RECEIVED
FEDERAL ELECTION COMMISSION
APRIL 26, 2022 8:35 AM
OFFICE OF GENERAL COUNSEL

HORWITZ
LAW PLLC

DANIEL A. HORWITZ
DANIEL@HORWITZ.LAW

4016 WESTLAWN DR.
NASHVILLE, TN 37209
WWW.HORWITZ.LAW
O: (615) 739-2888

LINDSAY E. SMITH
LINDSAY@HORWITZ.LAW

April 25, 2022

**VIA UPS AND EMAIL**

**MUR 7990**

Office of General Counsel
Federal Election Commission
1050 First Street, NE
Washington, DC 20463
EnfComplaint@fec.gov

**Re: KIM KLACIK FOR CONGRESS: CONCERNS REGARDING IMPROPER USE OF CAMPAIGN FUNDS TO FUND A PERSONAL LAWSUIT.**

Dear FEC Office of General Counsel:

This correspondence concerns the registered campaign committee "Kim Klacik for Congress" (C00726117). Based on my review of a recent and substantial disbursement reported by Ms. Klacik's campaign committee—and based on my personal knowledge of the likely nature of that disbursement, which appears to me to be inaccurately described—I have substantial concerns that the expenditure was impermissible; that it runs afoul of FECA's personal use ban; and that the expense would have occurred irrespective of Ms. Klacik's campaign. Accordingly, I respectfully request that the FEC investigate the apparent violation and take whatever further action it deems appropriate.

I. Recitation of facts that show specific violations:

In a recent campaign report, Kim Klacik for Congress disclosed a substantial disbursement to the law firm Dickinson Wright PLLC, which was paid $51,526.50 on December 15, 2021. A copy of the relevant disclosure is attached to this correspondence as **Attachment #1**. The specific disbursement at issue has also been highlighted for your Office's convenience on page two. *See id.* at 2.

The description that Kim Klacik for Congress reported for the disbursement at issue is "Legal Consulting." *See id.* Based on both the amount and the timing of the disbursement, however, I have a reasonable basis for believing that this description was inaccurate; that it was designed to conceal the personal nature of the expenditure; and that the disbursement was actually payment for Ms. Klacik's own, personal legal

representation in active litigation that seeks to benefit her individually, rather than for legal "consulting" on behalf of her long-since-concluded campaign.

In particular, within the time period during which the disbursement at issue was reported, Ms. Klacik—personally, and independent of her campaign—retained the law firm Dickinson Wright, PLLC to maintain a personal lawsuit in the Circuit Court for Davidson County, Tennessee. A copy of Ms. Klacik's personal lawsuit, exclusive of its exhibits, is attached to this correspondence for your Office's review as **Attachment #2**.

By its own terms, Ms. Klacik's personal lawsuit is maintained in Ms. Klacik's private capacity and seeks an award of damages to be paid to Ms. Klacik personally. Specifically, as the Complaint makes clear, the Plaintiff is not Kim Klacik for Congress; instead, the Plaintiff is "Kimberly Klacik" individually. *See id.* at 1. As relief, the Complaint also seeks an order awarding "**Ms. Klacik** compensatory damages in an amount to be determined at trial[.] . . ." *See id.* at 12 (emphasis added). Of note, the law firm representing Ms. Klacik in the case is also "Dickinson Wright, PLLC." *See id.*

Significantly, the substantial $51,526.50 disbursement at issue also came on December 15, 2021—just weeks before heavy litigation in Ms. Klacik's personal lawsuit was scheduled to unfold. For your Office's convenience, a copy of the pleadings report in Ms. Klacik's personal lawsuit is attached to this correspondence as **Attachment #3**.

II. Personal use violation:

In light of the above, I have well-grounded reason to believe that the reported $51,526.50 disbursement to the law firm Dickinson Wright PLLC—paid for by Kim Klacik for Congress during active personal litigation and reported as a "legal consulting" campaign expenditure—was, in fact, a payment for litigation maintained by and designed to benefit Ms. Klacik personally and irrespective of her long-since-concluded congressional campaign. As you are aware, however, a campaign contribution "shall not be converted by any person to personal use[,]" *see* 52 U.S.C.A. § 30114(b)(1), and FECA expressly prohibits Ms. Klacik's campaign committee from making expenditures for anything "that would exist irrespective of" her campaign. *See* 52 U.S.C.A. § 30114(b)(2). Thus, Ms. Klacik's campaign funds may not be used to pay for a personal lawsuit that she has maintained "irrespective" of her campaign, and if the expense would exist even in the absence of Ms. Klacik's candidacy, then the personal use ban applies. My concern that Ms. Klacik may be violating federal campaign finance law by converting campaign contributions for her own personal use is further compounded by her committee's many previous violations of federal campaign finance law, which resulted in the FEC assessing a substantial monetary fine. *See* Administrative Fine #4220 against KIM KLACIK FOR CONGRESS, ID: C00726117, FED. ELECTION COMM'N, https://www.fec.gov/data/legal/administrative-fine/4220/ (last visited Apr. 24, 2022).

For the foregoing reasons, I respectfully request that the FEC investigate Ms. Klacik's apparent conversion of campaign funds for her own personal use; that it take whatever enforcement action it deems appropriate against any individual who is determined to have violated federal campaign finance law; and that it audit Ms. Klacik's

expenditures to determine whether any other personal use violations occurred. Pursuant to this Office's policy and applicable law, this complaint has been signed, sworn, and notarized as set forth below, and my full name and address are set forth above.

Sincerely,

Daniel A. Horwitz

**VERIFICATION**

I, Daniel A. Horwitz, affirm under penalty of perjury that the foregoing complaint is true, accurate, and correct to the best of my knowledge.

Daniel A. Horwitz

Sworn to and subscribed before me under penalty of perjury, this the 25 of April, 2022.

Notary Public

State of Tennessee
County of Davidson

My Commission Expires: 11/6/2024

# Attachment #1

# Disbursements

**Viewing 164 filtered results for:** Clear all filters

Data type: processed | KIM KLACIK FOR CONGRESS (C00726117) | 2021-2022

| Spender | Recipient | State | Description | Disbursement date | Amount |
|---|---|---|---|---|---|
| KIM KLACIK FOR CONGRESS | CONSTANT CONTACT | MA | SOFTWARE SERVICES | 12/23/2021 | $132.50 |
| KIM KLACIK FOR CONGRESS | WBAL RADIO KIDS CAMPAIGN | MD | CHARITABLE CONTRIBUTION | 12/21/2021 | $500.00 |
| KIM KLACIK FOR CONGRESS | MADISON FOR CONGRESS | OH | FEDERAL CONTRIBUTION | 12/20/2021 | $2,000.00 |
| KIM KLACIK FOR CONGRESS | MADISON FOR CONGRESS | OH | FEDERAL CONTRIBUTION | 12/20/2021 | $2,000.00 |
| KIM KLACIK FOR CONGRESS | COMCAST | PA | BROADBAND SERVICES | 12/17/2021 | $321.12 |

| Spender | Recipient | State | Description | Disbursement date | Amount |
|---|---|---|---|---|---|
| KIM KLACIK FOR CONGRESS | DICKINSON WRIGHT PLLC | DC | LEGAL CONSULTING | 12/15/2021 | $51,526.50 |
| KIM KLACIK FOR CONGRESS | GODADDY.COM | AZ | WEB HOSTING | 12/13/2021 | $152.39 |
| KIM KLACIK FOR CONGRESS | GODADDY.COM | AZ | WEB HOSTING | 12/13/2021 | $21.99 |
| KIM KLACIK FOR CONGRESS | IUBENDA | ZZ | SOFTWARE SERVICES | 12/03/2021 | $57.00 |
| KIM KLACIK FOR CONGRESS | INTEGRATED SOLUTIONS: POLITICAL | CA | SOFTWARE SERVICES | 12/02/2021 | $770.00 |
| KIM KLACIK FOR CONGRESS | CONSTANT CONTACT | MA | SOFTWARE SERVICES | 11/23/2021 | $132.50 |
| KIM KLACIK FOR CONGRESS | GODADDY.COM | AZ | WEB HOSTING | 11/22/2021 | $254.28 |
| KIM KLACIK FOR CONGRESS | GODADDY.COM | AZ | WEB HOSTING | 11/19/2021 | $16.95 |
| KIM KLACIK FOR CONGRESS | AMAZON | WA | OFFICE SUPPLIES | 11/18/2021 | $126.14 |

| Spender | Recipient | State | Description | Disbursement date | Amount |
|---|---|---|---|---|---|
| KIM KLACIK FOR CONGRESS | COMCAST | PA | BROADBAND SERVICES | 11/17/2021 | $321.12 |
| KIM KLACIK FOR CONGRESS | GODADDY.COM | AZ | WEB HOSTING | 11/12/2021 | $21.99 |
| KIM KLACIK FOR CONGRESS | INTEGRATED SOLUTIONS: POLITICAL | CA | SOFTWARE SERVICES | 11/04/2021 | $770.00 |
| KIM KLACIK FOR CONGRESS | IUBENDA | ZZ | SOFTWARE SERVICES | 11/03/2021 | $57.00 |
| KIM KLACIK FOR CONGRESS | CREATIVE PRINT GROUP INC. | MD | PRINTING EXPENSE | 11/03/2021 | $1,161.40 |
| KIM KLACIK FOR CONGRESS | GODADDY.COM | AZ | WEB HOSTING | 10/28/2021 | $19.17 |
| KIM KLACIK FOR CONGRESS | CONSTANT CONTACT | MA | SOFTWARE SERVICES | 10/25/2021 | $132.50 |
| KIM KLACIK FOR CONGRESS | GODADDY.COM | AZ | WEB HOSTING | 10/19/2021 | $207.63 |
| KIM KLACIK FOR CONGRESS | GODADDY.COM | AZ | WEB HOSTING | 10/18/2021 | $94.99 |

| Spender | Recipient | State | Description | Disbursement date | Amount |
|---|---|---|---|---|---|
| KIM KLACIK FOR CONGRESS | COMCAST | PA | BROADBAND SERVICES | 10/18/2021 | $321.38 |
| KIM KLACIK FOR CONGRESS | GODADDY.COM | AZ | WEB HOSTING | 10/12/2021 | $21.99 |
| KIM KLACIK FOR CONGRESS | IUBENDA | ZZ | SOFTWARE SERVICES | 10/04/2021 | $57.00 |
| KIM KLACIK FOR CONGRESS | INTEGRATED SOLUTIONS: POLITICAL | CA | SOFTWARE SERVICES | 10/04/2021 | $770.00 |
| KIM KLACIK FOR CONGRESS | RE-ELECT BARRY BRUCE FOR WV HOUSE OF DELEGATES | WV | NON-FEDERAL CONTRIBUTION | 09/29/2021 | $1,000.00 |
| KIM KLACIK FOR CONGRESS | JAROME BELL FOR CONGRESS | VA | FEDERAL CONTRIBUTION | 09/29/2021 | $2,000.00 |
| KIM KLACIK FOR CONGRESS | JACK DAVID WOODRUM FOR SENATE | WV | NON-FEDERAL CONTRIBUTION | 09/29/2021 | $1,000.00 |

Results per page: 30

Showing 1 to 30 of 164 entries

# Attachment #2

**IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE**

| | | |
|---|---|---|
| **KIMBERLY KLACIK** | ) | |
| | ) | |
| Plaintiff. | ) | |
| v. | ) | **Case No.** |
| | ) | **JURY DEMANDED** |
| **CANDACE OWENS** | ) | |
| | ) | |
| Defendant. | ) | |

## COMPLAINT

Plaintiff, Kimberly Klacik, complaining of the defendant, Candace Owens, would respectfully allege and show unto the Court as follows:

1. Defendant Candace Owens admits that (1) she is "not an investigative journalist;" (2) the allegations she made were "talking about a federal crime;" (3) she "had no proof," "cannot possibly verify" and "could not confirm" information she presented as fact; and (4) "the only reason [Defendant] started this was because of what started as a petty Twitter feud." Defendant's admissions attendant to Defendant's publication of false and defamatory statements alleging that Plaintiff Kimberly Klacik engaged in criminal activity establish the foundation of Ms. Klacik's defamation claim against Defendant.

2. Defendant, motivated by this self-proclaimed "petty Twitter feud" with Ms. Klacik, conducted a four-day defamatory smear campaign against Ms. Klacik that Defendant maliciously portrayed as an "investigation" and published a video of Defendant's purported "findings," including allegations of criminal activity against Ms. Klacik, to Defendant's personal social media accounts. Specifically, Defendant affirmatively accused Ms. Klacik of tax fraud,

campaign fraud, money laundering, illegal drug use, and acting as a "madame." There was no truth to the allegations.

3. In making these allegations of criminal activity, Defendant claimed to have received information from someone who "stripped with [Ms. Klacik]" and who allegedly told Defendant that Ms. Klacik used campaign funds to purchase cocaine and scammed people of millions. These caustic and made-up defamatory allegations are without factual support.

4. Defendant published these defamatory statements through Defendant's personal social media accounts in a concerted effort to maximize dissemination to cause severe damage and significant harm to Ms. Klacik's professional and personal reputation.

5. Defendant's allegations against Ms. Klacik of criminal activity are false. As Ms. Klacik stated multiple times, Ms. Klacik did not misuse campaign funds, let alone for drug or any other illicit activity, engage in money laundering, commit tax or campaign fraud, or act as a "madame." Ms. Klacik not only denied publicly Defendant's accusations of criminal conduct on Ms. Klacik's personal social media channels, but Ms. Klacik also sent Defendant multiple letters notifying the Defendant that her statements were false.

6. Despite repeatedly being notified of the falsity of her statements, Defendant refused to remove the defamatory video. As of filing this Complaint, Defendant has yet to remove the video and continues to support and encourage the harassment of Ms. Klacik by other individuals who embrace Defendant's defamatory statements.

7. Defendant's tortious conduct caused and continues to cause substantial injury to Ms. Klacik's reputation and professional and personal relationships. Ms. Klacik has lost and continues to lose financial opportunities, media appearances, and political support as a direct result of the Defendant's malicious and wanton statements. Examples of such lost opportunities

include the cancellation of a book deal, losing the sponsorship of a nationally-recognized media vendor, cancelled fundraisers, and lost support of previous political donors. Ms. Klacik and her family continue to be harassed daily, with Ms. Klacik specifically receiving harmful and degrading comments because of the defamatory claims made by the Defendant.

8. Defendant has defamed and injured Ms. Klacik; accordingly, Ms. Klacik initiates this action to vindicate her rights under civil law and seek compensatory and punitive damages as a result of Defendant's conduct.

## PARTIES

9. Plaintiff Kimberly Klacik is a businesswoman and the former Republican nominee for the Seventh (7th) Congressional District. Ms. Klacik is also the current President of Red Renaissance, Inc., a non-connected political action committee registered with the Federal Election Commission that supports federal candidates who embrace and espouse freedom of speech, revitalization of urban areas, economic empowerment, family planning, increased police funding, and women and minority leadership. Ms. Klacik is domiciled in Baltimore County, State of Maryland.

10. Defendant Candace Owens is a nationally recognized author, talk-show host, political commentator, and social media personality. Defendant is domiciled in Davidson County, State of Tennessee.

## JURISDICTION AND VENUE

11. This Court has personal jurisdiction over the Defendant pursuant to Tennessee Code Annotated § 20-2-222. Upon information and belief, Defendant Candace Owens is an individual residing in Davidson County, domiciled in the State of Tennessee.

EFILED 09/17/21 04:00 PM CASE NO. 21C1607 Richard R. Rooker, Clerk

12. This Court has subject matter jurisdiction over this matter pursuant to Tennessee Code Annotated § 16-10-101.

13. Venue is proper in this Court pursuant to Tennessee Code Annotated § 20-4-101(a). Davidson County, Tennessee is the county where the individual Defendant resides.

**STATEMENTS OF FACT**

14. Ms. Klacik is a resident of and a long-time advocate for the City of Baltimore. Her passion for Baltimore and her desire to make the City better motivated her to run for Maryland's Seventh Congressional District, and turned her Congressional campaign into a multi-million dollar race. Ms. Klacik now uses her platform as a former Congressional candidate to help champion the African American community by supporting African American political candidates in state and federal races across the country.

15. Defendant is a high profile conservative talking head who is notorious for outrageous and controversial statements, such as "white supremacy and white nationalism is not a problem that is harming Black America."[1]

16. Defendant has a large social media following, including 3,901,305 Instagram followers,[2] 5,162,249 Facebook subscribers,[3] and 2,748,857 Twitter followers,[4] with the number of followers across all social media accounts consistently increasing.

17. Juneteenth is a holiday celebrating the end of slavery in the United States. It is a significant day in American history, with many scholars classifying Juneteenth as the United

---

[1] *U.S. House Oversight Joint Subcommittee Hearing*, 116th Cong. (Sep. 20, 2019)(statement of Candace Owens).

[2] Candace Owens (@realcandaceowens), Instagram, https://www.instagram.com/realcandaceowens/?hl=en (last visited July 13, 2021).

[3] Candace Owens (@realCandaceOwens), Facebook, https://www.facebook.com/realCandaceOwens/ (last visited July 13, 2021).

[4] Candace Owens (@RealCandaceO), Twitter, https://twitter.com/RealCandaceO?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor (last visited July 13, 2021).

States' second independence day.[5] On June 18, 2021, President Joseph Biden declared Juneteenth a federal holiday.

18. On June 18, 2021, Defendant launched a series a posts from her personal Twitter account assailing President Biden for declaring Juneteenth a federal holiday. In one of those posts, Defendant stated, "Sometimes I wonder when (if ever) Black America will wake up to the psychological warfare and perpetual brainwash to believe everything is racist."

19. Ms. Klacik replied on her personal Twitter account to Defendant's post, stating, "Believe it or not, many in 'Black America' are very aware the fight is about classism rather [than] racism. Unfortunately, the loudest mouths with the largest platforms represent the majority. This might come to a shock to you because of your lack of engagement with black people."[6]

20. On June 20, 2021, Ms. Klacik replied to several individuals on Ms. Klacik's Instagram account who asked Ms. Klacik about the "Candace Owens situation." Ms. Klacik stated that she was invited to appear on *Candace*, the Defendant's podcast; however, Ms. Klacik declined the invitation stating "the show can be edited because it is streamed online." Ms. Klacik added, "I don't normally let people profit off of a conversation with me."[7]

21. On June 21, 2021, Defendant responded to Ms. Klacik's comments, accusing Ms. Klacik of not being authentic and disabling comments on Ms. Klacik's own social media account, stating "LOL to you, disabling comments on your last post. You are such a fake and hilarious person to keep trying to denigrate the Dailywire as a 'computer show.' Computer

---

[5] National Museum of African American History & Culture, *The Historical Legacy of Juneteeth*, (last visited July 19, 2021), *https://nmaahc.si.edu/blog-post/historical-legacy-juneteenth*.

[6] Since the post has since been removed, we obtained this information from the following article: James Crump, *Candace Owens vs. Kimberly Klacik—Why the Two Black Female Conservatives Are Feuding,* NEWSWEEK (June 22, 2021).

[7] *Id*.

shows—meaning digital, podcasts, youtubers, etc.—have a larger reach than cable news, which I also go onto. Again, you are doing nothing here but exposing yourself."[8]

22. On the same day, Defendant posted a series of videos to her personal Instagram account via "Instagram Stories," stating "Kim wants clout, Candace wants change." The Defendant then stated that Ms. Klacik blocked Defendant from social media.[9]

23. In the same series of Instagram Stories, as republished in *Newsweek*, Defendant teased to her almost 4,000,000 Instagram followers that she had discovered some "incredible" information about Ms. Klacik that will "blow your minds." Defendant also claimed that Defendant could not cover the information on her podcast, because Defendant needed to "unpack everything" and make sure every piece of information was verified.[10] Instead of verify, Defendant chose to vilify.

24. On June 22, 2021, the Defendant published a live video on Defendant's Instagram and Facebook accounts. A true and correct Transcript of the video is attached to the Complaint as Exhibit 1. The duration of the video, www.instagram.com/p/CQcQ-oEpM-V/, is 44:05 ("the Video"). The Video has since been republished on social media platforms, including on YouTube, by individuals who, upon information and belief, have personal relationships with the Defendant.[11]

25. In the Video, the Defendant affirmatively accuses Ms. Klacik of engaging in criminal activity. Specifically, Defendant made bald untrue allegations that include Ms. Klacik "used campaign money to do cocaine," participated in "money laundering, tax fraud, and

---

8 *Id.*
9 *Id.*
10 *Id.*
11 *See, e.g.* The Officer Tatum, *Candace Owens EXPOSED FAILED CANDIDATE Kimberly Klacik,* YOUTUBE (June 21, 2021); Tatum Clips, *Kimberly Klacik EXPOSED by Candace Owens,* YOUTUBE (June 23, 2021). The Officer Tatum has around 1.66 million subscribers, and his video on this subject had 362,043 views. Tatum Clips has around 16,700 subscribers and his video has 5,454 views.

campaign fraud," paid vendors in order to "move money off the books," "was the person who helped bring a lot of strippers" into a strip club that Defendant alleges was owned by Ms. Klacik's estranged husband, was a "madame of that strip club," and "has been scamming people for millions." ("Criminal Allegations").

26. Defendant, when making the Criminal Allegations, acknowledged the accusations were regarding "federal crimes," would "paint [Ms. Klacik] in the wrong light," and Defendant's investigation into Ms. Klacik was motivated by a "petty Twitter feud" between Defendant and Ms. Klacik.

27. Defendant publicized the Criminal Allegations without factual support. Defendant's main evidence for the Criminal Allegations purportedly came from "a stripper who used to work with [Ms. Klacik]" and who supposedly told Defendant that *some* of the Criminal Allegations were true.

28. Defendant also admitted that she "had no proof," "cannot possibly verify" and "could not confirm" the Criminal Allegations. Nevertheless, Defendant continued to publish and republish as fact that Ms. Klacik engaged in criminal activity and that Defendant's "investigation" supported these claims.

29. The Criminal Allegations that Defendant made against Ms. Klacik are false and defamatory. Defendant claims Ms. Klacik was "madame" of a Baltimore strip club. Ms. Klacik never was a "madame." Defendant claims Ms. Klacik used "campaign funds to do cocaine." Ms. Klacik never used campaign funds for any illegal activity, let alone for drug use. Defendant claims Ms. Klacik committed "campaign fraud," "tax fraud," and "money laundering," by making payments to "sketchy" businesses. Ms. Klacik never committed campaign fraud, tax fraud, or money laundering. Kim Klacik for Congress ("the Campaign") is a legal entity for

which Ms. Klacik never even had access to its bank account. Ms. Klacik did not make any payments on behalf of the Campaign to any individual or business entity. The only person with access to the Campaign's bank account during the campaign was the Campaign's Treasurer. Payments that the Treasurer made by and for the Campaign were for permissible campaign expenditures pursuant to the terms of legally binding contracts and obligations.

30. Ms. Klacik repeatedly denied the Criminal Allegations on Ms. Klacik's social media accounts and on television appearances. On June 23, 2021, Ms. Klacik released a statement on Twitter regarding the Criminal Allegations stating that Defendant's allegations were "offensive, false, and defamatory."[12] Ms. Klacik subsequently posted an additional statement on Twitter on June 24, 2021, stating that Defendant "falsely accused [Ms. Klacik], private citizens and businesses of federal crimes."[13] Exhibits 2 and 3. Ms. Klacik also appeared on The Armstrong Williams Show on June 25, 2021 where Ms. Klacik denied the Criminal Allegations.[14] Ms. Klacik later posted a video to her personal YouTube account further denying the Criminal Allegations ("the Response Video").[15] A true and accurate Transcript of the Armstrong Williams Interview and the Response Video is attached as Exhibit 4.

31. On June 24, 2021, Counsel for Ms. Klacik sent a Cease and Desist Letter to Defendant, notifying Defendant that the Criminal Allegations were false and defamatory, and requesting that Defendant immediately remove the Video from her social media platforms ("the Cease and Desist Letter"). Exhibit 5.

32. Later that day, Defendant responded to Counsel for Ms. Klacik via electronic mail, stating that "nothing [Defendant] said in [her] video constitute[d] defamation of character,"

---

12 Kimberly Klacik (@kimKBaltimore), Twitter (June 23, 2021).
13 *Id*. (June 24, 2021).
14 Armstrong Williams, *Kimberly Klacik responds to Candace Owens allegations*, YOUTUBE (June 25, 2021).
15 Kimberly Klacik, *Answering False Accusations, Last Time I Address It*, YOUTUBE (June 26, 2021).

"[a]ll facts [she] made are backed by truth," and that Defendant had "EVERY right under the law to inquire about campaign finances" (emphasis in original). Exhibit 7.

33. On June 25, 2021, in response to Defendant's e-mail, Counsel for Ms. Klacik sent an additional letter to Defendant and Defendant's attorney reiterating that the Criminal Allegations were false and that all legal options would be explored in the event the Video is not removed from social media platforms ("Attorney Demand"). Exhibit 6.

34. Defendant responded to the Attorney Demand, stating, "I will not be removing any of the videos. I already told you that[,]" and Defendant concluded her email reply stating, "Let me reiterate—I will not removing any of the videos." Exhibit 7.

35. As of filing this Complaint, Defendant has refused to remove the Video from her social media accounts. Defendant also has not published Ms. Klacik's multiple denials to Defendant's social media followers, despite stating, "[a]nd by the way, if anything has been debunked, if she's like going to come out and be like, oh no, I know I gave to this business that doesn't really exist, but this is why, I will add that because I'm not trying to, you know, paint her in the wrong light."

36. Despite Defendant's knowledge of the falsity and the defamatory nature of her claims and disingenuous claim not to paint Ms. Klacik in the wrong light, Defendant continues to perpetuate the false and defamatory statements that Defendant concocted and published. When Defendant's countless supporters harass Ms. Klacik or repeat the false and defamatory statements on social media, Ms. Owens validates and acknowledges the false and defamatory statements by "liking" the derogatory behavior. Exhibits 8, 9, and 10.

37. The commonality of Defendant attacking public figures, does not justify defamation. Defendant appears to take pride in having built her public persona, in part, by

attacking and disparaging such celebrities and public figures as musician and actor Harry Styles, rapper Cardi B, tennis player Naomi Osaka, and entertainment personality Chrissy Teigen.[16] By way of specific example, while much of the world was expressing sympathy and understanding for Naomi Osaka for withdrawing from the French Open due to mental health concerns, Defendant berated Ms. Osaka on Twitter by stating "She's starting to get soooooo annoying. Just quit tennis and become a full time activist. You make millions and are now complaining (again) because you think you're a special snowflake that shouldn't have to do press conferences because they are a form of 'mental abuse'."[17] Defendant continued her unnecessary harassment "[']Change[’] doesn't make people uncomfortable. Annoying, overprivileged, multi-millionaires who don't even touch their own door handles, crying about how hard their lives are— that makes people uncomfortable. You have now become insufferable. Just quit the sport."[18]

38. The Defendant's false and defamatory statements against Ms. Klacik have caused significant and ongoing harm to Ms. Klacik's professional and personal reputation. The Defendant's allegations have not only been republished in national media outlets, such as *Newsweek*,[19] but also throughout social media outlets by individuals intending to damage Ms. Klacik.[20] Politicians have cancelled fundraising appearances with Ms. Klacik as a result of Defendant's allegations. Exhibit 11 provides a specific example of such cancellation. Even a

---

[16] Heran Mamo, *All of Candace Owens' Biggest Celebrity Feuds: Harry Styles, Cardi B, Kanye West, and More*, BILLBOARD (Nov. 17, 2020); NewsOne Staff, *Every Receipt Proving Candace Owens Is A Con Artist Who Is Following The Money*, NEWSONE (July 8, 2021).

[17] Candace Owens (@RealCandaceO), Twitter (May 30, 2021), https://twitter.com/RealCandaceO/status/1399210325153660932?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1399210325153660932%7Ctwgr%5E%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.newsweek.com%2Fnaomi-osaka-candace-owens-french-open-1596350.

[18] Candace Owens (@RealCandaceO), Twitter (May 30, 2021), https://twitter.com/RealCandaceO/status/1399210661717196802.

[19] Crump, *supra* Note 6.

[20] The Officer Tatum, *Candace Owens EXPOSED FAILED CANDIDATE Kimberly Klacik,* YOUTUBE (June 21, 2021); Tatum Clips, *Kimberly Klacik EXPOSED by Candace Owens,* YOUTUBE (June 23, 2021).

simple review of the comments on Ms. Klacik's social media platforms provides a clear picture of the reputational harm Defendant's defamatory statements have caused Ms. Klacik.

39. Ms. Klacik and her family are harassed via social media, telephone, and in person, on a daily basis, regarding the Defendant's Video. Attached as Exhibit 12 is one of many examples of such behavior.

40. Ms. Klacik also has lost significant professional opportunities. Because of the Criminal Allegations made in the Video, Ms. Klacik lost a book deal, had a contract cancelled with a nationally recognized vendor, and lost thousands of dollars in potential donations to Red Renaissance, an organization for which she serves as President. Attached as Exhibits 13 and 14 are two examples of lost financial opportunities as a direct result of Defendant's tortious conduct.

**Count I**
**DEFAMATION**

41. Paragraphs 1 through 40 are incorporated by reference as if fully stated herein.

42. Defendant has intentionally, knowingly and/or recklessly published and disseminated false and defamatory statements to third parties of and concerning Ms. Klacik that have caused and continue to cause substantial injury to Ms. Klacik's reputation and business, among other things.

43. Defendant's false and defamatory statements and the implications drawn from Defendant's statements of and concerning Ms. Klacik are defamatory because they falsely accuse Ms. Klacik of criminal activity, injure Ms. Klacik in her personal and professional capacity, and cause third parties to think less of Ms. Klacik.

44. Defendant made these false and defamatory statements about Ms. Klacik with knowledge of their falsity and/or reckless disregard as to their truth or falsity.

45. Defendant made these false and defamatory statements with actual malice, and with the intent of harming Ms. Klacik.

46. Defendant's false and defamatory statements have caused substantial injury to Ms. Klacik's reputation, business relationships, and other interests.

47. Defendant's false and defamatory statements have caused Ms. Klacik and the organization for which she serves as President, Red Renaissance, Inc., to sustain damages of hundreds of thousands of dollars.

48. Defendant's actions against Ms. Klacik were willful, wanton and malicious, and Defendant intended her actions to deliberately harm Ms. Klacik.

**WHEREFORE**, Ms. Klacik respectfully prays that this Honorable Court:

a. Award Ms. Klacik compensatory damages in an amount to be determined at trial, but in no event less than $20,000,000, together with punitive damages, interest, costs, reasonable attorneys' fees and other expenses;

b. Award such other and further relief as is deemed just and proper.

Dated this 17th day of September 2021.

Respectfully submitted,

DICKINSON WRIGHT PLLC

s/Daniel D. Choe
Daniel D. Choe, #37680
424 Church Street, Suite 800
Nashville, TN 37219
(615) 620-1753 (phone)
(844) 670-6009 (fax)
dchoe@dickinsonwright.com
*Attorney for Plaintiff*

# Attachment #3

## Pleadings Report

Docket #: 21C1607
File Date: 09/17/2021

**KLACIK, KIMBERLY**
**vs**
**OWENS, CANDACE**

| Line # | File Date | Description |
|---|---|---|
| 1 | 09/17/2021 | CIVIL COMPLAINT 263807*1 |
| 2 | 09/17/2021 | EXHIBITS E-FILED AS EXHIBITS 1-14(TO COMPLAINT) |
| 3 | 09/20/2021 | SUMMONS PERSONAL SERVICE-D1 W/C & EX |
| 4 | 09/21/2021 | RETURN OF SERVICE D1-SERVED ERVICE ON CANDACE OWENS RT-09/20/2021 |
| 5 | 11/11/2021 | NOTICE OF APPEARANCE D.HORWITZ,L.SMITH FOR D |
| 6 | 11/24/2021 | AGREED ORDER - SUBMITTED TO ANSWER COMPLAINT |
| 7 | 12/07/2021 | AGREED ORDER TO EXTEND TIME TO ANSWER COMPLAINT |
| 8 | 01/03/2022 | MOTION - OF D1 TO DISMISS AND TENN. CODE ANN. Â§ 20-17-104(A) PETITION TO DISMISS THE PLAINTIFFâ S COMPLAINT PURSUANT TO THE TENNESSEE PUBLIC PARTICIPATION ACT |
| 9 | 01/03/2022 | MEMORANDUM OF D OF LAW IN SUPP OF MT TO DISMISS ORT OF HER MOTION TO DISMISS AND TENN. CODE ANN. Â§ 20-17-104(A) PETITION TO DISMISS |
| 10 | 01/03/2022 | EXHIBITS E-FILED A |
| 11 | 01/03/2022 | EXHIBITS E-FILED B |
| 12 | 01/03/2022 | EXHIBITS E-FILED C |
| 13 | 01/03/2022 | EXHIBITS E-FILED D |
| 14 | 01/03/2022 | EXHIBITS E-FILED E |
| 15 | 01/03/2022 | EXHIBITS E-FILED F |
| 16 | 01/03/2022 | EXHIBITS E-FILED G |
| 17 | 01/03/2022 | EXHIBITS E-FILED H |
| 18 | 01/03/2022 | EXHIBITS E-FILED I |
| 19 | 01/03/2022 | EXHIBITS E-FILED J |
| 20 | 01/03/2022 | EXHIBITS E-FILED K |
| 21 | 01/03/2022 | EXHIBITS E-FILED L |
| 22 | 01/03/2022 | EXHIBITS E-FILED M |

**Pleadings Report**

Docket #: 21C1607
File Date: 09/17/2021

**KLACIK, KIMBERLY**
**vs**
**OWENS, CANDACE**

| Line # | File Date | Description |
|---|---|---|
| 23 | 01/03/2022 | EXHIBITS E-FILED N |
| 24 | 01/03/2022 | EXHIBITS E-FILED O |
| 25 | 01/03/2022 | EXHIBITS E-FILED P |
| 26 | 01/03/2022 | EXHIBITS E-FILED Q |
| 27 | 01/03/2022 | EXHIBITS E-FILED R |
| 28 | 01/07/2022 | AGREED ORDER - SUBMITTED FOR PLAINTIFF TO RESPOND TO MOTION TO DISMISS |
| 29 | 01/12/2022 | MOTION - OF P1 TO ADMIT KATHRYN S. WOOD PRO HAC VICE |
| 30 | 01/12/2022 | EXHIBITS E-FILED 1 - AFFIDAVIT OF KATHRYN S. WOOD |
| 31 | 01/12/2022 | EXHIBITS E-FILED 2 CERTIFICATE OF GOOD STANDING |
| 32 | 01/12/2022 | AGREED ORDER - SUBMITTED RE MT TO ADMIT KATHRYN S. WOOD PRO HAC VICE |
| 33 | 01/17/2022 | AGREED ORDER FOR PLNTF TO RESPOND TO MT TO DISMISS |
| 34 | 01/21/2022 | AGREED ORDER GRANTING MT FOR ATTY K WOODS TO APPEAR PRO HAC VICE |
| 35 | 01/28/2022 | NOTICE OF APPEARANCE OF KATHRYN S. WOOD FOR P |
| 36 | 01/28/2022 | MOTION - OF P1 TO ADMIT BROOKS WESTERGARD PRO HAC VICE |
| 37 | 01/28/2022 | AFFIDAVIT OF BROOKS T. WESTERGARD AS EX 1 |
| 38 | 01/28/2022 | EXHIBITS E-FILED A TO AFFIDAVIT CERTIFICATE OF GOOD STANDING |
| 39 | 01/28/2022 | AGREED ORDER - SUBMITTED TO ADMIT BROOKS WESTERGARD PRO HAC VICE |
| 40 | 01/28/2022 | RESPONSE OF P IN OPP TO D MT TO DISMISS & PET TO DISMISS PURSUANT TO TN PUBLIC PARTICIPATION ACT |
| 41 | 01/28/2022 | EXHIBITS E-FILED 1 - AFFIDAVIT OF KIMBERLY KLACIK |
| 42 | 01/28/2022 | EXHIBITS E-FILED A TO AFFIDAVIT OF KIMBERLY KLACIK - |
| 43 | 01/28/2022 | EXHIBITS E-FILED B TO AFFIDAVIT OF KLACIK AFFIDAVIT |
| 44 | 02/03/2022 | NOTICE OF HEARING 02/18/2022 - OF D1 RE MT TO DISMISS & PET TO DISMISS |

## Pleadings Report

Docket #: 21C1607
File Date: 09/17/2021

**KLACIK, KIMBERLY**
**vs**
**OWENS, CANDACE**

| Line # | File Date | Description |
|---|---|---|
| 45 | 02/08/2022 | AGREED ORDER TO ADMIT BROOKS WESTERGARD PRO HAC VICE |
| 46 | 02/16/2022 | REPLY OF D IN SUPP OF MT TO DISMISS |
| 47 | 02/16/2022 | EXHIBITS E-FILED 1 TO REPLY (JUDGE BROTHERS ORDER GRANTING TPPA PETITION) |
| 48 | 02/16/2022 | EXHIBITS E-FILED 2 TO REPLY (PLAINTIFF'S MARYLAND LAWSUIT) |
| 49 | 02/21/2022 | ORDER - SUBMITTED RE 02.18.22 HRG |
| 50 | 02/24/2022 | ORDER - SUBMITTED RE 02.18.22 HRG |
| 51 | 02/24/2022 | NOTICE OF P OF FILING |
| 52 | 02/25/2022 | MOTION 03/18/2022 - OF D1 APPLICATION FOR PERMISSION TO APPEAL INTERLOCUTORY ORDERS AND TO STAY DISCOVERY PENDING APPEAL |
| 53 | 02/25/2022 | EXHIBITS E-FILED 1 TO APPLICATION |
| 54 | 02/25/2022 | EXHIBITS E-FILED 2 TO APPLICATION |
| 55 | 02/25/2022 | EXHIBITS E-FILED 3 TO APPLICATION |
| 56 | 02/25/2022 | EXHIBITS E-FILED 4 TO APPLICATION |
| 57 | 03/02/2022 | ORDER RE 02.18.22 HRG |
| 58 | 03/02/2022 | ORDER STRICKEN BY JUDGE RE 02.18.22 HRG |
| 59 | 03/14/2022 | RESPONSE OF P IN OPP TO D APPLICATION FOR PERMISSION TO APPEAL INTERLOCUTORY ORDERS AND TO STAY DISCOVERY PENDING APPEAL |
| 60 | 03/14/2022 | EXHIBITS E-FILED A - ENTERED ORDER |
| 61 | 03/14/2022 | EXHIBITS E-FILED C - CASE LAW |
| 62 | 03/14/2022 | TRANSCRIPT OF PROCEEDINGS 02.18.22 AS EX B |
| 63 | 03/16/2022 | REPLY OF D TO P RESP IN OPP TO MT TO APPEAL INTERLOCUTORY ORDERS/STAY |
| 64 | 03/16/2022 | EXHIBITS E-FILED 1 TO REPLY (TRANSCRIPT OF INSTAGRAM LIVE VIDEO) |
| 65 | 03/16/2022 | EXHIBITS E-FILED 2 TO REPLY (PLAINTIFF'S INSTAGRAM POST) |
| 66 | 03/16/2022 | EXHIBITS E-FILED 3 TO REPLY (PLAINTIFF'S WRITTEN DISCOVERY REQUESTS) |

## Pleadings Report

Docket #: 21C1607
File Date: 09/17/2021

**KLACIK, KIMBERLY**
**vs**
**OWENS, CANDACE**

| Line # | File Date | Description |
|---|---|---|
| 67 | 03/18/2022 | ORDER - SUBMITTED RE MT TO APPEAL INTERLOCUTORY ORDERS & STAY |
| 68 | 03/18/2022 | NOTICE OF D OF FILING |
| 69 | 03/18/2022 | EXHIBITS E-FILED ATTACHMENT #1 TO NT OF FILING (BALTIMORE SUN ARTICLE) |
| 70 | 03/21/2022 | ORDER - SUBMITTED RE 03.17.22 HRG |
| 71 | 03/22/2022 | ORDER STRICKEN BY JUDGE RE 03.17.22 HRG |
| 72 | 03/22/2022 | ORDER RE: MT TO APPEAL INTERLOCUTORY ORDERS & STAY DISCOVERY |
| 73 | 04/22/2022 | MOTION 05/13/2022 - OF P1 TO LIFT DISCOVERY STAY AND INCORPORATED MEMORANDUM IN SUPPORT |
| 74 | 04/22/2022 | EXHIBITS E-FILED A MARCH 22, 2022 ORDER |
| 75 | 04/22/2022 | EXHIBITS E-FILED B APRIL 12, 2022 TENNESSEE COURT OF APPEALS ORDER |
| 76 | 04/22/2022 | EXHIBITS E-FILED C FEBRUARY 18, 2022 ORDER |