and a contributing editor of *Vanity Fair* magazine, Defendant Dunne repeated the slanderous statements uttered on *The Laura Ingraham Show*.

24. Twenty-four (24) guests were in attendance at Ms. Stark's dinner party, including noted author Gore Vidal and actress Anjelica Huston.

25. In January of 2002, Defendant Dunne was interviewed by Paulette Cohn, an Entertainment Tonight Online staff writer, and during that interview, Defendant Dunne again slandered Plaintiff Condit by uttering the following false and defamatory statements, as reported in Ms. Cohn's January 18, 2002 Internet column at <http://www.etonline.com/television/a8600.htm>, :

"**GARY CONDIT** rides with the Hell's Angels as a motorcyclist," Dunne revealed. "He rides with a Haitian motorcycle group in Washington, and I went on "**LARRY KING**" and said that I thought that the reason she left was that she'd gotten on the back of a motorcycle -- somebody doing a favor for him -- and had been taken away.

The crime writer said that he [sic] received a call from a man in Hamburg, Germany, who had just come from the Middle East and had a video of me on "Larry King." He says, '[You're wrong,] that's not how it happened' -- and [that] he knew how it happened!" [T]he investigation still pending, Dunne could not reveal any more information but noted that he's working with authorities in Washington, D.C."

26. On January 24, 2002, at a dinner party in New York City hosted by Casey Ribicoff, the widow of Abraham Ribicoff, a former United States Senator and Governor of Connecticut, Defendant Dunne repeated the slanderous statements uttered on *The Laura Ingraham Show*.

27. Ten (10) guests were in attendance at Ms. Ribicoff's dinner party, including advertising executive Peter Rogers, ABC correspondent Cynthia McFadden, clothing designer Adolfo,

fashion executive Helen O'Hagan, television producer Tommy Corcoran, fashion editor Ellin Salzman and media columnists Liz Smith and David Patrick Columbia.

28. On February 13, 2002, during an interview on CNN's *Larry King Live Show*, a talk show that is broadcast nationally and internationally, Defendant Dunne slandered Plaintiff Condit by uttering the following false and defamatory statements:

KING: All right. We know that we're involved in this, because I read your column, I read it every month, your comments about the missing Chandra Levy and Gary Condit. You made some thoughts on this program, a theory you had and then suddenly you heard from other people. We want to do longer time on this, but in a nutshell where are we with that now seemingly forgotten case?

DUNNE: Well, I'm not quite sure exactly where we are now. But, you know, the fact that I said on this very program, Larry which was done - actually, I wasn't in the studio, I was at my house in Connecticut. And I was on with you and I gave this theory that I thought Chandra Levy had gone off on the motorcycle of one of Condit's motorcycle friends. And I remember on the show that Julian Epstein was another guest on the show and he got so angry with me. But then months passed -- not months but weeks passed and I had a call from a guy in Hamburg, Germany. And he was an American. And he was an animal behaviorist who traveled through the Middle East taking care of a lot of horses of sheikhs and so on and he ran into a man who said he had been brushing past in the Middle East for the last three years. The man was an Arab of upper class, he was a procurer of women for Middle Eastern men of high rank, and he claimed that he had

brought women in for the Middle Eastern embassies in Washington. And --

KING: So he claimed that Chandra Levy had been taken?

DUNNE: Now, he had seen me on your show. He had a video of me on your show and he played it and he said he's wrong, meaning me, that's not what happened. He said he knew what happened, that he had been in Washington on that day and he said -- this was second hand to me from the guy in Hamburg who had just seen him. First he told me he saw in Dubai, and then he changed his story later.

I can't authenticate all of this. But he said that she was essentially kidnapped, that she was drugged, she was taken in a limousine - she was put on a plane. And he said, let me put it this way, she wasn't walking.

. . . .

KING: When you're next with us, Dominick, and we have more time, we'll explore this more, but are you still working the Condit-Levy matter?

DUNNE: Listen, I'm not going to forget Chandra Levy. I mean, you know, I feel so sorry for Dr. and Mrs. Levy, with whom I've spoken on several occasions, a wonderful couple. And yeah, I'm not going to let go of this. I mean, I don't think we should forget this. And you know, Condit is running again, and I think this should be brought up and brought up and brought up. And because I believe firmly that he knows more than what he has ever said.

29. On the morning of May 22, 2002, a private citizen discovered skeletal remains in Rock Creek Park in Washington,

D.C. that were shortly thereafter identified by law enforcement authorities as the remains of Ms. Levy.

30. Subsequent to May 22, 2002, Defendant Dunne was interviewed by reporters from the *Boston Herald*, and during that interview, Defendant Dunne again slandered Plaintiff Condit by uttering the following false and defamatory statements, as reported in the May 24, 2002 "Inside Track" column of the *Boston Herald*:

Condit get a Dunne-ing

Outspoken Vanity Fair columnist Dominick Dunne, who has made a career out of covering the murder trials of the rich and famous, said he still believes Washington intern Chandra Levy was the victim of foul play and the discovery of her body doesn't let Congressman Gary Condit off the hook.

"He's one of the great (bleeps)," Dunne told the Track.

. . . .

The former Hollywood producer has publicly theorized that one of Condit's bike buddies may have had something to do with Levy's death.

"I call it the Thomas Becket syndrome," Dunne said. "Where the powerful man says, 'She's driving me crazy,' and the people around him get the message."

31. In June of 2002, Defendant Dunne was interviewed by Ann Oldenburg, a reporter for *USA Today*, and during that interview, Defendant Dunne again slandered Plaintiff Condit by

uttering the following false and defamatory statements, as reported in Ms. Oldenburg's article published in the June 19, 2002 issue of USA Today and on its Internet website, <http://usatoday.com>, entitled, **Dunne's trail leads to the elite of murders:**

He has already gotten involved in the Chandra Levy case, he says, explaining that not too long ago he got a tip from someone from Dubai giving details of how Levy disappeared. He passed it on to the FBI. "The FBI sent me to Europe." In the end, Dunne says he thinks he was hoodwinked.

Does he think California Rep. Gary Condit is involved?

"I don't think he killed her. I think he could have known it was going to happen."

He doesn't want to say more. "I'm a little nervous at this point." Fear of being sued, he says. . .

32. As of the date of the filing of this Complaint for Defamation, no criminal charges have been filed against any individual in connection with the murder of Ms. Levy.

33. From the beginning of the law enforcement investigation to the present date, law enforcement officials involved with the Levy investigation have repeatedly and publicly stated that Plaintiff Condit is not a suspect in connection with the Levy investigation and that no evidence exists linking him to Ms. Levy's disappearance or murder.

34. Plaintiff Condit had no involvement whatsoever in the disappearance and murder of Ms. Levy and has no knowledge of how she was abducted and murdered or who is responsible for this heinous crime.

35. Defendant Dunne had no reliable or credible source for the slanderous statements uttered about Plaintiff Condit.

36. Defendant Dunne conducted no investigation whatsoever into the background of the sources for the slanderous statements in an effort to determine their veracity or the veracity of their factual statements about Ms. Levy and Plaintiff Condit.

37. At the time of their utterance, Defendant Dunne knew that the slanderous statements about Plaintiff Condit were nothing more than unverified and unsubstantiated rumor and gossip.

38. Defendant Dunne uttered the false and defamatory statements about Plaintiff Condit with actual malice in that he uttered said statements with actual knowledge of falsity or with a reckless disregard for the truth or falsity of said statements.

39. The false and defamatory statements uttered by Defendant Dunne as set forth in this Complaint for Defamation were slanderous per se in that they charge Plaintiff Condit with serious crimes involving moral turpitude.

40. As a direct and proximate result of the slanderous statements uttered by Defendant Dunne, millions of members of

the public were led to believe that Plaintiff Condit was guilty of criminal involvement in the disappearance and death of Ms. Levy.

41. As a direct and proximate result of the slanderous statements uttered by Defendant Dunne accusing Plaintiff Condit of involvement in a heinous crime, the reputation of Plaintiff Condit suffered permanent damage.

42. As a direct and proximate result of the slanderous statements uttered by Defendant Dunne, Plaintiff Condit has suffered stress, emotional distress and mental pain and suffering and adverse physical consequences from these conditions.

43. As a direct and proximate result of the slanderous statements uttered by Defendant Dunne, Plaintiff Condit has suffered public hatred, contempt and ridicule.

44. As a direct and proximate result of the slanderous statements uttered by Defendant Dunne, Plaintiff Condit has suffered special damages in that he has suffered a permanent impairment to his ability to obtain or maintain gainful employment.

45. The conduct of Defendant Dunne demonstrates willful misconduct and that entire want of care that raises a presumption of conscious indifference to consequences.

46. Plaintiff Condit is entitled to an award of punitive damages from Defendant Dunne in order to punish and penalize Defendant Dunne from repeating his unlawful conduct.

WHEREFORE, Plaintiff, Gary Condit, demands:

(a) Trial by jury;


(b) That judgment be entered against Defendant, Dominick Dunne, for compensatory damages in an amount not less than One Million Dollars (\$1,000,000.00);

(c) That judgment be entered against Defendant, Dominick Dunne, for punitive damages in an amount not less than Ten Million Dollars (\$10,000,000.00) to punish and penalize said Defendant and deter said Defendant from repeating his unlawful conduct; and

(d) That all costs of this action be assessed against Defendant.

Dated: Atlanta, Georgia
December 16, 2002.

L. LIN WOOD, P.C.



L. Lin Wood
Ga. State Bar No. 774588
(Application for pro hac vice admission
pending)

[SIGNATURES OF COUNSEL CONTINUED ON NEXT PAGE]



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