

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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DANIEL M. SNYDER,
:
:
Plaintiff,
:

Index No.
Date of Purchase:

Plaintiff designates New York
County as the place of trial.

- against -

SUMMONS

ATALAYA CAPITAL MANAGEMENT, LP, a
Delaware limited partnership, CREATIVE
LOAFING, INC., a Florida Corporation, d/b/a
WASHINGTON CITY PAPER, and DOES 1
through 10, inclusive,
:
Defendants.
:
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The basis of the venue is Defendant
Atalaya Capital Management, LP's
principal place of business.

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED and required to answer the complaint in this
action and to serve a copy of your answer, or, if the complaint is not served with this summons,
to serve a notice of appearance, on the Plaintiff's attorneys within twenty (20) days after service
of this summons, exclusive of the day of service (or within 30 days after the service is complete
if this summons is not personally delivered to you within the State of New York). In case of
your failure to appear or answer, judgment will be taken against you by default for the relief
demanded in the complaint.


Dated: New York, New York
February 2, 2010

Defendants' addresses:

Atalaya Capital Management LP
623 Fifth Avenue
New York, NY 10022

Creative Loafing, Inc.
1911 N. 13th Street
Tampa, FL 33605

CARTER LEDYARD & MILBURN LLP

By: 
Judith Lockhart, Esq.
John W. Walsh, Esq.
2 Wall Street
New York, New York 10005
212-732-3200

- and -

Patricia L. Glaser, Esq.
G. Jill Basinger, Esq.
GLASER, WEIL, FINK, JACOBS,
HOWARD, AVCHEN & SHAPIRO, LLP
10250 Constellation Boulevard, 19th Floor
Los Angeles, CA 90067
310-553-3000

Attorneys for Plaintiff

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

DANIEL M. SNYDER,

Plaintiff,

- against -

ATALAYA CAPITAL MANAGEMENT LP, a
Delaware limited partnership; CREATIVE
LOAFING, INC., a Florida corporation, d/b/a
WASHINGTON CITY PAPER; and DOES 1
through 10, inclusive,

Defendants.

Index No.

COMPLAINT

Plaintiff Daniel M. Snyder (“Plaintiff”) for his complaint against defendants Atalaya Capital Management, LP, Creative Loafing, Inc. and Washington City Paper (collectively “Defendants”) and Does 1-10 (the “Doe Defendants”) alleges as follows:

NATURE OF THE ACTION

1. A tabloid newspaper is not entitled to employ lies, half-truths, innuendo and anti-Semitic imagery to smear, malign, defame, and slander a prominent member of the community in order to generate reader interest and maintain its circulation. Yet that is exactly what the Washington City Paper and its principal columnist have resorted to with respect to their coverage of Mr. Snyder. Mr. Snyder is a public figure. As such, he accepts the right of the public and the press to criticize him or to express personal dislike, whether or not such expressions are justified by the facts. What he will not accept, however, is a tabloid printing lies about him or using anti-Semitic imagery, half-truths, and innuendo to smear and defame him, or to demean his wife’s prominent and public role as National Football League’s national

spokeswoman for breast cancer awareness as being that of a mere “salesperson” for the “transformation” of her husband’s public image. What Mr. Snyder will not accept is a tabloid recklessly printing lies, including that he engaged in criminal conduct by “forging names,” that he “bragged” that his wealth came by taking advantage of cancer victims, and that he was thrown off a public company’s board of directors. What he will not accept is an absolute abdication of any responsibility by reporters and newspapers for fact-checking and truth-telling and a willingness to report outright lies in order to sell newspapers. Mr. Snyder feels blessed to be in a position and to have the ability and means to stand up to such blatant ugliness. Mr. Snyder will contribute any monetary damages recovered in this action to groups that are devoted to assisting the homeless.

2. Plaintiff is the principal owner of the Washington Redskins and co-owner of RedZone Capital Management Company (“RedZone Capital”) and Red Zebra Broadcasting Company (“Red Zebra Broadcasting”). The Washington Redskins hold the National Football League franchise for the Washington, D.C. metropolitan area. RedZone Capital is a private equity fund that holds financial interests in a wide range of businesses, including radio, casual dining, and entertainment. Red Zebra Broadcasting owns radio stations in the Washington, D.C. metropolitan area and elsewhere.

3. In addition to his business ventures, Mr. Snyder is heavily involved in philanthropy. Some of the causes in which Mr. Snyder and/or the Washington Redskins (under Mr. Snyder’s direction) have been heavily involved include donating transportation to help the Red Cross’s disaster relief efforts in Haiti in 2010, donating to 9/11 and Hurricane Katrina victims, establishing and funding of the Snyder Family Emergency Center at Children’s Hospital

(where he donated \$6 million after the premature birth of his daughter) and the Snyder Family Communications Center at the Center for Missing and Exploited Children.

4. In 1999, Mr. Snyder made perhaps his most recognized investment when he purchased the Washington Redskins NFL football team (the “Team”) and its stadium. As the son of a journalist, Mr. Snyder has always been well aware that he, as the owner of a high-profile NFL team with millions of fans, will be the subject of constant attention and scrutiny. He was, and is, also well aware that he will be the subject of criticism and disdain from both the media and the Team’s fans when the Team does not perform well. Mr. Snyder knowingly and wholeheartedly accepted that situation when he purchased the Team.

5. Notwithstanding often harsh personal and professional criticism leveled against him, Mr. Snyder has never before brought an action against any media company for matters written or said about him. Mr. Snyder, however, will not accept or tolerate blatantly false and/or misleading statements written about him and his wife as supposed fact, especially when such baseless attacks have absolutely nothing to do with the performance of the Team (or his ownership of the Team), but rather are directed at his personal and business reputation.

6. Since late 2009, defendant Washington City Paper has engaged in an ongoing campaign against Mr. Snyder to smear his business and personal reputation through the publication of false and malicious articles by its columnist, Dave McKenna. Those articles rarely have focused on the Team and, in many instances, have not even focused on Mr. Snyder’s current business activities. Instead, in an effort to smear and malign Mr. Snyder, the Washington City Paper has reached back many years to piece together half-truths and innuendo to cobble together stories that contain blatant falsehoods. The Washington City Paper’s willingness to print these articles displays an absolute disregard for fact-checking and truth-telling. More

egregiously, in order to vilify Mr. Snyder and damage his reputation to the greatest possible extent, the most recent articles have gone so far as to denigrate the role of Mr. Snyder's wife, a breast cancer survivor, as the National Football League's national spokeswoman on breast cancer awareness, characterizing it as a mere publicity stunt to "sell the transformation" of her husband.

7. The Washington City Paper competes directly with Mr. Snyder's Red Zebra Broadcasting for local advertising in the Washington metropolitan area. Moreover, defendant Atalaya Capital Management, which owns the Washington City Paper, is a private investment fund that competes directly with Mr. Snyder's RedZone Capital Management Company for investments and investors.

8. Mr. Snyder has tolerated the Washington City Paper's lies and misrepresentations. His ability to turn the other cheek, however, was exhausted on November 18, 2010, when the Washington City Paper published a cover story on Mr. Snyder, purportedly providing an "encyclopedic tour" of the "heinous deeds" and "various perfidies of Dan Snyder." Having no original material to support the Washington City Paper's assertion that Mr. Snyder has engaged in acts of treachery, deceit, and duplicity, it published an alphabetical list summarizing articles the Washington City Paper had previously published about Mr. Snyder either in print or on-line. The Washington City Paper found this summary to be worthy of being the cover story. Not content with mere lies, however, the Washington City Paper added insult to injury. In its cover art, the Washington City Paper depicted the Jewish Mr. Snyder in a blatantly anti-Semitic way, complete with horns, bushy eyebrows and dollar signs. This is precisely the type of imagery used historically, including in Nazi Germany, to dehumanize and vilify the Jewish people and associate them with a litany of libels over the last 2,000 years.

9. Simply put, no reasonable person would accept the publication of these types of false, malicious, and/or defamatory statements about them or their spouses. Nor would any reasonable person tolerate an anti-Semitic caricature of himself or herself prominently displayed on the front pages of a newspaper containing false and malicious allegations. The Washington City Paper has crossed every line of ethics and decency and Mr. Snyder is therefore forced to bring this action.

PARTIES

10. Defendant Atalaya Capital Management LP (“Atalaya”) is a Delaware limited partnership with its principal place of business in New York, New York.

11. Upon information and belief, Defendant Creative Loafing, Inc. (“Creative Loafing”), d/b/a/ the Washington City Paper, which owns among other papers, the Washington City Paper, a free weekly tabloid circulated in the Washington D.C. metropolitan area, is a Florida state corporation, and that upon information and belief Defendant Atalaya is the owner of defendant Creative Loafing, Inc.

12. Plaintiff is an individual who resides in the Washington, DC area. He is presently unaware of the true names, identities, or capacities of the Defendants sued herein as Does 1 through 10, inclusive, and Mr. Snyder therefore sues said Defendants by such fictitious names.

13. Upon information and belief, Defendants, and each of them, were empowered to and did act as the agent, servant, and employee of each other and each and all the acts alleged to have been done by them were done in their capacity as agent, servant, and/or employee.

JURISDICTION AND VENUE

14. Jurisdiction is proper as Atalaya Capital Management Company is a Delaware Limited Partnership, registered with the New York State Department of State to do business in New York, with its principal place of business at 623 Fifth Avenue, 16th Floor New York, NY 10022, and is doing business in New York. Upon information and belief Creative Loafing, Inc., d/b/a Washington City Paper, is owned, controlled and operated by Atalaya Capital Management LP through its offices in New York and upon information and belief the acts of Creative Loafing, Inc. alleged herein were done in its capacity as agent, servant, and/or employee of Atalaya Capital Management LP.

15. Venue is proper because Defendant Atalaya has its principle place of business in this county.

GENERAL ALLEGATIONS

A. Background

16. Atalaya is a private equity fund that competes with Mr. Snyder's own private equity fund, RedZone Capital, for investors and investments. Mr. Snyder is informed and believes, and based thereon alleges, that Atalaya's fund has substantial investments in casual dining and radio companies, businesses in which Mr. Snyder is invested through RedZone Capital and Red Zebra Broadcasting.

17. Mr. Snyder is informed and believes, and based thereon alleges, that Defendant Creative Loafing is a publisher of six weekly newspapers, including the Washington City Paper, and their associated websites. Mr. Snyder is further informed and believes, and based therein alleges, that Creative Loafing was forced into bankruptcy in September 2008, approximately one year after its purchase of Washington City Paper and that Atalaya, Creative Loafing's largest creditor, purchased Creative Loafing and all six of its weekly newspapers and

other assets at a bankruptcy auction in August 2009 for a reported \$5 million. Like Atalaya, the Washington City Paper also competes for local advertising dollars with radio stations in the D.C. metropolitan area with entities that are owned by Mr. Snyder and/or RedZone Capital.

Defendants Atalaya and Creative Loafing d/b/a Washington City Paper are collectively referred to herein as the “Defendants.”

18. Since late 2009, Defendants have engaged in an ongoing campaign against Mr. Snyder to smear his business and personal reputation (and, by extension, the business reputation of RedZone Capital and Snyder’s other businesses) through the publication of false and malicious articles in the Washington City Paper.

19. Since Spring 2010, in connection with this campaign, the Washington City Paper has published (on line or in print) more than *fifty* columns in which Mr. Snyder (or, in a few instances, those who simply had associations with him) was the subject of derision, ridicule, and/or vilification.

20. This ongoing effort on the part of Defendants was capped by the Washington City Paper’s cover story on November 18, 2010, wherein it featured an anti-Semitic depiction of Mr. Snyder with horns on his head, bushy eyebrows, and surrounded by dollar signs. This cover accompanied an article that contained numerous outrageous, false, and defamatory statements of and concerning Mr. Snyder (the “Article”). True and correct copies of the cover, the full-page interior illustration of Mr. Snyder from the November 18 edition, and the Article are attached hereto as Exhibits A, B and C, respectively.

B. The Washington City Paper Article

21. The City Paper falsely and maliciously asserts that Mr. Snyder has engaged in “heinous deeds” and acts of treachery, disloyalty, and deceit. The most egregious

falsehoods in the Article (or items referenced in the Article) (“the Misrepresentations”) include, without limitation, the following:

- a. that “Dan Snyder ... got caught forging names as a telemarketer with Snyder Communications;”
- b. that Mr. Snyder caused Agent Orange to be used to destroy trees “protected by the National Park Service” on “federally protected lands,” a matter about which previously published reports had been publicly corrected;
- c. that Mr. Snyder bragged that his wealth came from diabetes and cancer victims; and
- d. That Snyder was “tossed off” the Six Flags’ board of directors.

22. The defamatory implication and effect of each of the false statements set forth in subparagraphs 21 a. through d. above has been magnified and aggravated by the outrageous anti-Semitic depiction of Mr. Snyder on the first page of the Article. The Misrepresentations give the reader the wholly false impression that Mr. Snyder has been “caught” engaging in acts of moral turpitude, that he has taken advantage of the chronically ill, that he violated federal law to destroy federally-protected trees, and that he was fired from a board of directors. Inevitably, the result of such a portrayal is significant damage to Mr. Snyder’s reputation as an investor, business manager, and executive officer, as well as his reputation as the owner of the Team..

23. By letter on November 24, 2010, Mr. Snyder, by and through his counsel, notified the Defendants of the falsity of the Misrepresentations and demanded the publication of a retraction. A true and correct copy of this letter is attached hereto as Exhibit D and incorporated herein by reference. Defendants were also contacted telephonically and asked to

print a retraction. As of the date of the filing hereof, the Defendants have failed and refused to publish a retraction.

FIRST CAUSE OF ACTION
(AGAINST ALL DEFENDANTS)

24. Plaintiff repeats and incorporates by reference paragraphs 1 through 23, inclusive, of the Complaint as though fully set forth herein.

25. Persons who read the Misrepresentations reasonably understood the references to Mr. Snyder contained therein to be references to Plaintiff herein.

26. The Misrepresentations are fabricated, false, malicious, and defamatory statements of fact of and concerning Mr. Snyder, as alleged hereinabove.

27. The Misrepresentations are libelous on their face and constitute libel *per se* in that they charge Mr. Snyder with crimes, and especially of moral turpitude. The Misrepresentations clearly expose Mr. Snyder to hatred, contempt, ridicule, and obloquy and/or cause Mr. Snyder to be shunned or avoided, and have a tendency to injure him in his occupation.

28. Upon information and belief, Defendants, and each of them, portrayed Mr. Snyder in this manner knowing that the depiction was false or with reckless disregard for its truth or falsity.

29. As a direct and proximate result of the above-described conduct by Defendants, and each of them, Mr. Snyder has suffered general and special damages in an amount of not less than One Million Dollars (\$1,000,000), including damage to Mr. Snyder's reputation and standing in the community, shame, mortification, hurt feelings, embarrassment, humiliation, damage to peace of mind, emotional distress, and injury in his occupation.

Although the full nature, extent, and amount of these damages are currently unknown, this

Complaint will be amended at or before trial to insert such information if such amendment is deemed necessary by the Court.

30. The aforementioned acts of Defendants were done intentionally or with a conscious disregard of Mr. Snyder's rights, and with the intent to injure Mr. Snyder, such as to constitute oppression, fraud, or malice thus entitling Mr. Snyder to exemplary and punitive damages in an amount appropriate to punish or set an example of Defendants, and each of them, and to deter such conduct in the future, which amount will be proved at trial.

SECOND CAUSE OF ACTION

(AGAINST ALL DEFENDANTS)

31. Plaintiff incorporates by reference the allegations set forth in paragraphs 1 through 30, inclusive of the Complaint, as though fully set forth herein.

32. The Misrepresentations, taken together with the anti-Semitic depiction of Mr. Snyder at the very beginning of the Article, imply to readers of the Article, that Mr. Snyder is a dishonest, unethical businessman who habitually engages in misconduct and fraud in his business dealings and personal life.

33. Upon information and belief, Defendants, and each of them, portrayed Mr. Snyder in this manner knowing that the depiction was false or with reckless disregard for its truth or falsity.

WHEREFORE, Mr. Snyder prays for judgment as follows:

As to the first cause of action for Libel:

1. For general and special damages in an amount not less than One Million Dollars (\$1,000,000), together with interest thereon at the maximum legal rate;

2. For exemplary and punitive damages in an amount sufficient to punish and deter the Defendants;

As to the second cause of action:

1. For general and special damages in an amount not less than One Million Dollars (\$1,000,000), together with interest thereon at the maximum legal rate;
2. For exemplary and punitive damages in an amount sufficient to punish and deter the Defendants;

As to all causes of action:

1. For costs of suit incurred herein;
2. For reasonable attorneys' fees and costs; and
3. For such other and further relief as to the court may deem just and proper.

JURY DEMAND

The Plaintiffs demand a trial by jury on all issues so triable.

Dated: February 2, 2011

CARTER LEDYARD & MILBURN LLP

By: 

Judith Lockhart, Esq.

John J. Walsh, Esq.

2 Wall Street

New York, NY 10005

212-732-3200

- and --

Patricia L. Glaser, Esq.

G. Jill Basinger, Esq.

GLASER, WEIL, FINK, JACOBS,

HOWARD, AVCHEN & SHAPIRO, LLP

10250 Constellation Boulevard, 19th Floor

Los Angeles, CA 90067

310-553-3000

Attorneys for Plaintiff Daniel M. Snyder