

3. Defendant Glenn Beck is an individual who may be served at 6301 Riverside Drive, Irving, TX 75039.
4. Defendant Center for Security Policy is a Washington D.C. corporation doing business in the State of Texas which may be served through its registered agent, Frank J. Gaffney, Jr., 1901 Pennsylvania Ave., NW, Suite 201, Washington, D.C., 20006.
5. Defendant Jim Hanson is an individual who may be served at 1901 Pennsylvania Ave., NW, Suite 201, Washington, D.C. 20006.
6. Defendant Fox Television Stations, LLC is a New York corporation doing business in the State of Texas which may be served through its registered agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, TX 75201-3136.
7. Defendant Ben Ferguson is a Texas resident who may be served at 1114 Alvington Ct., McLendon-Chisholm, TX 75032
8. Defendant Ben Shapiro is an individual who may be served at 5700 Rhodes Ave., Valley Village, CA 91607.
9. Defendant Beth Van Duyne is a Texas resident who may be served at Irving City Hall, 825 W. Irving Blvd., Irving, TX 75060.

VENUE

10. Venue is proper in Dallas County, Texas as the county in which The Blaze has its principal office as well as the county in which part of the events made the basis of this lawsuit occurred.

DISCOVERY CONTROL PLAN

11. The parties will conduct discovery in this action under the Discovery Control Plan Level Three as set forth in Tex. R. Civ. Pro. 190.1

12. Plaintiff sues Defendants for defamation under Texas law and brings this action for damages and relief under the provisions of Chapter 73 of the Tex. Civ. Prac. & Rem. Code. Demand is hereby made of each Defendant for correction/retraction of the statements set forth below, to be published in the same manner and medium as the original publications and to include an acknowledgment that the original publications were false and erroneous. Otherwise, Plaintiff sues for general and special damages in an amount in excess of the minimum jurisdictional limits of this Court.

FACTUAL BACKGROUND

13. At the time of the events in question, Ahmed Mohamed was a thirteen-year-old boy. He is an African American Muslim and a citizen of the United States. He has a mother, a father, four sisters and a brother. His father is Mohamed Elhassan Mohamed, an immigrant from Sudan who is also a United States citizen.

14. Mohamed earned a bachelor's degree in Philosophy while still in Sudan. He also became a clergyman. He is a Sufi Muslim who supported Mahmoud Mohammed Taha, a Sudanese religious leader and engineer who postulated that the verses of the Qur'an revealed in Mecca represented the ideal religion, which would be revived when humanity reached the stage of development capable of accepting this concept. This would usher in a new understanding of Islam based on freedom and equality for all. Because of his unorthodox beliefs about reforming Islam, Taha was arrested by the military dictator Gaafar Nimeiry. He was put on trial, but despite other world leaders attempting to intervene on his behalf, including then Vice President George H.W. Bush, Taha was hanged. As one of Taha's vocal supporters, Mohamed fled to the United States to avoid religious persecution.

15. After Nimeiry was overthrown, Mohamed traveled back and forth between the United States and Sudan and settled with his family in Irving, Texas where Mohamed became the President of the Alsufi Center. Ahmed was the third of six children. When he was five, the family went back to Sudan for three years during Ahmed's first and second grades in elementary school. The kids all became very homesick for the U.S.A. and the family moved back to Irving where Ahmed began third grade at Townsell Elementary. Ahmed graduated from Townsell Elementary, as did three of his sisters and his little brother.

16. When Ahmed started the third grade, he knew no English. The school provided him "reading buddies" from the Irving Bible Church. These volunteers would come and read with Ahmed to help improve his language skills. Because of his language barriers, Ahmed was an "outsider" at school and the friendship of his reading buddies was important to him. They remain his friends to this day.

17. Ahmed found his love of all things electronic/robotic at an early age. His father, Mohamed, was a business entrepreneur, and included among his businesses was a cell phone/pager company that, at one point, grew to eight stores in the Metroplex. When various of those stores closed down, much of the remaining parts and inventory ended up in the family's garage and a shed, which became Ahmed's playground. He would rummage through the treasures there and take things up to his desk in his room where he would make elaborate creations to take to school and show his teachers.

18. Ahmed began sixth grade at Sam Houston Middle School also as an "outsider," still struggling with English and eager to impress his teachers. As an African American Muslim, Ahmed was the target of bullying. Kids called him Sausage Boy and Bacon Boy because he did not eat pork. They made fun of him for his religion. Ahmed also made friends and, as is typical

of a middle school boy, engaged in a lot of horseplay. One teacher remembers that he and a group of friends would line up on opposite sides of a field, run into each other and then line up and do it again, over and over. They also used to play physical games, such as “the neck game,” where one kid says to another “look!” and if you look, you get slapped in the neck.

19. In middle school, it was common-place for Ahmed to bring home-made gadgets to school in his backpack. He was a member of the robotics club, and he also liked to show off his creations to his teachers. He took home-made elaborate contraptions to school on a regular basis. One of his teachers, Mr. Ralph Kubiak, said that he loved Ahmed and Ahmed’s intelligence, as well as his enthusiasm for elaborate gizmos, some of which looked much like the now infamous clock—a mess of wires and circuits. Even after Ahmed completed Mr. Kubiak’s class, they would still talk in the halls on a daily basis, discussing politics and religion. Kubiak and Ahmed even discussed the Islamic State and other terrorist groups, agreeing that they twisted Muslim scripture to control ignorant people.

20. Ahmed not only made elaborate contraptions that he took to school to show his teachers, he also fixed teachers’ and students’ broken electronics. On one occasion, when a tutor’s cell phone went dead, Ahmed rigged the battery and brought the cell phone back to life. On a number of occasions, he would take students’ broken electronics home and bring them back fixed.

21. Ahmed’s desire to impress his teachers was related to his desire to make connections and gain acceptance. An example of this was shared by one of his reading buddies from Irving Bible Church. In May 2010, Ms. Tricia Kinsman wrote an article for IBC’s *Chatter* magazine describing her relationship with Ahmed at Townsell Elementary. At first she wondered how reading with him for thirty minutes one time a week could make a substantial difference to a

little boy that could speak very little English and read none—until she saw what amazing progress he made during that third grade year. She told of an occasion where she went to pick him up from class and he had with him a drawing of a horse that he had made. As they walked through the halls, he showed that picture to a teacher, a librarian and the principal. “He was so proud of it and they praised him profusely for his talent.” They read their books and she walked him back to class. “As he entered the room, he stopped, turned around and handed me the picture without a word. I fought back tears knowing he was giving me something he was proud of, knowing that he wanted ME to have it, and knowing why.”

22. Ahmed practiced his faith, including prayer at lunchtime. Prayer by a Muslim has certain physical requirements, including touching your forehead on the ground. Ahmed would leave the cafeteria to go pray where he could accomplish what he needed to do. One day in sixth grade, the 6th Grade Vice Principal, Mr. Nguyen, saw Ahmed leaving the cafeteria and told him to go back and eat. Ahmed attempted to explain that he was going to pray, but Mr. Nguyen said to go back and eat or there would be consequences. Mr. Nguyen was suspicious that Ahmed did not really intend to pray. Ahmed was required to get a permission slip from his father as well as a certification from his mosque that he was practicing his faith. Mr. Mohamed is unaware of any Christian student required to get certification from their church before they were allowed to pray in school.

23. Mr. Nguyen was known to have racial bias. In fact, he went into at least three history classes and told the classes as a whole that his Asian children did not give him any problems. He urged that the African American and Hispanic students need to be like his children. He stated that the students were a reflection of their race and their parents. These statements were

summarized in a complaint filed by one of the history teachers to the IISD Superintendent on May 1, 2015. There was no response to the complaint.

24. After the prayer incident, Mr. Nguyen began disciplining Ahmed for various infractions, most involving “horseplay” and giving him detentions and in school suspensions. Ahmed was also disciplined by other faculty for infractions involving horseplay and insubordination. He was referred to alternative school for allegedly poking a kid with a pencil and allegedly forcing soap down another kid’s throat. The reality of it was that Ahmed had thrown a pencil to a kid asking for a pencil and when it was caught, the lead poked the skin. In the soap incident, Ahmed and another boy were in the restroom clapping soap in their hands to make bubbles. For these two things, he was sent to an alternative school. Mr. Nguyen told Ahmed that he was going to “follow” him through middle school and even into high school. Nguyen told Mohamed that Ahmed needed to be “taken down a notch.” Mr. Nguyen did, indeed, become the 7th grade Vice Principal when Ahmed went into the 7th grade and the 8th grade Vice Principal when Ahmed went into the 8th grade. Mr. Nguyen told Ahmed “you are not who you appear to be.” On one occasion, Mr. Nguyen saw Ahmed walking out of school and walked up to him and began sniffing him. He told Ahmed he “smelled like weed” and made Ahmed go to the teachers’ conference room filled with teachers, told them all Ahmed smelled like “weed” and had them all sniff him, including the principal. After they sniffed him, they concluded he did not smell like “weed.” Ahmed’s middle school History teacher, Mr. Kubiak, states that Mr. Nguyen “hunted” Ahmed in middle school.

25. The final disciplinary straw for Mr. Mohamed was when Ahmed, in the 8th grade, was being choked by another boy. During the choking, Ahmed tried to push the other boy off of him. As a result, Ahmed was disciplined. Mohamed filed a formal appeal of the discipline and it was

dropped. During the appeal, Mohamed let it be known that he believed that Mr. Nguyen was targeting Ahmed and meting out discipline unfairly. For example, immediately prior to the complaint being filed, Mr. Nguyen called Ahmed out in front of the class, demanding to know why he was “smiling.”

26. After the complaint about Mr. Nguyen, the constant disciplinary actions ceased. Ahmed continued to try to impress his teachers and began to make real friends. He even had a best friend, who we will call John Doe. They were in the same STEM (Science, Technology, Engineering and Math) class and began to build things together. They built a robot in their robotics group. They participated in the SeaPerch challenge. The motto of SeaPerch is “teach, build, become.” In that challenge, they, along with their classmates, built an underwater robot (such as those portrayed on the website). The robot was transported on the school bus to a pool to operate. Ahmed and John became close, trading tools and giving each other parts and pieces to build things at home.

27. When Ahmed started high school at MacArthur high, he had plans to once again try and impress his teachers, as well as become more socially interactive. He planned on joining the Student Council.

28. One Friday in September 2015, in Geometry and Architecture, Ahmed saw his teacher disposing of some batteries. Ahmed asked if he could have them and the teacher gave them to him. Ahmed taped the batteries together to simulate a little “sword.” Later that day, in English class, Ahmed was rolling the “sword” batteries down his arm and his English teacher, Ms. West, asked him what he was doing. Ahmed told her that he was going to build something and he would show it to her on the following Monday.

29. That weekend, Ahmed trolled the garage for treasures. He found an old 8 ½” by 5” Vaultz pencil box from middle school (still sold on Amazon with animals, butterflies, etc.), a 7 segment display, a pcb board, a 9 volt battery, some wires (from a media player that wasn’t working), a 120-240 volt transformer, a button board and some tools. On Sunday night, after returning from skating with some friends, he soldered the battery connector to the pcb board giving it back-up power. He then soldered the transformer to the pcb board which powers the seven segment display and the alarm clock bell. He screwed the display into the pencil box. The “alarm clock” would make a beeping noise when the set time was reached. He put the clock in his backpack like he always did. In Ahmed’s mind, he built the clock to show to Ms. West.

30. On Monday, September 14, 2015, Ahmed took the pencil box out of his backpack and showed the clock to his Geometry and Architecture teacher, Mr. Lemons. Mr. Lemons told Ahmed that the clock was “really nice,” but advised that he should keep it in his backpack. During 4th period English, Ahmed could not resist showing how his clock worked to another student and it made a beeping sound. Ms. West heard the noise but didn’t know where it came from. Ahmed waited until class was over and the other students were gone when he reminded Ms. West that he had told her he was going to build something that weekend and bring to show it to her. He asked her if she wanted to see it and she said that she did. Ahmed plugged the clock in and showed her how it worked. Ms. West asked Ahmed “is that a bomb?” Ahmed was surprised and confused. In all the many times he had built contraptions and taken them to his teachers, none had ever asked him that. Ahmed replied, “no, it’s an alarm clock, see?” Ms. West then told Ahmed she would hold it for him and give it back at the end of the day. She placed the pencil box on her desk. For the next several hours, the home-made clock was out of

Ahmed's hands. There was no alarm raised, no evacuation, no bomb squad called. Nothing happened at all.

31. The school had an emergency protocol to follow in the event of a bomb threat. That protocol was not engaged. Just a couple of weeks after the clock incident, a person called in a bomb threat and the entire school was evacuated in accordance with the emergency protocol.

32. Several hours after Ms. West took Ahmed's pencil box, during Ahmed's college prep class, called AVID, Principal Daniel Cummings and Irving police Officer Robin Howman walked in to Ahmed's class and escorted him out. They took Ahmed to another room in the school where four more Irving police officers and the school counselor, Ms. Wong, were awaiting Ahmed's arrival. When Ahmed came in the room, Officer Charles Taylor, a school resource officer, said "yep, that's who I thought it was." Ahmed found this quite unnerving as he had never had any direct experience with that officer.

33. Ahmed was interrogated for almost an hour and a half by the Irving police, despite his pleas for his parents. The Irving police, the Mayor of Irving and the IISD have all represented to the public that Ahmed was "less than forthcoming" during his interrogation. However, Ahmed repeatedly told them that it was an alarm clock, not a bomb, which was true. He repeatedly told them that he had made it to show his English teacher, which was true. The clock functioned as a crude alarm clock. Ahmed never represented that it was anything else, he never made any threats of harm, he never said he had a bomb, and he never attempted to scare anyone or cause alarm. Ahmed never misrepresented a single thing. Tellingly, the Irving police eventually dropped the charges for which they arrested him and it was stated that there was no proof that Ahmed had "intent to cause alarm."

34. During the interrogation, Ahmed repeatedly asked for his parents. When he asked for his parents, he was told that he could not talk to his parents because he was in the middle of an interrogation. Certainly it is not unexpected that a boy being interrogated by numerous police officers and school administrators who were accusing him of illegal activity would be scared, confused, intimidated and want his parents.

35. During this interrogation, Principal Cummings told Ahmed to write a statement and threatened to expel him if he did not. Terrified, Ahmed did not want to write anything. But because he was threatened and really didn't have anything to hide, he did write for them that he made an alarm clock and the authorities thought it was a bomb (as that was what they were telling him).

36. Despite the fact that Ahmed had told them about making the clock, despite the fact that they realized that it was, indeed, a crude alarm clock, despite that fact that nobody—not one single person—alleged that Ahmed had tried to scare them with it, had claimed it was a bomb or weapon or tried to cause alarm, despite the fact that nobody had cleared their classroom, called for emergency protocol or called in a bomb squad, Ahmed was arrested. The officers pulled him forcefully out of his chair, yanked his arms up behind his back so far that his right hand touched the back of his neck, causing a lot of pain. They placed Ahmed in handcuffs and marched him out of the front of the school, four officers grabbing onto him, two on each side holding his hands and his arms. They put him into the back of a police car. They took him to the police station and booked him as a criminal, with mugshots and fingerprinting—all still without his parents.

37. As he was being escorted out of the room, Ahmed saw the look on his school counselor, Ms. Wong's, face. She knew what was happening was wrong. She knew that Ahmed was a

good kid. In fact, in the first few weeks of school, Ahmed had already received two separate special tickets or tokens that were given out to kids who exhibited exceptional behavior and that could be redeemed for something special at the counselor's office.

38. A "hoax" is "something intended to deceive or defraud." Ahmed's Geometry teacher asked him what he had made and he said "an alarm clock." Ahmed's English teacher asked him what he had made and he said "an alarm clock." The principal and the police asked Ahmed what he had made and he said "an alarm clock." There is no telling how many times that day Ahmed explained that he had made "an alarm clock." There was not a single person who stated that Ahmed had said anything "intended to deceive or defraud." As far as what the device looked like, the most telling thing so far (besides looking at it wherein it is incredibly obvious that it is not a bomb) is the Irving police internal email obtained through a FOIA request where the officer candidly chides the others and states "that thing doesn't even look like a bomb." The pencil box is one that Ahmed carried throughout the seventh grade without a problem. You can buy the same one right now on Amazon (Vaulz pencil box) for \$14.99 (the one with Minions on it is a little more expensive).

39. Ahmed's father arrived at the police station to find out what was happening with Ahmed. As he waited, Officer Howman came to speak with him. Officer Howman indicated that Ahmed had been arrested for taking a "hoax bomb" to school and that he was being processed and fingerprinted. Ahmed's father, extremely confused and upset, asked Officer Howman what a "hoax bomb" was, but she would only state that he was being processed and fingerprinted. Ahmed's father tried to explain that Ahmed was very interested in robotics and creating things, but Officer Howman was unwilling to listen to any explanations.

40. Shortly thereafter, Officer Mitchell arrived and simply repeated that Ahmed had been arrested for a “hoax bomb” and was being processed. He, too, was unwilling to listen to any explanations from Ahmed’s father and simply repeated the same information over and over.

41. After Ahmed’s mother and sister arrived, Ahmed’s father asked if he could see Ahmed and find out what happened. Officer Mitchell told him that he could not at that time until the arrest was processed and completed. Shortly thereafter, Officer Taylor brought Ahmed, still in handcuffs, to his family.

42. After speaking with Ahmed (while still handcuffed), his father expressed that Ahmed had done nothing wrong and the charges should be dropped. The officers were unwilling to have any discussion about that possibility.

43. As the family was leaving, they asked for Ahmed’s electronic tablet to be returned, since that had nothing to do with why he was detained or arrested and it was how Ahmed completed his homework. While police memos characterize Ahmed as “yelling” and “rude,” he was neither yelling nor rude, simply attempting to explain why it seemed like his tablet (not the pencil box) should be returned to him. Surely police cameras will have captured the exchange. Furthermore, police memos complain that Ahmed’s mother and sister were speaking in a language that they did not know and were “saying things that we could not understand.” At the time, Ahmed’s sister was interpreting events for her mother as her mother was not fluent in English. The response of Officer Mitchell was to threaten that if the family did not leave immediately, there would be criminal charges brought against them, too.

44. Subsequently, the Chief of Police admitted that the arrest of Ahmed was a “mistake” and the charges were dropped. Nevertheless, the district disciplined Ahmed and placed him on a three-day suspension. Mohamed received an email from Vice Principal Patrick Smith late on

September 14, 2015 stating that Ahmed would be suspended for three days from school and “all” IISD properties for violation of the Student Code of Conduct, possession of prohibited items. However, Ahmed had not been in possession of any of the prohibited items on the list. Additionally, emails between officers criticize the action of arresting Ahmed and state “that thing doesn’t even look like a bomb.”

45. The United States Department of Justice has opened an investigation into the conduct of the Irving Independent School District, not just with respect to the treatment of Ahmed Mohamed, but regarding its pattern of discrimination. A justice department official stated that “the Civil Rights Division has an investigation into the Irving School District regarding both harassment and the discipline of students on the basis of race, religion and national origin.” That investigation is currently ongoing.

46. On September 22, 2015, The Blaze aired a show hosted by Glenn Beck with guest Jim Hanson, Executive Vice President of the Center for Security Policy and Irving Mayor Beth Van Duyne. On the show, they discussed the arrest of Ahmed Mohamed.

47. During the discussion of the arrest of Ahmed Mohamed, Mr. Beck “proposed” the following: “My theory is that for some reason Irving is important to the Islamists, not the Muslims, but the Islamists. It could be as simple as the progressives trying to turn Texas blue, and this is just the place where they’re just going to start planting the seeds and taking a stand. You (Mayor Van Duyne) pissed them off, and now this is a dog whistle. This is not a story that is for anybody to hear, except for the Islamists because once you create a boogeyman, now all the money, all the resources, all the intellectual power, all is focused on your little town of Irving, Texas.” Mr. Beck contended that the circumstances surrounding the arrest of Mohamed could not be “explained” any other way.

48. Mr. Hanson agreed with Mr. Beck's contentions, stating "I think it's happening. I don't think there's any question that this latest event was a PR stunt. It was a staged event where someone convinced this kid to bring a device that he didn't build, as you mentioned. It's a RadioShack clock that he put in a briefcase, and in a briefcase it looks like a bomb.....They did that to create the exact scenario that played out. They wanted people to react, and they wanted to portray this kid as an innocent victim. I think he was a pawn of potentially his father. His sister actually claimed that she was suspended. His sister told MSNBC that she was suspended by the same school district for making a bomb threat years ago. Don't know if that's true yet, but she said that in her own words. So, there's a vendetta from them, and they're tied, as you mentioned, with CAIR and CAIR is Muslim Brotherhood and Hamas tied. They're basically involved in civilization jihad, so I think you're right." Ms. Van Duyne participated in this discussion and did not object to or correct any of the comments. The Blaze failed to act with due care in the broadcasting of this false and malicious content.

49. Ms. Van Duyne also stated on numerous occasions that Ahmed was not forthcoming with the school or the police and stated that Ahmed had brought a "hoax bomb" to school. On September 28, 2015, she was quoted in an interview with KDFW as stating that the Mohamed family was "non-responsive" to the City's request to release records about the incident and that Ahmed was "not forthcoming with information." These statements are false and were made negligently and/or with malice. Ahmed did not take a "hoax bomb" to school. He never claimed that it was a bomb, threatened anyone or attempted to scare anyone. Ahmed answered all questions about his alarm clock and his intent. The City never made a request to the family for permission to release records.

50. The libelous statements of Mr. Beck, Ms. Van Duyne and Mr. Hanson were false and made negligently and/or with malice. The statements constituted libel per se, in that they were obviously hurtful to the Mohamed family and fall within the statutory definition of libel per se of injury to a person's reputation and exposing the person to public hatred, contempt or ridicule and a clear attempt to impeach the honesty, integrity, virtue and/or reputation of the Mohamed family.

51. Demand is hereby made of the Blaze, Mr. Beck, Mr. Hanson and Ms. Van Duyne to retract and correct the statements made during the Blaze broadcast in the same manner and medium as the original broadcast, acknowledging that the original broadcast was false and erroneous and stating that the Mohamed family are peaceful Muslims who have been falsely accused of being terrorists and engaging in a jihad. The correction must also be made that the arrest and suspension of Ahmed Mohamed was not a stunt and it was not pre-planned, staged or engineered by anyone, including Mohamed Mohamed. Ahmed was a young man eager to please his teacher and took a contraption to school as a crude alarm clock. The alarm clock was placed in a pencil box that Ahmed had from the 7th grade—not into a briefcase.

52. Demand is hereby made of Ms. Van Duyne to retract and correct the statements she has made in the media, acknowledging that Ahmed answered the questions posed to him by school officials and police about the alarm clock and his intent, that it was not a “hoax bomb” as Ahmed never made any threats or claimed he had a bomb and that the City never asked the Mohamed family for permission to release records.

53. On Fox 4 News on or about November 23, 2015, Ben Ferguson misrepresented that “this was a pre-planned idea by his father. I think he used his son. He is one of those, you know, ‘I’m gonna point out anyone that’s against Islam type of guy. I’m going to cause problems.’ They

pre-planned this. It looked like a bomb. He also didn't create a clock. He took a clock apart and he put it in a mini-briefcase to make it look like a bomb. He did not associate and/or talk to any of the teachers or the police when they asked him questions except to say 'it is a clock.' He was never afraid. He was never nervous and he loves the cameras like the Kardashians so if anything congratulations you're famous and you've caused a bunch of people problems." When it was brought up that there may have been negative consequences to Ahmed from what happened, Mr. Ferguson added "maybe you should have thought about that before you made a clock look like a bomb and then you wouldn't be in the situation you're in....It's a money grab."

54. Fox failed to act with due care in broadcasting Mr. Ferguson's false and defamatory statements.

55. The libelous statements of Mr. Ferguson were false and made negligently and/or with malice. The statements constituted libel per se, in that they were obviously hurtful to the Mohamed family and fall within the statutory definition of libel per se of injury to a person's reputation and exposing the person to public hatred, contempt or ridicule and a clear attempt to impeach the honesty, integrity, virtue and/or reputation of the Mohamed family.

56. Demand is hereby made of Fox and Mr. Ferguson to retract and correct the statements made during that broadcast in the same manner and medium as the original broadcast, acknowledging that the original broadcast was false and erroneous and stating that the Mohamed family are peaceful Muslims who have been falsely accused of pre-planning or staging the arrest and suspension of Ahmed Mohamed. The correction must also be made that Ahmed did not intend to make the crude alarm clock look like a bomb. It was not put in a mini-briefcase but into a pencil box he had from the 7th grade. He made the contraption exactly as described in this

pleading. He answered all of the questions of the teachers and police and the situation was not a “money grab.”

57. Ben Shapiro, appearing on Fox News on or about October 19, 2015, stated that it was “clear” that “this was a hoax, this was a setup and that President Obama fell for it because it confirms a couple of his pre-stated biases against police and against people who he perceives to be Islamophobic.” He goes on to attack President Obama and inaccurately accuses him of “constantly shooting first and asking questions later” when it comes to the “behavior” of the police. He states that “the story didn’t hold water from the beginning. Within the first forty-eight hours it was clear that this was a bit of a set-up and it was clear that the story didn’t hold together.” He is asked by the host, Ms. Kelly, “What’s your theory—that the father had an agenda, that the father had an agenda and used his child to advance it?” Mr. Shapiro responded “absolutely. If you look at the family history, it’s pretty clear that was happening. If you look at the actual clock this kid invented, he took the guts out of an old clock, you can see people do it on Youtube. He literally took the guts out of an old clock, the wiring, and he put it inside of a pencil box and proceeded to bring that into school and this is not the first family incident that has been like this. His sister had an incident in 2009 that was somewhat similar.” Ms. Kelly points out that Ahmed’s sister had stated that she was a victim of profiling. Mr. Shapiro’s response was “everybody’s a victim of profiling whatever the circumstance and President Obama buys into it no questions asked and then invites kids to the White House.” Mr. Shapiro concluded by making fun of both the President and Ahmed saying that Ahmed’s meeting at the White House was a “bit of a downgrade” from what he expected, which was “a star studded event we expected between the President and Ahmed Mohamed where the President was going to knight him, give him the Order of Merit and then declare him the greatest scientist since Isaac Newton.” The title of

Fox's video of this broadcast that it placed on Youtube is "Ben Shapiro Exposes Clock-Boy Narrative."

58. Fox failed to act with due care in broadcasting Mr. Shapiro's false and defamatory statements.

59. The libelous statements of Mr. Shapiro were false and made negligently and/or with malice. The statements constituted libel per se, in that they were obviously hurtful to the Mohamed family and fall within the statutory definition of libel per se of injury to a person's reputation and exposing the person to public hatred, contempt or ridicule and a clear attempt to impeach the honesty, integrity, virtue and/or reputation of the Mohamed family.

60. Demand is hereby made of Fox and Mr. Shapiro to retract and correct the statements made during that broadcast in the same manner and medium as the original broadcast, acknowledging that the original broadcast was false and erroneous and stating that the Mohamed family are peaceful Muslims who have been falsely accused of pre-planning or staging the arrest and suspension of Ahmed Mohamed. The correction must also be made that it was not a "hoax" and Ahmed never attempted to scare anyone or claim that he had a bomb. His sister did not have a "similar" incident. She was falsely accused of making a bomb threat by girls who were bullying her and who physically attacked her.

61. The conduct of the Defendants is libel per se. Absent the specific corrections required by Texas law, they are liable for general damages, special damages and exemplary damages in an amount in excess of the minimum jurisdictional limits of this Court. The broadcasts aired by Fox and the Blaze are the very definition of "yellow journalism." To broadcast inaccurate, biased and sensationalized falsehoods in the guise of "news" is an offense, not just to the victims of the defamatory statements, but to the public. The public has been misled into believing that

the Mohameds are terrorists who plotted to have the Irving police wrongfully arrest a teenage boy for bringing an alarm clock to school. These broadcasts irresponsibly fan the flames of fear and anger toward Muslims and immigrants. Each of these Defendants should be required to retract their falsehoods and broadcast the truth.

Jury Demand

62. Mr. Mohamed hereby demands a jury trial in accordance with Texas law. The jury fee has been tendered.

Prayer

Wherefore, Plaintiff prays that Defendants be cited to appear and answer herein, and that on final trial Plaintiff have judgment for the following relief:

1. General damages;
2. Special damages;
3. Exemplary damages;
4. Prejudgment and post judgment interest at the rates provided by law;
5. Attorney and expert fees and all court costs;
6. Such other and further relief to which plaintiffs may be justly entitled.

REQUEST FOR DISCLOSURES

Plaintiff requests that Defendants disclose, within 50 days of service of this request, the information and documents described in Rule 194.2, Texas Rules of Civil Procedure.

Respectfully submitted,

s/Susan E. Hutchison
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