

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF HANOVER

SEAN M. DAVIS)
)
 Plaintiff,)
)
 v.)
)
 LANDMARK MEDIA ENTER., LLC)
 d/b/a STYLE WEEKLY)
 -and-)
 PETER GALUSZKA)
)
 Defendants.)
 _____)

Case No. CL16001142-00

RECEIVED and/or FILED

APR 01 2016

CLERK'S OFFICE
HANOVER CIRCUIT COURT

COMPLAINT

Plaintiff, Sean M. Davis, by counsel, files the following Complaint against defendant, Landmark Media Enterprises, LLC d/b/a Style Weekly and Peter Galuszka, jointly and severally.

Plaintiff seeks compensatory damages and punitive damages in an amount not less than \$1,000,000.00, plus prejudgment interest from December 8, 2015, arising out of defendants' defamation *per se* and insulting words.

As and for his Complaint, Plaintiff states the following facts:

Parties

1. Plaintiff, Sean M. Davis ("Davis"), is a citizen of Virginia. Mr. Davis is a Republican member of the Board of Supervisors of Hanover County. He was initially elected as the Henry District Supervisor in November 2011. He served as the Board's Chairman in 2014 and as Vice-Chair in 2013. In 2015, Mr. Davis was re-elected to the

Board of Supervisors in a General Election in which he won 95.50% of the vote. Mr. Davis serves and has served on numerous boards and committees, including the Board's Community Development, Finance, Legislative, Rules; and Safety and Security Committees. Mr. Davis represents Hanover County on the James River Advisory Council, and formerly represented the County on the Richmond Area Metropolitan Planning Organization Board and the Richmond Regional Planning District Commission and on "Hanover's Promise". He also sits in the Education Steering Committee for the Virginia Association of Counties. A graduate of Campbell University, Mr. Davis is a veteran of the United States Marine Corps and was the founder of Commonwealth Training Partners, a consulting and training company providing solutions to challenges facing small business. He is active in many organizations, including the Hanover Historical Society, the Historic Polegreen Church Foundation, the Hanover Tavern Foundation, the Studley Ruritan Club, the Hanover Association of Businesses/Chamber of Commerce and Hanover ARC. He is also a Board Member of American Legion Post 175 in Mechanicsville and a former Board member of the Patrick Henry YMCA. Mr. Davis is Director of Operations for the Virginia Automobile Dealers Association. He and his wife Lisa have three children. Julianne, Hannah and Justin attend Hanover's exceptional public schools and are involved in many activities. The Davis family enjoys time spent with the Hanover High School Show Choir, Lee Davis NJROTC, and Hanover's many historic sites. Until he was defamed by the defendants in December 2015, Mr. Davis enjoyed an untarnished reputation. Mr. Davis' reputation is integral to the performance of his duties as a member of the Hanover County Board of Supervisors and to his business and profession.

2. Defendant, Landmark Media Enterprises, LLC (“LME”), is a Virginia limited liability company. Landmark owns, publishes and distributes a newspaper called, *Style Weekly*. *Style Weekly* is an alternative weekly newspaper published in Richmond, Virginia, and on the internet at www.styleweekly.com.

3. Defendant, Peter Galuszka (“Galuszka”), is employed by LME. Galuszka is a writer for *Style Weekly*. Galuszka wrote the false and defamatory article at issue in this action.

4. At all times relevant to this action, Galuszka was acting within the scope of his employment. LME is liable for Galuszka’s defamation under the doctrine of *respondeat superior*.

Jurisdiction and Venue

5. The Circuit Court for the County of Hanover has jurisdiction of this matter pursuant to § 17.1-513 of the Virginia Code (1950), as amended.

6. This cause of action arose in the County of Hanover, where the Defendants published multiple defamatory statements (detailed below) that caused harm to Mr. Davis. Venue is proper in the Circuit Court for Hanover County.

Statement of the Facts

7. On December 8, 2016, LME published an article in *Style Weekly* entitled, “Are Politics Threatening an Open Educational Environment in Hanover?”

8. The *Style Weekly* article states, directly and/or indirectly, implies, infers and insinuates that Mr. Davis abused his position as a Hanover County Supervisor to have teachers suspended and fired and to have books banned from Hanover County public schools. The *Style Weekly* article contains the following false statements:

Also banned are the novel "The Color Purple" and the films "In Cold Blood" and "Capote" because they are rated R, students say.

That's the learning environment as described by some students, former teachers and parents, who say that teachers are especially intimidated by pressure brought by Sean Davis, a member of the Board of Supervisors who represents the Henry District.

They say that Davis has personally intervened to have teachers suspended or face other disciplinary actions if they present ideas or images that Davis considers too liberal.

They also say that as many as five teachers have left the school because of the controversies, which have included teachers having official "monitors" placed in classrooms to oversee performance, interrogating students about what their teachers say in class and having teachers mysteriously leave for weeks at a time.

The atmosphere has become so poisonous that a parent, who asked not to be identified, wrote a letter to Attorney General Mark Herring on Sept. 29, asking for state police "to investigate the conduct of Board of Supervisor Sean Davis and my understanding of a pattern of intimidation of teachers and staff" at the school system.

...

The issues are likely to be the subject of public debate Dec. 8, during a meeting of the Hanover School Board. There, a recently formed student group called Hanover Students for Freedom of Information and Learning, or HSFOIL, plans to push for changes in school rules to protect teachers against unfair punishment for making sure a variety of views are considered in class.

...

Provost says she was motivated to take action when Goodrich-Stuart, who also was the high-school newspaper adviser, drew criticism from Davis for some of the art students put up on a wall. According to Provost, one day students went into the room and found all of the material removed. "Nothing on the wall was at all pornographic," she says -- "just innocuous posters, artworks, articles."

At one point, Provost says she went to class to find that Goodrich-Stuart wasn't there. A substitute teacher told her that he would be gone "for at least four days." When Goodrich-Stuart returned, he was "monitored" by another teacher who sat in class.

...

Cathie Lee, the parent of a Hanover High School student, says she's deeply worried that school officials won't confront Davis, a former Marine who works at the Virginia Automobile Dealers Association, a Richmond advocacy group.


The student group says it's going to ask the School Board to toughen its policies to protect teachers from unfair outside political influence.

"My concern is that the School Board is not doing anything to protect their children," Lee says. "They have to be careful about what essays they are writing."


9. LME published the statements in the *Style Weekly* article with actual malice -- that is, with knowledge that the statements were false or with reckless disregard of whether the statements were false or not. Mr. Davis had absolutely nothing to do with the suspension or firing of any teacher or the banning of any book. Galuszka intentionally chose to target Mr. Davis and to quote two select students (both of whom are part of a political action committee) and one parent. None of Galuszka's alleged sources had any first-hand knowledge of the facts. Galuszka chose to quote sources that obviously bore ill-will towards Davis. Galuszka's alleged sources obviously sought to avenge the suspension or dismissal of their beloved former teachers, especially the "popular English teacher", Goodrich-Stuart. Galuszka failed to question the motive of his sources. Certain of the statements quoted by Galuszka, including the description of the items on the wall in Goodrich-Stuart's former classroom and who called for the material to be removed, were obviously false and should have prompted further investigation. In spite of obvious reason to doubt the veracity of his sources, Galuszka blindly accepted their false representations about Mr. Davis. Galuszka ignored Supervisors, School Board Members, teachers, students, and parents who would have flatly contradicted the negative statements and accusations levelled by the persons quoted


in the *Style Weekly* article. Galuszka presented a predetermined and intentionally ignorant account that was calculated to prejudice Mr. Davis in his chosen profession. When Galuszka and LME chose to assist the student political group by publicizing their dispute, Galuszka and LME became subject to the same duty of due care to ascertain the accuracy of their charges that every citizen must assume when issuing statements, the substance of which makes substantial danger to reputation apparent.


10. The *Style Weekly* article was immediately understood to state, imply, infer or insinuate that Davis is corrupt and that he abuses his power and position as a Supervisor in Hanover County. A comment on the article, posted the same day the article was published, stated as follows:


	PHYLLIS THEROUX 12/08/2015 AT 2:56 PM	56 LIKES	11 DISLIKES
" Power corrupts. Absolute power corrupts absolutely." Even in Hanover Country. Thank God for our still free press! Specifically, thank God for Style Weekly and its ace reporter, Peter Gazuska.			

Other posts on LME's website included:

	NUMINA LEHMAN-RIOS 12/08/2015 AT 4:18 PM	39 LIKES	6 DISLIKES
This guy prob thinks hes protecting our children- you know- by being a bully to teachers and through thinly veiled censorship that would hide all but his versions of history his versions of art his virsion of literature- Hanover you can keep him.			


	T. WILLIAMSON 12/08/2015 AT 8:20 PM	49 LIKES	4 DISLIKES
Hopefully the Students of Hanover County are running to the local public libraries to read the books and watch the movies Mr. Davis doesn't want them to read or watch.			

	PSYCREV 12/08/2015 AT 8:23 PM	59 LIKES	4 DISLIKES
Small minds are threatened by ideas that are different from their own. Our founding fathers would be shut down by Sean Davis.			


ZOMBRO
 12/08/2015 AT 8:45 PM


39 **3**
LIKES DISLIKES

Any correlation between the teachers he has "attacked" and his daughters schedule?


ANNE TERRY
 12/09/2015 AT 8:10 AM


56 **3**
LIKES DISLIKES

Education needs to be used to train our young people to think, not to tell them what they should think. If only safe material is taught then we end up with lemmings that believe whatever they are told. That is not the kind of world I care to be in. Students need to be challenged and be exposed to material they might not agree with but they can learn from. Hanover has created an atmosphere of intimidation not only at HHS. Since the teachers can not speak out it is nice to have students determined enough to fight for their education.


BARRY ALLEN
 12/09/2015 AT 9:31 AM

31 **2**
LIKES DISLIKES


When officials in power abuse it to the detriment of the administrators, teachers and students for their own personal interests that is not good leadership. If you are a parent and you haven't been hearing these rumblings about intimating teachers and anyone that opposes the top folks in Hanover then you need to ask yourself where have you been? Conservative does not mean guiding


DOUG
 12/09/2015 AT 9:59 AM

18 **5**
LIKES DISLIKES

Why is the county supervisor all up in Hanover High School's business? Hanover High School isn't even in the district he was elected to represent. Who is the school board member representing Henry District and what is she doing? Can Hanover afford to lose good teachers to other districts or does it not matter as long as all the teachers that are left are on board with a Tea Party curriculum?

One reader of the *Style Weekly* article even called for Davis to be fired:


#FIRESEANDAVIS
 12/09/2015 AT 10:29 AM

42 **4**
LIKES DISLIKES

@Sean Davis

Quit reading the comments on a *Style Weekly* article and DO YOUR JOB. Listen to your students, teachers, community members. They're right in front of you, not on a comment board.

11. After December 8, 2015, Galuszka and LME added their own defamatory remarks and information to the statements published in the *Style Weekly* article. The additional false statements evidence LME and Galuszka's purposeful effort to injure Mr. Davis' reputation at any cost.

12. On December 10, 2015, for instance, Galuszka published further false statements about Mr. Davis in a *Washington Post* article entitled "In Hanover County, Va., a battle over educational freedom". The article falsely states:

Davis is apparently behind a campaign to restrict the reading of novels such as "The Color Purple," the showing of pictures of Michelangelo's nude "David" and the showing of movies such as "In Cold Blood" and "Capote."

Teachers who have run afoul of Davis' diktat have faced suspension. A number of teachers have since left Hanover to teach in other school systems in the Richmond area, students and teachers say.

Davis emailed me that the charges are false and the work of "Political Action Committees" that have no place in schools.

13. On December 11, 2015, LME published a second *Style Weekly* article authored by Galuszka entitled "Do Appointed School Boards Allow Political Interference in Class?" The article made additional false and defamatory charges against Mr. Davis, including the following:

When controversy spilled out in Hanover County about a county supervisor's alleged attempts to censor what instruction students receive at Hanover High School, a question cropped up.

...

Online commenters discussing a recent *Style Weekly* story about alleged censorship in the county schools forced by Henry District Supervisor Sean Davis, a conservative Republican, seem to believe that the Board of Supervisors has too much influence over the School, Board and administration.

14. The impact of the publication and republication of Defendants' false factual statements upon Mr. Davis has been devastating, both emotionally and professionally. In addition to severe anxiety, stress, panic, sleeplessness, knotted muscles, and the sense of betrayal and deep disappointment, the defamation permanently injured Mr. Davis in his business and profession. The defamatory statements are

permanent records available to the general public. Mr. Davis' reputation has been permanently scarred.

COUNT I – DEFAMATION *PER SE*

15. Plaintiff restates paragraphs 1 through 14 of his Complaint and incorporates them herein by reference.

16. The Defendants made and published numerous false factual statements, which are detailed verbatim above, about or concerning Mr. Davis.

17. By publishing the article on the internet and soliciting comments, the Defendants knew or should have known that their defamatory statements would be republished over and over to Mr. Davis' detriment. Republication by identified and anonymous posters was the natural and probable consequence of the Defendants' actions and was actually and/or presumptively authorized by the Defendants.

18. Defendants' false statements constitute defamation *per se*. Defendants' statements accuse and impute to Mr. Davis the commission of one or more crimes involving moral turpitude, and for which Mr. Davis may be punished and imprisoned in a state or federal institution. The Defendants' statements impute to Mr. Davis an unfitness to perform the duties of an office or employment for profit, or the want of integrity in the discharge of the duties of such office or employment. Defendants' statements also prejudice Mr. Davis in his profession or trade.

19. Defendants' false statements have permanently and irreparably harmed Mr. Davis and his reputation.

20. Defendants acted with actual malice and reckless disregard for the truth for the following reasons:

a. Defendants intentionally set out to promote the predetermined agenda of a political action committee, choosing to quote two students and one parent that suited the agenda.

b. Defendants' statements were knowingly false, with not a shred of supporting evidence. Defendants conducted a limited and perfunctory investigation of the facts, and accused Mr. Davis of criminal conduct while knowing that there had been no charges or findings by anyone that Mr. Davis had any involvement in the suspension or firing of any teacher or the banning of any book.

c. Defendants chose to manufacture and publish false statements and use unnecessarily strong and violent language, disproportionate to the occasion.

d. Defendants did not act in good faith because, in the total absence of evidence, they could not have had an honest belief in the truth of their statements about Mr. Davis.

e. Defendants reiterated, repeated and continued to publish their false defamatory statements out of a desire to hurt Mr. Davis and to permanently stigmatize him.

21. Defendants lacked reasonable grounds for any belief in the truth of their statements, and acted negligently in failing to determine the true facts.

22. As a direct result of Defendants' defamation, Mr. Davis suffered substantial damage and incurred loss, including, but not limited to, pain and suffering, emotional distress and trauma, insult, anguish, stress and anxiety, public ridicule, humiliation, embarrassment, indignity, permanent damage and injury to his reputation,

Mr. Davis alleges the foregoing based upon personal knowledge, public statements of others, and records in his possession. Mr. Davis believes that substantial additional evidentiary support, which is in the exclusive possession of the Defendants and their agents and other third-parties, will exist for the allegations and claims set forth above after a reasonable opportunity for discovery.

Mr. Davis reserves his right to amend this Complaint upon discovery of additional instances of Defendants' defamation and wrongdoing.

CONCLUSION AND REQUEST FOR RELIEF

WHEREFORE, Mr. Davis respectfully requests the Court to enter Judgment against the Defendants, jointly and severally, as follows:

- A. Compensatory damages in an amount to be determined by the Jury, but not less than \$1,000,000;
- B. Punitive damages in the amount of \$350,000 per Defendant, or the maximum amount allowed by law;
- C. Prejudgment interest at the maximum rate allowed by law;
- D. Postjudgment interest at the rate of six percent (6%) per annum until paid;
- E. Costs;
- F. Such other relief as is just and proper.

TRIAL BY JURY IS DEMANDED

DATED: March 31, 2016

lost wages and income, financial loss and penalties, costs, and other out-of-pocket expenses in an amount to be determined by the Jury, but not less than \$1,000,000.00.

23. LME is liable for Galuszka's unlawful conduct under the doctrine of *respondeat superior*.

COUNT II – INSULTING WORDS

24. Plaintiff restates paragraphs 1 through 23 of his Complaint and incorporates them herein by reference.

25. Defendants' insulting words, in the context and under the circumstances in which they were written and used, tend to violence and breach of the peace. Like any reasonable person, Mr. Davis was humiliated, disgusted, angered and provoked by the insulting words.

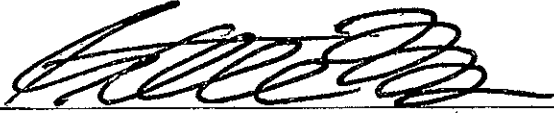
26. Defendants' false and slanderous words are fighting words, which are actionable under § 8.01-45 of the Virginia Code (1950), as amended.

27. As a direct result of Defendants' insulting words, Mr. Davis suffered damage and incurred loss, including, but not limited to, pain and suffering, emotional distress and trauma, insult, anguish, stress and anxiety, public ridicule, humiliation, embarrassment, indignity, permanent damage and injury to reputation, lost wages and income, financial loss, costs, and other out-of-pocket expenses in an amount to be determined by the Jury, but not less than \$1,000,000.00.

28. LME is liable for Galuszka's unlawful conduct under the doctrine of *respondeat superior*.

SEAN M. DAVIS

By: _____



Steven S. Biss (VSB # 32972)
300 West Main Street, Suite 102
Charlottesville, Virginia 22903
Telephone: (804) 501-8272
Facsimile: (202) 318-4098
Email: stevenbiss@earthlink.net

Counsel for the Plaintiff

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ssbiss@yahoo.com
stevensbiss@att.blackberry.net

MATTER NO.

145-001

March 31, 2016

VIA FEDERAL EXPRESS

Frank D. Hargrove, Jr., Clerk
Hanover Circuit Court
P. O. Box 39
7507 Library Drive
Hanover, VA 23069-0039

RECEIVED and/or FILED

APR 01 2016

CLERK'S OFFICE
HANOVER CIRCUIT COURT

RE: **Davis v. Landmark Media Enterprises, LLC et al.**

CL16 001142-00

Dear Mr. Hargrove:

Enclosed for filing is Plaintiff's Complaint, together with my firm check in the sum of \$361 to cover the filing fee (\$349) and sheriff's fee for service of process (\$12) and the civil cover sheet.

I seek service on one (1) Defendant at this time, and include a copy of the Complaint for that purpose.

Please prepare process for service on Defendant, Landmark, as follows:

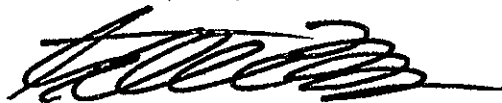
Serve: Landmark Media Enterprises, LLC
c/o Guy R. Friddell, III, Registered Agent
150 Granby Street, 19th Floor
Norfolk, Virginia 23510

Once process is ready, please forward the papers to the Sheriff for immediate service.

Thank you for your assistance. Please call me if you have any questions.

DATE 4-1-16
(SP)

Yours very truly,

A handwritten signature in black ink, appearing to read 'Steven S. Biss', written in a cursive style.

Steven S. Biss

Encl.

cc. Sean M. Davis

COVER SHEET FOR FILING CIVIL ACTIONS
COMMONWEALTH OF VIRGINIA

Case No. CL16-001142-00
(CLERK'S OFFICE USE ONLY)

County of Hanover

Circuit Court

Sean M. Davis
PLAINTIFF(S)

v./In re: Landmark Media Enterprises, LLC et al.
DEFENDANT(S)

I, the undersigned plaintiff defendant attorney for plaintiff defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

GENERAL CIVIL

Subsequent Actions

- Claim Impleading Third Party Defendant
 - Monetary Damages
 - No Monetary Damages
- Counterclaim
 - Monetary Damages
 - No Monetary Damages
- Cross Claim
- Interpleader
- Reinstatement (other than divorce or driving privileges)
- Removal of Case to Federal Court

Business & Contract

- Attachment
- Confessed Judgment
- Contract Action
- Contract Specific Performance
- Detinue
- Garnishment

Property

- Annexation
- Condemnation
- Ejectment
- Encumber/Sell Real Estate
- Enforce Vendor's Lien
- Escheatment
- Establish Boundaries
- Landlord/Tenant
 - Unlawful Detainer
- Mechanics Lien
- Partition
- Quiet Title
- Termination of Mineral Rights

Tort

- Asbestos Litigation
- Compromise Settlement
- Intentional Tort
- Medical Malpractice
- Motor Vehicle Tort
- Product Liability
- Wrongful Death
- Other General Tort Liability

ADMINISTRATIVE LAW

- Appeal/Judicial Review of Decision of (select one)
 - ABC Board
 - Board of Zoning
 - Compensation Board
 - DMV License Suspension
 - Employee Grievance Decision
 - Employment Commission
 - Local Government
 - Marine Resources Commission
 - School Board
 - Voter Registration
 - Other Administrative Appeal

DOMESTIC/FAMILY

- Adoption
 - Adoption - Foreign
- Adult Protection
- Annulment
 - Annulment - Counterclaim/Responsive Pleading
- Child Abuse and Neglect - Unfounded Complaint
- Civil Contempt
- Divorce (select one)
 - Complaint - Contested*
 - Complaint - Uncontested*
 - Counterclaim/Responsive Pleading
 - Reinstatement - Custody/Visitation/Support/Equitable Distribution
- Separate Maintenance
 - Separate Maintenance Counterclaim

WRITS

- Certiorari
- Habeas Corpus
- Mandamus
- Prohibition
- Quo Warranto

PROBATE/WILLS AND TRUSTS

- Accounting
- Aid and Guidance
- Appointment (select one)
 - Guardian/Conservator
 - Standby Guardian/Conservator
- Trust (select one)
 - Impress/Declare
 - Reformation
- Will (select one)
 - Construe
 - Contested

MISCELLANEOUS

- Appointment (select one)
 - Church Trustee
 - Conservator of Peace
 - Marriage Celebrant
- Bond Forfeiture Appeal
- Declaratory Judgment
- Declare Death
- Driving Privileges (select one)
 - Reinstatement pursuant to § 46.2-427
 - Restoration - Habitual Offender or 3rd Offense
- Expungement
- Firearms Rights - Restoration
- Forfeiture of U.S. Currency
- Freedom of Information
- Injunction
- Interdiction
- Interrogatory
- Judgment Lien-Bill to Enforce
- Law Enforcement/Public Official Petition
- Name Change
- Referendum Elections
- Sever Order
- Taxes (select one)
 - Correct Erroneous State/Local
 - Delinquent
- Vehicle Confiscation
- Voting Rights - Restoration
- Other (please specify)

RECEIVED and/or FILED

APR 01 2016

CLERK'S OFFICE
HANOVER CIRCUIT COURT

Damages in the amount of \$ 1,350,000.00 are claimed.

March 31, 2016

DATE


 PLAINTIFF DEFENDANT ATTORNEY FOR PLAINTIFF
 DEFENDANT

Steven S. Biss

PRINT NAME

300 West Main Street, Suite 102

ADDRESS/TELEPHONE NUMBER OF SIGNATOR

Charlottesville, VA 22903 (804-501-8272)

*"Contested" divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An "Uncontested" divorce is filed on no fault grounds and none of the above issues are in dispute.

VIRGINIA: IN THE CIRCUIT COURT FOR THE COUNTY OF HANOVER

SEAN M. DAVIS,

Plaintiff,

v.

Case No. CL16001142-00

LANDMARK MEDIA ENTER., LLC, d/b/a
STYLE WEEKLY, and PETER GALUSZKA,

RECEIVED and/or FILED

Defendants.

MAY 03 2016

CLERK'S OFFICE
HANOVER CIRCUIT COURT

ANSWER

For and as their Answer to the Complaint filed against them in this action, Landmark Media Enterprises, LLC ("Landmark") and Peter Galuszka ("Mr. Galuszka") state and allege the following:

Parties

1. Landmark is without knowledge as to the facts set forth in Paragraph 1 of the Complaint. Mr. Galuszka admits that Mr. Davis is a citizen of Virginia, is a Republican member of the Board of Supervisors of Hanover County, was initially elected as the Henry District Supervisor on November 19, 2011, served as the Board's Chairman in 2014, Vice Chair in 2013, and in 2015 was re-elected to the Board of Supervisors. Mr. Galuszka does not have personal knowledge of the truth of the remaining allegations set forth in Paragraph 1 of the Complaint and, therefore, denies the allegations.

2. Landmark and Mr. Galuszka admit that Landmark is a Virginia limited liability company, but deny that Landmark owns, publishes and distributes a newspaper called *Style Weekly*. Landmark and Mr. Galuszka admit that *Style Weekly* is an alternative weekly newspaper published in Richmond, Virginia and on the Internet at www.styleweekly.com. *Style Weekly* is published by Style, LLC.

3. Landmark and Mr. Galuszka deny that Mr. Galuszka is employed by Landmark. Landmark and Mr. Galuszka admit that he is a writer for *Style Weekly* and that he wrote the article referenced in the Complaint. Landmark and Mr. Galuszka deny that the article was false and defamatory.

4. Landmark denies the allegations of Paragraph 4 of the Complaint. Mr. Galuszka admits that he was acting within the scope of his employment when he wrote the articles alleged to be false and defamatory, but denies that he was employed by Landmark or that Landmark is liable under the doctrine of *respondeat superior*.

Jurisdiction and Venue

5. The allegations of Paragraph 5 of the Complaint are conclusions of law to which no response is required.

6. Landmark and Mr. Galuszka deny the allegations of Paragraph 6 of the Complaint insofar as they accuse them of publishing multiple defamatory statements. Landmark denies that it published anything referred to in the Complaint in the County of Hanover. The allegation concerning venue is an allegation of law to which no response is required.

Statement of the Facts

7. Landmark and Mr. Galuszka deny the allegations of Paragraph 7 of the Complaint. Mr. Galuszka admits that he authored an article published in *Style Weekly* on December 8, 2016.

8. Landmark and Mr. Galuszka deny the allegations of Paragraph 8 of the Complaint, but admit that the statements set forth were contained in an article authored by Mr. Galuszka and published in *Style Weekly*, but further state that the article must be read in its entirety.

9. Landmark and Mr. Galuszka deny the allegations of Paragraph 9 of the Complaint.

10. Landmark and Mr. Galuszka deny the allegations of Paragraph 10 of the Complaint except to admit that the quoted comments were made by other parties. Landmark and Mr. Galuszka state that such comments are not the responsibility of either of them and affirmatively rely upon Section 230 of the Communications Decency Act in regard to the publication of such comments.

11. Landmark and Mr. Galuszka deny the allegations of Paragraph 11 of the Complaint.

12. Landmark and Mr. Galuszka deny the allegations of Paragraph 12 of the Complaint. Mr. Galuszka admits that he is the author the *Washington Post* blog post referred to in Paragraph 12 of the Complaint, but states that the post must be read in its entirety.

13. Landmark denies the allegations of Paragraph 13 of the Complaint. Mr. Galuszka admits that he authored the article in *Style Weekly* which is referenced in the post, but states that the article speaks for itself. Except as expressly admitted, the allegations of Paragraph 13 of the Complaint are denied.

14. Landmark and Mr. Galuszka deny the allegations of Paragraph 14 of the Complaint.

COUNT I – DEFAMATION PER SE

15. Landmark and Mr. Galuszka incorporate their responses set forth in Paragraphs 1 through 14 above as if fully rewritten here.

16. Landmark and Mr. Galuszka deny the allegations of Paragraph 16 of the Complaint.

17. Landmark and Mr. Galuszka deny the allegations of Paragraph 17 of the Complaint.

18. Landmark and Mr. Galuszka deny the allegations of Paragraph 18 of the Complaint.

19. Landmark and Mr. Galuszka deny the allegations of Paragraph 19 of the Complaint.

20. Landmark and Mr. Galuszka deny the allegations of Paragraph 20 of the Complaint.

21. Landmark and Mr. Galuszka deny the allegations of Paragraph 21 of the Complaint.

22. Landmark and Mr. Galuszka deny the allegations of Paragraph 22 of the Complaint.

23. Landmark and Mr. Galuszka deny the allegations of Paragraph 23 of the Complaint.

COUNT II – INSULTING WORDS

24. Landmark and Mr. Galuszka incorporate their responses set forth in Paragraphs 1 through 23 above as if fully rewritten here.

25. Landmark and Mr. Galuszka deny the allegations of Paragraph 25 of the Complaint.

26. Landmark and Mr. Galuszka deny the allegations of Paragraph 26 of the Complaint.

27. Landmark and Mr. Galuszka deny the allegations of Paragraph 27 of the Complaint.

28. Landmark and Mr. Galuszka deny the allegations of Paragraph 28 of the Complaint.

AFFIRMATIVE DEFENSES

1. Landmark and Mr. Galuszka assert that the article which is the subject of matter of this action was prepared in good faith without actual malice and for the purpose of informing the public of matters which the public had the right to be informed and concerned a matter of general public interest. The article was published in the exercise of every citizen's constitutionally protected rights of freedom of speech and freedom of the press as guaranteed by the First and Fourteenth Amendments to the United States Constitution and Article I, Section 12 of the Constitution of Virginia.

2. Landmark and Mr. Galuszka assert that the article was published without either constitutional actual malice or common law malice.

3. Landmark and Mr. Galuszka assert that the punitive damages claimed are unconstitutional under the Constitution of the United States and the Constitution and laws of the Commonwealth of Virginia.

4. Landmark and Mr. Galuszka assert that portions of the article are privileged as true accounts of public proceedings or fair comment regarding public proceedings.

5. Landmark and Mr. Galuszka assert that Plaintiff's claims of innuendo and insinuation are not supported by an objective reading of the article and are not actionable.

6. Landmark and Mr. Galuszka assert that the Plaintiff is a public official who must prove constitutional actual malice to prevail in this action.

7. Landmark and Mr. Galuszka assert that some or all of the statements alleged to be false and defamatory are not capable of being proven true or false and/or constitute opinion and,

hence, are nonactionable under the First and Fourteenth Amendments to the U.S. Constitution, the Constitution of the Commonwealth of Virginia, and governing common law.


8. Landmark and Mr. Galuszka assert that some of the statements are not “of and concerning” Plaintiff.

9. Landmark and Mr. Galuszka assert that some or all of the statements identified above are not reasonably susceptible to a defamatory meaning under the law of Virginia.

10. Landmark and Mr. Galuszka assert that the articles which are the subject of this suit were prepared with reasonable care.

WHEREFORE, having fully answered, Landmark Media Enterprises, LLC and Peter Galuszka move that this action be dismissed as to each of them, that they recover their costs in their behalf expended, and for such other and further relief as may be appropriate.

LANDMARK MEDIA ENTERPRISES, LLC and
PETER GALUSZKA

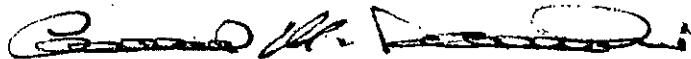
By: 
Of Counsel

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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of May, 2016, a true and correct copy of the foregoing Answer was served *via* electronic transmission and U.S. Mail, postage prepaid, on:

Steven S. Biss (VSB #32972)
300 West Main Street, Suite 102
Charlottesville, Virginia 22903
Telephone: (804) 501-8272
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Counsel for Plaintiff



Conrad M. Shumadine



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85860.005

May 2, 2016

RECEIVED and/or FILED

Via FedEx

MAY 03 2016

Frank D. Hargrove, Jr., Clerk
Hanover County Circuit Court
7507 Library Drive
Hanover, Virginia 23069

CLERK'S OFFICE
HANOVER CIRCUIT COURT

Re: Sean M. Davis v. Landmark Media Enterprises, LLC and Peter Galuszka
Case No. CL16001142-00

Dear Mr. Hargrove:

Enclosed is an Answer for filing on behalf of Defendants in the above-captioned matter.

Thank you for your assistance with this filing.

Sincerely yours,

Conrad M. Shumadine

CMS:sm

Enclosure

cc: Steven S. Biss, Esq. (Via Email and U.S. Mail)

Reply to Norfolk Office

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