

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

VICTOR RESTIS and ENTERPRISES  
SHIPPING AND TRADING S.A.

Plaintiffs,

- v. -

AMERICAN COALITION AGAINST  
NUCLEAR IRAN, INC. a/k/a UNITED  
AGAINST NUCLEAR IRAN, MARK D.  
WALLACE, DAVID IBSEN, NATHAN  
CARLETON, DANIEL ROTH, MARTIN  
HOUSE, MATAN SHAMIR, MOLLY  
LUKASH, LARA PHAM, and DOES 1-10,

Defendants.

UNITED STATES OF AMERICA,

Intervenor.

**Case No. 13-civ-5032 (ER)(KNF)**

**SECOND AMENDED COMPLAINT**

**JURY TRIAL DEMANDED**

1. This is an action for defamation brought by Victor Restis and Enterprises Shipping and Trading, S.A. (“EST”). Mr. Restis is a Greek citizen, entrepreneur and highly respected businessman in the international shipping industry. He owns and leads EST, which provides technical management for a fleet of ships in the Restis family shipping businesses.

2. Since his father Stamatis Restis passed away in 2004, Mr. Restis has shouldered primary responsibility for the success or failure of EST and other family shipping businesses, and he has carried on a deep commitment to promote the welfare of others through charitable and humanitarian support. Mr. Restis has built one of the largest independent international shipping businesses in the world. EST provides work for thousands of sailors and approximately 200 office staff personnel. As a result of Mr. Restis’ business acumen,

professionalism, adherence to sound ethical principles, integrity and philanthropic endeavors, he has earned the esteem and respect of governments and other authorities, academic institutions, existing and potential business clients, as well as employees and citizens in Greece, the United States and around the world.

3. This action is brought against United Against Nuclear Iran (“UANI”), a non-governmental organization, and Mark D. Wallace, UANI CEO and a former representative of the Management and Reform Section of the U.S. Mission to the United Nations.<sup>1</sup> While Mr. Wallace has been featured in media broadcasts and press reports saying and suggesting that he was The United States Ambassador to the United Nations, this is not the case. In fact, Mr. Wallace has never held the post of The United States Ambassador to the United Nations. Additional Defendants include other UANI officials and employees who were directly involved in the defamation campaign: David Ibsen, Executive Director; Nathan Carleton, Communications Director; Matan Shamir, Director of Research & Projects; Molly Lukash, Director of Social Media; Martin House, Project Director; Lara Pham, Director of Operations; Daniel Roth; and other as yet unknown defendants. UANI describes itself as a “not-for-profit, non-partisan, advocacy group that seeks to prevent Iran from fulfilling its ambition to obtain nuclear weapons.”

4. In pursuit of its objective, UANI conducts what it describes as “private sanctions campaigns” to end “the economic and financial support of the Iranian regime by corporations, firms, entities and individuals.” UANI conducts what it calls “name and shame” or “reputational risk” campaigns against companies and individuals it claims are doing “illicit and/or inappropriate business” in Iran. These campaigns are designed to inflict devastating and

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<sup>1</sup> The U.S. Mission’s Management and Reform Section serves as the U.S. delegate to the General Assembly’s Fifth Committee and other committees that have responsibility for administrative and budgetary matters.

irreparable reputational damage that will shame their targets into acquiescing to UANI's demands and agenda. UANI's name and shame reputation destruction tactics include, among other things, highly inflammatory and derogatory press releases; letters to government authorities, officials and representatives calling for investigations and punitive measures; billboards designed to smear, vilify, harass and otherwise degrade the targeted company; calls for action and boycotts; and abusive and threatening website and Facebook postings, tweets, and other forms of mass communication. All of these shaming tactics are carefully crafted and intended to inflict reputational and economic injury so severe and irreparable that the targeted company will acquiesce to UANI's demands.

5. While it has no legal authority to do so, UANI's reputation destruction campaign tactics include demanding that the targeted company or individual sign a sworn statement under the penalty of perjury admitting to or refuting whatever charges UANI has made; submit to an examination of the business by an auditor on its referral list; and subject itself to an audit and review by an "independent" counsel. If the targeted company does not agree to these and other demands, Defendant Wallace assures the company that "UANI will pursue all options at its disposal," including seeking to "blacklist" the company and turning over the company and materials in UANI's possession to law enforcement authorities and U.S. lawmakers. In this regard, UANI not only acts as judge, jury and executioner, but also as interrogator and police.

6. Through its "reputational risk" campaigns and arsenal of reputation destruction tactics, UANI fires away at existing and potential client and customer relationships, and it pressures consumers and citizens to boycott the targeted company or its products. UANI publicly embraces its "name and shame" tactics, which Defendant David Ibsen has publicly

touted as UANI's "specialty."<sup>2</sup> For example, in an interview posted on the Internet, Defendant Ibsen explicitly confirmed UANI's "name and shame" tactics and pre-conceived objective: "[T]here are probably two ways that you can end . . . economic support for the [Iranian] regime. You make it illegal, or you compel companies through *name and shame* tactics to end their Iran business. We do both." This is "[w]hat we do on a daily basis."<sup>3</sup> UANI's stated goal, according to Mr. Ibsen, is to "*stigmatize the business* to the point that the risks are too great to continue. . . . There are significant reputational risks for these companies, which might be the greatest risk of all. We can effectively stigmatize Iran business to the point that the reputational, fiduciary risks and costs become too great to continue."<sup>4</sup> Likewise, in an October 2012 NBC press report posted on its website, Defendant Nathan Carleton, UANI's Communications Director, unequivocally and publicly confirmed that UANI's shaming campaigns "are meant not only to punish the business, but to alert the consumer as well." Thus, UANI and the individually named Defendants have collectively and individually publicly confirmed that they seek to use the crushing weight and devastating consequences of their reputation destruction "name and shame" campaigns to force a targeted company to comply with UANI's demands, so they can then publicly claim victory and "applaud" the company for "collaborating" with UANI.

7. This action arose on May 13, 2013, when Defendants launched their highly inflammatory, derogatory, worldwide, multi-media, "name and shame" campaign against Mr. Restis and EST. To kick off this reputation destruction campaign, UANI posted on its website a letter from Mr. Wallace to Mr. Restis. In the letter, Mr. Wallace made numerous

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<sup>2</sup> See [http://www.ric.edu/news/details.php?News\\_ID=1970](http://www.ric.edu/news/details.php?News_ID=1970).

<sup>3</sup> See [http://www.jewishjournal.com/iranianamericanjews/item/webcast\\_uanis\\_ibsen\\_highlights\\_economic\\_pressure\\_on\\_iran](http://www.jewishjournal.com/iranianamericanjews/item/webcast_uanis_ibsen_highlights_economic_pressure_on_iran) (emphasis added).

<sup>4</sup> See <http://www.kintera.org/site/apps/nlnet/content3.aspx?c=ewJXKcOUJIIaG&b=7991899&ct=11754365#>.

shocking, outrageous, malicious, false and defamatory *per se* accusations, including, as examples, false accusations that Mr. Restis and EST are “*front-men*” engaged in “*illicit,*” “*unethical,*” and “*indeed illegal*” business “*schemes*” with the Iranian Regime, and “*put simply*” are “*providing extensive and critical shipping and financial services to the Iranian regime and facilitating the expansion of its oil industry, in flagrant contravention of the international sanctions regime . . . and in exchange for an enormous investment from the Iranian regime.*”

8. Acting as self-appointed judge, jury and executioner – without ever contacting Mr. Restis to discuss any concerns, ask any questions or confirm the accuracy or inaccuracy of the grave, inflammatory and extremely damaging accusations it intended to widely publish – UANI aggressively launched its campaign vilifying Mr. Restis and EST as despicable criminals in league with the Iranian regime. It simultaneously sent copies of Mr. Wallace’s May 13, 2013 letter to government officials and authorities in the United States, Greece and other countries. To garner maximum press attention to its ambush assassination of Mr. Restis’ character and respected reputation in the international shipping industry, UANI also issued a May 13, 2013 press release through Business Wire. Business Wire is in essence a paid-for advertising service that distributes companies’ press releases worldwide to news media, financial markets, investors, web sites, databases and other audiences. It has carriage agreements with major news agencies, including the Associated Press, Bloomberg, Dow Jones, Reuters, Thomson One, and some 60 regional news agencies. Business Wire and the news outlets and/or trade publications that re-publish these press releases do not vouch for, and/or publicly disclaim any responsibility for, the truth and accuracy of these publications, including UANI’s. On information and belief, readers of UANI’s press releases distributed through Business Wire are

often deceived into believing that the claims made in the press releases are true because they are the result of independent journalism that subjects them to rigorous fact checking. After distributing its press release regarding Mr. Restis and his businesses through Business Wire, UANI personnel, including Defendant Carleton, contacted news organizations and/or trade publications to further spread the false allegations contained in the press release.

9. Defendants' highly inflammatory, extremely damaging, false and defamatory *per se* publications claiming that Mr. Restis and EST are criminals and "front-men" for the Iranian regime are absolutely false. There is no factual basis for Defendants repeated accusations. As Defendants are well aware, and as Mr. Wallace has subsequently admitted, Mr. Restis and EST, in fact, are not engaged in illegal business schemes with Iran. They do not currently have, nor have they ever had, any illicit business arrangement, transaction, or scheme of any kind with the Iranian Ministry of Petroleum, the National Iranian Oil Company, the National Iranian Tanker Company, or any other sanctioned person or entity. Major agribusinesses, most of which are American-based, have delivered food to the Iranian people under the sanctions' humanitarian carve-outs aboard certain EST-managed vessels. These shipments are legal under all international sanctions regimes, and the charterers are licensed to provide shipments to Iran by international authorities, including the U.S. Department of the Treasury Office of Foreign Asset Control ("OFAC"). These voyages have been publicly disclosed in filings to the Securities and Exchange Commission, in publicly available Annual Reports, and on EST's website. These vessels also contain transponders that relay GPS coordinates of the vessels on a real-time basis, so that their movements can be easily tracked. Because Plaintiffs fully support the sanctions regimes, they take precautions with all shipments – including these humanitarian food shipments – to ensure compliance with all sanctions against

Iran to ensure that they do not engage in financial transactions with any Iranian entities or intermediaries.

10. With malicious intent and in reckless disregard for the truth and facts, Defendants have misled, misinformed and alarmed the public, the media, government authorities, and existing and potential business associates in Greece, the United States and around the world, to wrongly believe that Mr. Restis and EST are personally and politically aligned with the Iranian regime, and by direct implication, its avowed commitment to annihilate Israel and the Jewish people. Nothing could be further from the truth or more personally offensive, abhorrent and irreparably devastating to Mr. Restis.

11. In fact, the Restis family is Jewish. Mr. Restis' grandparents are originally from the island of Rhodes, nearly 95% of whose Jewish community was exterminated during the Holocaust. When the German Army occupied Rhodes during World War II, many of Mr. Restis' relatives were deported from Rhodes and exterminated at the Auschwitz camp in Poland. Mr. Restis' mother serves as President of the Jewish Community of Rhodes and has created a museum, facilitated restoration of the cemetery, and sponsored a memorial to honor, and never forget, the victims of the Holocaust, including her own mother and father. The Restis family also founded and funded a retirement home in Athens, Greece for Holocaust survivors and other members of the small Jewish community in Athens. In stark contrast to Defendants' heinous accusations that Mr. Restis is a "front-man" who is facilitating a nuclear Iran – a dire enemy of Israel and the Jewish people – the Restis family is deeply and demonstrably committed to the security of Israel and the Jewish people.

12. Defendants false accusations are based on two fraudulent and facially unreliable documents: (1) a purported letter from Dimitris Cambis, a representative of Iranian

interests in Greece, in which he supposedly proposed to Mr. Restis a meeting with Iranian officials in Greece, and (2) an attached purported “consultancy engagement agreement letter.” Not surprisingly, Defendants have not posted either of these documents on their website or otherwise made them publicly available for examination and scrutiny, for the simple reason that the documents do not confirm Defendants’ false accusations that Mr. Restis is a “front-man” engaged in illegal business schemes with the Iranian regime. These documents were never sent to Mr. Restis or any of his companies by Mr. Cambis. Indeed, Mr. Restis never saw these fraudulent documents until after UANI made its public allegations, when the documents were provided to Mr. Restis by a journalist who received them from Defendants.

13. Upon information and belief, these two documents were forged by Anastasios Pallis, a disgraced Greek businessman who in September 2013 was charged in Greece with kidnapping, money laundering, extortion, bank fraud, and weapons trafficking. Rather than face these charges, Mr. Pallis fled the country and became a fugitive from justice. Mr. Pallis finally decided to turn himself in on or about December 10, 2013, and he was imprisoned in Greece. Among his many crimes, Mr. Pallis stole millions of dollars from Mr. Restis. This included a loan of € 5.8 million given to Mr. Pallis – without Mr. Restis’ knowledge – by a bank in which in which Mr. Restis was a minority owner and for which Mr. Pallis failed to provide proper collateral. When Mr. Restis learned of this theft and other examples of Mr. Pallis’ fraud, he alerted Greek authorities and launched a civil suit against Mr. Pallis. In turn, upon information and belief, Mr. Pallis forged these two documents purporting to show a proposal to engage in illegal business with Iran, and then provided these documents to Defendants.

14. The first document mischaracterized by UANI as “confirmation” of its false accusations is patently fraudulent for multiple reasons. It is written in English and not in



Greek, although it was written by a native Greek speaker to another native Greek speaker who, upon information and belief, does not speak English; it is on letterhead with a watermark that has not been used by the entity it purportedly came from for a number of years; a records search shows that the Iranian officials have never visited Greece; the signature on the letter is a transparent forgery; and the purported author, Mr. Cambis, has confirmed under oath that he neither wrote nor signed the fraudulent letter.

15. The second document mischaracterized by UANI as “confirmation” of its false accusations consists of some type-written and unfinished pages, without letterhead or signatures, again written in English and not Greek, and referring to a non-existent company. From May 13, 2013 to the present, UANI has posted and disseminated multiple publications, including its false and defamatory letters, press releases, website and Facebook posts and tweets, repeating, perpetuating and exacerbating its false and extremely serious accusations of criminal conduct. However, Defendants still have not posted the two fraudulent and facially unreliable documents on which UANI’s “name and shame” reputation destruction campaign against Plaintiffs is wrongly based.

16. Within three days after Defendants launched their false reputation destruction campaign, in the midst of the extreme shock, turmoil, and 24/7 task of triaging and mitigating the overwhelming and devastating harm immediately inflicted upon Mr. Restis personally, financially and in his daily business affairs around the world, on May 17, 2013, counsel for Mr. Restis provided written notice to Mr. Wallace and UANI that “Mr. Restis has publicly denied the truth of your allegations” that he was “dealing with Iran in violation of various laws and sanctions” and that “the public transmission of these false statements is libel *per se*.” Further, counsel informed Defendants that “the basis of your allegations [is] false and

fraudulent and [was] either given to you by persons seeking to harm Mr. Restis in his business or [was] wrongfully used by you to harm Mr. Restis.” Despite this prompt notice, Defendants continued and even expanded the scope and content of their campaign, willfully and maliciously exacerbating the egregious damages and irreparable harm to Mr. Restis and EST.

17. Since May 13, 2013, Defendants have published and globally disseminated dozens of separate publications, with carefully crafted content, words, graphics, images, captions and headlines, repeatedly and continuously communicating to prominent government officials, the media, existing and potential business associates, and public worldwide, the false, inflammatory and defamatory *per se* message that Mr. Restis and EST are “front-men” engaged in “illicit,” “unethical,” and “indeed illegal” business “schemes” with the Iranian regime in violation of international sanctions. The images, graphics, headlines and content of Defendants’ publications defaming and disparaging Mr. Restis and EST drip with malice.

18. UANI launched its reputation destruction campaign against Mr. Restis and EST – and continues to perpetuate it – with knowledge of falsity and in reckless disregard for the falsity of its grave and inflammatory accusations. While Plaintiffs respect Defendants’ rights to lawfully advocate for a nuclear free Iran, Defendants’ mission, however admirable, may not lawfully and responsibly be achieved by trampling over the rights of others, including Mr. Restis and EST. Under well-established First Amendment law, the public interest in robust discussion and debate must be carefully balanced with the rights of individuals not to be subjected to falsehoods that impugn their character and reputations. As UANI and Mr. Wallace – an educated lawyer well acquainted with the media arena – are aware, the U.S. Supreme Court made clear in the seminal libel case, *Gertz v. Robert Welch, Inc.*, that “[t]here is no constitutional

value in false statements of fact,” because “[n]either the intentional lie nor the careless error materially advances society’s interest” in discussion and debate on public issues. With respect to UANI’s “name and shame” reputation destruction campaign against Mr. Restis and EST – fueled by self-righteous impunity – Defendants have maliciously trampled over the rights of Mr. Restis and EST and irresponsibly betrayed the public trust.

19. As intended, Defendants’ unmitigated and ongoing demonstrably false and malicious campaign dubbing Mr. Restis and EST criminals in league with the Iranian Regime has wrongly cast an unwarranted dark cloud of suspicion and scrutiny over them, damaged their ability to conduct business around the world, caused them to suffer enormous financial and economic damages, inflicted extreme and irreparable emotional distress and harm, and successfully incited hatred, personal attacks and threats of violence against them. This includes, as examples, the death threats, slurs and vile comments posted on UANI’s Facebook page in response to its false campaign, including: “*JUST SHOOT HIM*” “*Hang him!!!!*” “*shoot that pos,*” “*Go get his ass,*” “*torpedo his ships,*” “*lock and load torpedoes,*” and “*we should sink his ships in middle of the sea.*”

20. In a further effort to mitigate the irreparable harm and ongoing havoc that Defendants have wreaked on Mr. Restis and EST and their ability to carry on their businesses and daily affairs, on July 3, 2013, counsel for Plaintiffs sent a detailed 17-page cease and desist letter to Mr. Wallace and UANI, with facts and information demonstrating the falsity of their accusations and urging Defendants to take immediate and necessary remedial measures, including: (1) immediate removal of all publications falsely accusing Mr. Restis from UANI’s website, and any other locations where they have been posted or otherwise published, (2) identification of the sources on which Defendants based their false assertions, (3) payment of all

legal fees and costs incurred by Mr. Restis and EST due to Defendants' false and defamatory publications, (4) prompt publication of a specified Retraction and Apology, (5) prompt dissemination of the Retraction and Apology to all media outlets and other entities that received any of UANI's press releases and/or republished any of UANI's false assertions, all recipients or Mr. Wallace's May 13, 2013 letter to Mr. Restis, and all individuals who signed their names to UANI's Call for Action against Mr. Restis, and (6) prompt publication of the specified and unqualified Retraction and Apology in six national and six international newspapers of Plaintiffs' choice, at Defendants' expense.

21. As further evidence of their malicious intent to destroy Mr. Restis' reputation and cripple EST, Defendants not only refused to take the remedial actions requested in the July 3, 2013 Cease and Desist letter, they responded by publishing yet another press release on July 15, 2013. Despite Defendants' admission that Mr. Restis "is not currently engaged in business dealings with Iran," they republished their previous falsehoods in UANI's July 15, 2013 press release and ratcheted up their malicious and spiteful attack by using the prominent headline: *"UANI Calls for U.S. Investigation and for Restis to be Barred from U.S. Business."* Further, because Mr. Restis has not bowed to Defendants' demands, in an apparent fit of pique, UANI boldly pronounced in its release: *"Until Mr. Restis fully explains and transparently reveals his involvement in these matters, we call upon the United States Federal Government, states and relevant port authorities to refuse further business with Mr. Restis and his related businesses and deny him relevant licenses and authority to engage in U.S. based business."*

22. Plaintiffs have been left no recourse other than to bring this action to vindicate their rights and restore their reputations. Because of the extraordinary and as yet incalculable magnitude of the economic loss and special damages caused by Defendants' false

“name and shame” reputation destruction campaign, the extreme emotional distress inflicted upon Mr. Restis, and the irreparable harm caused by Defendants’ tortious conduct, Plaintiffs are entitled to compensatory damages in an amount to be determined at trial. Given the willful, malicious, intentional and reckless nature of Defendants’ conduct, Plaintiffs are also entitled to punitive damages.

### **THE PARTIES**

23. Plaintiff Victor Restis is a citizen of Greece and resides in Elliniko, Greece. Mr. Restis is a highly successful and respected entrepreneur in the shipping industry. He and his family are among the largest and most successful ship owners in Greece, and the Restis companies employ thousands of individuals. In 2012, the reputable shipping publication Lloyd’s of London ranked Mr. Restis as among the top 100 most influential individuals in the international shipping industry. Mr. Restis has received numerous national and international awards for business ethics and activities in the shipping industry, and he has been appointed as the Vice Chairman of the Greek Committee of Det Norske Veritas, a classification society founded in 1864 with the objective of “safeguarding life, property, and the environment.” Mr. Restis also currently serves as the San Marino Ambassador to Poland.

24. Plaintiff EST is organized under the laws of the country of Liberia, with its principal place of business in Greece. EST is one of the largest independent off-shore shipping companies worldwide and is the flagship of the Restis shipping businesses. It was established in 1974 by Stamatis Restis, Mr. Restis’ father, and it provides technical management for a fleet of bulk vessels and tankers for world-wide transportation, serving international trade in a large range of commodity cargoes. EST is solely owned by Mr. Restis. It manages more than 80 ships and employs approximately 6,000 sailors worldwide and 200 employees in its

offices in Greece. The commercial value of the fleet that it manages exceeds \$2.5 billion. EST has been certified by the European Foundation for Quality Management with a four-star Recognized for Excellence Certificate since 2007. The European Business Ethics network has recognized EST with a Silver Bee Certificate since 2008 and a Gold Bee Certificate since 2009. In 2009, EST was also named “Innovation Leader” by major Greek shipping magazine *Naftika Chronika*, and in 2010, the International Propeller Club of the United States presented EST with an award for “selfless and outstanding efforts” by one of its ships to rescue the captain of another ship off of the coast of Hawaii. EST’s greatest volume of trading lies in the United States, and its major suppliers and customers are Americans and American companies.

25. Upon information and belief, Defendant American Coalition Against Nuclear Iran, Inc. is a not-for-profit corporation organized under the laws of the State of New York, with a principal place of business in New York City. UANI maintains a website located at <http://www.unitedagainstnucleariran.com>, on which it states that it “seeks to prevent Iran from fulfilling its ambition to obtain nuclear weapons” and engages in “private sanctions campaigns and state and Federal legislative initiatives focus on ending the economic and financial support of the Iranian regime by corporations.” According to Defendant Wallace, “UANI’s mission is to reveal a person’s or entity’s illicit and/or inappropriate business relationships in Iran, and to ensure that all such persons and entities forego additional work in Iran.” UANI claims on its website that it has had “unprecedented success in pressuring multinational corporations to cease business in Iran.” Upon information and belief, although UANI advertises itself as an “American not-for-profit organization,” UANI is funded by competitive interests to Mr. Restis, as well as by foreign interests and governments whose interests and agenda are not disclosed to the public.

26. Upon information and belief, Defendant Mark D. Wallace is a citizen of New York, residing in New York City. Mr. Wallace is a co-founder of UANI and currently serves as its CEO, for which he has received compensation. Mr. Wallace is a former representative of the Management and Reform Section of the U.S. Mission to the United Nations. More specifically, “The U.S. Mission’s Management and Reform (MR) Section serves as the U.S. delegate to the General Assembly’s Fifth Committee and other committees which have responsibility for administrative and budgetary matters.” ([www.usun.state.gov](http://www.usun.state.gov)). While Mr. Wallace refers to himself as “Ambassador Wallace,” and has been featured in media broadcasts and press reports saying and suggesting that he was The United States Ambassador to the United Nations, this is not the case. In fact, Mr. Wallace has never held the post of The United States Ambassador to the United Nations. Defendant Wallace is sued in his individual capacity and in his official capacity as an officer of UANI.

27. Upon information and belief, Defendant David Ibsen is a citizen of New York, residing in New York City. He receives compensation as the Executive Director of UANI. Defendant Ibsen is sued in his individual capacity and in his official capacity as an officer of UANI. As the Executive Director who runs the day-to-day operations of UANI, Ibsen has been integrally involved in UANI’s “name and shame” campaigns, including the campaign against Plaintiffs. Mr. Ibsen directed the campaign against Plaintiffs, participated in drafting the defamatory publications, and coordinated UANI’s staff in producing and distributing the publications.

28. Upon information and belief, Defendant Nathan Carleton is a citizen of New York, residing in New York City. At the time of the incidents in question, Mr. Carleton received compensation as the Communications Director for UANI, although he no longer serves

in that role. He is sued in his individual capacity and in his official capacity as an officer of UANI. According to a summary of his experience apparently authored by Carleton, he “regularly appears on television on behalf of UANI, and directs the group’s media campaigns.” As the Communications Director who “directs” UANI’s public communications, Carleton has been integrally involved in UANI’s “name and shame” campaigns, including the campaign against Plaintiffs. UANI’s internal documents confirm that Mr. Carleton helped draft the defamatory publications, distributed many of them as press releases through the public relations firm Hill + Knowlton Strategies, then personally spoke with and emailed various reporters in order to spread the defamatory allegations against Plaintiffs. Mr. Carleton also forwarded to at least two reporters the patently fraudulent documents at the heart of Defendants’ allegations.

29. Upon information and belief, Defendant Matan Shamir is a citizen of New York, residing in New York City. Mr. Shamir receives compensation as UANI’s Director of Research & Projects. According to Mr. Shamir’s online profile on the social media site LinkedIn, Mr. Shamir “[d]irect[s] research efforts on companies doing business with Iran” and “[m]anage[s] the organization’s social media campaign on Facebook, Twitter and YouTube.” Mr. Shamir has held himself out to the media as “UANI’s lead shipping analyst.” According to emails produced by UANI, Mr. Shamir directly contributed to the creation and publication of the defamatory publications, including by drafting versions of the publications, posting the publications on UANI’s website, and working with a third-party vendor to create the graphics to accompany the publications.

30. Upon information and belief, Defendant Molly Lukash is a citizen of New York, residing in New York City. Ms. Lukash receives compensation as UANI’s Director of Social Media. Ms. Lukash worked with other Defendants in crafting the defamatory allegations



and getting them ready for publication by working with a digital media consulting firm. Ms. Lukash also drafted an “Action Alert” sent out to UANI readers informing them of Defendants’ defamatory allegations. In celebration of the release of Defendants’ initial defamatory publication regarding Plaintiffs, Ms. Lukash exclaimed “holy ship we did it!” in an email to other Defendants.

31. Upon information and belief, Defendant Martin House is a citizen of New York, residing in New York City. Mr. House receives compensation as a Project Director for UANI. According to Mr. House’s online profile on the social media site LinkedIn, Mr. House “[l]ed campaigns that publicized major shipping sanctions frauds.” With other Defendants, Mr. House met with a reporter for a maritime industry publications on May 22, 2013 to further disseminate the defamatory allegations against Plaintiffs.

32. Upon information and belief, Defendant Lara Pham is a citizen of New York, residing in New York City. Ms. Pham receives compensation as UANI’s Director of Operations. In that role, Ms. Pham helped draft the defamatory allegations against Plaintiffs and worked with other Defendants in preparing them for final publication.

33. Upon information and belief, Defendant Daniel Roth is a citizen of New York, residing in New York City. Mr. Roth also helped draft the defamatory allegations against Plaintiffs and worked with other Defendants in preparing them for final publication. With other Defendants, Mr. Roth also met with a reporter for a maritime industry publication on May 22, 2013 to further disseminate the defamatory allegations against Plaintiffs.

34. Plaintiffs are unaware of the true names and capacities of defendants sued herein as DOES 1-10, inclusive, and therefore sue these Defendants by such fictitious names. Plaintiffs will amend this Complaint to allege their true names and capacities when ascertained.

Plaintiffs are informed and believe, and thereon allege, that each of the fictitiously named defendants is responsible in some manner for the occurrences alleged herein, and that Plaintiffs' damages were proximately caused by their conduct.

35. Upon information and belief, all of the acts and failures to act alleged herein were duly performed by and attributable to all Defendants, each acting as agent, co-conspirator, alter ego, associate, co-venturer and/or under the direction and control of the others, and that said acts and failures to act were within the scope of said agency, employment, alter ego, direction, co-venturing and/or control of the others. To the extent that said conduct was engaged in by any one Defendant, the remaining Defendants participated in, benefitted by, confirmed and/or ratified said conduct. Whenever and wherever reference is made in this complaint to any acts of Defendants, such allegations and references shall also be deemed to mean the acts of each and every remaining DOE defendant acting individually, jointly or severally. All Defendants, collectively, and each Defendant separately, are jointly and severally liable to Plaintiff as alleged hereunder for all damages, costs, and such other sums as are sought and may be awarded by the Court.

#### **JURISDICTION AND VENUE**

36. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332 in that this is an action between a citizen of a State and a citizen or subject of a foreign state, and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

37. Venue is proper in this district pursuant to 28 U.S.C. § 1391 in that Defendants UANI, Wallace, Ibsen, Carleton, Shamir, Lukash, House, Pham, and Roth reside in this judicial district, each of these individuals work in this judicial district, and a substantial part of the events giving rise to Plaintiffs' claims occurred in this judicial district.

**FACTUAL BACKGROUND**

**Defendants Repeatedly Defame And Disparage Mr. Restis And  
EST By Employing Multiple Methods Of Communication And  
Globally Disseminating At Least 15 Publications In Their False  
“Name And Shame” Campaign**

38. As described above, UANI’s stated goal is to prevent Iran from fulfilling its ambition to obtain nuclear weapons, and it accomplishes this goal by using shaming and reputation destruction tactics to conduct “private sanctions campaigns.” Using this *modus operandi*, UANI “pressures” multinational corporations “across a broad array of sectors ranging from telecommunications to defense contracting, to cease business in and with Iran.” In addition, through its website, UANI prompts the public to contact companies that it has reported doing business with Iran, as well as members of the press and congressional representatives. To that end, UANI claims to provide accurate information to the public about companies’ dealings with Iran, so that individuals can “make informed purchasing, investment and divestment decisions.” According to UANI, the information it provides on its website is a “resource used widely by the media, professional researchers and academics, elected officials, and policy makers.”

39. In or about 2012, UANI launched its “Shipping Campaign” to target international cargo shippers, among others, to ensure that the Iranian regime’s shipping and port sectors are isolated from international markets as long as Iran pursues nuclear weapons capability. In March 2013, UANI called on all U.S. port authorities to deny docking privileges to all shipping companies that continue to do business in Iran. At the same time, its campaign “applied strong pressure directly on international shipping companies to pull out of Iran.”

40. Shortly after launching its “Shipping Campaign,” on May 13, 2013, UANI sent a public letter (“Letter”) to Mr. Restis as the Chairman of First Business Bank (“FBB”), a

bank founded by Mr. Restis' father and others in 2001 in order to service small businesses. In the Letter, Mr. Wallace repeatedly made false, highly inflammatory and defamatory statements that Mr. Restis, FBB, and EST are engaged in "apparent business dealings" with "sanctioned-designated individuals and Iranian oil and shipping entities." In the Letter signed by Mr. Wallace, UANI also communicated the false and defamatory message that Mr. Restis was engaged in a "relationship" "to illegally export Iranian oil in violation of international sanctions" with Greek businessman Dimitris Cambis, who was later sanctioned by the United States for conspiring with the Iranian regime and Iran's Ministry of Petroleum ("MoP"). The Letter includes the false and highly alarming message that Mr. Restis and his businesses are engaged in a "significant and potentially lucrative illicit business relationship" with Cambis and the MoP and serve as "front-men for the illicit activities of the Iranian regime." (A copy of the Letter is attached hereto as **Exhibit A**.)

41. In the Letter, UANI claims that Mr. Restis' illegal and illicit relationship with Iran is confirmed by purported "documentation" that it had received. Specifically, the Letter states:

UANI has been provided recent documentation confirming the existence of a significant and potentially lucrative illicit business relationship between FBB, of which you serve as Chairman, Cambis, and the Iranian MoP. The documents demonstrate that you, through FBB, and in conjunction with Cambis, are conspiring with individuals acting on behalf of the Iranian regime to serve as a front for the MoP in Greece by securing a "strategic alliance" with the regime wherein FBB will receive investments apparently in excess of one billion dollars from Iranian authorities. Put simply, you are providing extensive and critical shipping and financial services to the Iranian regime and facilitating the expansion of its oil industry, in flagrant contravention of the international sanctions regime.

42. The "documentation" relied upon by UANI to confirm and "corroborate" its patently false and damaging accusations that Mr. Restis is a criminal in league with the

Iranian regime for profit, consists of two fraudulent and facially unreliable documents: (1) a purported letter from Cambis dated April 25, 2012, addressed to Professor Christos Kazantzis as the CEO of FBB, in which Cambis purportedly “defines” the relationship between his company (Athene Consulting House) and the Iranian MoP, and allegedly identifies Mr. Restis and FBB as a “potential partner in this illicit Iranian investment scheme”; and (2) a purported “agreement letter” dated April 25, 2012, from a Cypriot consulting company, Concept Consulting Ltd., to Mr. Restis purportedly confirming FBB’s supposed engagement of Concept Consulting to attract “major international investors” and referencing Iranian investors with alleged ties to the MoP.

43. Defendants sent their false and defamatory Letter to Mr. Restis and to at least 18 other individuals, including senior Members of Congress, representatives of the Obama Administration, and members of the Greek Government. For example, UANI sent the Letter defaming and disparaging Mr. Restis and EST to U.S. Secretary of Defense Chuck Hagel, U.S. Treasury Undersecretary for Terrorism and Financial Intelligence David S. Cohen, Chairman of the House Committee on Foreign Affairs Ed Royce, Chairman of the Senate Committee on Banking, Housing, and Urban Affairs Tim Johnson, Greek Ambassador to the United States Christos P. Panagopolous, and American Ambassador to Greece Daniel Bennett Smith.

44. UANI repeated these false, highly damaging and defamatory statements in two press releases issued on May 13, 2013: (a) a press release graphically depicting six hands linked around a map of Iran and promoting the distribution of the Letter, in a posting titled *“UANI Calls for Greek Ship Owner Victor Restis and Restis Group<sup>5</sup> to End Illicit Business Relationships with Iranian Regime; Restis is Conspiring with Regime & Blacklisted Businessman*

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<sup>5</sup> The “Restis Group” is an informal name for the companies owned at least in part by Mr. Restis and his immediate family, including his mother and two sisters. EST, as the technical management company for the Restis shipping companies, is the flagship company in the “Restis Group.” However, there is no legal entity called the Restis Group.

*Dimitris Cambis to Profit from Iranian Business Schemes*”; and (b) a press release graphically depicting two large images of Iran President Mahmoud Ahmadinejad and promoting the distribution of the Letter and related postings, titled “*UANI Calls for Greek Ship Owner Victor Restis and Restis Group to End Illicit Business Relationships with Iranian Regime; Restis is Conspiring with Regime & Blacklisted Businessman Dimitris Cambis to Profit from Iranian Business Schemes*” (collectively referred to as “May 13 Press Releases”). (Copies of the May 13 Press Releases are attached hereto as **Exhibit B**). These press releases name Defendant Nathan Carleton as the contact for media inquiries and provide his email address and phone number. Upon information and belief, the May 13 Press Releases have been posted on UANI’s website since at least May 14, 2013.

45. UANI further disseminated these false, highly damaging and defamatory statements in two press releases issued on May 14, 2013: (a) one press release graphically depicting six hands linked around a map of Iran titled “*UANI Issues Statement to Greek Ship Owner Victor Restis, UANI Calls on Restis to Disclose All Iran Business Transactions*”; and (b) one press release graphically depicting two large images of Iran President Mahmoud Ahmadinejad, “*UANI Issues Statement to Greek Ship Owner Victor Restis, UANI Calls on Restis to Disclose All Iran Business Transactions*” (collectively referred to as “May 14 Press Releases”). (Copies of the May 14 Press Releases are attached hereto as **Exhibit C**). These press releases again name Defendant Nathan Carleton as the contact for media inquiries. Upon information and belief, the May 14 Press Releases have been posted on UANI’s website since at least May 14, 2013.

46. UANI further disseminated the false and defamatory statements in a sensationalized “call to action” posted on its website (<http://www.unitedagainstnucleariran.com>)

on or about May 13, 2013 (“Call to Action”). When readers accessed the UANI website, the first thing they saw across the top of the main webpage was a large photograph of Mr. Restis with a picture of a tanker ship in front of him, along with an active link titled: “Call on Greek Businessman VICTOR RESTIS & RESTIS GROUP ENTITIES to end all Iran business schemes.” When readers clicked on this link, they were taken to a webpage entitled “Action Alert,” which encouraged readers of the UANI website to “Take Action” by providing their names and contact information so UANI could convey a demand from these individuals to Plaintiffs to end their purported role as “front-men for the illicit activities of the Iranian regime” and their “very significant, unethical – indeed illegal – support to the Iranian MoP and its affiliate, NITC.” (A copy of the Call to Action is attached hereto as **Exhibit D**). Plaintiffs are informed and believe that the “Call to Action” remained continuously and prominently displayed across the top of the main webpage of the UANI website from May 13, 2013, until such time as UANI removed the substance of the Call to Action from its website on or about May 23, 2013. However, the Call to Action was still publicly available thereafter at <http://www.capwiz.com/unitedagainstnucleariran/issues/alert/?alertid=62661211&type=CU>.

47. UANI further disseminated the false and defamatory statements on its Facebook page on or about May 14, 2013 (“May 14 Facebook Post”). In the post, UANI wrote that it “has unveiled evidence showing that this Greek shipowner, Victor Restis, is engaged in illicit business with the Iranian regime. TAKE ACTION!” The text included a link to the Call to Action. (A copy of the May 14 Facebook Post is attached hereto as **Exhibit E**.) As of July 8, 2013, 379 individuals indicated that they “liked” this page on Facebook, and 112 individuals had further disseminated the page by “sharing” it on their Facebook pages.

48. In response to UANI's Facebook post, visitors left at least 33 comments, including hateful, vile and threatening messages directed to Mr. Restis. For example, the comments call Mr. Restis a "bastard," an "animal," a "Greek f\*\*k," a "crook," a "piece of crap," a "self satisfied smug bastard without any scruples," a "Christian pig," and an "evil, greasy, greedy bastard." Comments threatening death and violence against Mr. Restis, include:

- "Hang him!!!"
- "JUST SHOOT HIM."
- "Lock and load torpedoes.....FIRE ONE.....release the sharks..."
- "shoot that pos [piece of s\*\*t]"
- "Go get his ass."

49. UANI posted an additional defamatory publication on its Facebook page on or about May 14, 2013 ("2nd May 14 Facebook Post"). According to the post, "Update: Victor Restis has responded to UANI's campaign. UANI calls for Mr. Restis to immediately clarify any and all business deals that he, FBB and/or affiliated entities have in or with Iran." The Facebook post contained a link to UANI's press release untitled "*UANI Issues Statement to Greek Ship Owner Victor Restis, UANI Calls on Restis to Disclose All Iran Business Transactions.*" As of July 8, 2013, 129 readers indicated that they "liked" this post, and 18 shared it with others. Three individuals left comments, including one that stated about Mr. Restis, "Deals with Islamic countries – that makes him a traitor to the human race." (A copy of the 2nd May 14 Facebook Post is attached hereto as **Exhibit F.**)

50. UANI further disseminated the false and defamatory statements on its social media Twitter feed on or about May 14, 2013 ("May 14 Tweet"), and the "tweet" remains posted there to the present. Next to a large and menacing photograph of Iranian Supreme Leader



Ayatollah Ali Khamenei, UANI “tweeted” the message that “UANI has unveiled evidence showing that this Greek shipowner, Victor Restis, is engaged in illicit business with the Iranian regime.” The tweet contained a link that, if clicked by users, would take them to UANI’s disparaging Facebook post with Mr. Restis’ head surrounded by red arrows. This tweet was re-tweeted (shared across Twitter by other users) twice. (A copy of the May 14 Tweet is attached hereto as **Exhibit G.**)

51. UANI disseminated the false and defamatory statements again on its Twitter feed on or about May 14, 2013 (“May 14 Update Tweet”), and the “tweet” remains posted there to the present day. Again, next to a large and menacing photograph of Ayatollah Khamenei, UANI tweeted, “Update: Victor Restis has responded to UANI’s campaign. UANI calls for Mr. Restis to immediately clarify any and all business deals that he, FBB and/or affiliated entities have in or with Iran.” The tweet contained a link to the Facebook page containing the photograph of Mr. Restis with a superimposed pirate’s eye patch. (A copy of the May 14 Update Tweet is attached hereto as **Exhibit H.**)

52. UANI further disseminated these false, highly damaging and defamatory statements in two press releases issued on July 15, 2013: (a) one press release graphically depicting six hands linked around a map of Iran titled “*UANI Issues Statement Regarding Greek Ship Owner Victor Restis; UANI Calls for U.S. Investigation and for Restis to be Barred from U.S. Business*”; and (b) one press release graphically depicting two large images of Iran President Mahmoud Ahmadinejad, “*UANI Issues Statement Regarding Greek Ship Owner Victor Restis; UANI Calls for U.S. Investigation and for Restis to be Barred from U.S. Business*” (collectively referred to as “July 15 Press Releases”). These press releases again name Defendant Nathan Carleton as the contact for media inquiries. The press releases responded to a

letter dated July 3, 2012 from Plaintiffs' counsel explaining in no uncertain terms the falsity of Defendants' statements regarding Mr. Restis and demanding that Defendants immediately retract those statements and issue an apology. The press releases, which took the form of a "statement" from Defendant Wallace, initially attempted to minimize Defendants' earlier defamation by claiming – falsely – that UANI merely expressed its "serious concerns related to documents and statements that purport to show business dealings by and between Mr. Restis and related companies with the sanction-designated Greek businessman Dimitris Cambis and Iran." Nevertheless, the statement repeats its earlier defamation and assumes it to be true. It referred to a "*dark cloud surrounding [Mr. Restis'] previous dealings*" and claimed that Mr. Restis "*fail[ed] to adequately describe his activities related to Mr. Cambis and the transactions referred to in the documents that involve Mr. Restis,*" even though those "dealings" and "transactions" never occurred. The statement called on the U.S. Government to investigate Mr. Restis, and it claimed that UANI would turn over any relevant materials to U.S. authorities. The July 15 Press Release contained hyperlinks to UANI's previous defamatory statements, including the May 13, 2013 Letter and other correspondence, thereby further disseminating the defamatory statements. (A copy of the July 15 Press Releases is attached hereto as **Exhibit I**.)

53. UANI further disseminated the false and defamatory statements on its Facebook page on July 15, 2013 (July 15 Facebook Post). It posted a photograph of Mr. Restis with a guilty look on his face superimposed on top of an Iranian oil tanker. In bold white text against a blue background, the graphic reads, "UANI Calls on U.S. Law Enforcement Authorities, Regulators and Lawmakers to Fully Investigate Mr. Restis and His Related Businesses." According to text accompanying the graphic, "UANI Issues Statement Regarding Greek Ship Owner Victor Restis: UANI calls for U.S. investigation and for Restis to be

BARRED from U.S. business!” The text contains a hyperlink to the July 15 Press Release posted on UANI’s website. As of July 18, 2013, this post had been “shared” 33 times by readers and had been “liked” by 149 readers. One reader posted a comment threatened violence against Mr. Restis, advocating that someone should “[k]eelhaul the Malaka.” “Keelhauling” is a painful form of naval punishment or torture involving dragging an individual underneath the keel of a ship while tied by both arms. “Malaka” is a Greek term of derision. (A copy of the July 15 Facebook Post is attached hereto as **Exhibit J.**)

54. Defendants further disseminated their false and defamatory statements through two tweets sent to its followers and posted on its Twitter site. On July 15, 2013, next to the photograph of a menacing looking Ayatollah Khamenei, UANI tweeted that “UANI Issues Statement Regarding Greek Ship Owner Victor Restis: UANI calls for U.S. investigation and for Restis...” (“July 15 Tweet”). The tweet contained a hyperlink to the July 15 Facebook Post. (A copy of the July 15 Tweet is attached hereto as **Exhibit K.**) According to a second tweet dated July 16, 2013, “UANI’s turning over materials to U.S. lawmakers to shed light on Greek shipowner Victor Restis’ past #Iran business” (“July 16 Tweet”). The tweet contained a hyperlink to the July 15 Press Release on UANI’s website. (A copy of the July 16 Tweet is attached hereto as **Exhibit L.**)

55. The Letter, Press Releases, Call to Action, Facebook pages, and tweets are collectively referred to as the “UANI Publications.” Upon information and belief, the UANI Publications are the joint product of all Defendants.

56. The UANI Publications had their intended effect. As a result of their publication, Defendants’ false and disparaging statements were widely disseminated and re-published by numerous media outlets, as well as a multitude of websites and blogs.

**Defendants Crafted Words, Graphics, Images, Captions And Content  
To Destroy Mr. Restis' Reputation, Cripple His Ability To Conduct  
Business And Inflict The Greatest Possible Emotional Distress  
On Mr. Restis and EST**

57. The content, words, graphics, images and captions in the Letter, when considered in context, repeatedly and literally communicate the false, defamatory *per se*, and highly damaging message that Plaintiffs are engaged in criminal, unethical, and illicit conduct with the Iranian regime.

- (a) “United Against Nuclear Iran (‘UANI’) is writing to express its serious concern about the apparent business dealings of two of your companies, namely First Business Bank S.A. (‘FBB’) and Enterprises Shipping and Trading S.A. (‘EST’), with sanctioned-designated individuals and Iranian oil and shipping entities.”
- (b) “UANI is seriously alarmed by your relationships with Dimitris Cambis, President of Athene Consulting House S.A. (‘Athene’), a notorious Greek businessman recently sanctioned by the U.S. government for conspiring with the Iranian regime and Iran’s Ministry of Petroleum (‘MoP’), to illegally export Iranian oil in violation of international sanctions.”
- (c) “In addition to Cambis, the other partner in this illicit business relationship is the Iranian MoP.”
- (d) “Clearly, the purpose of the partnership between FBB and the stigmatized and sanctioned Cambis, and MoP, respectively, is to secure Iranian regime control over FBB, a non-sanctioned and seemingly legitimate entity headed by an ostensibly credible Greek businessman with the façade of an EU-protected financial institution, in order to enable the Iranian regime to engage in, and

enlarge, its fraudulent financial and shipping activity in exchange for an enormous investment from the Iranian regime.”

- (e) “UANI is also in possession of a second document corroborating the main details of the first, namely that the Iranian MoP plans to invest heavily in FBB. The second document is an agreement letter – addressed to you in your role as Chairman of FBB – and is apparently written by a Cypriot consulting company, CONCEPT CONSULTING Ltd. With no notable online presence aside from a poorly constructed Facebook page, CONCEPT CONSULTING is in all likelihood a front company, set up for the sole purpose of enabling the deal between FBB and the MoP by imparting the relationship with an undeserving veneer of legitimacy.”
- (f) “The document confirms FBB’s engagement of CONCEPT CONSULTING for the purpose of attracting ‘major international investors who will participate in the purchase of FBB-First Business Bank share capital and/or acquisition of any other financial institution through FBB...’ Alarming, the document then cites the exact same trio of Iranian individuals referenced in the first document as representatives of the Iranian MoP: ‘...introducing major investors namely *Sir Kazem Vaziri, Mr Hodayoun Ansari and Dr M. Ali Izadi and/or any legal entity indicated by them* (“*Matter*”).”
- (g) “Both documents – the letter from Cambis and the consultancy engagement agreement letter – confirm the existence of a scheme in which FBB serves as a front for the MoP in exchange for an infusion of investment from the Iranian regime. Clearly, you and Cambis are acting as front-men for the Iranian MoP,

enabling the regime to massively expand its capacity to finance illicit shipping operations.”

- (h) “[I]t appears that another Restis Group company, EST, is also being used to aid Iran in its evasion of international sanctions. EST describes itself as ‘a leading provider of ship management services,’ and manages an eighty-one strong ocean-going fleet of bulk, container, tanker and reefer vessels, as well as cruise ships. UANI has been informed that EST-managed ships are very likely being used by Iran to illegally transport its oil in a concerted effort to evade U.S., EU, and international sanctions.”
- (i) “Through both open and private sources, UANI is cognizant of the financial difficulties currently facing you and certain Restis Group companies. . . . These significant personal financial and legal difficulties, no matter how dire, still offer absolutely no justification for the provision of vital services to the Iranian regime in return for its investment.”
- (j) “The services provided by FBB to your sanctioned Iranian partners are in the most highly sensitive and sanctioned areas of the Iranian economy, namely oil and shipping. Indeed, the Iranian regime is highly dependent on oil – its most valuable commodity. Furthermore, the vessels, maritime services and financing provided by the international shipping community facilitate the regime’s continued export of oil, and enable the regime’s dangerous behavior and continued defiance of international law. The revenue generated from the sale of Iran’s oil allows the Iranian regime to continue its pursuit of an illicit

nuclear weapons program, as well as to fund its terrorist proxies worldwide and ultimately, to maintain its brutal grip on the levers of power.”

58. The May 13 Press Releases, which Plaintiffs are informed and believe have been posted on UANI’s website since at least May 14, 2013, both re-publish the false and misleading Letter. In addition, both May 13 Press Releases communicate the following additional false and defamatory *per se* assertions of fact:

- (a) “UANI Calls for Greek Ship Owner Victor Restis and Restis Group to End Illicit Business Relationships with Iranian Regime.”
- (b) “Restis is Conspiring with Regime & Blacklisted Businessman Dimitris Cambis to Profit from Iranian Business Schemes.”
- (c) “Today, United Against Nuclear Iran (UANI) unveiled evidence of illicit business practices between Victor Restis, Chairman of Greece’s First Business Bank S.A. (FBB), and the Iranian regime.”
- (d) “UANI has written to Mr. Restis, presenting evidence of a significant and potentially lucrative relationship between FBB, blacklisted Greek businessman Dimitris Cambis, and Iran’s Ministry of Petroleum (MoP).”
- (e) “The documents demonstrate that Mr. Restis, through FBB and in conjunction with Mr. Cambis, is conspiring with individuals acting on behalf of the Iranian regime to serve as a front for the MoP in Greece by securing a ‘strategic alliance’ with the regime. In exchange, FBB will receive investments apparently in excess of one billion dollars from Iranian authorities.”

59. The May 14 Press Releases, which Plaintiffs are informed and believe have been posted on UANI’s website since at least May 14, 2013, re-publish both the false and

misleading Letter and the false and defamatory statements disseminated through the May 13 Press Releases. In addition, both May 14 Press Releases communicate the following additional false and defamatory *per se* assertions of fact:

- (a) “Yesterday, UANI unveiled documented evidence of illicit business practices between Restis, and the Iranian regime.”
- (b) “The documents demonstrate that Restis, through FBB and in conjunction with Mr. Cambis, is conspiring with individuals acting on behalf of the Iranian regime to serve as a front for the Iranian Ministry of Petroleum in Greece by securing a ‘strategic alliance’ with the regime.”
- (c) “In exchange, FBB will receive investments apparently in excess of one billion dollars from Iranian authorities.”

60. The Call to Action, which Plaintiffs are informed and believe was posted continuously on UANI’s website beginning on or about May 14, 2013, until such time as UANI removed the substance of it from its website. The Call to Action communicates the following false, misleading and defamatory *per se* content:

- (a) Website viewers are urged to “*Take Action*” by providing their names and contact for UANI to convey a demand that the Restis Entities end their role as “*front-men for the illicit activities of the Iranian regime.*”
- (b) Viewers are further urged to “*Take Action*” to end the Restis entities “*very significant, unethical – indeed illegal – support to the Iranian MoP and its affiliate, NITC.*”



61. The July 15 Press Release, which Plaintiffs are informed and believe has been posted on UANI's website since at least July 15, 2013, communicates the following false, misleading and defamatory *per se* content:

- (a) "UANI first contacted Victor Restis in May regarding our serious concerns related to documents and statements that purport to show business dealings by and between Mr. Restis and related companies with the sanction-designated Greek businessman Dimitris Cambis and Iran."
- (b) "UANI has repeatedly offered to work collaboratively with Mr. Restis and his counsel to clarify the numerous documents and statements that describe dealings between Mr. Restis, Mr. Cambis and Iran."
- (c) Defendants claim to have "[o]ffered to show Mr. Restis and his counsel extensive additional documents that implicate Mr. Restis in activity related to Iran and Mr. Cambis."
- (d) Defendants claim that their earlier defamatory statements are based on "(highly credible) confidential sources," as well as "valid research, credible documents, distinguished relationships, and preeminent sourcing."
- (e) Defendants claim that Mr. Restis' "explanation [in response to their allegations] has been limited and made in either the press or in carefully crafted legal statements."
- (f) "Mr. Restis' counsel has further stated that he is 'not engaged in illegal business schemes with Iran' [emphasis added by Defendants] without reference to any timeframe. That letter is quite lengthy, and UANI remains concerned that its

length masks a lack of substantive explanation and its length is mostly a repetition of UANI letters.”

- (g) “*Mr. Restis has not sought to explain his past interactions related to these matters.*” (*Emphasis original*).
- (h) “UANI works with a variety of companies and persons, in most cases collaboratively and positively, to end their business in Iran. UANI is typically the first to applaud any party that takes complete and transparent action to reveal the nature and extent of its Iran related dealings and/or business and exits Iran. UANI cannot take such action related to Mr. Restis because of the dark cloud surrounding his previous dealings related to these matters.” (*Emphasis original*).
- (i) “Mr. Restis has refused to adequately clarify these matters.”
- (j) “Given Mr. Restis’ failure to adequately describe his activities related to Mr. Cambis and the transactions referred to in the documents that involve Mr. Restis, UANI calls on U.S. law enforcement authorities and regulators and U.S. lawmakers to fully investigate Mr. Restis and his related businesses. Until Mr. Restis fully explains and transparently reveals his involvement in these matters, we call on the United States Federal Government, states and relevant port authorities to refuse further business with Mr. Restis and his related businesses and deny him relevant licenses and authority to engage in U.S.-based business.”

62. The July 16 Tweet, which Plaintiffs are informed and believe has been posted on UANI’s website since at least July 16, 2013, communicates the following false, misleading and defamatory *per se* content:

- (a) “UANI’s turning over materials to U.S. lawmakers to shed light on Greek shipowner Victor Restis’ past #Iran business”

**The Outrageous Graphics And Content Posted On Defendants’  
Website And Facebook Page To Defame And Disparage  
Mr. Restis and EST Drips With Malice**

63. Defendants prominently and continuously displayed various images that depict Mr. Restis in a false and defamatory manner.

64. An image of Mr. Restis on the UANI website homepage since at least May 14, 2013 portrays him to be engaged in a nefarious scheme with the Iranian regime and the National Iranian Tanker Company. Defendants have taken steps to ensure that a click on Mr. Restis’ image immediately triggers a sensational banner to flash across the page. Defendants’ banner and graphics posted on the UANI website communicate the following false, misleading and defamatory *per se* messages:

- (a) *“Call on Greek businessman VICTOR RESTIS & RESTIS GROUP ENTITIES to end all Iran business schemes!”*
- (b) The accompanying graphic positions Mr. Restis’ head over an Iranian oil tanker with the letters “NITC,” communicating that this a National Iranian Tanker Company tanker.
- (c) UANI’s graphic is superimposed on additional graphics depicting smoke from a missile launch, Revolutionary Guards cheering during a rally, and the head of Ayatollah Khamenei.
- (d) UANI also positions Mr. Restis’ head over the image of Ayatollah Khamenei, making it appear that Mr. Restis is wearing the ayatollah’s turban.

65. In addition, Defendants have prominently and continuously displayed the Facebook posts, which communicate the following false, misleading and defamatory *per se* messages:

- (a) The May 14 Facebook Post included a highly sensationalized graphic depicting a photograph of Victor Restis below a photograph of an oil tanker with the letters NITC, indicating a National Iranian Tanker Company tanker. A series of five bright red arrows are superimposed in a circle around Mr. Restis' head, pointing directly at him in accusatory fashion. The graphic also includes the prominently displayed words "dirty business: CHECK" printed in bright red.
- (b) The 2nd May 14 Facebook Post consists of a graphic image of Mr. Restis smiling, with a pirate's eye patch superimposed over his left eye and the words "HOLY SHIP!" in large letters across the bottom.
- (c) The July 15 Facebook Post included the graphic described above on UANI's website, with a photograph of Mr. Restis with a guilty look on his face superimposed on top of an Iranian oil tanker. In bold white text against a blue background, the graphic reads, "UANI Calls on U.S. Law Enforcement Authorities, Regulators and Lawmakers to Fully Investigate Mr. Restis and His Related Businesses."

**Defendants' "Name And Shame" Campaign Defaming And Disparaging Mr. Restis And EST Is Demonstrably False**

66. There is no factual basis for UANI's repeated false, highly offensive and defamatory *per se* assertions that Mr. Restis and his companies are "front-men" engaged in "criminal" and "illicit" business "schemes" the Iranian regime, MoP or its affiliate, National Iranian Tanker Company. In fact, Mr. Restis is not engaged, nor has he ever been engaged in

any illegal or illicit business arrangement, transaction or scheme of any kind with Cambis or the companies or entities he represents. Neither Mr. Restis nor any of the “Restis Group” companies have had an illegal or illicit business arrangement, transaction or scheme of any kind with any other sanctioned entity, including the National Iranian Oil Company and/or the National Iranian Tanker Company. Contrary to Defendants’ false assertions, Mr. Restis and the “Restis Group” companies have not violated the sanctions against Iran, nor have they had any illicit business dealings with sanctioned individuals.

67. As specified above, Defendants wrongly relied on and materially mischaracterized two fraudulently and patently unreliable documents to “corroborate” their patently false and defamatory *per se* reputation destruction campaign: (1) a purported letter from Cambis dated April 25, 2012, addressed to Mr. Restis and Professor Christos Kazantzis as the CEO of FBB, and (2) a purported “agreement letter” dated April 25, 2012, from a Cypriot consulting company, Concept Consulting Ltd., to Mr. Restis. Defendants’ production of documents confirms that their initial false allegations were based *solely* on these two fabricated documents, despite their later (and false) claim that they had in their possession “extensive additional documents that implicate Mr. Restis in activity related to Iran and Mr. Cambis.”

68. The purported Cambis Letter mischaracterized by Defendants is a fraudulent and patently unreliable source and, in fact, refutes Defendants’ false and defamatory accusations for multiple reasons:

- (a) According to the purported letter, the writer has “been mandated, among others, to propose a Greek financial institution whereas our clients [the MoP] wish to participate in the share capital and bring along a major part of their businesses.” (Emphasis added).

(b) The writer of the purported letter says that “we have proposed FBB” as a business partner.” (Emphasis added).

(c) The purported letter attached a “draft proposal of our cooperation.” (Emphasis added).

69. Additionally, the purported Cambis letter is a patently suspect and unreliable source for multiple reasons, including but not limited to, the following readily apparent facts:

- (a) The letter is written in English and not in Greek, the language Greek businessmen use to communicate with each other. Indeed, upon information and belief, the supposed recipient of the letter does not even speak English.
- (b) The purported “letter from Cambis” to “Prof Kazantzis” inexplicably and nonsensically refers to each individual in the third person.
- (c) The purported letter nonsensically says several Iranian officials were arriving in Athens to “initiate and conclude a strategic agreement with FBB” on the same day the letter is dated and purportedly delivered to FBB.
- (d) The purported letter nonsensically goes on to say that these Iranian officials expected an appointment at FBB the very next morning to “invest in FBB by acquiring a substantial stake in the equity of the Bank.”
- (e) A records check conducted by Plaintiffs showed that none of the Iranian officials mentioned in the letter were in Greece the day of the alleged

meeting, nor have they *ever* entered Greece prior to or subsequent to that date.

- (f) Greek banks, including the former FBB, were (and still are) strictly regulated by both Greek and European regulators, and closely overseen and scrutinized by the International Monetary Fund (“IMF”).
- (g) At the time the purported letter was supposedly sent to FBB explicitly to pursue an illegal business scheme with the Iranian regime, all Greek banks, including the former FBB, were (and still are) subject to multiple controls and detailed audits by Greek, European, and IMF officials, making receipt of the letter, the purported meeting, and any illegal business arrangement impossible without detection and notification to multiple authorities.
- (h) The letterhead on which the purported letter is written demonstrates its lack of authenticity. In fact, the watermark on the purported document has not been used by Athene Consulting House for a number of years and would not have appeared on genuine company letterhead in 2012.
- (i) The purported letter refers to the “Iranian Ministry of Oil,” a nonexistent entity. Any businessman with purportedly long-standing connections to the Iranian Ministry of Petroleum would know the organization and refer to it by its correct name.
- (j) Under regulations and procedures applicable to all Greek banks, including the former FBB, all incoming mail and correspondence is, and was, carefully monitored. All correspondence received by a Greek bank,

including correspondence such as the purported Cambis letter supposedly delivered to FBB, is methodically numbered and recorded. The purported Cambis letter, in fact, was never delivered to FBB, numbered or recorded.

70. The purported “proposed consultancy agreement” from Concept Consulting Ltd. to Mr. Restis is a fraudulent and patently unreliable source for multiple reasons, including the following readily apparent facts:

- (a) The purported agreement is unsigned, incomplete, and apparently unfinished.
- (b) The purported agreement letter is written in English and not in Greek, the language Greek businessmen use to communicate with each other.
- (c) As Defendants admittedly are aware, Concept Consulting Ltd. appears not to exist, a red flag indicating that the purported proposed agreement is nonsensical and fraudulent.
- (d) The purported proposed agreement does not, as a matter of law, constitute an “agreement,” as Defendant Wallace, an attorney, is aware. Further, the provisions of the purported proposed agreement are nonsensical, including without limitation, the termination provision which states that “[i]n the event of termination by you or us of our engagement, paragraphs 3, 4, 5, 6, 7, 8, 9, 10 and 11, continue to apply after such termination.” Yet, the purported proposed agreement contains no provisions 9 through 11, and provision 8 is the termination provision itself.



71. Due to the strict regulatory and procedural controls over all Greek banks, it is beyond question that FBB has had no illicit business arrangement, financial transaction or business scheme of any kind with Cambis, his company, or any other person associated with Iran. To the contrary, throughout all of its years of operation through the date it was acquired by the National Bank of Greece, FBB never had any involvement with nor did it ever transaction with Iran. It never received any capital, investments or financing from the Iranian government, nor has it ever issued any loans, maintained accounts, or transferred or handled money on behalf of Iranian companies or individuals or any companies or individuals subject to international sanctions.

72. Defendants knew and/or recklessly disregarded the fact that any independent Greek bank in financial distress, including the former FBB, being acquired by the National Bank of Greece, is subjected to intensive scrutiny, including detailed examinations and thorough audits of its transactions and business dealings, prior to completing the acquisition. In fact, the Defendants knew and/or recklessly disregarded the fact that the National Bank of Greece's acquisition of FBB was publicly announced on May 11, 2013 – two days before Defendants launched their false campaign of defamation and disparagement against Mr. Restis, FBB and EST.

73. Naturally, well in advance of the acquisition in May 2013, FBB had been subjected to thorough audits by a Special Task Force of Auditors of the Department of Supervision of Credit and Financial Institutions of the Bank of Greece, including meticulous audits of: (a) its entire portfolio; (b) its own Internal Audit Systems; (c) its IT systems for the effective prevention and combating of money laundering and financing of terrorism, and (d) the accuracy of the data submitted by FBB, particularly with respect to cross border monetary

transfers. Over the course of almost two years of audits, this Special Task Force did not find any evidence of any transaction whatsoever between FBB and the Iranian government or any persons or entities affiliated with Iran.

74. Further, when the National Bank of Greece's acquired FBB, the majority of FBB's assets, including accounts and obligations with respect to deposits, were transferred to the National Bank of Greece. Thus, as Defendants are aware, any purported transfer of funds from the Iranian regime or Iranian MoP to FBB would immediately have been discovered by the National Bank of Greece. Obviously, no transactions of the kind concocted by Defendants were ever identified by the National Bank of Greece or the team of experienced auditors it engaged. The May 11, 2013 announcement – two days before Defendants launched their reputation destruction campaign against Mr. Restis and his companies – confirming that the National Bank of Greece acquired FBB completely refutes Defendants' false, outrageous, and frankly, ridiculous, assertions that Mr. Restis and FBB received letters "confirming" a nefarious meeting to consummate an illegal business scheme with the Iranian regime, which Defendants have falsely and repeatedly stated included monthly transactions directed to FBB by these Iranian partners to the tune of "a few billions" flowing through the bank.

75. Defendants knew and/or recklessly disregarded the obvious fact that neither FBB nor Mr. Restis had a meeting with Sir Kazem Vaziri, Mr. Homayoun Ansari and Dr. M.Ali Izadi, the purported Iranian officials visiting Greece, nor did Mr. Restis or FBB engage in any illegal business arrangement with the Iranian regime, because such illegal and illicit activities could not have escaped detection and notification to multiple authorities, nor could they have escaped the thorough scrutiny of the National Bank of Greece.

76. Likewise, there is no factual basis for Defendants' false direct and implied assertions that the Restis Group companies – including EST, the flagship of the Restis family shipping businesses – are “being used to aid Iran in its evasion of international sanctions” and “to illegally transport [Iranian] oil in a concerted effort to evade U.S., EU, and international sanctions.”

77. In fact, according to UANI's website, “UANI's MINERVA system monitors and polices Iranian shipping activities in real-time 24 hours a day. UANI MINERVA analysts in New York, London and Hong Kong, provide around-the-clock monitoring of the Iranian commercial fleet in order to detect, analyze and bring to light nefarious Iranian shipping activities as they occur, and notify relevant authorities of illicit actions occurring in their jurisdictions.” Further, “MINERVA collects and processes raw vessel data including speed, heading, identity, draught and destination information. MINERVA then correlates this shipping data with supplementary data from maritime industry sources and employs algorithmic analysis to create distinct vessel and shipping route profiles and predict the future course and destination of otherwise undetectable dark and/or spoofing vessels of the Iranian regime.”

78. Contrary to Defendants' false assertions, and as Defendants know from the detailed and sophisticated information concerning nefarious and illegal Iranian shipping activities collected by UANI 24 hours a day, EST, in fact, is not aiding Iran by illegally transporting its oil, and no EST-managed ships have ever operated routes to and/or from Iran in violation of international sanctions. Defendants are well aware that enormous oil tankers cannot hide their whereabouts without detection. Defendants have never cited a shred of data to substantiate their false and defamatory assertions because there is no such data.

**Upon Information and Belief, Defendants or Their Representatives  
Played a Role in Criminal Charges Against Mr. Restis in Greece**

79. After Mr. Restis refused to bow to Defendants' demands to falsely admit violating the sanctions against Iran, Defendants sought to pressure Mr. Restis in Greece. Upon information and belief, Defendant Wallace asked a member of UANI's leadership with significant European connections to encourage Greek authorities to take action against Mr. Restis. Greek prosecutors – who in the wake of the Greek financial collapse have been eager to prosecute prominent businessmen and bankers – agreed to move against Mr. Restis. On July 23, 2013 – only three days after Mr. Restis filed this action in New York – Greek authorities raided Mr. Restis' house and detained him on suspicion of money laundering and embezzlement.

80. Under Greek criminal law, authorities are permitted to detain suspects and hold them for up to 18 months pending an investigation by prosecutors to determine whether any crimes have been committed and whether any charges should be brought. Although no charges were brought, the detention was based on the allegations that First Business Bank, for which Mr. Restis served as Chairman, had improperly loaned Anastasios Pallis € 5.8 million. As discussed above, however, Mr. Restis had no knowledge of this loan at the time, and he himself had brought it to the attention of Greek authorities and sued Mr. Pallis when he learned of it. Nevertheless, Greek authorities sought to hold Mr. Restis accountable for the loan – even though he was the victim of the embezzlement – because of his position of president and majority owner of the bank. Because of his wealth, his position as Ambassador from San Marino, and his frequent travels outside Greece, Mr. Restis was denied bail as a flight risk and detained in a maximum security prison in Athens. However, once the investigation progressed under the oversight of a magistrate judge, the judge released Mr. Restis on bail on December 3, 2013, but only after he had spent more than four months in prison.

81. Even though they played a role in Mr. Restis' detention on trumped-up charges, Defendants have repeatedly sought to capitalize on Mr. Restis' incarceration. In filing after filing with this Court, and in numerous public statements, Defendants have continued their smear campaign against Mr. Restis and falsely portrayed him as a criminal and a liar. They have repeatedly and disingenuously attempted to undermine his credibility and destroy his well-earned reputation as an honest and reputable businessman.

**Knowing That Their Original Allegations Were False,  
Defendants Sought to Recast their Allegations  
With a New Wave of Defamatory Publications**

82. Defendants are aware that their original allegations that Plaintiffs illegally violated the sanctions against Iran are false. The documents produced by Defendants in this case confirm that their *only* basis for asserting that Plaintiffs were illegally violating the sanctions against Iran was the two facially fraudulent documents. As a result, Defendants have intentionally recast their original allegations that Plaintiffs were "front-men" engaged in "illicit," "unethical," and "indeed illegal" business "schemes" with the Iranian Regime, although they continue to publish these false allegations on UANI's website. Instead, Defendants now claim that they originally alleged only that Plaintiffs were "doing business in Iran." By engaging in this sleight of hand, Defendants claim that any interactions between Plaintiffs and Iran prove the truth of their original allegations. Based on this, Defendants now claim that legal and authorized shipments of humanitarian food aid to Iran – generally by major American companies – on Plaintiffs' vessels proves the truth of their initial allegations that Plaintiffs illegally violated the sanctions against Iran. Using this new approach, in February 2014, Defendants launched a second wave of defamatory *per se* press releases, letters, Facebook posts, and tweets, accusing

Plaintiffs of secretly “doing business in Iran” and of lying when they previously denied having done so.

83. Defendants made these false allegations despite their knowledge that American companies chartered these vessels to deliver humanitarian food aid in full compliance with international sanctions. Plaintiffs have repeatedly informed Defendants of the purpose of these voyages, as well as the precautions taken by Plaintiffs to ensure that they do not violate the international sanctions against Iran in any way. Furthermore, such humanitarian aid shipments are publicly disclosed in filings with the U.S. Government and to the general public. For example, they are listed in EST’s monthly newsletters, which are available on EST’s website. In addition, Seanergy Maritime Holdings Corp. – a public company listed on NASDAQ that is led and owned, in part, by Mr. Restis – discusses these voyages in its Annual Reports. According to the 2012 Annual Report,

From time to time, on charterers’ instructions, our vessels may call on ports located in countries subject to sanctions and embargoes imposed by the U.S. government and countries identified by the U.S. government as state sponsors of terrorism including . . . Iran. . . . We believe that we are currently in compliance with all applicable sanctions and embargo laws and regulations. In order to maintain compliance, we are monitoring and reviewing the movement of our vessels on a frequent basis. During 2012, two of our chartered vessels made three port calls to Iran and one of our chartered vessels made two port calls to Sudan, representing approximately 1.2% of the approximately 421 total calls on worldwide ports made by our vessels during 2012.

Nevertheless, despite this public disclosure of legal shipments to Iran, and despite having been informed of the purpose of these voyages in advance by Plaintiffs, Defendants launched a new defamation campaign that intentionally misrepresented these voyages as proof that Defendants’ defamatory allegations that Plaintiffs were “front-men” for the Iranian regime were, in fact, true. In a series of press releases, interviews with media, Facebook posts and Twitter tweets, Defendants sought to reiterate and bolster their May 2013 defamatory allegations. They also

committed new acts of defamation against Victor Restis and EST, who they portrayed as liars for denying the truth of the allegations that they had illegally violated the sanctions against Iran.

84. Defendants' new wave of allegations is contrary to UANI's mission, its prior statements, and U.S. policy. According to Defendants July 15, 2013 Press Release, "UANI's mission is to reveal a person's or entity's illicit and/or inappropriate business relationships in Iran, and to ensure that all such persons and entities forego additional work in Iran." See Exhibit I. Even Defendants agree that humanitarian food shipments to Iran are neither illicit nor inappropriate. Indeed, Defendants have consistently *supported* humanitarian exceptions to any sanctions regimes. For example, Defendant UANI's website features a statement by Defendant Wallace and Defendant Ibsen calling for "additional sanctions – ones with *humanitarian carve-outs*, reversibility, broad discretionary and waiver authority for the President."<sup>6</sup> In an editorial published in the *Wall Street Journal*, Defendant Wallace called for a ban against "all shippers docking at Iranian ports, operating offices in Iran, or importing and exporting into and out of Iran (*with exceptions on humanitarian grounds*)."<sup>7</sup> Defendant Carleton similarly called for humanitarian aid to continue to the Iranian people: "Importantly, these voices of dissent in Iran need to see that the West will keep the pressure up and not let the mullahs get their way, even if it means a full-scale economic blockade of Iran *with only a*

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<sup>6</sup> See M. Wallace and D. Ibsen, "Let's Not Forget that this Entire Problem is About Iran's Illegal, Threatening and Deceitful Nuclear Activities," (Jan. 14, 2014), *available at* <http://www.unitedagainstnucleariran.com/news/case-you-missed-it-lets-not-forget-entire-problem-about-irans-illegal-threatening-and-deceitful> (emphasis added); *see also* "UANI Calls on White House to Stop Inappropriate and Partisan Attacks on Supporters of Iran Sanctions," (Jan. 10, 2014), *available at* <http://www.unitedagainstnucleariran.com/news/uani-calls-white-house-stop-inappropriate-and-partisan-attacks-supporters-iran-sanctions>.

<sup>7</sup> See M. Wallace, "Closing U.S. Ports to Iran-Tainted Shipping," *Wall Street Journal* (Mar. 14, 2013), *available at* <http://online.wsj.com/news/articles/SB10001424127887323826704578352683711365520> (emphasis added).

humanitarian exception.”<sup>8</sup> More pointedly, UANI Advisory Board Member Pauline Neville-Jones wrote that “[u]nless they are providing humanitarian services, ships calling at Iranian harbours should be refused entry to European and American ports.”<sup>9</sup>

85. These humanitarian shipments of food are explicitly permitted under the sanctions regimes. According to a Treasury Department spokesperson, “It has been the longstanding policy of the United States not to target Iranian imports of humanitarian items, such as food, medicine and medical devices.”<sup>10</sup> According to guidance published by OFAC:

From the start, the United States and its international partners have worked to ensure that these sanctions do not prohibit the delivery of humanitarian assistance and exports of humanitarian goods to Iran. Accordingly, under U.S. law, *the sale and export of nearly all types of food and medicine to Iran are broadly authorized*, and require no specific license or special authorization from the Department of the Treasury’s Office of Foreign Assets Control (OFAC) or any other agency of the U.S. government.<sup>11</sup>

86. Nevertheless, although such shipments are both legal and authorized under the various sanctions regimes, Defendants launched a new wave of defamatory allegations in February 2014 based on American-based charterers’ shipments of humanitarian food aid to Iran using vessels managed by Plaintiffs. They released the allegations in piecemeal fashion over the

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<sup>8</sup> See S. Ghasseminejad and N. Carleton, “It is Only a Strengthening of Sanctions, Not a Lifting of Them, that Will Force the Regime’s Hand,” *CNBC.com* (July 30, 2013), available at <http://www.unitedagainstnucleariran.com/press-releases/case-you-missed-it-it-only-strengthening-sanctionsnot-lifting-them-will-force-regime> (emphasis added).

<sup>9</sup> See P. Neville-Jones, “European Sanctions Legislation Should be Amended Urgently to Ban Insurance and Reinsurance for Ships that Carry Coal, Coke, and Other Raw Materials,” *HuffPost: United Kingdom* (Feb. 28, 2013), available at <http://www.unitedagainstnucleariran.com/news/case-you-missed-it-uani-isd-lays-out-sanctions-strategy-targetirans-steel-industry-nuclear-pro> (emphasis added).

<sup>10</sup> See M. George and Z. Hosseinian, “Sanctions, government blamed for Iran’s drugs shortage,” *Reuters* (Dec. 5, 2012), available at <http://www.reuters.com/article/2012/12/05/us-iran-medicine-idUSBRE8B40NM20121205>.

<sup>11</sup> Office of Foreign Asset Control, “Clarifying Guidance: Humanitarian Assistance and Related Exports to the Iranian People” (Feb. 6, 2013), available at [http://www.treasury.gov/resource-center/sanctions/Programs/Documents/hum\\_exp\\_iran.pdf](http://www.treasury.gov/resource-center/sanctions/Programs/Documents/hum_exp_iran.pdf); see also OFAC, “Guidance on the Sale of Food, Agricultural Commodities, Medicine, and Medical Devices by Non-U.S. Persons to Iran,” (July 25, 2013), available at [http://www.treasury.gov/resource-center/sanctions/Programs/Documents/iran\\_guidance\\_med.pdf](http://www.treasury.gov/resource-center/sanctions/Programs/Documents/iran_guidance_med.pdf) (“[T]hese sales [of



course of weeks in order to maximize public exposure for their charges. These new allegations specifically sought to bolster Defendants' initial allegations by accusing Plaintiffs of lying when they (correctly) denied doing business in Iran in violation of the sanctions. They communicate the defamatory *per se* messages that a) Plaintiffs are doing business in Iran in violation of the sanctions; and b) Plaintiffs have consistently lied in denying that they did so in response to Defendants' 2013 defamation campaign accusing Plaintiffs of being "front-men" for Iran who have "flagrantly" violated the sanctions by shipping Iranian oil and accepting Iranian investments.

87. On February 5, 2014, Defendants issued two versions of a press release (the "February 5 Press Release") entitled "UANI Calls on Greece's Victor Restis, EST, and George Sarris to Account for the Iranian Activities of the *Bergen Max* Cargo Carrier: Restis-Controlled Vessel Visited Iranian Waters and Bandar Imam Khomeini Port, Contradicting Mr. Restis's Own Assertions." The press release claimed that "as part of a continuing investigation, UANI is publicly revealing evidence of the *Bergen Max*'s business activities in Iran." The press release explicitly cited to Defendants' defamatory campaign from May 2013 in which Defendants made the defamatory allegations that are the basis of this suit. The press release at least implied that the *Bergen Max*'s activities violated the sanctions against Iran, since it visited the Bandar Imam Khomeini port, which "is host to the Iranian regime-controlled front company, Tidewater Middle East Co., which has been designated as a sanctioned entity by both the United States and European Union." The press release accused Mr. Restis of being untruthful when he previously denied Defendants' charges. "Simply put, Mr. Restis and his affiliated businesses and colleagues are suffering from a credibility gap. First, Mr. Restis vociferously denied that his companies or vessels had any Iran business, and adamantly denounced Iran business as wrong.

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food, medicine, and medical devices] to Iran do not trigger sanctions under U.S. law.").

Then, Mr. Restis was arrested for serious criminal allegations. Now, it is revealed that a vessel under Mr. Restis's control has frequented Iranian waters and called on the port of Bandar Imam Khomeini." Defendants sought to directly interfere with Plaintiffs' business operations by "call[ing] on port authorities worldwide to exercise extreme caution regarding [the *Bergen Max*] and other EST vessels." The press release, as published on UANI's website, contained hyperlinks to a) Defendants' May 13, 2013 public letter to Mr. Restis containing Defendants' original defamatory allegations; b) a compendium of statements taken out of context and attributed to Plaintiffs denying having done business in Iran; c) a map purporting to depict the route of the *Bergen Max* through the Persian Gulf; and d) a series of news reports of Mr. Restis' detention in July 2013. The only substantive difference between the press releases was the accompanying graphics. One version contained a graphic depicting a map of Iran. The other, however, contained a graphic depicting Iranian Supreme Leader Ali Khomeini, Iranian President Hassan Rouhani, and a map of Iran showing the locations of its major nuclear facilities, clearly implying that Plaintiffs' actions improperly or illegally supported Iran's nuclear ambitions. (Copies of the February 5, 2014 press releases and accompanying documents are attached hereto as **Exhibit M**.)

88. On February 5, 2014, Defendants also tweeted the following message via its Twitter feed: "BREAKING: Restis vessel visited Iranian waters & Bandar Imam Khomeini Port, contradicting Mr. Restis's own assertions." The tweet contains a hyperlink to the February 5, 2014 Press Release and a photograph of Supreme Leader Khamenei. (A copy of the February 5, 2014 tweet is attached hereto as **Exhibit N**.)

89. On February 6, 2014, Defendants published two versions of a press release entitled "UANI Calls on Greece's Victor Restis, EST, and George Sarris to Confirm that

the *Helvetia One* is Currently in Bandar Imam Khomeini, Iran: Restis-Controlled Vessel In Iranian Waters, Contradicting Mr. Restis's Own Assertions: UANI Calls on Ports to Exercise Caution in All Dealings with *Helvetia One* and EST." Like the February 5, 2014 press release, this press release again falsely states or implies that Plaintiffs were engaging in business with a sanctioned entity in violation of the sanctions and that Plaintiffs had lied when previously denying having done so. According to the press release, "Victor Restis and EST must once and for all fully and transparently account for their extensive Iran dealings. We call on Mr. Restis to answer a simple question: *Will you admit - finally - that you and your shipping company EST do business in Iran, despite your previous public statements?*" (Emphasis in original). The press release again publicly called for a boycott on doing business with Plaintiffs. "Until Mr. Restis and EST transparently and consistently reveal the true nature and extent of their Iran business activities, we call on port authorities worldwide to exercise extreme caution regarding the *Helvetia One*, Mr. Restis, EST and other EST vessels. . . . [R]esponsible businesses and ports should not do business with them until their vessels cease making ports of call in Iran." The press release, as published on UANI's website, contained hyperlinks to a) Defendants' May 13, 2013 public letter to Mr. Restis containing Defendants' original defamatory allegations; b) a compendium of statements taken out of context and attributed to Plaintiffs denying having done business in Iran; c) a map purporting to depict the route of the *Helvetia One* through the Persian Gulf; d) Defendants' February 5 Press Release; and e) the series of news reports of Mr. Restis' detention in July 2013. As with the February 5, 2014 press releases, the only substantive difference between these press releases was the accompanying graphics. (Copies of the February 6, 2014 press releases and accompanying documents are attached hereto as **Exhibit O**.)

90. On February 6, 2014, UANI posted a message on Facebook with the caption, “If you mess up, ‘fess up” in white letters on a black background. The post states that “UANI is calling on Greece’s Victor Restis & George Sarris to finally admit it: their company, EST, does business in Iran. Today, as part of a continuing investigation, UANI is publicly revealing evidence of the Helvetia One Vessel’s current location in Iran and its business activities there.” The post contains a link to the February 6, 2014 Press Release. As of April 4, 2014, this post had been “liked” 84 times and re-tweeted by third parties 20 times. (A copy of the February 6, 2014 Facebook post is attached hereto as **Exhibit P.**)

91. On February 6, 2014, Defendants tweeted the following text through UANI’s Twitter account: “UANI is calling on Greece’s Victor Restis & George Sarris to confirm whether their vessel is in #Iran.” The tweet contained a link to the February 6 Press Release and a photograph of Supreme Leader Khamenei. (A copy of the February 6, 2014 Twitter tweet is attached hereto as **Exhibit Q.**)

92. On February 6, 2014, Defendants also re-tweeted the following text: “@UANI calls out Victor Restis for violating multiple sanctions provisions by sending ships to Tidewater ports.” This was originally tweeted by Sam Cutler, and it contains a link to the February 5 Press Release as published by Business Wire. UANI deleted this re-tweet from its Twitter feed before a screenshot could be taken. (A copy of Mr. Cutler’s original tweet is attached hereto as **Exhibit R.**)

93. On February 6, 2014, Defendants also re-tweeted the following text: “UANI Calls on #Greece’s Victor Restis to Account for Iranian Activities.” This was originally tweeted by Ernesto de la Serna. It contains links to the February 5 Press Release as published by

Business Wire and to a map posted by UANI that purportedly depicts the movements of the Bergen Max. (A copy of the February 6, 2014 Twitter re-tweet is attached hereto as **Exhibit S**.)

94. On February 7, 2014, Defendants issued two versions of a press release entitled “UANI Releases Compendium of Selected Victor Restis Statements Denying Business with Iran.” The compendium consists of a series of four statements attributed to Mr. Restis or his counsel, divorced of any context, denying any business relationships with Iran. The purpose of the press release was to falsely portray Mr. Restis as a liar when he (correctly) denied having done business with Iran or violated the sanctions against Iran. As with the February 5, 2014 press releases, the only substantive difference between these press releases was the accompanying graphics. (Copies of the February 7, 2014 press releases are attached hereto as **Exhibit T**.)

95. On February 7, 2014, Defendants released two tweets on their Twitter feed relating to the February 7, 2014 Press Release. First, they tweeted the following text: “Collection of statements by Greek shipowner, Victor Restis, where he denies his #Iran business.” Second, they tweeted the following: “Read this list of statements by Greek shipowner, Victor Restis, where he denies his #Iran business.” Both of these tweets contained hyperlinks to the February 7, 2014 Press Release and were shown next to a photograph of Supreme Leader Khamenei. (A copy of the February 7, 2014 tweets is attached hereto as **Exhibit U**.)

96. In addition to publicly releasing these press releases, Facebook posts, and tweets, Defendants worked with sympathetic journalists to craft stories that would present Plaintiffs in the least favorable light. On February 8, 2014, Defendants republished one such article published in *TradeWinds*, a maritime industry publication, based on Defendants’

communications with the journalist, Aaron Kelley. The article contained a number of false and defamatory statements provided by Defendants regarding settlement negotiations that had recently broken down between the parties. As part of those settlement negotiations, Defendants demanded a payment of \$500,000 in exchange for a retraction of their false allegations. Defendants also demanded a payment of \$10 million if they were to “inoculate” Plaintiffs against further accusations of violating the sanctions against Iran and provide them with a “clean bill of health.” Plaintiffs, of course, refused to be extorted in this manner, but they agreed in principle to defray Defendants’ attorney fees because Plaintiffs continue to support UANI’s cause of ensuring that Iran can never develop nuclear weapons. Plaintiffs also offered Defendant Wallace an unpaid seat on the board of Golden Energy Maritime Corp. – the Restis’ tanker company – so that he could have full access to documents and ensure for himself that Plaintiffs were not engaged in any illegal violations of sanctions against Iran. Defendant Wallace, however, showed no interest in such access to information that would show the falsity of his allegations, and he rejected the offer. Defendants ultimately abandoned settlement discussions in January 2014 because they refused to admit that their error in falsely brandishing Plaintiffs as “front men” for the Iranian regime. In later discussions with Mr. Kelley and other journalists, Defendants failed to accurately report what happened during settlement discussions, but instead claimed that Plaintiffs sought to “buy UANI’s silence” in order to cover up their illegal business in Iran. Defendants’ defamatory message to journalists is captured in the headline written by Defendants and published on the UANI website alongside the *TradeWinds* article on February 9, 2014: “In Case You Missed It: *TradeWinds* Report Details Greek Shipper Victor Restis’s Unsuccessful Effort to ‘Buy’ UANI’s Silence on His and EST’s Iran Dealings: Even in Light of Vast Attorney’s Fees, Costs, Expenses and Damages Incurred as a Result of Restis’s Untruthful

Statements and Sham Lawsuit, UANI Will Not Compromise When It Comes to the Truth.” Defendants again published two versions of this headline and article, with the only substantive difference being the accompanying graphics, as with the February 5, 2014 press releases. (Copies of the February 8, 2014 *TradeWinds* article and Defendants’ accompanying defamatory headline are attached hereto as **Exhibit V**.)

97. On February 9, 2014, Defendants also tweeted the following text: “ICYMI: @TradeWindsNews Report Details Greek Shipper Victor Restis’s Unsuccessful Effort to ‘Buy’ UANI’s Silence.” This tweet contains a hyperlink to the February 8, 2014 Press Release as published by Business Wire and to a map posted by UANI that purportedly depicts the movements of the Bergen Max. (A copy of the February 9, 2014 Twitter re-tweet is attached hereto as **Exhibit W**.)

98. On February 10, 2014, Defendants issued two versions of yet another press release entitled “UANI Calls on Greek Shipper Victor Restis to Fully and Finally Clarify Inconsistent Statements Regarding His and EST’s Iran Dealings: For Months, Restis and His U.S. Lawyers Denied Doing Business in Iran, Now Restis’s Greek Lawyer Admits It.” Like the February 5, 2014 press release, this press release again falsely states or implies that Plaintiffs were engaging in business with a sanctioned entity in violation of the sanctions and that Plaintiffs had lied when previously denying having done so. According to the press release, Mr. Restis’ “statements have been revealed to be untruthful. . . . “Mr. Restis and EST must end any and all business relationships in Iran, and all EST vessels must cease making ports of call in Iran – particularly given Mr. Restis’s persistent and systemic untruthfulness regarding these matters. His untruthful statements cast a long shadow over the nature of the business he and EST have done in Iran.” The press release again sought to encourage Plaintiffs’ business partners to cease

their relationships with Plaintiffs. “No responsible persons, businesses or ports should do business with Mr. Restis and his related firms until he reconciles these inconsistent statements and confirms that he will no longer do business of any kind with Iran.” As with the February 5, 2014 press releases, the only substantive difference between these press releases was the accompanying graphics. (Copies of the February 10, 2014 press releases are attached hereto as **Exhibit X**.)

99. In addition to the February 10, 2014 press release, Defendants also tweeted the following text: “After months of denying #Iran business, Victor Restis’ Greek lawyer finally speaks the truth.” The post contained a hyperlink to the February 10, 2014 press release and was accompanied by a photograph of Supreme Leader Khamenei. (A copy of the February 10, 2014 Twitter tweet is attached hereto as **Exhibit Y**.)

100. On February 10, 2014, Defendants also tweeted the following text: “UANI asks Victor Restis, Greek shipowner & alleged \$ launderer and embezzler, to admit to his #Iran business.” The post contained a hyperlink to the February 10, 2014 press release and was accompanied by a photograph of Supreme Leader Khamenei. (A copy of the February 10, 2014 Twitter tweet is attached hereto as **Exhibit Z**.)

101. On February 10, 2014, Defendants also tweeted the following text: “UANI calls on Greek ship-owner Victor Restis to fully admit to his #Iran business.” The post contained a hyperlink to the February 10, 2014 press release and was accompanied by a photograph of Supreme Leader Khamenei. (A copy of the February 10, 2014 Twitter tweet is attached hereto as **Exhibit AA**.)

102. On February 12, 2014, Defendants republished on their website an article that appeared in *TradeWinds* entitled “Restis refutes allegations.” The article was again based on



the false and defamatory information and documents that Defendants provided to journalist Aaron Kelley. Defendants included the following headline with their republication: “In Case You Missed It: Victor Restis and EST’s ‘Crusade to Silence United Against Nuclear Iran’: UANI: We Will Not Be Silenced.” Defendants again published two versions of this headline and article, with the only substantive difference being the accompanying graphics, as with the February 5, 2014 press releases. (Copies of the February 12, 2014 republication are attached hereto as **Exhibit BB**.)

103. On February 11, 2014, Defendants issued two versions of a press release entitled “UANI Calls on Victor Restis, EST & George Sarris to Clarify Internal Policy Prohibiting Business in Iran: EST and Restis Either Contravened or Fabricated Internal Policy Prohibiting Iran Business.” The press release again accused Plaintiffs of lying when they denied Defendants’ earlier allegations that they were “front-men” for Iran conducting business in violation of the sanctions. It repeated the defamatory allegations that Plaintiffs’ vessels were engaging in business with sanctioned entities in Iran. The press release also questioned whether Plaintiffs had any policy relating to business in Iran. “Clearly, the facts surrounding EST’s Iran business activities, as confirmed by EST’s Greek lawyers as well as in a February 10, 2014 EST press release, suggest that EST and Restis were, and are, in clear violation of their own policy, if such a policy ever existed in the first place.” It accused Plaintiffs of making a “false representation” that they had a policy prohibiting business with Iran. According to the press release, “[t]his stark contradiction again raises serious questions about the credibility of Mr. Restis and EST. . . Taken together with Mr. Restis’s false statements denying any business in Iran, a disturbing pattern and practice has emerged.” This included filing a “sham lawsuit against UANI and its staff” that has “cost UANI vast attorneys’ fees, costs, expenses and

damages for which they will be held responsible.” Finally, the press release again called for a boycott of doing business with Plaintiffs. As with the February 5, 2014 press releases, the only substantive difference between these press releases was the accompanying graphics. (Copies of the February 11, 2014 press releases are attached hereto as **Exhibit CC**.)

104. On February 17, 2013, Defendants issued a press release entitled, “UANI Calls on Victor Restis and EST to Clarify their Latest Inconsistent and Groundless Statements on their Business in Iran.” The press release again sought to recast Defendants’ original allegations as accusing Plaintiffs of merely “doing business in Iran” rather than as violating the sanctions by accepting Iranian investments and shipping Iranian oil. The press release accused Plaintiffs of contradicting themselves when they “denied for months” that their ships had visited Iranian ports – which Plaintiffs never denied, since these shipments are publicly disclosed as part of humanitarian relief efforts – then finally admitting it. “No serious person would accept Mr. Restis’s parsing, and his new statements once again call his credibility into question. Mr. Restis is suffering from a vast credibility gap caused by his own inconsistent and untruthful statements.” The press release again called for a boycott of Plaintiffs’ businesses. The press release, as published on UANI’s website, contained hyperlinks to a) a compendium of statements taken out of context and attributed to Plaintiffs denying having done business in Iran; b) an article published by a maritime industry publication, Lloyd’s List, entitled, “Restis says food shipments constitute ‘business with charterer, not Iran’”; d) Defendants’ February 11, 2014 Press Release; and e) the series of news reports of Mr. Restis’ detention in July 2013. (A copy of the February 17, 2014 press release is attached hereto as **Exhibit DD**.)

105. On February 19, 2014, Defendants issued two versions of a press release entitled, “UANI Calls on Greece’s Victor Restis, EST and George Sarris to Account for Filing

Lawsuit Denying Business with Iran While the *Elbe Max* was in Iran: Despite Claims He Would ‘Have My Day in Court,’ Restis-Controlled Vessel was at Bandar Imam Khomeini Port the Very Day Restis & EST Filed Suit.” The press release claimed that Plaintiffs “attempted to silence UANI with a lawsuit in U.S. federal court that included statements by Mr. Restis denying he did business with Iran.” It accused Mr. Restis of trying to avoid giving testimony in the case by “fail[ing] to appear for his deposition,” despite Defendants’ knowledge that Mr. Restis could not attend the deposition that they had purposely scheduled in New York even though Mr. Restis could not leave Greece because of the criminal investigation there. According to the press release, “UANI will continue to defend itself and its efforts to highlight those who do business in Iran, and not be silenced by the bullying tactics of a Greek billionaire.” The February 19, 2014 press release, as posted on UANI’s website, contained hyperlinks to a) a compendium of statements taken out of context and attributed to Plaintiffs denying having done business in Iran; b) a map purporting to depict the route of the *Elbe Max* through the Persian Gulf; and c) a series of news reports of Mr. Restis’ detention in July 2013. As with the February 5, 2014 press releases, the only substantive difference between these press releases was the accompanying graphics. (Copies of the February 19, 2014 press releases are attached hereto as **Exhibit EE**.)

106. Finally, on February 25, 2014, Defendants issued two versions of a press release entitled, “UANI Calls on Greek Shipper Victor Restis and EST to Explain the Activities of the *African Wildcat/Filia Grace* in Iran: Restis-Owned, EST-Managed Vessel Purportedly Transferred Ownership to a Different Greek Company While in Iran.” The press release again alleged that Plaintiffs were engaged in business in Iran in violation of the sanctions and that they had lied when denying having done so. The press release also again called on all “responsible entit[ies]” to cease doing business with Plaintiffs. The February 25, 2014 press release, as posted

on UANI's website, contained hyperlinks to a) a compendium of statements taken out of context and attributed to Plaintiffs denying having done business in Iran; b) a series of news reports of Mr. Restis' detention in July 2013; and c) a press release from the U.S. Department of the Treasury relating to the sanctions against Tidewater. As with the February 5, 2014 press releases, the only substantive difference between these press releases was the accompanying graphics. (A copy of the February 25, 2014 press release is attached hereto as **Exhibit FF**.)

107. By purportedly bolstering Defendants' initial allegations from May 2013, each of these new publications again convey the defamatory *per se* message that Plaintiffs are "front-men" engaged in "illicit," "unethical," and "indeed illegal" business "schemes" with the Iranian Regime, and are "providing extensive and critical shipping and financial services to the Iranian regime and facilitating the expansion of its oil industry, in flagrant contravention of the international sanctions regime . . . and in exchange for an enormous investment from the Iranian regime." These publications also convey the defamatory *per se* message, either directly or by implication, that a) Plaintiffs, by participating in the delivery of humanitarian food shipments, engaged in illegal business with sanctioned entities; b) Plaintiffs filed a "sham" lawsuit and have repeatedly lied to this Court in order to cover up their illegal activity; and c) Plaintiffs attempted to bribe Defendants in order to "buy their silence" regarding Plaintiffs' alleged illegal activity.

#### **Defendants Acted With Actual Malice**

108. Plaintiffs are informed and believe that Defendants carefully selected and employed highly offensive and sensational words and images for the singular purpose of garnering global attention to their ongoing campaign maliciously misinforming, misleading and alarming the public, business community, regulatory and governmental authorities, and media

worldwide, to wrongly believe that Plaintiffs are criminals in league with the Iranian regime who are aiding and abetting a nuclear Iran.

109. A review of the UANI Publications, content and information, as alleged above, clearly and convincingly demonstrates that Defendants have irresponsibly conducted their “name and shame” global campaign of defamation and disparagement, falsely demonizing Plaintiffs as “front-men” engaged in “illicit,” “unethical,” and “indeed illegal” business “schemes” with the Iranian regime, with knowledge of falsity and in reckless disregard for the truth and facts. Defendants’ actual malice is evidenced, among other things, by:

- (a) Despite the highly offensive, inflammatory and extremely damaging nature of their criminal accusation to be published globally, Defendants failed to contact Mr. Restis or any of his agents prior to the publication of their initial defamatory *per se* assertions, and thereby affirmatively denied him any opportunity to correct, refute or clarify false assertions and accusations;
- (b) Defendants blatantly mischaracterized the purported documents, which in no way “confirm” or “corroborate” their false accusations of criminal conduct;
- (c) Defendants relied on patently fraudulent and unreliable sources to prop up their false and defamatory campaign;
- (d) Defendants have concealed from the public review and scrutiny the two documents that are cited as corroboration of their false accusations;
- (e) Defendants failed to seek out other and more reliable, authoritative and credible sources, including, as one example, Mr. Restis and EST, the targets of their reputation destruction campaign;
- (f) Defendants were aware of the probable falsity of their assertions;

- (g) Defendants recklessly disregarded the probability of questionable “facts” they asserted and relied upon in their false publications;
- (h) Defendants failed to act reasonably to dispel obvious doubts about the accuracy of their false assertions;
- (i) Defendants’ purposefully avoided the truth prior to launching their campaign of defamation and disparagement and thereafter;
- (j) Defendants have defiantly refused to acknowledge their wrongful conduct, retract and remove their publications, or apologize to Mr. Restis; and
- (k) Defendants have defiantly refused to mitigate the grave and irreparable harm, and extreme emotional distress that they have intentionally inflicted upon Mr. Restis and EST.

110. In immediate response to the highly damaging and defamatory *per se* statements disseminated by Defendants worldwide, on or about May 14, 2013, Mr. Restis publicly released a statement exposing the falsity and recklessness of Defendants’ allegations. According to the statement, which was carried in news reports that, upon information and belief, were read by Defendants,

*Mr Victor Restis, in his personal capacity and as shareholder of Enterprises Shipping & Trading, and all affiliated companies, unequivocally and categorically refutes any involvement, arrangement or transaction of any kind whatsoever between him and any of his affiliated companies with Mr Dimitris Cambis or any of the companies or entities Mr Cambis represents.*

*Mr Restis refutes with the same emphasis and sentiment denies any involvement, arrangement or transaction with any other sanctioned entity including the National Iranian Oil Company and/or National Iranian Tanker Company.*

*Mr Restis rejects any arbitrarily manufactured ‘indications’ that insinuate the opposite. Mr Restis reserves his rights to defend his own and his affiliated companies’ ethics, reputation and integrity.*

111. On May 15, 2013, the Head of Compliance for FBB, George Papastathopoulos, sent Defendant Wallace a letter in which FBB made clear to Wallace that FBB never received any letter from Cambis, and if it had, it would have immediately notified the National Bank of Greece through its Compliance Department. FBB further informed Wallace that neither Cambis nor any of his companies were clients of FBB, and it “clearly state[d] that FBB has never had any dealings whatsoever with the Iranian Minister of Petroleum and NIOC and NITC.”

112. Additionally, on May 16, 2013, counsel for Mr. Restis sent Defendant Wallace a letter relating to Defendants’ “statement concerning Mr. Restis through your UANI organization that accuses Mr. Restis of dealing with Iran in violation of various laws and sanctions. Mr. Restis has publicly denied the truth of your accusations, yet you have persisted in repeating those accusations publicly.” The letter again informed Defendants that “the basis of [their] allegations [is] false and fraudulent and [was] either given to [Defendants] by persons seeking harm to Mr. Restis in his business or [was] wrongfully used by [Defendants] to harm Mr. Restis.”

113. Despite repeatedly being put on notice that their accusations are demonstrably false and wrongly based on patently fraudulent and unreliable sources of so-called “corroborating” documents, on May 17, 2013, Mr. Wallace sent another letter to counsel for Mr. Restis, demanding that Mr. Restis “make a sworn statement under United States law that fully describes any and all work performed by you or through your affiliates in Iran,” and “commit to a full and transparent survey of [his] business undertakings to confirm [his] statement.” This letter further threatened that to “seek [Mr. Restis’] designation under appropriate U.S. law,

including the United and Strengthening America by providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (“USA PATRIOT Act”).”

114. Defendants continued to disseminate their defamatory *per se* accusations defaming and causing irreparable harm to Mr. Restis and his companies.

115. On June 24, 2013, Mr. Wallace sent another letter to counsel for Plaintiffs, in which he again demanded that Mr. Restis submit to an “independent, external review and audit of [his] business activities,” and “offered” to provide options of lawyers with “law enforcement experience” to conduct this “review and audit.” Defendants defiantly carried on their false and defamatory “name and shame” campaign.

116. On or about July 3, 2013, counsel for Plaintiffs sent Mr. Wallace a detailed letter, *again* placing Defendants on notice of their demonstrably false, highly offensive, extremely serious, and defamatory *per se* campaign repeatedly stating that Mr. Restis and EST are engaged in illegal business schemes with the Iranian regime. The July 3 letter requested that Defendants promptly take all appropriate and necessary remedial measures to rectify the grave and irreparable reputational, emotional and economic harm that their false campaign of defamation and disparagement wrongly inflicted upon Plaintiffs, including the immediate removal of the UANI Publications from UANI’s website. (A true and correct copy of the July 3, 2013 Cease and Desist Letter is attached as **Exhibit I**). In addition, this letter requested that Defendants promptly issue on UANI letterhead over Mr. Wallace’s signature, the following retraction and apology:

**Retraction and Apology of Mark D. Wallace on UANI Letterhead**

*It has come to my attention and the attention of the leadership of United Against Nuclear Iran that my May 13, 2013 open letter to Victor Restis, personally signed by me and published globally by UANI on May 13, 2013, and thereafter, contains inaccurate and very serious misinformation wrongly stating that Mr. Restis and*



*the Restis Group businesses, including the former First Business Bank and Enterprise Shipping and Trading S.A, are engaged in illegal business schemes with the Iranian regime, when, in fact, this is not the case. My letter and my inaccurate charges of criminal activities aiding and abetting Iran were wrongly based on two unsubstantiated and unauthenticated documents from unidentified, unreliable and biased sources.*

*The inaccurate information published in my letter, and republished in UANI's related press releases, postings and Call to Action, was improperly sent to numerous government and regulatory officials worldwide, and continuously posted on UANI's website ,www.uani.com.*

*With the full support of UANI's leadership, I hereby retract my letter and all related UANI publications that have inaccurately and wrongly stated or suggested that Mr. Restis, First Business Bank, Enterprise Shipping and Trading S.A. and other entities affiliated with Mr. Restis were engaged in illegal business schemes with Dimitris Cambis, the Iranian regime, the Iranian Ministry of Petroleum, and the National Iranian Tanker Company, in violation of sanctions against Iran.*

*To be clear, contrary to the inaccurate information in my May 13 letter and UANI's related publications, in fact, Mr. Restis and the Restis Group Entities are not engaged in any illegal business schemes, and there was, and is, no factual basis for me and UANI to say or suggest that Mr. Restis was involved in such nefarious activities.*

*On behalf of UANI, its leadership, and its many supporters, we deeply regret these serious errors and I personally extend to Mr. Restis and the Restis family my sincere apology for wrongfully publishing inaccurate information that was deeply offensive and hurtful to them.*

117. In response to the July 3, 2013 letter, Defendants again defiantly refused to stop their malicious defamatory attack on Mr. Restis. Defendants' strident and indefensible position is even more striking in view of the fact that Mr. Wallace concedes that Mr. Restis is not currently doing business in Iran, if he ever was.

118. As further evidence of Defendants' actual malice, Mr. Wallace responded to the July 3, 2013 Cease and Desist letter with a July 15, 2013 email transmitting the text of a brand new press release that Defendants simultaneously posted on their website underneath the graphic of six linked hands surrounding Iran. Under the title, "UANI Issues Statement

*Regarding Greek Ship Owner Victor Restis; UANI Calls for U.S. Investigation and for Restis to be Barred from U.S. Business,*” the press release relayed a statement from Defendant Wallace, which stated, in part:

UANI first contacted Victor Restis in May regarding our serious concerns related to documents and statements that purport to show business dealings by and between Mr. Restis and related companies with the sanction-designated Greek businessman Dimitris Cambis and Iran. Mr. Restis has responded to that contact in May with baseless, bizarre, and defamatory accusations against UANI. The wild and groundless statements Mr. Restis made about UANI call Mr. Restis’ credibility into question.

119. The new press release claims that Defendants have given Mr. Restis “every reasonable opportunity to collaboratively and transparently resolve this matter” by demanding from Mr. Restis “a sworn statement refuting involvement in Iran-related dealings” and “a transparent survey of his relevant business.” Rather than responding to these “reasonable proposals,” Defendant Wallace’s statement claims that “Mr. Restis has resorted to the bullying tactics of a billionaire’s hubris – defaming and threatening a not-for-profit entity whose sole agenda is to ensure that Iran does not achieve its goal of possessing a nuclear weapon. His tactics amount to a threat to use his vast financial resources to bankrupt UANI and its leadership unless UANI reveals its (highly credible) confidential sources, recants its public concerns regarding Mr. Restis, and makes a groundless apology.”

120. Defendant Wallace’s statement blithely dismisses the July 3, 2013 Cease and Desist letter with the back of the hand and complains that “the letter is quite lengthy, and UANI remains concerned that its length masks a lack of substantive explanation and its length is mostly a repetition of UANI letters.” In fact, it is readily apparent that the letter provides a substantive identification and refutation of the false content in Defendants’ publications, as well as the overwhelming evidence of Defendants’ actual malice.

121. Despite all of the information, facts, and notice available to Defendants, they still refuse to remove and retract their false, highly offensive, and defamatory *per se* Publications, they refuse to publish a retraction, they refuse to apologize to Mr. Restis and EST, they refuse to notify other media outlets and publications that have published reports or republished UANI's false and defamatory accusations to alert them about the inaccurate and disparaging content, and they have refuse to take remedial action to mitigate the grievous and irreparable harm they have inflicted on Mr. Restis and EST.

122. Defendants' most recent wave of defamatory allegations beginning in February 2014 also demonstrates Defendants' actual malice, which is evidenced, among other things, by the following:

- (a) Defendants played a role in Mr. Restis' detention by communicating with Greek authorities and encouraging them to pursue criminal charges against Mr. Restis, which led directly to his detention on baseless charges in July 2013;
- (b) With Mr. Restis in detention, Defendants and their attorneys initiated settlement discussions with representatives for Plaintiffs behind the backs of Plaintiffs' attorneys, in which they demanded extortion payments of up to \$10 million in order to clear Plaintiffs' names from their defamatory allegations;
- (c) When settlement negotiations failed, Defendants publicly accused Plaintiffs of trying to buy Defendants' silence when they agreed to defray some of Defendants' legal expenses; and
- (d) Having been informed in advance that their allegations were false, Defendants launched a second wave of defamatory publications in which they claimed that legal humanitarian food shipments represented proof of Defendants' original

allegations that Plaintiffs' were "front-men" for the Iranian regime who acted "in flagrant contravention of the international sanctions regime."

123. Defendants were on notice regarding the falsity of their allegations in advance of their renewed defamation campaign in February 2014. For example, the existence and nature of the voyages by licensed charterers were publicly disclosed on EST's website, in Annual Reports available on Seenergy's website, and in filings with the Securities and Exchange Commission. Furthermore, when Defendants Wallace and Ibsen inquired about these voyages during settlement negotiations in January 2014, representatives from EST specifically explained that these were humanitarian food shipments by American-based charterers that were fully in compliance with international sanctions regimes. Even after Defendants launched their new wave of defamatory allegations, Plaintiffs repeatedly informed them that they had their facts wrong. Nevertheless, Defendants continued to publish their false allegations, which remain posted on UANI's website to this day.

124. Representatives specifically informed Defendant Wallace and Defendants Ibsen of the nature of the humanitarian aid shipments during settlement discussions in January 2014. In addition, on February 7, 2014, Plaintiffs informed Defendants that, contrary to Defendants' allegations, "the BERGEN MAX, the HELVETIA ONE and the AFRICAN WILDCAT . . . contained cargoes of humanitarian food assistance that were fully in compliance with sanctions against Iran." Plaintiffs provided specific information to Defendants on the identity of the American-based charterer, the specific cargoes, and the specific itineraries. Plaintiffs also informed Defendants that "[a]ll EST managed vessels always trade in full compliance with the guidelines of US, EU, and UN imposed sanctions for Iran and have not made any calls to Iran which are in breach of these sanctions." Despite their knowledge of the

falsity of their allegations, Defendants engaged in a second wave of defamatory allegations that caused severe damage to Plaintiffs.

**Mr. Restis And EST Have Suffered  
Severe Reputational Harm and Extraordinary Economic Damages,  
And Mr. Restis Has Been Subjected To Severe Emotional Distress**

125. As intended, Defendants' widespread and continued dissemination of its "name and shame" reputational destruction campaign against Mr. Restis has caused and continues to cause massive damages, including economic and business losses caused by Defendants' intentional interference with extremely valuable existing contractual relationships, as well economic and businesses losses caused by Defendants intentional interference with significant prospective economic benefits and/or opportunities. Plaintiffs Victor Restis and EST seek recovery of the reputational and economic damages that they have personally suffered as a result of Defendants' actions.

126. EST is the flagship of the Restis Group shipping companies, and the commercial value of the fleet that it manages is an estimated \$2.3 billion or more. EST manages more than 700 shipping routes annually, with agencies in at least four separate countries. As a result, EST transacts with financial institutions all over the world, with a total estimated transaction volume of billions of Euros per year.

127. As a direct result of Defendants' false campaign of defamation, Plaintiff EST has now been placed on a "blacklist" of companies that purportedly engage in transactions with Iranian interest. Since the dissemination of Defendants' defamatory *per se* publications, the financial institutions with which Plaintiffs conduct business and on which Plaintiffs rely to carry out their day-to-day operations refused to handle even the slightest financial transaction unless and until they receive an official declaration that the transaction does not involve Iran. As an example, even a simple request to a financial institution to execute payroll of EST employees

through a bank transfer was met with the burdensome response that the financial institution was unable to execute the transaction without first receiving a signed declaration from Mr. Restis or an appropriate company representative swearing under oath that the transaction does not involve Iran.

128. In addition to the apparent reputational harm inflicted on Mr. Restis and EST with respect to these financial institutions, these wholly unwarranted and unnecessary procedural delays and hurdles have adversely impacted daily operations and business.

129. Defendants' ongoing global campaign irresponsibly and wrongly asserting that Plaintiffs are engaged in illegal activities to facilitate a nuclear Iran has inflicted significant and irreparable harm on Mr. Restis and EST. As a direct result of Defendants' publication of the false, highly damaging, and defamatory *per se* statements accusing Mr. Restis and EST of being "front-men" for the Iranian regime, numerous business transactions, which had been preceded by months of negotiation and were in the final stages of negotiation and execution, were delayed, frustrated, and in many instances, terminated in their entirety.

130. As intended, Defendants' launched their false and defamatory "name and shame" reputation destruction campaign on May 13, 2013, Defendants effectively destroyed – in a single day – transactions built on months of negotiation and the investment of millions of dollars. While Defendants' defamation campaign continues to cause more damage each passing day, Defendants already have inflicted economic, reputational, and emotional damages to Mr. Restis and EST in excess of \$3 billion.

131. As an example of the damages caused by Defendants' conduct, after Defendants published their false allegations that the vessel the *African Wildcat* was engaging in illegal activity in violation of the sanctions against Iran, Plaintiffs were unable to consummate an

agreed-upon sale of the vessel because the entities that were financing the deal refused to participate in the wake of these activities. As a result, the sale of the *African Wildcat* remained in limbo pending resolution of these allegations, thereby costing Plaintiffs significant legal expenses and transaction costs.

132. As another example of the damages caused by Defendants' defamation, Mr. Restis was unable to complete a planned stock offering for a tanker company, Golden Energy, which Mr. Restis owned, in part, and managed. Golden Energy is the parent company of shipping companies that together managed approximately 18 ships in 2013. In the year before Defendants' defamation campaign began, Golden Energy began the process of listing its stock for trading on the New York Stock Exchange by submitting its shares to an Initial Public Offering ("IPO"), with the goal of obtaining liquidity from the capital market in the United States, where it has been active since its founding in 2005. Golden Energy planned to use the proceeds from the IPO and follow-on stock offerings for the acquisition of additional vessels, which would have generated additional revenues for the company and its shareholders. As the technical management company for the vessels owned under the Golden Energy umbrella, as well as for the vessels that would be acquired by Golden Energy in the future, EST provided advice and information for the IPO process.

133. IPOs generally involve one or more investment banks known as "underwriters," with which the company offering its shares (or the "issuer") enters into a contract to sell its shares to the public. Underwriters provide services with respect to the valuation of the shares to be offered and the establishment of a public market for shares. The underwriter also drafts and signs the prospectus, a document setting forth all information relating

to the issuer and the securities that are the subject of the offer, which is necessary for investors to assess the structure, operations, financial condition and prospects of the issuer.

134. Prior to Defendants' publication of their defamatory *per se* "name and shame" campaign against Mr. Restis, Golden Energy was only days away from submitting its final Form F-1 approval documents to the U.S. Securities and Exchange Commission so that it could begin selling shares on the NYSE. It was also in final negotiations with underwriters JP Morgan and Deutsche Bank in connection with the IPO, and the parties had reached an agreement in principle. The IPO process had proceeded without any disruption and was in its final stages before Golden Energy shares could be listed on the NYSE.

135. In the wake of Defendants' defamation campaign, on or about May 25, 2013, the underwriters abruptly withdrew from the IPO of Golden Energy. As a result of Defendants' campaign and conduct, Mr. Restis and Golden Energy were forced to postpone the IPO indefinitely. Defendants' false and malicious campaign irreparably damaged and destroyed the reputation of Golden Energy in the eyes of potential investors and regulators and, as a result, the price of the shares Golden Energy expected to achieve through the IPO. The deciding factor for the withdrawal of the underwriters and the cancellation of the IPO was Defendants' false accusations that Mr. Restis and EST were "front-men" for the Iranian regime and engaged in illegal business schemes for profit and in violation of sanctions.

136. Had Defendants' intentional and tortious conduct not torpedoed the IPO, Golden Energy would have raised an estimated \$1.01 billion in new equity through the IPO and follow-on offerings, with a total estimated implied equity value to the Mr. Restis of hundreds of millions of dollars. Thus, given Mr. Restis' role as part owner and manager of Golden Energy, Mr. Restis has suffered severe economic damages. In addition, EST, as the technical manager of



the vessels, also suffered economic damages from a) the loss of its expenses in preparing the IPO and b) any revenues from vessels that would have been acquired from funds gained through the IPO and follow-on stock offerings.

137. As another example of damages caused by Defendants' campaign of defamation and disparagement, Mr. Restis, through a joint venture called RX-Drill Energy Cyprus Ltd. ("RX-Drill"), was in constant and well-developed negotiations with the government of Cyprus to apply for and purchase underwater mining rights for natural gas and other hydrocarbons. These rights would extend for 35 years and were worth approximately \$100 million per year. The negotiations for this application and purchase were complete, and an agreement in principle was in place. All that remained was the formal acceptance by the Cyprus government of RX-Drill's application. Indeed, Mr. Restis had expended millions of Euros on mining-related equipment in anticipation of this relationship. However, on May 24, 2013, in the wake of Defendants' defamatory publications, the Cyprus government abruptly rejected RX-Drill's application.

138. Representatives of the Cyprus government informally confirmed that the reason for government's termination of this agreement was the defamatory statements disseminated by Defendants. Specifically, Plaintiffs were told that the Cyprus government would not conduct business with Mr. Restis and his companies because it feared the criticism and accusations it would face for cooperating with a "conspirator" and a "financier of international terrorism." Defendants' conduct interfering with and extinguishing this economically advantageous business deal has resulted in lost profits for the term of the lease agreement of approximately \$1 billion, as well as additional reputational and emotional damages to Mr. Restis in an amount to be proven at trial.

139. In addition to the foregoing damages and losses, Mr. Restis and his companies have suffered other severely adverse business losses and economic damages due to Defendants' campaign of defamation and disparagement, and have caused severe reputational, and emotional damage to Mr. Restis and EST in an amount to be proven at trial.

**DEFENDANTS' CONDUCT WARRANTS PUNITIVE DAMAGES**

140. Defendants' conduct warrants the imposition of punitive damages. The factors justifying punitive damages include, at a minimum, but are not limited to, the following:

- (a) Despite the highly offensive, inflammatory and extremely damaging nature of their criminal accusation to be published globally, Defendants failed to contact Mr. Restis prior to the publication of their defamatory *per se* assertions, and thereby affirmatively denied him any opportunity to correct, refute or clarify false assertions and accusations;
- (b) Defendants blatantly and mischaracterized the purported documents, which in no way "confirm" or "corroborate" their false accusations of criminal conduct;
- (c) Defendants relied on patently fraudulent and unreliable sources to prop up their false and defamatory campaign.
- (d) Defendants concealed from the public review and scrutiny the two documents that are cited as corroboration of their false accusations.
- (e) Defendants failed to seek out other and more reliable, authoritative and credible sources, including, as one example, Mr. Restis, the target of their reputation destruction campaign.
- (f) Defendants were aware of the probable falsity of their assertions;

- (g) Defendants recklessly disregarded the probability of questionable “facts” they asserted and relied upon in their false publications;
- (h) Defendants failed to act reasonably to dispel obvious doubts about the accuracy of their false assertions;
- (i) Defendants’ purposefully avoided the truth prior to launching their campaign of defamation and disparagement and thereafter;
- (j) Knowing that their original allegations were false and based on fraudulent documents, Defendants recast their allegations in a new defamation campaign that claimed that legal humanitarian food shipments constituted proof of the truth of Defendants’ original allegations, thereby bolstering those original false allegations;
- (k) Defendants have defiantly refused to acknowledge their wrongful conduct, retract and remove their publications, or apologize to Mr. Restis;
- (l) Defendants have defiantly refused to mitigate the grave and irreparable harm, and extreme emotional distress that they have intentionally inflicted upon Mr. Restis and EST worldwide; and
- (m) Although UANI – including this defamation campaign and this litigation against Plaintiffs – is primarily funded by a certain foreign government, neither UANI nor its officers have registered as foreign agents under the Foreign Agent Registration Act or otherwise disclosed the interests and agenda of its funder.

**COUNT I:  
DEFAMATION  
(Against All Defendants)**

141. Plaintiffs repeat and reallege the allegations contained in Paragraphs 1 through 140 above and incorporate them by reference as fully set forth herein.

142. Defendants have published and continue to publish to the general public, the media and prominent Members of Congress, representatives of the Obama Administration, and officials in the Greek government, the false, highly inflammatory, defamatory *per se*, and highly damaging message, through Defendants' global dissemination of their publications, that Mr. Restis and EST are "front-men" for the Iranian regime, that they are engaging in an illegal, illicit and immoral conspiracy to violate international sanctions against Iran, and that they are providing support to the Iranian regime in violation of international sanctions, as set forth in the content and words identified in Paragraphs 36 through 61 above.

143. These demonstrably false and misleading assertions of fact are unprivileged, and they were and continue to be widely communicated from the State of New York throughout the United States and internationally through Defendants' "name and shame" campaign against Mr. Restis and EST.

144. These demonstrably false and defamatory assertions of fact constitute defamation under New York common law.

145. Defendants knew and/or recklessly disregarded the fact that the documents materially mischaracterized by and purportedly relied upon by Defendants for "confirmation" and "corroboration" that the false and defamatory assertions in Defendants' publications, were patently fraudulent and unreliable sources, and in any event, utterly failed to support the false and defamatory assertion that Defendants were conspiring with individuals

acting on behalf the Iranian Regime to serve as a front for or otherwise engaging in unlawful or illegal activities for or with the Iranian Regime.

146. Thus, in publishing and communicating these false and defamatory statements and in refusing to retract them, Defendants acted intentionally and with malice. Despite the fact that the false and defamatory statements were entirely unsupported, and facts and information refuting these false and defamatory statements were readily available to Defendants prior to production, Defendants nonetheless published and continue to publish the false and defamatory statements regarding Plaintiffs' purported involvement with the Iranian regime in violation of international sanctions. Furthermore, Defendants have refused to remove the defamatory Publications from the UANI website, they have refused to publish any retraction or apology, and they have refused to notify media outlets or publications that have published reports based on the false and defamatory Publications to alert them of the inaccurate and disparaging content published by Defendants. Nor have they taken any corrective action to mitigate the grievous harm caused by Defendants to Plaintiffs despite Plaintiffs' repeated demands.

147. The false and defamatory UANI Publications have severely and irreparably injured Mr. Restis and EST, by falsely claiming that they are "front-men" for the Iranian regime who are engaged in improper, unethical and illegal business practices and criminal activity. The false and defamatory Publications have damaged Mr. Restis' personal reputation and EST's reputation. Plaintiffs have suffered significant reputational injuries among key business customers and partners, investors, consultants, and others who have heard or seen Defendants' false and defamatory publications.

148. As a direct and proximate result of Defendants' actions, and as alleged in detail above, Plaintiffs have and will continue to suffer a diminution in personal and business reputation and goodwill, lost business opportunities, lost profits, and other economic, reputational, and emotional damages in an amount to be proven at trial, but in an amount in excess of this Court's threshold for jurisdiction.

149. In addition, if Defendants are not enjoined from further publication of these false and disparaging statements regarding Plaintiffs' purported affiliation with and support of the Iranian regime, Plaintiffs will suffer irreparable harm in the form of significant damages to their personal and business reputations and goodwill. Further, as alleged above, UANI admittedly provides information to the public regarding purported affiliations with Iran in order to serve as a "resource for individuals to make informed purchasing, investment and divestment decisions," and it claims the information it provides is "widely by the media, professional researchers and academics, elected officials and policy makers." Defendants' sensational campaign of defamation and disparagement against Mr. Restis and EST has caused and will continue to cause unwanted fear and confusion among viewers of UANI's website, the media, governmental, banking, regulatory and other authorities, communities in which Mr. Restis lives, socializes, works and conducts business, and individuals and entities in the United States and around the world, with whom Plaintiffs have existing and prospective business relationships. Thus, the issuance of injunctive relief will serve to promote public interest. The facts set forth above demonstrate that Plaintiffs have no adequate remedy at law, and the irreparable harm Plaintiffs will suffer absent the issuance of injunctive relief far outweighs any harm Defendants will suffer if an injunction is granted.

**PUNITIVE DAMAGES**

139. Defendants' acts and omissions set forth above in this Complaint in paragraphs 1 through 138 above, incorporated as fully set forth herein, demonstrate actual and common law malice, egregious defamation, and insult. Defendants' actions and omissions were undertaken with either (1) malice, spite, ill will, vengeance or deliberate intent to harm Mr. Restis and EST; or (2) reckless disregard of the falsity of the content and the effects on Mr. Restis and EST. Accordingly, Plaintiffs request an award of punitive damages and attorney's fees beyond and in excess of those damages necessary to compensate Plaintiffs for injuries resulting from Defendants' conduct.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs demand the following relief:

1. An order requiring Defendants to remove the defamatory publications from UANI's website and Facebook page, and anywhere else Defendants have published them;
2. That judgment be entered against Defendants for compensatory damages, including economic and noneconomic damages, in an amount to be determined at trial;
3. That judgment be entered against Defendants for punitive damages to punish Defendants' reprehensible conduct and to deter Defendants from repeating their unlawful conduct; in an amount to be determined at trial;
4. Costs, fees and reasonable expenses incurred in the prosecution of this action;
5. Prejudgment interest at the maximum legal rate on all sums awarded;
6. Further relief as the Court may deem just and proper.

Dated: October 11, 2014

Respectfully submitted,

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