



B 198- Summons with notice, Supreme Court, personal or substituted service. 13 pt. type. 4-94

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Supreme Court of the State of New York  
County of NEW YORK

MELODY RASHADA,

**ORIGINAL**

against  
THE NEW YORK POST, NYP HOLDINGS, INC.,  
and PATRICK DUNLEAVY,

Defendant(s)

11100776

Index No.  
Date purchased

Plaintiff(s) designate(s)  
NEW YORK  
County as the place of trial.

The basis of the venue is  
RESIDENCE OF DEFENDANTS  
NEW YORK POST AND NYP HOLDINGS, INC.

**Summons**

Plaintiff(s) reside(s) at  
NEW WINDSOR

County of  
ORANGE

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(s) 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, JAN. 18, 2011

Defendant's address:  
THE NEW YORK POST  
1211 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036-8790

NYP HOLDINGS, INC.  
1211 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036-8790

PATRICK DUNLEAVY  
5846 PACIFIC RIM WAY-A 60  
BELLINGHAM, WA 98226

Attorney(s) for Plaintiff  
JOHN R. LEWIS, ESQ.

Office and Post Office Address  
36 HEMLOCK DRIVE  
SLEEPY HOLLOW, NY 10591

Notice: The nature of this action is  
DEFAMATION

**FILED**  
JAN 20 2011  
NEW YORK  
COUNTY CLERKS OFFICE

The relief sought is DAMAGES OF FIVE MILLION DOLLARS

Upon your failure to appear, judgment will be taken against you by default for the sum of \$ 5,000,000.00 with interest from JAN. 18, 2011 ~~18~~ and the costs of this action.

*Osted: Sleepy Hollow, ny  
January 18, 2011*

*John R. Lewis, Esq.  
36 Hemlock Drive  
Sleepy Hollow, NY 10591  
(914) 332-8629*

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

\_\_\_\_\_ X  
MELODY RASHADA,  
Plaintiff, :  
-against- : VERIFIED COMPLAINT  
THE NEW YORK POST; NYP HOLDINGS, INC.; :  
and PATRICK DUNLEAVY : Index #  
Defendants. : Plaintiff designates  
: New York County as  
\_\_\_\_\_ X  
county of venue.

PLAINTIFF MELODY RASHADA by her attorney John R. Lewis, hereby  
alleges the following:

Parties and Venue

1. Plaintiff is a resident of New Windsor, Orange County, New York.
2. Defendant NYP Holdings, Inc. is a Delaware corporation that transacts extensive business in the state of New York, including the ownership and management of the New York Post, a daily newspaper, and its main office is at 1211 Avenue of the Americas, New York, NY 10036-8790, New York County.
3. Defendant The New York Post is a daily newspaper, whose main office is located at 1211 Avenue of the Americas, New York, NY 10036-8790, New York County.
4. Defendant Patrick Dunleavy, on information and belief, is a resident of Bellingham, Washington, and until recently was a resident of New York, NY, and writes news articles for the New York Post, including the article that is the subject of this lawsuit.

5. Venue is based on the residence of Defendants New York Post and NYP Holdings, Inc.

Facts

6. Plaintiff is a teacher, although not an imam, at Masjid Al-Ikhlās, an Islamic mosque in Newburgh, New York. She is also a chaplain in the New York prison system which is known as the “Department of Correctional Services” or “DOCS”, and in such capacity gives spiritual counsel and advice to female inmates, presently at Beacon Correctional Facility.

7. Plaintiff is politically moderate and abhors terrorism and violence, including that done in the name of Islam.

8. In or about September of 2010, four defendants from Newburgh, New York were tried in Manhattan federal district court on terrorism-related charges; specifically they were accused of, *inter alia*, plotting to bomb a synagogue in the Bronx. These defendants were James Cromitie, Onta Williams, David Williams, and Laguerre Paven (“the Newburgh defendants”).

9. On or about September 2, 2010, the New York Post published an article by Patrick Dunleavy entitled “Converts to Terror”, and subtitled “The Prison Chaplain Problem”. (Said article will be referred to as “the Dunleavy Article” hereinafter, and is appended as Exhibit A).

10. The Dunleavy Article refers to the then-ongoing trial of the Newburgh defendants, and then poses, as the Article’s central focus, the question of “how the four

accused were radicalized to the point where they'd even *consider* plotting to bomb synagogues in the Bronx and shoot down aircraft with missiles" [emphasis supplied].

11. Proceeding to answer its own question, the Dunleavy Article states:

What stands out is the prison connection. All four defendants were former inmates. More important, all three imams at the mosque in Newburgh that the defendants attended after being released from prison had a connection with the prison system. Imams Salahuddin Muhammad, Hamin Rashada and Melody Rashada worked for the Department of Correctional Services. All had been hired by Warith Deen Umar – who for years headed ministerial services for the New York state prison system.

12. The above-quoted language, in combination with the title and sub-title, clearly intends the reasonable reader to believe that the three-named imams, including Plaintiff, do or did in fact engage in the radicalization of prison inmates, encouraging said inmates to contemplate and undertake acts of terrorism. Said assertion, as regards Plaintiff, is patently false.

13. The remainder of the Dunleavy Article then supports the above-stated thesis in a guilt-by-association manner, with the following assertions about people "connected" with Plaintiff, including:

a) that the same Warith Deen Umar who had hired Plaintiff as well as Salahuddin Muhammad and Hamin Rashada, once told the Wall Street Journal that prisons were "a prime place to recruit homegrown terrorists"; that Umar made disparaging remarks about Israel and Jews at a 2009 Islamic Society convention; and that Umar is an avowed Salafist;

b) that the Wahabbi/Salafist sect of Islam views Jews and other groups of nonbelievers as “infidels and enemies of Islam”; and that said sect “has been the *dominant* Islamic community for decades”[emphasis supplied]; and that Shia Muslim inmates in New York “had filed a class-action lawsuit against the prison administrators, claiming religious persecution, threats and overt acts of intimidation by other Muslim inmates *at the behest of the civil-service chaplains*” [emphasis added].

c) that authorities had recorded conversations of names in Imam Salahuddin Muhammad’s congregation, calling the governor and president “Zionist puppets” and referring to Jews as “pigs and dogs”; and

d) ‘one need only look at the amount of money from inmate funds that were sent to *the Newburgh mosque* over the years to see *a well established connection*”[emphasis added].

14. The Article concludes:

Radical Islamic recruitment in the prison system is a reality. Years of sowing seeds among a captive audience are bearing fruit. It was no coincencé that the authorities focused *on this particular congregation* [emphasis added].

15. Read in context including the title and sub-title, the full Dunleavy Article clearly intends to convey, and does in fact convey, the impression that the present Plaintiff Melody Rashada, along with Hamin Rashada and Salahuddin Muhammad, has in fact engaged in the “radicalizing” of inmates and has encouraged inmates to engage in acts of terrorism and violence. The Article can be summarized as follows: it first defines “the prison chaplain problem”, i.e. that there are Muslim prison chaplains who radicalize prison inmates and encourage them to commit acts of terrorism; it then names three *specific* prison chaplains, including Plaintiff, in connection with that “problem”; and it

then describes other “connections” between radical Islamic figures and “*this particular congregation*”, meaning the congregation served by Plaintiff and the two other named imams.

16. The notion that Plaintiff Melody Rashada has aided, abetted and encouraged terrorism by “radicalizing” prison inmates in her capacity as a prison chaplain in the DOCS system or in any other capacity, is, simply, false. She has never engaged in the radicalizing of inmates, nor encouraged inmates, or any other people, to engage in terrorist acts. Indeed, she abhors such acts, and considers such acts to be contrary to the true intent and spirit of Islam. She is not a member of the Wahabbi/Salafist sect highlighted in the Dunleavy Article, and is in no way sympathetic with those who advocate terrorism, aggression, hate, or religious extremism.

17. Since the World Trade Center was destroyed by self-avowed Muslim terrorists on September 11, 2001, arguably no accusation of misconduct can engender greater contempt and hatred by “right-thinking”, decent and law-abiding members of American society, than the accusation that one is a terrorist, or aids or abets or sympathizes with terrorist acts, or encourages others to engage in such acts. Simply stated, such an accusation is defamatory, indeed as defamatory as any accusation can be, particularly when the accused party, i.e. the present Plaintiff, is by occupation a spiritual leader.

18. The Dunleavy Article was written with legal malice, i.e. with knowledge that the Article was false or with reckless disregard for the truth.

19. The Dunleavy Article is defamatory on its face and falsely disparages Plaintiff's conduct in the course of her profession, i.e. as a prison chaplain, and therefore is defamatory *per se*.

20. The Dunleavy article was "of and concerning" Plaintiff Melody Rashada.

21. As a result of Dunleavy's false and defamatory Article, as printed in the New York Post (in both its paper and online versions), Plaintiff has suffered extreme emotional pain and suffering, as well as public humiliation and embarrassment. Anyone who searches or "Googles" her name on the internet will see the Dunleavy article, which could damage Plaintiff's prospects in any number of ways. Plaintiff fears that her employment with DOCS could be adversely affected because of the Article. Certainly, her prospects for any future employment have been substantially diminished as a result of the Article.

#### FIRST CAUSE OF ACTION: LIBEL

22. Plaintiff repeats the allegations in paragraphs 1 through 21 inclusive with the same force and effect as if fully repeated herein.

23. The Dunleavy Article, as written by Defendant Dunleavy and published by the Defendant New York Post, is false and constitutes libel *per se*, and falsely and intentionally leads the reasonable reader to believe that, in her capacity as a Muslim chaplain in the New York prison system, Plaintiff "radicalizes" prison inmates, possibly including the four "Newburgh defendants", and encourages inmates to undertake acts of terrorism. Such an accusation can only result in Plaintiff's being viewed with contempt, antipathy and hatred from decent, moral and "right-thinking" people.

24. The Dunleavy Article was written with legal malice, i.e. with knowledge that it was false and defamatory to Plaintiff, or with reckless disregard for the truth. Defendant Dunleavy is therefore liable to Plaintiff for the tort of libel *per se* as the author of said article, and the Defendant New York Post is similarly liable to Plaintiff for the tort of libel as the publisher of the Article, and also under the doctrine of *respondeat superior*. Defendant NYP Holdings, Inc., as the corporate parent of the New York Post, is similarly liable to Plaintiff for the tort of libel under the doctrine of *respondeat superior*.

25. As a result of being defamed by Defendants, Plaintiff has experienced and continues to experience extreme and prolonged emotional pain and suffering, along with a diminishing of both her professional standing with her employers at DOCS and her prospects for future employment with any employer, and therefore is entitled to recover both compensatory and general damages from Defendants in an amount which cannot presently be determined with precision, but which total is in excess of Five Million Dollars (\$5,000,000.00).

26. Furthermore, because Defendants have defamed Plaintiff with legal malice, and have exhibited an appalling and blatant disregard for Plaintiff's rights, Defendants are liable to Plaintiff for punitive damages in excess of Fifteen Million Dollars (\$15,000,000.00).

#### SECOND CAUSE OF ACTION: LIBEL BY IMPLICATION

27. Plaintiff repeats the allegations in paragraphs 1 through 21 and 23-26 with the same force and effect as if set out fully herein.



28. Even if, *arguendo*, individual sentences that comprise the Dunleavy Article, when taken in isolation, were viewed as essentially true, the entire Article including the title and subtitle, when read as a single entity, intends and does in fact imply to a reasonable reader, the patently false accusation that Plaintiff engages in the radicalization of prison inmates and encourages them to engage in acts of terrorism. Thus, Defendants are liable to Plaintiff for defamation by implication.

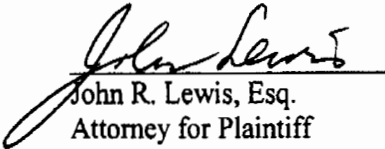
29. Plaintiff is thus entitled to an award of special and general damages against Defendant that cannot now be computed with precision, but which is believed to be in excess of five million dollars (\$5,000,000.00).

30. Furthermore, because Defendants have defamed Plaintiff with legal malice, and have exhibited an appalling and blatant disregard for Plaintiff's rights, Defendants are liable to Plaintiff for punitive damages in excess of Fifteen Million Dollars (\$15,000,000.00).

WHEREFORE, Plaintiff respectfully asks this Court to award her, on the First and Second Causes of Action,

- a) Compensatory and general damages in excess of Five Million Dollars;
- b) Punitive damages in excess of Fifteen Million Dollars;
- c) The costs and disbursements, including reasonable attorneys fees, incurred by Plaintiff in this litigation;
- d) an Order directing Defendants to print a public retraction of the Dunleavy Article in the New York Post; and
- e) Such other and different relief as this Court deems to be just and proper.

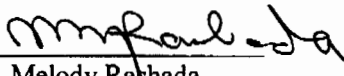
Dated: Sleepy Hollow, NY  
December 28, 2010

  
John R. Lewis, Esq.  
Attorney for Plaintiff  
36 Hemlock Drive  
Sleepy Hollow, NY 10591  
(914) 332-8629

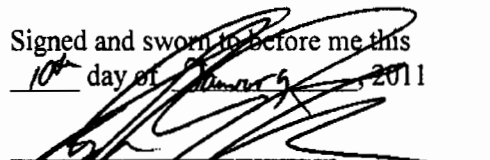
VERIFICATION

Newburgh, NY            )  
                                  ) ss:  
County of Orange        )

I, MELODY RASHADA, the Plaintiff named in the above Verified Complaint, do solemnly swear under oath that all of the above pleadings are true to the best of my knowledge, except to the matters alleged on information and belief, and those matters I do believe to be true.

  
Melody Rashada

Signed and sworn to before me this  
10<sup>th</sup> day of December, 2011

  
Notary Public  
IZAK K BATTLE  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01BA6209263  
Qualified in Dutchess County  
My Commission Expires July 27, 2013