

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 13-20610-CIV-ALTONAGA/Simonton

LARRY E. KLAYMAN,

Plaintiff,

v.

JUDICIAL WATCH, INC.,

Defendant.

---

**DEFENDANT’S STATEMENT OF MATERIAL FACTS IN SUPPORT OF  
MOTION FOR SUMMARY JUDGMENT**

Defendant Judicial Watch, Inc. (“Judicial Watch”), through undersigned counsel and pursuant to Local Rule 56.1 submits the following Statement of Material Facts in support of its Motion for Summary Judgment. Judicial Watch submits that the following facts are undisputed:

1. The Plaintiff Larry Klayman (“Plaintiff” or “Klayman”) is a public figure, as evidenced by Plaintiffs own allegations. *Amended Complaint (“AC”), D.E. 5, ¶¶2-5.*

2. Plaintiff alleges that he ran for the U.S. Senate in Florida’s Republican primary in 2003. *AC, D.E. 5, ¶2.*

3. Plaintiff claims that he “gained national exposure through high profile lawsuits against the Clinton, Bush, and Obama administrations, as well as other high-profile public interest endeavors.” *AC, D.E. 5, ¶4.*

4. Plaintiff touts the alleged success of his various high-profile lawsuits. *AC, D.E. 5, ¶4.*

5. Plaintiff alleges that he “became so famous for his strong public legal advocacy that the creator and executive producer Aaron Sorkin of “West Wing” created a semi-fictitious

character after him, who he named ‘Harry Klaypool of Freedom Watch,’ played by Hollywood actor John Diehl. (Taken from Larry Klayman of Judicial Watch).” *AC, D.E. 5, ¶4.*

6. Plaintiff claims that prior to February 22, 2012, he and others “had made it known that he planned to soon file a high profile case in Florida involving the eligibility of Pres. Barack Obama to run as a candidate in Florida concerning the state’s primary and general elections for 2012.” *AC, D.E. 5, ¶14.*

7. Plaintiff claims that Judicial Watch defamed him on or about February 22, 2012 by publishing a false statement that “Plaintiff Klayman had been ‘convicted’ of a crime for not paying a large amount of child support with regard to his children...” *AC, D.E. 5, ¶12.*

8. Plaintiff alleges that this statement was published on a website operated by Dr. Orly Taitz known as “The World’s Leading Obama Eligibility Website.” *AC, D.E. 5, ¶13.*

9. Orly Taitz is a California resident and attorney who is part of the birther movement. *See Exhibit 1, Declaration of Connie Ruffley ¶7, and Exhibit 2, Affidavit of Larry Klayman with Taitz website posting.* In February of 2012, Orly Taitz was running on the primary ballot for one of the California seats on the United States Senate. *See Exhibit 1, Declaration of Connie Ruffley ¶7.*

10. Ms. Taitz was a speaker at a meeting attended by Constance Ruffley, the Office Administrator for Judicial Watch’s Western Regional Headquarters in San Marino, California. *See Exhibits 1 and 2.*

11. Ms. Ruffley confirms all of the following facts in her Declaration, Paragraph 7, Exhibit 1. Ms. Ruffley and Ms. Taitz spoke about a number of issues after the meeting. They eventually discussed Larry Klayman. Ms. Ruffley affirms that the only information that she conveyed to Ms. Taitz about Larry Klayman was information that she had learned from public

records, including information related to court proceedings for failure to pay child support. She does not recall stating that Mr. Klayman had been convicted for the crime of failure to pay child support. This was the only discussion that Ms. Ruffley had with Ms. Taitz regarding Larry Klayman.

12. Plaintiff denies that he was “convicted” of the crime of not paying child support.

13. As noted above, Plaintiff claims that the allegedly defamatory statement was published on Orly Taitz’s website. The entire text of the February 23, 2012 website posting is as follows (*See also Exhibit 2*):

Yesterday I gave a 2 hour presentation of my platform as a candidate for the US Senate. The presentation was (sic) given to some 100 CA voters in the Women’s club of Garden Grove. I was told, that a representative of the Judicial Watch drove for over an hour from San Marino to hear me speak and talk to me. I got a very warm reception, after my presentation people stood up and applauded.

This member of the judicial watch approached me and gave me her card. Her name is Constance Ruffley and she is an office administrator for the Judicial Watch in their Western Regional Headquarters at 2540 Huntington Dr., San Marino. She told me, that she used to work for the FBI and that she worked for the Judicial Watch for many years. She actually initiated the discussion about Larry Klayman and told me that she heard that he is involved in birther cases. I told her that this group, article2superpac was soliciting money, that they sent an e-mail and posted on their site an advertisement on February 10, asking for \$25,000, claiming that they need to raise \$25,000 in 96 hours, as the cases in Florida and California need to be filed within a week. I told her, that it was a hard sell, they wrote it is now or never, saying finally Obama’s team met their match, dising 4 years of my tireless work in the process, and in the end nothing was filed by Larry Klayman. It is not clear what happened to all of the money that was raised, who got it.

Ms. Ruffley actually advised me that Larry Klayman is not licensed in California, she told me that he no longer works with the Judicial Watch and **that donors should know about litigation in Ohio, where he was convicted just recently (sic) of not paying large amount in child support** [emphasis added]. She provided a lot of other information. I will publish only, what is a public record. I am not publishing anything, that is not in public record.

**A number of individuals sent me this information:**

**Larry Klayman, 60, of Los Angeles, California, was indicted on two (2) counts of criminal nonsupport. He owes \$78,861.76 for his two children ages 11 and 14. Two hearings were held in Domestic Relations Court between 2009 and 2010. The last voluntary payment was made on August 30, 2011, in the amount of \$1,014.26. Arraignment is scheduled for February 7, 2012** [emphasis added].

<http://www.politicalforum.com/current-events/232994-breaking-democrat-files-ballot-challengeobjection-against-obama-florida-2.html>

FWIW, you might want to read this suit (below) filed against Kayman...from the time this suit was filed against Klayman (2007), he has not honored his promise to pay back what the court ordered, even though it was nowhere near the \$25,000 he was trusted with. I would be worried too, if I had donated money to this man.

IN THE SUPREME COURT OF FLORIDA  
THE FLORIDA BAR, Supreme Court Case  
No.  
Complainant, vs. No. 2011-70,621(11A)

LARRY ELLIOT KLAYMAN,  
Respondent.  
COMPLAINT

3. On or about November 11, 2007, Natalia Humm (“Humm”) filed a grievance against Respondent (Larry Klayman) alleging that he had failed to provide services in her criminal case after she paid him a \$25,000 retainer.

[http://www.floridabar.org/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/261D0D4E01FD99C8852578F\\$FILE/246220\\_12.PDF](http://www.floridabar.org/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/261D0D4E01FD99C8852578F$FILE/246220_12.PDF)

Yesterday I got an e-mail from Pamela Barnett titled: “Larry Klayman did not get nearly his retainer”. When Barnett wrote that Klayman did not get nearly his retainer, it means, that he got something. Barnett did not disclose, what did he get. What does it mean? According to the solicitation by a pack of bloggers in this article2Superpac, all of these bloggers were heavily soliciting a total of \$25,000. Nobody knows, how much did they actually raise. Additionally, Barnett claims, that she and George Miller are no longer connected with the article2superpac, however the Article2superpac and solicitation for donations for article2superpac is located at the top of the blog, ObamaBallotChallenge which is administered by Barnett and Miller. The link

<http://www.art2superpac.com/floridaballot.html> shows the actual article. The PDF and screenshot are at the top of the page.]

“Not nearly his retainer” can be \$15,000 out of \$25,000, it can be \$10,000. Bottom line, nobody knows, how much Klayman actually got. The question is, why was he paid anything, if he did not file the law suits, as he was supposed to?

Later I got an e-mail from Tony Dolz, who is not on the board of the Article2Superpac, but who is in contact with a number of the board members of this PAC, who stated, that he had a discussion with George Miller, who is on the board of the Article2superpac, who runs a blog ObamaBallotChallenge together with Barnett. According to Dolz, Miller stated, that Klayman was not paid anything.

The question is: who is lying? Was Klayman paid or not? If he was paid, than he needs to refund the donors, as he did not file law suits as he was supposed to. If the bloggers raised money and did not pay Klayman, the bloggers need to refund the money to the donors. The press release, that was issued by Article2Superpac on February 10, 2012 clearly stated, that the donors are asked to donate \$25,000 to pay Larry Klayman, that they have 96 hours to raise this large sum of money. The article also stated that the law suits are supposed to be filed within 1 week. It is now or never(see the article above). So, there were clear parameters: this pack of bloggers was soliciting from the public a large sum of money specifically to pay attorney Larry Klayman: \$25,000 to file 2 law suits in FL and CA within a week, by February 17,2012. Those law suits were never filed and the public should be refunded all of the money that was donated for this specific purpose. All of the bloggers, who ran this solicitation, need to provide accounting for the public, how much money did they raise in total and where did this money go. Actually, donors can report this to their District Attorneys. If the public donated for specific purpose and did not get the benefit, the public was defrauded and this is a criminal matter. People went to prison for things like that.

There are 5 board members of this Article2superpac:

1. Helen Tansey-blogger, president of the Article2SuperPAC
2. Garry Wilmott, blogger GiveUSLiberty1776
3. Bob Nelson-blogger, runs ORYR (ObamaReleaseYourRecords) or BirtherReport (I got information, that Bob nelson might be a pseudonym for richard Garoutte, but I am not sure).
4. George Miller runs blog ObamaBallotChallenge together with Pamela Barnett (another supporter stated, that Pamela Barnett is on the board instead of George Miller, I am not sure about that)
5. Kevin Powell, a cameraman, I don't know, what blog does he run

Additionally several other bloggers were running solicitation of this Article@superpac on their blogs, among them

Dean Haskins, blogger “BirtherSummit”

Sam Sewell blogger ‘steady drip’, Charles Kerchner and a few others.

All of these people are supposed to refund the public all of the money, that they raised for these law suits that were supposed to be filed by Larry Klayman by the February 17, 2012 deadline, as those law suits were never filed. The public never got the benefit of the what they paid for.

This is the reason, why I stated before, that if you want to donate to the work of a specific attorney, donate directly and you know, where the money is going. When you donate to a gang of bloggers, claiming that the money is going to attorneys for legal expenses, you have no idea where the donations are going.

14. Plaintiff was, in fact, indicted in Ohio for failure to pay child support. A certified copy of the indictment is attached hereto as Exhibit 3. On or about January 24, 2012, Larry Klayman was indicted by the Cuyahoga County Court of Common Pleas, Criminal Court Division for Criminal Nonsupport, in violation of Ohio Revised Code §2919.21 (B). The date of the offense was on or about September 25, 2009 through September 24, 2011. The indictment references two minor children.

15. On September 24, 2009, plaintiff was found in contempt of court by the Court of Common Pleas, Division of Domestic Relations, Cuyahoga County, Ohio for failure to pay child support. A certified copy of the judgment entry is attached hereto as Exhibit 4. Plaintiff was found to be in arrears in child support payments in the amount of \$31,393. He was “sentenced for said contempt to THIRTY (30) days in jail, or in the alternative, to perform not less than 200 hours of community service in lieu of actual incarceration . . .” Plaintiff was given the opportunity to purge the contempt. Specifically, the judgment entry states, “However, the Obligor LARRY ELLIOT KLAYMAN’s sentence will be purged provided that the Obligor,

LARRY ELLIOT KLAYMAN, pays \$3,200.00 through the CSEA within 30 days of the journalization of this order.”

16. On June 24, 2011, plaintiff was again found in contempt of court by the Court of Common Pleas, Division of Domestic Relations, Cuyahoga County, Ohio. A certified copy of the judgment entry is attached hereto as Exhibit 5. At the time of this contempt order, plaintiff was in arrears in child support in the amount of \$47,600.90. He also owed \$5,950 for tuition expenses for his children. Plaintiff was sentenced to 60 days in jail, but he was given the opportunity to purchase the contempt.

17. A copy of an affidavit filed by plaintiff’s ex-wife, Stephanie DeLuca, in the domestic relations proceedings is attached hereto as Exhibit 6. The affidavit outlines plaintiff’s failures to pay child support.

18. Plaintiff’s contempt of court was also recognized by an Ohio appellate court in *Klayman v. Luck*, 2012 WL 3040043 (Ohio App. 8<sup>th</sup> Dist). The court stated, “With respect to child support issues, the magistrate found Klayman in contempt of court.” *Id.* at 2.

19. A Virginia court also found plaintiff in contempt of court for failure to pay child support. An Ohio appellate court stated, “In October 2007, a Virginia court found Klayman in contempt of court for failing to pay \$74,015 in support. To purge his contempt, Klayman paid the full amount to Luck [his ex-wife], plus interest and attorney’s fees.” *Klayman v. Luck*, 2012 WL 3040043 (Ohio App. 8<sup>th</sup> Dist). *See Exhibit 7.*

20. Klayman attempts to assert claims for Defamation, Defamation by Implication, Tortious Interference with a Contract, and Intentional Infliction of Emotional Distress.

21. With respect to the Tortious Interference with a Contract Claim, Klayman asserts that he “was engaged in a contractual agreement with citizen and voter of Florida to engage in

legal representation of democrat and voter Michael Voeltz in a challenge to Barack Hussein Obama's placement on the 2012 Florida Presidential Preference Primary as well as the 2012 Florida General Election." *AC, D.E. 5, ¶26.*

22. Klayman asserts that Judicial Watch intentionally and unjustifiably interfered with this contractual relationship. *AC, D.E. 5, ¶26.*

23. Klayman did, in fact, represent Mr. Voeltz in at least two lawsuits challenging the candidacy of Barack Obama. *See Exhibits 8 and 9.*

24. On February 8, 2013, the Florida First District Court of Appeal dismissed a claim filed by Plaintiff on behalf of Michael Voeltz against Barack Obama. *See Voeltz v. Obama, -- So.3d --, 2013 WL 459979 (Fla. 1<sup>st</sup> DCA), attached hereto as Exhibit 10.*

25. On September 27, 2013, the Florida Supreme Court dismissed the claim for mandamus relief filed by Michael Voeltz against Barack Obama. *Voeltz v. Obama, -- So.3d --, 2013 WL 5495733 (Fla. 2013), attached hereto as Exhibit 11.*

Dated: **December 5, 2013**

Respectfully submitted,

SCHWED KAHLE & KRESS, P.A.  
11410 North Jog Road, Suite 100  
Palm Beach Gardens, FL 33418  
Telephone: (561) 694-0070  
Facsimile: (561) 694-0057

/s/ Douglas J. Kress  
Douglas J. Kress, Esq.  
Florida Bar No.: 0061146  
Email: [dkress@schwedpa.com](mailto:dkress@schwedpa.com)

*Attorneys for Defendant Judicial Watch, Inc.*

**Certificate of Service**

I hereby certify that on **December 5, 2013**, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Douglas J. Kress

Douglas J. Kress, Esq.

Florida Bar No.: 0061146

**SERVICE LIST**

LARRY KLAYMAN, ESQ.  
2520 Coral Way, Suite 2027  
Miami, FL 33145  
Telephone: (310) 595-0800  
Email: [leklayman@gmail.com](mailto:leklayman@gmail.com)

VIA CM/ECF