

United States District Court

Western

DISTRICT OF

Texas

RIAD ELSOLH HAMAD

SUMMONS IN A CIVIL CASE

v.

Center for the study of popular culture

CASE NUMBER

A 06 CA 28555

+ David Horowitz & center for jewish community studies
of the state of Texas & Joe Kaufman & Americans against
Hate & Daniel Pipes & Campus Watch
& M. Antidam Monitor.org.

TO: (Name and address of defendant)

Daniel PIPES
1500 Walnut street, suite 1050,
Philadelphia, PA 19102

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

RIAD ELSOLH HAMAD
4807 White Elm Drive
Austin, Texas 78749

an answer to the complaint which is herewith served upon you, within 20 days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief
demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after
service.

WILLIAM G. PUTNICKI

JUN 5 - 2006

CLERK

DATE

(BY) DEPUTY CLERK

John Katzenmayer

RETURN OF SERVICE

Service of the Summons and Complaint was made by me:

DATE 6/6/06

Name of Server (Print)

Robert Carrillo

TITLE

Check one box below to indicate appropriate method of service

☒ Served personally upon the defendant. Place where served: certified mail

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: _____

☐ Returned unexecuted: _____

☐ Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

6/6/06
Date

Robert Carrillo
Signature of Server

12113 Metric Blvd. Apt. 511
Address of Server
Austin, TX 78758

UNITED STATES DISTRICT COURT FOR THE WESTERN
DISTRICT OF TEXAS

AUSTIN DIVISION

FILED

2006 JUN -2 PM 1:06

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY  DEPUTY

Riad Elsolh Hamad

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Plaintiff

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vs.

*A06 CA 285 SS

Center for the Study of Popular

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Culture, &

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David Horowitz

&

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Center for Jewish Community Studies&

*

The State of Texas &

*

Joe Kaufman &

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Americans Against Hate &

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Daniel Pipes &

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Campus Watch &

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MilitantIslammonitor.org &

*

CB Accounts Inc.

*

Defendants.

*

Plaintiffs' Second Original Amended Petition for Libel and Slander, Malicious Libel, Malicious Slander, Defamation of Character, Defamation of Character With Intent To Cause Mental Anguish, Libeling and Slandering a Business Name, Defamation through Fraud of a Business Name, Interference With a Business Contract, Torturous Interference With A Business Contract, Conspiracy to Interfere With a

Business Contract, Interference With Interstate Commerce, Conspiracy To Interfere With Interstate Commerce, Interference With Internet Commerce, Conspiracy To Interfere with Internet Commerce, Intentional Infliction of Mental Anguish And Anxiety With The Intent to Injure, Invasion of Privacy, Fraud, Negligence, Gross Negligence, Disparagement of a Business Name, Disparagement of Products, Dilution of a Business Name, Torturous Interference With Prospective Business Advantage, Violation Of Federal Dilution Act 15 U.S.C. 1125(c)

To the Honorable Judge Sam Sparks:

Comes Now, Riad Elsolh Hamad, a United States citizen, resident of Austin, Travis County, Texas and files his Plaintiffs' Second Original Amended Petition for Libel and Slander, Malicious Libel, Malicious Slander, Defamation of Character, Defamation of Character With Intent To Cause Mental Anguish, Libeling and Slandering a Business Name, Defamation through Fraud of a Business Name, Interference With a Business Contract, Torturous Interference With A Business Contract, Conspiracy to Interfere With a Business Contract, Interference With Interstate Commerce, Conspiracy To Interfere With Interstate Commerce, Interference With Internet Commerce, Conspiracy To Interfere with Internet Commerce, Intentional Infliction of Mental Anguish And Anxiety With The Intent to Injure, Invasion of Privacy, Fraud, Negligence, Gross Negligence, Disparagement of a Business Name, Disparagement of Products, Dilution of a Business Name, Violation Of Federal Dilution Act 15 U.S.C. 1125(c) and Shows:

I

Parties

Plaintiff Riad Elsolh Hamad in his personal capacity as a United States citizen, resident of Austin, Travis County, Texas whose address is 4807 White Elm Drive, Austin, Texas 78749 and as the owner of PCWF.ORG Defendants are: Center for the Study of Popular Culture, 4401 Wilshire Drive, 4th Floor, Los Angeles, California 90010 whose phone number is (323) 556-2550 and David Horowitz, Editor in Chief of <http://www.Frontpagemag.org> in his personal capacity and he can be served at Center for the Study of Popular Culture 4401 Wilshire Drive, 4th Floor, Los Angeles, California 90010 whose phone number is (323) 556-2550, CENTER FOR JEWISH COMMUNITY STUDIES whose address is 5800 Park Heights Avenue Baltimore, MD 21215 USA and the State of Texas and it can be served through its Attorney General Greg Abbott at Office of the Attorney General, 300 W. 15th Street, Austin, TX 78701. Joe Kaufman, Chairman of Americans Against Hate in his personal capacity and Americans Against Hate and both parties can be served at their address of Defendant Joe Kaufman at his declared places of business, 3601 West Commercial, Suite 24, Fort Lauderdale, Florida, 33306

Daniel Pipes in his individual capacity and he can be served at Campus Watch . 1500 Walnut Street, Suite 1050, Philadelphia, PA 19102. Campus Watch and they can be served at Campus Watch, 1500 Walnut Street, Suite 1050, Philadelphia, PA 19102. MilitantIslammonitor.org and they can be served at through CB ACCOUNTS, INC. 1101 MAIN STREET, SUITE 300 ,PO BOX 1289 ,PEORIA ,IL ,61602 and CB ACCOUNTS, INC. 1101 MAIN STREET, SUITE 300 ,PO BOX 1289 ,PEORIA ,IL ,61602

II

Jurisdiction

Jurisdiction of this Court is appropriate due to constitutional questions, The Sherman Act, The Civil Rights Act of 1964, The Hobbs Act, The Lanham Act, Federal Telecommunication Act of 1996, The RICO Act, the Federal Trademark Dilution Act, Texas Business and Commerce Code, Texas Trademark statutes and due to diversity of jurisdiction and the fact that Plaintiff lives and works in Texas while Defendants live and operate in various cities and states around the United States and Israel.

III

Venue

Venue is appropriate in the Western District, Austin Division since actions by Defendants resulted in damages that took place in Austin and Travis County Texas. Defendants are still interfering with and harming Plaintiff's interests in Austin, Travis County, Texas and throughout the United States. Venue is also appropriate due to the diversity of the jurisdiction of the parties and actions taken by Defendants in various states and nations.

IV

Nature of Action

This action arises from Defendants' publication of false information regarding Plaintiff and publication of allegations of Plaintiff's engagement in illegal violent actions and recruitment for violent and terrorist acts. Defendants also allege in their publications that Plaintiff operates an "Islamic charity" and crafted other lies, misrepresentation of facts and libelous statements with the intent of driving Plaintiff out of business, interfering with business contracts and conspiring to libel him, slander him his defame his name and the name of his business and to interfere in his contract with his employer Austin Independent School District, Discoverthenetwork, NGOMonitor, MilitantIslammonitor.org, Frontpagemag.org and Campus watch in concert fabricated defamatory and libelous statements against Plaintiff Riad Elsolh Hamad and published them in several articles as late as July 2004 without having any factual foundations for their allegations. In one of their articles, Defendants claim that PCWF is an " Islamic

charity" " whose funding is tainted" with terrorism money which is an outright libel of PCWF and its business practices and sources of income.

V

Background Facts

Defendant David Horowitz is the Editor in Chief of an online magazine named "<http://www.Frontpagemag.org>" which often defames Arabs and Muslims regardless of their political and religious beliefs or association. Defendant Horowitz accuses Jews and Christians who oppose his ideological dogma of being "Muslim fundamentalists," "Jihadists," and "terrorism sympathizers" although they are Christians or Jews. The Center for the Study of Popular Culture is the sponsor and publisher of the online magazine and contributes funding for the Arabs and Muslims hate filled website. Defendants published an article currently on their website and available to the public, such article contains libelous statements and fabricated allegations regarding Plaintiff, his business dealings, moral character, religious beliefs, and his religious, social and political and association.

Said article claims that Plaintiff Hamad operates an "Islamic Charity" that funnels funds to "terrorists" in occupied Palestine and accuses Plaintiff of being an "anti-Semite", both misstatements of fact, lies and fabrications intended to deprive Plaintiff of his to work, speak, worship, travel freely and operate a legal business as he wishes. Defendants through their actions caused Plaintiff monetary damages, loss of potential income, anxiety, mental anguish, stress and defamed his name in the community. .

Plaintiff resides in Austin, Texas, and is currently employed by Austin Independent School District as a middle school educator. Plaintiff was never involved in any violent, militant or political organization in his life. Some students at his school and their parents started calling him "a terrorist". When questioned, they base their statements on the allegations in the article published by Defendants on their respective websites <http://www.Frontpagemag.org> and [Militantislammonitor.org](http://www.Militantislammonitor.org). Plaintiff also was notified by his Principal at the school that some parents are concerned about the safety of their children after reading the article published by Defendants on their website. The purpose of the publication of the article by Horowitz in [Frontpagemag.org](http://www.Frontpagemag.org) was to disrupt Plaintiff's life, humiliate him, intimidate him, and cause him monetary and psychological damages to enjoin him from exercising his freedom of speech, the right to do business and to enjoy his life in peace free of harassment.

Additionally, Plaintiff owns and operates two businesses to sell electronics, arts and crafts throughout the United States. Many buyers are concerned and reluctant to do business with Plaintiff due to the lies, fabrications and allegations of involvement in "terrorism" per Defendants' article and publications. Plaintiff's current and future abilities to earn a living is jeopardized and continue to be threatened with the termination

of his employment contract due to the false allegations by Defendants and the continuation of the publication of such lies. Plaintiff is continuously exposed to ridicule, humiliation, name calling and harassment by students, faculty, members of the community, the public and his friends as a result of the lies, slander and fabrications by Defendants on their website. Plaintiff is concerned that his effectiveness as a teacher has been diminished and compromised, and that his contract could be terminated due to the lies and fabrications by Defendants Horowitz, MilitantIslam.org and CFSPC.

Defendants knew then and know now that their allegations and statements are baseless, wrong, intentional and malicious attacks to harm Plaintiff, deprive him of his constitutionally protected rights to speak, associate, worship and do business and continue to publish such allegations. Defendants knew then and know now that their allegations would harm Plaintiff's interests, standing in the community, name, reputation, business dealings and continue to publish their lies, fabrications and misstatements of facts with total disregard to the truth or the interests of Plaintiff. Defendants even encouraged in their article the termination of Plaintiff and depriving him of constitutional rights and the spread of such lies.

Defendants conspired with others such as Daniel Pipes, a United States based Arab and Muslim basher, to raise money, publish fabrications and lies against Plaintiff in a deliberate, intentional and malicious manner intended to humiliate Plaintiff, interfere with his business, deprive him of his right to work and live in peace and to create a hostile environment towards him in the community that he lived in for the last 36 years. Defendants Center for Jewish Community Studies provided funding for Defendants Horowitz, MilitantIslam.org and CSPC to distribute lies, fabricate misrepresentations that Plaintiff Hamad is involved in violent, militant or terrorist activities in the United States or Palestine. Center for Jewish Community Studies also provided false information to Defendant Horowitz that he used in his publication to defame, libel, slander and harass Plaintiff Riad Elsolh Hamad. Defendants Horowitz, CSPC, CJCS and MilitantIslammonitor.org and CB Accounts knew then and know now where to find Plaintiff and could have approached him to question him on the facts if they were interested in publishing a professional article. However, Defendants intentionally and willfully failed to exercise due care and the standards of practicing journalism and investigative research in order to harm Plaintiff's physical safety, interests, business, name, reputation, dignity and pride.

The State of Texas imposes statute of limitation of one year to initiate causes of action for libel, slander, defamation based on historical traditions that are not compatible with the new technological developments in the media and publications. Plaintiff is being harassed on a daily basis and defamed three years after the publication of articles on the websites of Defendants CSPC and CJCS with no opportunity for Plaintiff to demand retraction, apology or redress for his damages. It has been less than two years that MilitantIslammonitor.org published their article accusing Plaintiff and his business of receiving "tainted funds" from "terror links" and he has no recourse for recovery of damages. The Home Land Security Department found no criminal activity or wrong

doing in any of Plaintiff's personal, business or professional activities. The articles on the websites deny him the presumption of innocence and interfere with his personal as well as business contracts activities, interstate and online trade. Additionally, they deny of civil and constitutional rights that he is entitled to under the Constitution of the United States and the State of Texas. The House and the Senate of the State of Texas failed to remedy this issue a decade after the development of the Internet information technology.

The State of Texas and its congress failed to address the needs of the citizens of the state in general and Plaintiff's in particular to live in peace, work in peace and be free of harassment and intimidation due to libel and slander that continues to spread unabated. The Congress of the United States defined the internet as "an information highway," interactive and "a free market place for ideas" rather than an ancient reading tablets as designated by the Senate and the House of the State of Texas. The statutes of limitations, and the law allows individuals to get away with libel and slander pending the completion of investigations that could take years to resolve. Meanwhile, thousands of presumably innocent individuals are deprived of their privacy, dignity and their rights to work and live in peace in their respective communities.

VI

Damages

Defendants intended to willfully sabotage his excellent relations with his employer and to interfere with his employment contract. Defendants' libel, slander, interference with his online business and local electronic sales and distribution is suffering because customers are afraid to do business with him. Some of Plaintiff's friends and neighbors are trying to distance themselves from him due to the lies and fabrications of Defendants for the fear of the legal implications of such association. Defendants' negligence and gross negligence in investigating the activities of Plaintiff and fair trade business for the children led to the creation of a hostile environment towards him in the community that he loves and serves proudly.

Defendants, through their actions, damaged Plaintiff's relations with his students, the community, and the principal at the school where he works, who have known him as a positive role model for 20 years. Defendants caused, and still cause, humiliation, anxiety, ridicule and expose him to unnecessary questioning by members of the community over the allegations published by Defendants on their website. Plaintiff's online business is suffering and will continue to suffer due to the false allegations of Defendants and their lies and fabrications about the nature of his business, its origin and the source of his products. Defendants CB Accounts used an official State of Illinois phone number for their website and a State of Illinois official address for their website thus using a state office to intimidate, humiliate Defendant and to interfere with his business and personal life.

VII

Prayer for Relief

Plaintiff Riad Elsolh Hamad hereby prays the Honorable Court that upon a trial by jury .

- 1) Defendants to pay Plaintiff 5 million dollars in compensatory damages for the past, present and future irreparable damage done to his name, business and standing in the community.
- 2) Defendants pay Plaintiff Hamad 10 million dollars for his past, present and future potential loss of income and good will due to the allegations, lies and fabrications published on their website and the mental and emotional anguish caused by such lies and allegations.
- 3) The Court to issue a permanent injunction barring Defendants from calling Plaintiff's business an "Islamic charity" and to brand him as a " Muslim fundamentalist" unless they can prove that the Plaintiff if a " Muslim fundamentalist" or that his business is an " Islamic charity."
- 4) Defendants to pay Plaintiff exemplary and punitive damages in the amount of 50 million dollars to be spent on fair trade projects in Palestine as he sees fit.
- 5) The State of Texas to convene its legislators and address the Statue of limitations in the Libel and Slander laws to address the technological development inline with the U.S Constitution and protect the constitutional rights of its citizens.
- 6) Defendants to be referred to the Justice Department for investigation for their criminal and racketeering work as lobbyists for a foreign country without the proper permits and licenses.
- 7) Defendants to issue a letter of public apology in ten media outlets designated by Plaintiff to clear his name and the names of his business.
- 8) Any and all other relief that Plaintiff might show that he is entitled to in a jury trial.
- 9) Court costs, pre and post judgment interest.

Respectfully submitted,


Riad Elsolh Hamad, Pro Se

4807 White Elm Drive
Austin, Texas 78749
Tel: (512) 7796115

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN
DISTRICT OF TEXAS

AUSTIN DIVISION

Riad Elsolh Hamad

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Plaintiff

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vs.

*A06 CA 285 SS

Center for the Study of Popular

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& David Horowitz,

*

& Center for Jewish Community Studies

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The State of Texas , Joe Kaufman

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Americans Against Hate , Daniel Pipes,

*

*Campus Watch, MilitantIslammonitor.org**

& CB Accounts Inc.

Defendants

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Certificate of Service

I hereby certify that copies of the attached Plaintiff's Second Original Amended Petition, Plaintiff's First Request for Production of Documents, Plaintiff's First Request for Admissions and Plaintiff's First Request for Interrogatories to Defendants Center for Jewish Community Studies were mailed by certified mail, returned receipt requested to David Horowitz and the Center for Study of Popular Culture, Center for Jewish Community Studies and the attorney of record for the State of Texas on this 5th day of June, 2006

Respectfully Submitted,

Riad Elsolh Hamad, pro se

4807 White Elm Drive
Austin, Texas 78749