

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

-----X
LINDSAY LOHAN and DINA LOHAN,

Index No.:

Plaintiff(s)

Date Summons Filed:

-against-

FOX NEWS NETWORK, LLC, FOX ENTERTAINMENT
GROUP, INC. 21ST CENTURY FOX AMERICA, INC.
FOX NEWS CHANNEL A/K/A FOX NEWS, MICHELLE
FIELDS and SEAN HANNITY

SUMMONS

Plaintiff designates New York
County as the place of trial the
basis of venue is Defendants
Residence.

Defendant(s)

-----X

To the above named Defendant(s)

YOU ARE HEREBY SUMMONED 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 attorney within 20 days after the 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); and 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: Brooklyn, NY
February 2, 2015

DAVID J. HERNADNEZ & ASSOCIATES and
MARK J. HELLER, ESQ.

By: David J. Hernandez, Esq
Attorney for Plaintiffs
26 Court Street, Suite 2707
Brooklyn, NY 11242
Tel. 718-522-0009

Defendant's Address:

FOX NEWS NETWORK, LLC, 1211 Avenue of the Americas, New York, NY 10036
FOX ENTERTAINMENT GROUP, INC., 10201 W. Pico Blvd, Bldg100, Ste 3220, Los Angeles, Ca 90035
21ST CENTURY FOX AMERICA, INC., 1211 Avenue of the Americas, New York, NY 10036
FOX NEWS CHANNEL A/K/A FOX NEWS, 1211 Avenue of the Americas, New York, NY 10036
MICHELLE FIELDS and SEAN HANNITY, c/o FOX NEWS CHANNEL A/K/A FOX NEWS, 1211 Avenue
of the America, New York, NY 10036

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Defendant(s)

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VERIFIED COMPLAINT

Plaintiffs, LINDSAY LOHAN and DINA LOHAN, complaining of the defendant(s) and each of them, by their attorneys DAVID J. HERNANDEZ & ASSOCIATES and MARK HELLER, hereby allege the following upon information and belief:

PARTIES

1. Plaintiff, LINDSAY LOHAN, is a resident of the State of New York, County of Nassau.
2. Plaintiff, LINDAY LOHAN, was and is a professional actress, model and singer,
3. Plaintiff, DINA LOHAN, is a resident of the State of New York and County of Nassau.
4. Plaintiff, DINA LOHAN, is the mother of the Plaintiff, LINDSAY LOHAN
5. Defendant, FOX NEWS NETWORK, LLC, was and is a Limited Liability Company organized under the laws of the State of Delaware, and maintains its principal office at 1211 Avenue of the Americas, New York, NY 10036.
6. Defendant, FOX NEWS NETWORK, LLC, was and is registered as s Foreign Limited Liability Company in the State of New York.

7. Defendant, FOX ENTERTAINMENT GROUP, INC., was and is a Corporation organized under the laws of the State of Delaware with its corporate office at 10201 W. Pico Blvd., Bldg. 100, Ste. 3220 Los Angeles, CA 90035.
8. Defendant, FOX ENTERTAINMENT GROUP, INC., was and is registered as s Foreign Limited Liability Company in the State of New York.
9. Defendant, 21ST CENTURY FOX AMERICA, INC. was and is a Limited Liability Company organized under the laws of the State of Delaware, and maintains its principal office at 1211 Avenue of the Americas, New York, NY 10036.
10. Defendant, 21ST CENTURY FOX AMERICA, INC. was and is registered as s Foreign Limited Liability Company in the State of New York.
11. At all times hereinafter mentioned, upon information and belief, defendant, FOX NEWS CHANNEL a/k/a FOX NEWS, is a cable and satellite news television channel that is a subsidiary owned, managed and controlled by the defendants, FOX NEWS NETWORK, LLC and/or FOX ENTERTAINMENT GROUP, INC. and/or 21ST CENTURY FOX OF AMERICA, INC.
12. At all times hereinafter mentioned, upon information and belief, FOX NEWS NETWORK, LLC is a subsidiary of both the FOX ENTERTAINMENT GROUP, INC. and 21ST CENTURY FOX OF AMERICA, INC.
13. At all times hereinafter mentioned, upon information and belief, FOX NEWS NETWORK, LLC, operates the FOX NEWS CHANNEL, also known as FOX NEWS.
14. Defendant, MICHELLE FIELDS, is a political journalist, frequent commentator on Fox News and is a correspondent/host for Next Generation TV.

15. Defendant, SEAN HANNITY is a television host, author, and political commentator. He was and is the host of "Hannity Show, a nationally syndicated talk radio show that airs throughout the United States.

16. Defendant, SEAH HANNITY, also hosts a program entitled "HANNITY" which upon information and belief, has a regular program segment entitled "GREAT AMERICAN PANEL" on the Fox News Channel.

VENUE AND JURISDICTION

17. Jurisdiction and venue is proper as the actions giving rise to the Plaintiffs' claims arose in the State and County of New York. All of the Defendants have sufficient nexus to the State and County of New York. The hub or nerve center of the Defendants' business operations are also located in the State and County of New York.

PRELIMINARY STATEMENT

18. This action is brought by the plaintiffs against the defendants to recover damages for slander, false and irresponsible defamatory statements made against them during a national broadcast program on Fox News. The plaintiffs also seek damages from the defendants for the intentional infliction of emotional distress as well.

FACTS COMMON TO ALL CAUSES OF ACTION

19. Upon information and belief, "HANNITY" is a television show on the Fox News Channel and network which is hosted by the defendant, SEAN HANNITY.

20. Upon information and belief, the format or content of "HANNITY" consists of SEAN HANNITY interviewing guests and also providing commentary or analysis of the particular topic covered by the guests.

21. Upon information and belief, “THE GREAT AMERICAN PANEL” is a regular segment (hereinafter referred to as “the segment”) on “HANNITY”
22. Upon information and belief, the segment features a lively panel discussion between SEAN HANNITY and several guest political or news commentators on a topical issue or current event.
23. Upon information and belief, both “HANNITY” and the segment are produced at FOX NEWS CHANNEL’s studio production facilities in New York City, New York.
24. On February 4, 2014, defendant, MICHELLE FIELDS, appeared as a guest commentator on the segment on “HANNITY”.
25. The topic of discussion concerned recent deceased celebrities and drug use, including Oscar winning actor, Philip Seymour Hoffman, whose recent death appeared to inspire the topic of discussion.
26. During the February 4, 2014 show’s broadcast the defendant, MICHELLE FIELDS, falsely inappropriately and shockingly stated, unequivocally, and as a “matter of fact” that “Lindsay Lohan’s mom is doing cocaine with her, referring to DINA LOHAN (hereinafter referred to as the “defamatory comment”).
27. The defendant, MICHELLE FIELDS, made the false, defamatory, heartless derogatory comment in the context of the show’s topic that was dedicated to substance abuse in Hollywood and an obituary list of celebrity deaths.
28. The false defamatory comment made by the defendant, MICHELLE FIELDS, was a direct smear on the character/reputation of the plaintiffs, LINDSAY LOHAN and DINA LOHAN.

29. Moreover the overall theme of the show and false defamatory comment made by the defendant, MICHELLE FIELDS, was a totally irresponsible and malicious innuendo to the show's viewers that the plaintiff, LINDSAY LOHAN, might become the next celebrity to join the obituary list.

**FIRST CAUSE OF ACTION IN FAVOR OF PLAINTIFFS, LINDSAY LOHAN
AND DINA LOHAN**

30. Plaintiffs, LINDSAY LOHAN and DINA LOHAN, incorporate by reference herein each and every allegation set forth in paragraphs 1 to 31 and further state as follows:

31. Plaintiffs, LINDSAY LOHAN and DINA LOHAN, have the right to the respect, confidence and esteem of their neighbors, peers, general public and others in their community.

32. The defamatory comment made by the defendant, MICHELLE FIELDS, and presented by the defendant, SEAN HANNITY, on his show were false and not privileged.

33. The defamatory comment was made by the defendant, MICHELLE FIELDS, and was presented by the defendant, SEAN HANNITY, on his show notwithstanding that defendants' MICHELLE FIELDS and SEAN HANNITY know that the defamatory comment was false; and/or was made in reckless disregard of the truth; and/or in negligent disregard of the truth, and/or was made intending to injure the plaintiffs, LINDSAY LOHAN and DINA LOHAN in their name and reputation.

34. The defamatory comment by the defendant, MICHELLE FIELDS, and presented by the defendant, SEAN HANNITY on his show, was made in their course of said defendants' employment and/or engagement with the defendants, FOX NEWS NETWORK, LLC,

FOX ENTERTAINMENT GROUP, INC., 21ST CENTURY FOX, AMERICA, INC.,
FOX NEWS CHANNEL A/K/A FOX NEWS.

35. Defendants' FOX NEWS NETWORK, LLC, FOX ENTERTAINMENT GROUP, INC.,
21ST CENTURY FOX, AMERICA, INC., and FOX NEWS CHANNEL A/K/A FOX
NEWS are liable for the conduct of MICHELLE FIELDS and SEAN HANNITY, by
virtue of respondent superior.

36. The defamatory comment was aired and distributed by the defendants, FOX NEWS
NETWORK, LLC, FOX ENTERTAINMENT GROUP, INC., 21ST CENTURY FOX,
AMERICA, INC., and FOX NEWS CHANNEL A/K/A FOX NEWS to its viewers and
upon information and belief were re-distributed and recirculated world-wide on the
internet and through other mass media.

37. The defamatory comment made by the defendant, MICHELLE FIELDS, and aired and
distributed by the defendants, SEAN HANNITY, FOX NEWS NETWORK, LLC, FOX
ENTERTAINMENT GROUP, INC., 21ST CENTURY FOX, AMERICA, INC., and
FOX NEWS CHANNEL A/K/A FOX NEWS, impugned the reputation of the plaintiffs,
LINDSAY LOHAN and DINA LOHAN, and tended to expose the plaintiffs to public
contempt, ridicule, aversion or disgrace, to induce an evil opinion of the plaintiffs in the
minds of the public, to cause the plaintiffs to be shunned or avoided, and/or to injure the
plaintiffs, in their occupation, name, character and reputation.

38. The defamatory comment made by the defendant, MICHELLE FIELDS, and presented
by the Defendant, SEAH HANNITY, on his show constitute defamation per se.

39. The Defendants' actions have directly and proximately caused the plaintiffs damages by
virtue of their loss in reputation, name, mortification; damage to their property, business,

trade, profession or occupation; present and future diminished income; and loss of acting and entertainment contracts and opportunities.

40. Upon information and belief, FOX NEWS CHANNEL A/K/A FOX NEWS, released an on air statement a short time after the broadcast of the February 4, 2014 show admitting that it did not verify the truth of the aforesaid derogatory statement made during the show.
41. By letter dated February 19, 2014, FOX NEWS CHANNEL A/K/A/ FOX NEWS, by its media counsel, Nicholas Lanoie, Esq., to Mark Jay Heller, Esq., an attorney for the Lohans, agreed to remove the segment airing the derogatory comment, and its associated blog post from its website.
42. Upon information and belief, FOX NEW CHANNEL A/K/A/ FOX NEWS, failed to remove the segment airing the derogatory comment, and its associated blog post from its website.
43. Upon information and belief, the segment airing the derogatory comment, and its associated blog post continue to be viewed, distributed and circulated on the internet and other media subjecting the plaintiffs to further ridicule, shame and injury to their reputations.
44. Accordingly, the plaintiffs also request punitive damages.

SECOND CAUSE OF ACTION IN FAVOR OF DINA LOHAN

45. Plaintiff, DINA LOHAN, incorporates by reference herein each and every allegation set forth in paragraphs 1 to 45 and further states as follows
46. Upon information and belief, the defendant, SEAN HANNITY, led off the segment with the comment or theme of "Early Signs of Train Wrecks and Tragedy About to Happen".

47. Both before and after the defamatory comment was made by the defendant, MICHELLE FIELDS, the panelists and SEAN HANNITY mentioned several young celebrity entertainers in the spotlight engaging in outrageous conduct in which their parents were participants.
48. The content and theme of the discussion between the defendant, SEAN HANNITY, and the panelists, which included, the defendant, MICHELLE FIELDS, was that the parents, including the plaintiff, DINA LOHAN, were to blame for their celebrity children's behavior, or that the parents, including the plaintiff, DINA LOHAN, were "enablers".
49. Both the derogatory comment and the allegation that the plaintiff, DINA LOHAN, was an unfit parent or role model further impugned the reputation of the plaintiff, DINA LOHAN, and tended to expose the plaintiff, DINA LOHAN, to further public contempt, ridicule, aversion or disgrace, to induce an evil opinion of the plaintiffs in the minds of the public, to cause the plaintiffs to be shunned or avoided, and/or to injure the plaintiff, DINA LOHAN, in her name, character and reputation.
50. Upon information and belief, FOX NEW CHANNEL A/K/A/ FOX NEWS, failed to remove the segment airing the aforesaid derogatory comments about the plaintiff, DINA LOHAN, and its associated blog post from its website.
51. Upon information and belief, the segment airing the aforesaid derogatory comments about the plaintiff, DINA LOHAN, and its associated blog post continue to be viewed, distributed and circulated in the internet and other media subjecting the plaintiff, DINA LOHAN, to further ridicule, shame and injury to her reputation.
52. Accordingly, the plaintiff, DINA LOHAN, also requests punitive damages.

**THIRD CAUSE OF ACTION IN FAVOR OF PLAINTIFFS, LINDSAY LOHAN
and DINA LOHAN**

53. Plaintiffs, LINDSAY LOHAN and DINA LOHAN, incorporates by reference herein each and every allegation set forth in paragraphs 1 to 53 and further states as follows:
54. The derogatory comments made by the defendant, MICHELLE FIELDS, and presented by the defendant, SEAN HANNITY, on his show which featured the topic of celebrity drug use and deaths.
55. The recent death of actor, Philip Seymour Hoffman, from an alleged drug overdose was prominently featured during the show.
56. There was also discussion on the show of other deceased celebrities that succumbed to drug addiction.
57. The segment discussion between the guest commentators and SEAN HANNITY made reference to several young celebrity entertainers who were described as being out of control.
58. The defendant, MICHELLE FIELDS, made the derogatory comment that "Lindsay Lohan's mom is doing cocaine with her" in the context of the theme of the show, which prominently featured an obituary list of deceased celebrities who succumbed to drug addiction.
59. The aforesaid derogatory comment made during the segment directly falsely maliciously insinuated that the plaintiffs' LINDSAY LOHAN and her mother, DINA LOHAN, are out of control.
60. The aforesaid derogatory comment made in the context of the show and its theme maliciously foreshadowed to viewers that LINDSAY LOHAN might inevitably become

the next celebrity entertainer to join the “infamous obituary list” due to her mother’s actions.

61. The aforesaid intentional derogatory comment exchanged between the Defendants, MICHELLE FIELDS and SEAN HANNITY, which was broadcast to viewers on a national scale and then posted on the website of FOX NEWS CHANNEL A/K/A FOX NEWS, was so outrageous and extreme that it exceeds all possible bounds of decency in a civilized society.

62. Defendants, the defendants, FOX NEWS NETWORK, LLC, FOX ENTERTAINMENT GROUP, INC., 21ST CENTURY FOX, AMERICA, INC., and FOX NEWS CHANNEL A/K/A FOX NEWS, aided, abetted and facilitated the broadcasting and distribution of the extremely hurtful, false outrageous and derogatory comment via its studio facilities, media distribution network and internet website.

63. Defendants’ FOX NEWS NETWORK, LLC, FOX ENTERTAINMENT GROUP, INC., 21ST CENTURY FOX, AMERICA, INC., and FOX NEWS CHANNEL A/K/A FOX NEWS are liable for the conduct of MICHELLE FIELDS and SEAN HANNITY, by virtue of respondent superior.

64. As a proximate result of the defendants’ intentional tortious conduct, the plaintiffs, LINDSAY LOHAN and DINA LOHAN, have suffered and will continue to suffer: severe mental and emotional distress; embarrassment and humiliation; pain and suffering; and economic loss, including loss of income, entertainment and acting contracts, present and future diminished income and economic opportunities.

65. Accordingly, the plaintiffs also request punitive damages.

WHEREFORE, the plaintiffs demand judgment jointly and severally against the

defendants, FOX NEWS NETWORK, LLC, FOX ENTERTAINMENT GROUP, INC., 21ST CENTURY FOX, AMERICA, INC., FOX NEWS CHANNEL A/K/A FOX NEWS, MICHELLE FIELDS and SEAN HANNITY as follows:

- a. on the first cause of action in favor of LINDSAY LOHAN and DINA LOHAN, in an amount in excess of the monetary jurisdiction of the lower costs to be determined at trial in compensatory damages, punitive damages, plus pre- and post-judgment interest, attorney's fees and costs.
- b. on the second cause of action in favor of DINA LOHAN, in an amount in excess of the monetary jurisdiction of the lower costs to be determined at trial in compensatory damages, punitive damages, plus pre- and post-judgment interest, attorney's fees and costs.
- c. on the third cause of action in favor of LINDSAY LOHAN and DINA LOHAN, in an amount in excess of the monetary jurisdiction of the lower costs to be determined at trial in compensatory damages, punitive damages, plus pre- and post-judgment interest, attorney's fees and costs
- d. a preliminary and permanent injunction restraining the defendants from distributing the show and segment of the February 4, 2014 broadcast, which is the subject of this action, via their news, television, cable and entertainment network and internet website.
- e. awarding the plaintiffs any other relief this Court deems just, proper and equitable.

Dated: Brooklyn, New York
February 2, 2015



DAVID J. HERNADNEZ & ASSOCIATES and
MARK J. HELLER, ESQ.

By: David J. Hernandez, Esq

Attorney for Plaintiffs

26 Court Street, Suite 2707

Brooklyn, NY 11242

Tel. 718-522-0009

ATTORNEY VERIFICATION

STATE OF NEW YORK)

SS:

COUNTY OF KINGS)

I, DAVID J. HERNDAEZ, an attorney admitted to practice in the Courts of New York State, state under penalty of perjury that I am one of the attorneys for the plaintiff in the within action, I have read the foregoing SUMMONS and VERIFIED COMPLAINT and know the contents thereof; the same is true to my own knowledge, except as to the matters I believe to be true.

The reason this verification is made by me and not by my client, is that my clients are not presently in the County where I maintain my offices.

The grounds of my belief as to all matters not stated upon my own knowledge are the materials in my file and the investigation conducted by my office.

Dated: Brooklyn, New York
February 2, 2015



DAVID J. HERNANDEZ & ASSOCIATES

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EXHIBIT 1

Hellen V. Hellen
Attorneys at Law

Louis B. Heller (1905-1999)
Justice New York State Supreme Court

Hanng Heller (1907-1980)

Maxh Jay Heller

Michael David Heller

Elizabeth Jennifer Heller

Rachol Elysee Heller

Legal Assistant

1115 Park Avenue
New York, NY 10029
(212) 737-4490

February 7, 2014

FACSIMILE: (212) 301-5785

FOX News Channel

Roger Ailes, Chairman and CEO

1211 Avenue of the Americas - 2nd Floor

New York, New York 10036

Dear Mr. Ailes:

Recently, on February 4, 2014, the Fox News Channel broadcasted a blatantly false, malicious, defamatory and reckless statement on the program entitled "Great American Panel" hosted by Sean Hannity.

The outrageously slanderous and defamatory statement was made by FOX News Channel's guest Michelle Fields who is a frequent commentator on Fox News and is a correspondent/host for Next Generation TV. During the show's broadcast, Ms. Field inappropriately and shockingly stated, unequivocally and as a matter of fact, that "Lindsay Lohan's mom is doing cocaine with her" - which statement is false.

This statement is even more reprehensible, egregious and hurtful when considered in the context of the Show's theme which was substance abuse in Hollywood and celebrity deaths. Prior to this statement being made by Ms. Fields and being broadcast on your network, the Show grimly cited a parade of dead celebrities including, Philip Seymour Hoffman (whose recent death inspired the Show), Heath Ledger, Anna Nicole Smith, Whitney Houston, Amy Winehouse, Michael Jackson, Cory Monteith and Elvis. The commentary sought to attach blame to the media, to fame and to some of the parents of the unfortunate victims of substance abuse.

Most disturbingly, your Show and commentary seemed to maliciously foreshadow to your viewers that the Commentators could "see it coming" as a reference to the possibility that a celebrity such as Lindsay Lohan might inevitably become the next icon to join the infamous obituary list. Frankly, this personifies the horrifying media distortion which may very well have disheartened, disturbed, depressed and instigated some of the victims highlighted during your Show. This irresponsible, thoughtless and insensitive media regurgitation no doubt contributes to the emotional weakening of these victims that pushes them further into the dark tunnel from which there is no return.



The Fox News Channel further repeated and amplified the false statement made by Ms. Fields by posting the video of the Show on its website, thereby causing further and additional damage to my clients (<http://foxnewsinsider.com/2014/02/04/hamity-panel-takes-substance-abuse-hollywood>)

Your persistence in broadcasting and publishing this outrageous and defamatory falsehood has been incredibly damaging to my clients, and I hereby demand immediate broadcast and publication of an apology and retraction, in as prominent a broadcast and publication fashion as the original broadcast and publication, in order to try to mitigate the substantial damages that have been caused to my clients as a result of the aforesaid.

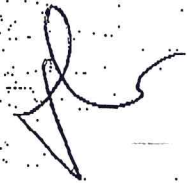
In addition, I hereby demand that Fox News Channel immediately remove the blog posting on its website and the video of the program from all places that it may be viewed and not repeat the false and defamatory statement in any future broadcasts or publications.

Nothing contained herein is intended as, nor should it be deemed to constitute, a waiver or relinquishment of any of my clients' rights or remedies, whether legal or equitable, all of which are hereby expressly reserved.

Very truly yours,

Mark Jay Heller, Esq.

cc: Michelle Fields
c/o Nina Yablok
Nextgeneration.tv
1313 N. Milpitas Blvd. - Suite 139
Milpitas, CA 95035



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SUMMONS and VERIFIED COMPLAINT

DAVID J. HERNANDEZ & ASSOCIATES And
MARK J. HELLER, ESQ
By: David J. Hernandez
Attorneys for Plaintiff
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Brooklyn, New York 11242
T. (718) 522-0009
F. (718) 522-3305

I, David J. Hernandez, Esq., certify that to the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, certify that the presentation of the foregoing paper or the contentions therein are not frivolous as defined in subsection (c) of Section 130.01 of the Rules of the Chief Administrator of the Courts.

Dated: Brooklyn, New York
February 2, 2015



David J. Hernandez, Esq.