

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

PHIL BRYANT

PLAINTIFF

vs.

Civil Action No.:

45CI1:23-CV-00238-JM

**DEEP SOUTH TODAY d/b/a MISSISSIPPI TODAY &
MARY MARGARET WHITE**

DEFENDANTS

**FIRST AMENDED COMPLAINT
JURY TRIAL DEMANDED**

NOW INTO COURT, by and through undersigned counsel, and pursuant to Mississippi Rules of Civil Procedure 7(a), 8(a), 9(g), and 15(a), comes former-Governor Phil Bryant and amends his complaint before a responsive pleading has been served to allege the following short and plain statement of his claims and demand for judgment:

INTRODUCTION

1.1 During a radio interview on December 16, 2021, Mississippi Today investigative reporter Anna Wolfe accused Bryant of committing a crime related to the expenditure of federal welfare funds and expressed concern that criminal authorities would not prosecute him. Bryant did not commit a crime and hoped Wolfe's accusation was an isolated mistake.

1.2 Bryant's optimism was proven misplaced on August 11, 2022, when Mississippi Today claimed in its mid-year impact report that Wolfe had revealed Bryant misused and squandered at least \$77 million of federal welfare funds. Bryant did not misuse and squander \$77 million of federal welfare funds, and Wolfe did not report that he did. Bryant served Mississippi Today with statutory notice that the accusation was libelous and demanded an apology, retraction, and correction. Mississippi Today refused to comply with Bryant's demand.

1.3 Mississippi Today stepped up its accusations in February 2023. While serving on a panel during a national media conference, White bragged that Mississippi Today broke the story of Bryant embezzling \$77 million of welfare funds. Broadcast and print media throughout Mississippi republished White's comment. Editorials and opinion columns noted the brazenness of White's claim and the lack of evidence supporting it.

1.4 Wolfe won the Pulitzer Prize on May 8, 2023, for articles published on April 4, April 6, April 7, April 18, August 12, September 13, and December 16, 2022. In its award announcement, Mississippi Today claimed the articles "revealed for the first time how former Gov. Phil Bryant used his office to steer the spending of millions of federal welfare dollars — money intended to help the state's poorest residents — to benefit his family and friends, including NFL Hall of Fame quarterback Brett Favre." Bryant did not use his office to steer the spending of millions of federal welfare dollars to benefit his family and friends, and Wolfe's articles did not reveal that he did. Bryant served Mississippi Today with statutory notice that the accusation was libelous and demanded an apology, retraction, and correction. Mississippi Today refused to comply with Bryant's demand.

1.5 Mississippi Today editor-in-chief Adam Ganuchau and Wolfe addressed the editorials criticizing White's claim during the May 10, 2023, episode of Mississippi Today's podcast, "The Other Side." Ganuchau and Wolfe denied that White or any other person affiliated with Mississippi Today had accused Bryant of committing a crime.

1.6 Bryant served White and Mississippi Today on May 10, 2023, with written notice of defamation. Bryant demanded that White apologize, retract, and correct her slanderous remark. Bryant also demanded an apology, retraction, and correction from Ganuchau and Wolfe for the false and misleading statements made during the podcast.

1.7 White did not apologize for accusing Bryant of embezzling \$77 million of welfare funds and did not retract and correct her false and slanderous remark. Instead, she said that prosecutors had not charged Bryant with a crime. White's accusation and subsequent statement convey that Bryant embezzled \$77 million of welfare funds, but criminal authorities have failed to prosecute him. This message is consistent with Wolfe's comments 14-months earlier. Ganuchau and Wolfe did not apologize or retract and correct the misinformation they supplied during the podcast.

1.8 Bryant brings this action to prove that White and others within Mississippi Today have defamed him as part of a malicious and concerted effort to damage his reputation and business interests with a steady stream of lies, baseless speculation, and irresponsible innuendo.

1.9 Bryant demands recovery of special and general damages caused by the false and defamatory remarks made by Mississippi Today and White. These damages include past and future income losses, impairment of reputation and standing in local, state, national, and business communities, personal humiliation, mental anguish, suffering, and emotional distress.

PARTIES

2.1 Phil Bryant is an adult resident of Copiah County, Mississippi. He was the 64th governor of the State of Mississippi and served two terms in office, spanning from 2012 to 2020.

2.2 Deep South Today is incorporated in Mississippi as a nonprofit corporation and maintains its principal place of business in Madison County, Mississippi. Deep South Today does business as Mississippi Today.¹

2.3 Mary Margaret White is an adult resident of Hinds County, Mississippi.

¹ Deep South Today is referred to herein as Mississippi Today. All references to Mississippi Today should be considered references to Deep South Today and vice versa.

SERVICE OF PROCESS

3.1 Service of process may be had upon the defendants pursuant to Rule 4 of the Mississippi Rules of Civil Procedure, which allows personal service of a summons and complaint upon each defendant by any person who is not a party and not less than 18 years of age.

3.2 Service of process may be had on Deep South Today through White, its registered agent for service of process. Service of process may be had on Deep South Today at its principal place of business, 750 Woodlands Parkway, Ste. 100, Ridgeland, Mississippi 39157.

3.3 Service of process may be had on White at her residence or wherever she may be found. White's residence is 3908 Cambridge Street, Jackson, Mississippi 39216.

JURISDICTION & VENUE

4.1. This court has subject matter jurisdiction over this civil action pursuant to Miss. Const. art. VI, § 156, and Miss. Code Ann. § 9-7-81.

4.2. This court has personal jurisdiction over the defendants because they are citizens of Mississippi, they are physically present in Mississippi, and they will be served with process in Mississippi.

4.3. This court is an appropriate venue for this civil action pursuant to Miss. Code Ann. § 11-11-3(1)(a)(i) because Deep South Today maintains its principal place of business in Madison County, substantial alleged acts and omissions occurred in Madison County, and substantial events causing injury to Bryant occurred in Madison County.

FACTUAL BACKGROUND

I. Wolfe slandered Bryant in December 2021.

5.1 On December 16, 2021, former-United States Representative Ronnie Shows interviewed Wolfe on his radio program to discuss her reporting of a scandal involving the

expenditure of federal welfare funds by employees and contractors of the Mississippi Department of Human Services (MDHS). Mississippi Today published an edited interview transcript on its website.² The following exchange occurred during the interview:

Shows: Like they say, follow the money. Follow the money and you'll find out.

Well, Anna, what's your next step in your story? Are you going to keep staying on top of it or what?

Wolfe: Oh yeah. I think the big questions that I have now that I'm trying to answer are the big questions that everyone has about how far up the chain this is going to go. *And if the people that are investigating this and have the power to do something about it, if they're really going to go after everyone that they should, and everyone who should be held accountable, namely the former governor Phil Bryant.*

5.2 "[T]he people that are investigating" and "have the power to do something" include state and federal criminal prosecutors.

5.3 The "this" and "it" is the MDHS scandal.

5.4 The "something" includes pursuing a criminal indictment and prosecution of Bryant.

5.5 The accountability that Wolfe referenced includes a criminal conviction of Bryant.

5.6 Wolfe heavily implied that Bryant committed a crime; she said prosecutors should "go after" him; and she insinuated that a jury should hold Bryant "accountable." Wolfe expressed concern, however, that prosecutors would not pursue an indictment and conviction of Bryant.

5.7 Wolfe's comments are false and slanderous. Moreover, they are inconsistent with the information Wolfe gathered during her reporting. The Journalist's Resource recently interviewed Ganucheau and Wolfe to obtain "tips for journalists navigating . . . complex

² <https://mississippitoday.org/2021/12/23/anna-wolfe-mississippi-welfare-fraud-case/>.

investigations.”³ The Journalist’s Resource noted the following concerning Wolfe’s attempt to determine whether Bryant violated any laws in conjunction with the MDHS scandal:

Wolfe did reach out to legal experts to try to report whether laws had been broken, but the case was too “sprawling” for those experts to comment definitively, Ganucheau says.

5.8 Mississippi Today’s publication of Wolfe’s comments is libelous.

II. Mississippi Today defamed Bryant in August 2022.

5.9 On August 11, 2022, White authored an article titled “Reporting with impact: 2022 mid-year report.”⁴ The article contained a link to Mississippi Today’s 2022 Impact Report.⁵ White’s article directed readers to the report. The report does not identify an author or group of authors.

5.10 The first section of the report is titled “Important Stories.” The first series of stories in that section is “The Backchannel.” The report states as follows regarding “The Backchannel” series:

Anna Wolfe, our poverty and investigative reporter, began publishing her investigative series “The Backchannel,” which revealed former Gov. Phil Bryant’s role in a sprawling welfare scandal. Each part of the series delved further into ***Bryant’s misuse and squandering of at least \$77 million in federal funds*** meant to assist nearly 588,000 of the state’s poorest residents.

5.11 Bryant did not misuse and squander “at least \$77 million in federal funds,” and Wolfe’s investigative series did not reveal that he did.

5.12 Mississippi Today’s accusation that Bryant misused and squandered at least \$77 million of federal funds injured and continues to harm Bryant’s reputation; it diminished and

³ <https://journalistsresource.org/media/mississippi-today-welfare-scandal/>.

⁴ <https://mississippitoday.org/2022/08/11/reporting-with-impact-2022-mid-year-report/>.

⁵ <https://mississippitoday.org/2022-impact-report/>.

continues to reduce the esteem, respect, goodwill, and confidence in which he is held; and it excited and continues to excite adverse, derogatory, and unpleasant feelings or opinions about him.

5.13 The accusation is false, libelous, and actionable.

5.14 Mississippi Today acted with actual malice because it either knew the accusation was false or recklessly disregarded its truthfulness.

5.15 Mississippi Today made the false and libelous accusation to exaggerate its accomplishments and to harm Bryant.

5.16 Bryant notified Mississippi Today that the August 11, 2022, accusation is false, libelous, and actionable. The notice is attached and incorporated herein as Exhibit 1.

5.17 Mississippi Today refused to comply with Bryant's demand, contending the accusation is accurate "and consequently there is nothing to be retracted or corrected." Mississippi Today's response to Bryant's notice is attached and incorporated as Exhibit 2.

III. White slandered Bryant in February 2023.

5.18 White was a panelist in the 16th annual Knight Media Forum in February 2023. The Knight Foundation's website⁶ contains the following observations and call to action:

Democracy has always relied on independent journalism to provide citizens with accurate information and to hold the powerful accountable. Yet, several forces pose significant challenges to that effort, including the financial difficulties faced by many news organizations and a broad distrust of news among the public.

Recent trends have offered us reasons to think that we're on the cusp of an upswing – and trust in local news has remained far stronger than in national news. But there's a long road ahead – and we need your help.

5.19 The media forum included several panel discussions addressing topics of interest in journalism. The topics were "Knight x LMA Bloom Lab: The Power of Collaboration," "Racial Healing and the Media," "The Key to Scaling News Start-Ups," "The Big Picture: Where Local

⁶ <https://knightfoundation.org/events/knight-media-forum/knight-media-forum-2023/>.

Journalism Now Stands,” “Journalism Funding Collaboration,” “Follow the Money: Community Investments and Accountability Journalism,” “Are We Really That Polarized,” and “The Future Belongs to the Connected.”

5.20 White’s topic was “The Key to Scaling News Start-Ups.” White, another panelist, and a moderator sat on an elevated stage and addressed a large room of journalists and journalism industry professionals. The discussion was recorded and uploaded to the Knight Foundation’s website. White knew the panel discussion would be recorded and uploaded to the Knight Foundation’s website before she participated. Upon information and belief, thousands of people have viewed White’s panel discussion.

5.21 White’s presentation covered various matters relating to Mississippi Today’s business and reporting. Included among White’s presentation was the following boast:

We’re the newsroom that broke the story about \$77 million in welfare funds, intended for the poorest people in the poorest state in the nation, being embezzled by a former governor and his bureaucratic cronies to be used on pet projects like a state-of-the-art volleyball stadium at Brett Favre’s alma mater.

5.22 The “we’re” and “newsroom” is Mississippi Today.

5.23 The “former governor” is Bryant.

5.24 Miss. Code Ann. § 97-23-19 provides that embezzlement is a crime.

5.25 Embezzlement is a crime of moral turpitude that carries an infamous and disgraceful punishment.

5.26 Bryant has not embezzled “welfare funds” or any other public funds.

5.27 White’s accusation is false, slanderous, and actionable.

5.28 White acted with actual malice because she either knew her accusation was false or she recklessly disregarded the accusation's truthfulness.

5.29 White made her false and slanderous accusation to exaggerate Mississippi Today's accomplishments and to harm Bryant.

5.30 White's slanderous accusation proved that Wolfe's statement 14-months earlier was not a mistake and illustrated the institutional belief that fueled the defamation and ethical breaches outlined in this complaint.

5.31 White decided that she would publicly persecute Bryant for embezzling \$77 million of welfare funds if criminal authorities would not prosecute him, regardless of whether her accusation is true.

IV. Media outlets throughout Mississippi republished White's slanderous accusation.

5.32 Numerous media outlets republished White's remark and commented on the motivations that led to it. On May 5, 2023, the Madison County Journal and the Neshoba County Democrat republished an internet link to the panelist discussion in conjunction with an editorial titled "Phil Bryant's 'welfare fraud.'"⁷ The editorial rightly opined:

It's bad enough nearly every article infers Phil Bryant embezzled money; it's a major leap forward to go on a national stage and say that he did in fact embezzle \$77 million.

5.33 This editorial and its republication of White's false and slanderous accusation is available to anyone with an internet connection to read. Upon information and belief, thousands of people have read and viewed this republication of White's false and slanderous accusation.

5.34 On May 7 and 8, 2023, the Magnolia Tribune, Northside Sun, Delta-Democrat Times, Yazoo Herald, Greenville Commonwealth, Winston County Journal, Winona Times, Biloxi News Events, Clarke County Tribune, Scott County Times, Newton County Appeal, Charleston Sun-Sentinel, and other media outlets published an editorial titled "In TANF welfare

⁷ <https://onlinemadison.com/stories/editorialphil-bryants-welfare-fraud,67089>.

scandal, media pushes guilt by innuendo.”⁸ This editorial republished White’s false and slanderous accusation and offered the following observation and opinion:

Only no one has accused Phil Bryant of embezzlement, which has a very specific legal meaning. There is no public evidence that Phil Bryant embezzled, or that he benefited personally in any way from the TANF fraud. He’s certainly not been charged with embezzlement.

But support for the claim aside, White’s perspective – her preemptive imputation of guilt – permeates her newsroom’s coverage. It’s simply sexier to contort the public record and paint Bryant as a criminal mastermind than to withhold judgment until the legal process is complete. Bryant buys clicks. Focusing on him also conforms to a pervasive anti-Republican sentiment in the midst of an election cycle.

5.35 This editorial, including its republication of White’s false and slanderous accusation, is available to anyone with an internet connection to read. Upon information and belief, thousands of people have read and viewed this republication of White’s false and slanderous accusation.

5.36 On May 10, 2023, the Northeast Mississippi Daily Journal, Clarksdale Press Register, Magee-Courier Simpson County News, Magnolia Tribune, Winston County Journal, and other media outlets republished White’s false and slanderous accusation and published an opinion column authored by well-respected political columnist Sid Salter.⁹ Among other things, Salter wrote:

If federal or state officials have evidence against Bryant for embezzlement, they should act on it. Charge him, arrest him, indict him. If they don’t have such evidence, they should say so. Bryant’s reputation is being shredded, and releasing texts unfortunately won’t clear his name.

⁸ <https://magnoliatribune.com/2023/05/07/tanf-welfare-scandal-guilt-by-innuendo/>.

⁹ https://www.djournal.com/opinion/columnists/without-charges-arrests-or-indictments-how-s-bryant-to-defend-himself-in-tanf-scandal/article_0f1d0bcd-27c3-505b-a3b7-3c08af1cc2a4.html.

5.37 Salter correctly observed that White damaged Bryant’s reputation in a manner that he alone cannot repair. White should have retracted her slanderous accusation, apologized, and clearly and unequivocally stated that Mississippi Today has no evidence that Bryant embezzled welfare or other public funds. She intentionally refused to do so after consulting with colleagues and advisors.

5.38 Salter’s column is available to anyone with an internet connection to read. Upon information and belief, thousands of people have read this republication of White’s false and slanderous accusation.

5.39 The above-referenced items and similar republications by traditional and social media outlets were a natural and foreseeable consequence of White’s false and slanderous accusation.

V. Mississippi Today defamed Bryant in May 2023.

5.40 On May 8, 2023, Mississippi Today published an article titled “Anna Wolfe and Mississippi Today win Pulitzer Prize for ‘The Backchannel’ investigation.”¹⁰ The article was published under a Mississippi Today byline and does not identify its author(s). The article states:

The investigation, published in a multi-part series in 2022, revealed for the first time *how former Gov. Phil Bryant used his office to steer the spending of millions of federal welfare dollars* — money intended to help the state’s poorest residents — *to benefit his family and friends, including NFL Hall of Fame quarterback Brett Favre.*

5.41 Bryant did not use his office to steer the spending of millions of federal welfare dollars to benefit his family and friends, and Wolfe’s investigative series did not reveal that he did.

5.42 Mississippi Today’s accusation injured and continues to injure Bryant’s reputation; it diminished and continues to reduce the esteem, respect, goodwill, and confidence in which he is

¹⁰ <https://mississippitoday.org/2023/05/08/anna-wolfe-mississippi-today-pulitzer/>.

held; and it excited and continues to excite adverse, derogatory, and unpleasant feelings or opinions about him.

5.43 The accusation is false, libelous, and actionable.

5.44 Mississippi Today acted with actual malice because it either knew the accusation was false or recklessly disregarded its truthfulness.

5.45 Mississippi Today made the false and libelous accusation to exaggerate its accomplishments and to harm Bryant.

5.46 Bryant notified Mississippi Today that the May 8, 2023, accusation is false, libelous, and actionable. The notice is attached and incorporated herein as Exhibit 1.

5.47 Mississippi Today refused to comply with Bryant's demand, contending the accusation is accurate "and consequently there is nothing to be retracted or corrected." Mississippi Today's response to Bryant's notice is attached and incorporated as Exhibit 2.

VI. Ganuchau and Wolfe made false and misleading statements to preserve a thin veneer of impartiality for Mississippi Today.

5.48 Ganuchau hosts a podcast that Mississippi Today uploads on multiple platforms, including Apple Podcasts and Spotify. The podcast is titled "The Other Side."

5.49 Wolfe joined Ganuchau on the podcast's May 10, 2023, episode. Ganuchau and Wolfe stated the following during this episode:

- a. At 16:11, Wolfe stated about Bryant and others, "I don't think that we've overtly made it, you know, painted it like we were convicting these people. We've simply explained what happened, I think."
- b. At 17:40, Ganuchau stated, "To date, we have not had to issue any retraction or correction on anything Backchannel-related. You should be proud of that, and I'm proud of that."

- c. At 18:00, Ganucheau stated, “It’s not our job to assign guilt as it relates to a crime.” Wolfe responded, “Right.”
- d. At 18:31, Ganucheau stated, “In this case, you know, we’ve been very careful not to assign guilt, legal guilt, to anybody.”

5.50 These statements are false and misleading for the following reasons:

- a. As for the statement made at 16:11, White said Mississippi Today broke the story of Bryant embezzling \$77 million of welfare funds. This was no slip-of-the-tongue mistake. White’s accusation is in full accord with Wolfe’s plainly expressed desire for criminal prosecutors to “go after . . . former governor Phil Bryant” and hold him “accountable.”
- b. As for the statement made at 17:40, Stephanie Ganucheau was the Special Assistant Attorney General assigned to the State Institutions of Higher Learning (IHL) and recommended that the IHL board approve a prepaid lease of a yet-to-be-constructed volleyball facility at the University of Southern Mississippi (USM). The funds used to prepay the lease were derived from the Temporary Assistance for Needy Families (TANF) program. The online publication Y’all Politics exposed Ms. Ganucheau’s involvement on September 22, 2022. Mississippi Today published an “Editor’s note on our welfare coverage”¹¹ on September 28, 2022, in which Adam Ganucheau admitted his mother, Stephanie, approved and recommended the volleyball facility project to the IHL. Ganucheau claimed he first learned of his mother’s role on September 20, 2022, when a Y’all Politics editor called for comment. Ganucheau downplayed his mother’s involvement in the project, characterizing her role as “bureaucratic.” Ganucheau’s claim of ignorance and mischaracterization of his mother’s role was intentionally misleading. Ganucheau and

¹¹ <https://mississippitoday.org/2022/09/28/editors-note-welfare-coverage/>.

Wolfe knew long before September 20, 2022, that Ganucheau's mother recommended the lease to the IHL board; they concealed this information until another media outlet exposed it; and they have continued to hide the full scope of her authority and involvement from Mississippi Today's audience.

- c. As for the statement made at 18:00, Wolfe assigned "guilt as it relates to a crime" when she told Shows that criminal prosecutors should "go after" Bryant and hold him "accountable." White did the same when she accused Bryant of embezzling \$77 million of welfare funds.
- d. As for the statement at the 18:31 mark, Wolfe "assign[ed] guilt, legal guilt" when she told Shows that criminal prosecutors should "go after" Bryant and hold him "accountable." White did the same when she accused Bryant of embezzling \$77 million of welfare funds.

5.51 Ganucheau and Wolfe made the above-referenced remarks to preserve an appearance of impartiality for Mississippi Today.

5.52 Wolfe and White's slanderous accusations, Mississippi Today's libelous claims, the gaslighting denials of Wolfe and Ganucheau during the podcast, and Mississippi Today's concealment of Stephanie Ganucheau's involvement with the USM volleyball facility project illustrate the concerted effort within Mississippi Today to defame Bryant and to mislead Mississippi Today's readership and podcast audience.

VII. Bryant provided statutory notice, and White responded with a non-apology-apology.

5.53 Miss. Code Ann. § 95-1-5(1) provides as follows:

(1) Before any civil action is brought for publication, in a newspaper domiciled and published in this state or authorized to do business in Mississippi so as to be subject to the jurisdiction of the courts of this state, of a libel, or against any radio or television station domiciled in this state, the plaintiff shall, at least ten (10) days before instituting any such action, serve notice in writing on the defendant at its

regular place of business, specifying the article, broadcast or telecast, and the statements therein, which he alleges to be false and defamatory.

5.54 While it is doubtful that the notice statute applies to White's slanderous accusation, Bryant served White and Mississippi Today on May 10, 2023, with written notice of defamation out of an abundance of caution. A copy of this correspondence is attached and incorporated as Exhibit 3.

5.55 Bryant's correspondence was reported by print and broadcast media outlets throughout Mississippi. Mississippi Today was not among these outlets. Mississippi Today's failure to report the correspondence is conspicuous when one considers the barrage of outright lies, baseless speculation, irresponsible innuendo, and self-serving contentions that the publication had written about Bryant in previous months. As the Madison County Journal observed in a May 5, 2023, editorial:¹²

[R]eading Mississippi Today headlines, the former governor is guilty until proven innocent. He's been tried and convicted and their headlines scream their liberal bile:

- "Some want Phil Bryant investigated for welfare scandal. He used to be doing the investigating"
- "Former Gov. Phil Bryant should be sued over misspent welfare funds, civil defendant argues to court"
- "Gov. Phil Bryant directed \$1.1 million welfare payment to Brett Favre, defendant says"
- "Congressman asks feds to investigate former Gov. Phil Bryant's welfare spending influence"
- "Former Gov. Phil Bryant helped Brett Favre secure funding for USM volleyball scandal, texts reveal"
- "Welfare defendant alleges Gov. Phil Bryant used federal funds to hurt political rival"

¹² <https://onlinemadison.com/stories/editorialphil-bryants-welfare-fraud,67089>.

- “Attorneys drop hints that feds are eyeing former Gov. Phil Bryant in welfare investigation”
- “Gov. Phil Bryant turned to welfare officials to rescue troubled nephew”
- “Phil Bryant’s star-powered selfies and slick brochures didn’t Save the Children”
- “Governing by text: Phil Bryant’s hidden handpicked welfare winners”
- “‘My Governor is counting on me’: Disgraced welfare director bowed to Phil Bryant’s wishes”
- “Phil Bryant had his sights on a payout as welfare funds flowed to Brett Favre”
- “Mississippi Today investigation exposes new evidence of Phil Bryant’s role in welfare scandal”

5.56 Mississippi Today published a “Note from the CEO on welfare scandal remark” on May 17, 2023.¹³ The note states:

I misspoke at a recent media conference regarding the accusations against former Governor Phil Bryant in the \$77 million welfare scandal. He has not been charged with any crime. My remark was inappropriate, and I sincerely apologize.

Mississippi Today has published at least 29 times over the course of its coverage of the welfare scandal, including multiple times in “The Backchannel” investigative series, that Gov. Bryant has not been charged with any crime. My mistake was unintentional and an inaccurate representation of the facts. This statement will be shared across Mississippi Today’s platforms, including our website, social media, newsletter, mobile app and text service. I have requested that the video of my remark be retracted with this apology.

5.57 Mississippi Today did not communicate or attempt to communicate with Bryant before the note’s publication.

5.58 The Knight Foundation removed the audio-visual recording of the panel discussion titled “The Key to Scaling News Start-Ups” from its website several weeks after White purportedly

¹³ <https://mississippitoday.org/2023/05/17/note-from-ceo-welfare-scandal-remark/>.

made her request. The website now contains the following statement: “*Due to an inaccurate remark made on this panel, this video has been removed.” The statement includes a hyperlink to White’s note.

5.59 Miss. Code Ann. § 95-1-5(2) states:

(2) If it appears upon the trial that said article was published, broadcast or telecast in good faith, that its falsity was due to an honest mistake of the facts, and there were reasonable grounds for believing that the statements in said article, broadcast or telecast were true, and that within ten (10) days after the service of said notice a full and fair correction, apology and retraction was published in the same edition or corresponding issues of the newspaper in which said article appeared, and in as conspicuous place and type as was said original article, or was broadcast or telecast under like conditions correcting an honest mistake, and if the jury shall so find, the plaintiff in such case shall recover only actual damages. The burden of proof of the foregoing facts shall be affirmative defenses of the defendant and pled as such.

5.60 Assuming Miss. Code Ann. § 95-1-5(2) applies, White’s note does not meet the prerequisites for limiting the liability of White and Mississippi Today to actual damages. The reasons why include the following:

- a. White claimed in bad faith that Mississippi Today broke the story of Bryant embezzling \$77 million of welfare funds.
- b. White did not honestly mistake that Mississippi Today broke the story of Bryant embezzling \$77 million of welfare funds.
- c. White did not have reasonable grounds to believe Mississippi Today broke the story of Bryant embezzling \$77 million of welfare funds.
- d. White did not issue a full-and-fair correction of her false and slanderous accusation. Instead, she stated Bryant “has not been charged with any crime.” A full-and-fair correction would have included a clear and unqualified declaration that Bryant did not embezzle \$77 million of welfare funds and that Mississippi Today has never broken a story claiming otherwise.

- e. White did not apologize for stating that Mississippi Today broke the story of Bryant embezzling \$77 million of welfare funds. Instead, she said Bryant “has not been charged with any crime.” White’s note reinforces her false and slanderous accusation and implies something Wolfe explicitly stated 14-months earlier – namely, that state and federal prosecutors should pursue criminal charges against Bryant.
- f. Merriam-Webster defines “retract” as “to recant or disavow something.”¹⁴ White did not recant or disavow her slanderous claim that Mississippi Today broke the story of Bryant embezzling \$77 million of welfare funds. On the contrary, White’s non-apology-apology reinforced her claim and implied that criminal prosecutors refuse to prosecute Bryant for embezzlement.

VIII. White, Ganuchau, and Wolfe violated the Society of Professional Journalists’ Code of Ethics.

5.61 Mississippi Today’s website states, “Mississippi Today adheres to the Society of Professional Journalists’ Code of Ethics.”¹⁵ White, Ganuchau, and Wolfe violated the Society of Professional Journalists’ Code of Ethics¹⁶ as follows:

- a. The first bullet point within the section captioned “Seek Truth and Report It” reads: “Journalists should . . . [t]ake responsibility for the accuracy of their work. Verify information before releasing it. Use original sources whenever possible.”

¹⁴ <https://www.merriam-webster.com/dictionary/retract>.

¹⁵ <https://mississippitoday.org/about-us/>.

¹⁶ <http://www.spj.org/ethicscode.asp>.

- i. Wolfe did not verify that Bryant committed a crime before she made her slanderous accusation; she has not taken responsibility for the inaccuracy of her accusation; and she does not have a reliable source to support her accusation.
 - ii. White did not verify that Bryant embezzled \$77 million of welfare funds before she made her slanderous accusation; she has not taken responsibility for the inaccuracy of her accusation; and she does not have a reliable source to support her accusation.
 - iii. Mississippi Today did not verify that Bryant misused, squandered, or steered \$77 million of federal welfare funds to his family and friends before making its slanderous accusations; Mississippi Today has not taken responsibility for the inaccuracy of its accusations; and it does not have a reliable source to support its accusations.
 - iv. Ganucheau and Wolfe claimed Mississippi Today personnel did not accuse Bryant of committing a crime, and they did not accept responsibility for purposefully providing their listeners with inaccurate information.
- b. The third bullet point within the section captioned “Seek Truth and Report It” reads: “Provide context. Take special care not to misrepresent or oversimplify in promoting, previewing, or summarizing a story.”
 - i. Wolfe misrepresented that Bryant committed a crime when promoting her work.
 - ii. White misrepresented that Bryant embezzled \$77 million when promoting and summarizing Wolfe’s work.
 - iii. Ganucheau and Wolfe allowed the misrepresentations of Wolfe and White to persist by denying they occurred while promoting Wolfe’s work.
 - iv. White reinforced her slanderous accusation with her non-apology-apology.

- v. Mississippi Today misrepresented that Bryant misused, squandered, and steered the expenditure of \$77 million of federal welfare dollars to benefit his family and friends when summarizing and promoting its work.
- c. The fourth bullet point within the section captioned “Seek Truth and Report It” reads: “Gather, update and correct information throughout the life of a news story.”
 - i. Wolfe has not corrected her slanderous accusation that Bryant committed a crime for which he should be criminally prosecuted. A correction would include an unqualified statement that Bryant did not commit a crime and that she falsely claimed otherwise.
 - ii. White has not corrected her slanderous accusation that Bryant embezzled \$77 million of welfare funds. A correction would include an unqualified statement that Bryant did not embezzle \$77 million of welfare funds and that she falsely claimed otherwise.
 - iii. Ganucheau and Wolfe had an opportunity to correct these false and slanderous accusations, but they intentionally added insult to injury by denying the accusations were made.
 - iv. Mississippi Today has not corrected its libelous accusation that Bryant misused, squandered, and steered the expenditure of \$77 million of federal welfare dollars to benefit his family and friends. A correction would include an unqualified statement that Bryant did not misuse, squander, and steer the expenditure of \$77 million of welfare funds.

- d. The final bullet point within the section captioned “Minimize Harm” reads: “Consider the long-term implications of the extended reach and permanence of publication. Provide updated and more complete information as appropriate.”
- i. White, Ganucheau, and Wolfe have considered the long-term implications of their respective acts.
 - ii. Wolfe maliciously intended to harm Bryant when she said criminal prosecutors should pursue charges against him.
 - iii. White maliciously intended to harm Bryant when she said he embezzled \$77 million of welfare funds, and she reinforced her slanderous claim when she made her non-apology-apology.
 - iv. Ganucheau and Wolfe maliciously intended to perpetuate the harm to Bryant when they denied anyone affiliated with Mississippi Today accused him of committing a crime.
 - v. Mississippi Today maliciously intended to harm Bryant when it said he misused, squandered, and steered the expenditure of \$77 million of federal welfare funds to benefit his family and friends.

5.62 Wolfe and White’s slanderous accusations, Mississippi Today’s libelous claims, White’s non-apology-apology, the gaslighting denials of Wolfe and Ganucheau during the podcast, and the previously described ethical violations combine to illustrate why there is “a broad distrust of news among the public.” That White slandered Bryant while participating in a forum intended to restore trust in the media is no small irony.

CAUSES OF ACTION

CLAIM 1: DEFAMATION (versus White)

6.1 Plaintiff adopts by reference the complete content of all preceding and following paragraphs into this claim pursuant to Rule 10(c) of the Mississippi Rules of Civil Procedure.

6.2 The elements of a defamation claim brought by a public figure are (1) a false and defamatory statement concerning the plaintiff, (2) unprivileged publication by the defendant to a third party, (3) fault amounting to actual malice of the defendant, and (4) either actionability of the statement irrespective of special harm or the existence of special harm caused by the publication.

6.3 White's accusation satisfies these elements because:

- a. White's accusation that Bryant embezzled \$77 million of welfare funds is false and slanderous;
- b. White made her false and slanderous accusation to a room of journalists and journalism industry professionals from across the country;
- c. White knew Bryant did not embezzle \$77 million of welfare funds, or she accused Bryant of embezzling \$77 million of welfare funds with reckless disregard for whether he had done so; and
- d. White's accusation is slanderous per se.

6.4 The republication of White's slanderous accusation by traditional and social media was a natural consequence considering, among other things, the forum in which she made the accusation, the audience before whom the slanderous accusation was made, the subject matter at issue, Bryant's status as a former governor of Mississippi, and the Knight Foundation's republication of the panel presentation on its website.

6.5 White knew or should have known that her panel presentation was recorded and would be republished by the Knight Foundation on its website for anyone to view.

6.6 White knew or should have known that her panel presentation would be republished by broadcast, print, and social media.

6.7 White's false and slanderous accusation caused Bryant to sustain compensatory damages, including special and general damages. Bryant amends his complaint to specifically state his special damages pursuant to Rule 9(g) of the Mississippi Rules of Civil Procedure.

6.8 While the businesses that Bryant is associated with have increased revenue and profitability year-over-year, White's defamation caused Bryant to lose the following income:

- a. White's defamation caused Bryant to lose approximately \$8,000.00 in annual income from Client 1.
- b. White's defamation caused Bryant to lose approximately \$83,332.00 in annual income from Client 2.
- c. White's defamation caused Bryant to lose approximately \$132,000.00 in annual income from Client 3.
- d. White's defamation caused Bryant to lose approximately \$96,000.00 in annual income from Client 4.
- e. White's defamation caused Bryant to lose approximately \$90,000.00 in annual income from Client 5.
- f. White's defamation caused Bryant to lose approximately \$12,000.00 in annual income from Client 6.
- g. White's defamation caused Bryant to lose approximately \$8,000.00 in annual income from Client 7.
- h. White's defamation caused Bryant to lose approximately \$44,000.00 in annual income from Client 8.

- i. White's defamation caused Bryant to lose approximately \$8,000.00 in annual income from Client 9.

6.9 White's defamation also caused Bryant to lose the opportunity to secure the business of a known prospective client, which resulted in Bryant losing approximately \$12,000.00 in annual income.

6.10 White's defamation also caused Bryant to lose unidentified past and prospective clients and associated income. These losses will be the subject of expert witness opinion. Bryant will more precisely identify and address these losses during discovery.

6.11 The client and income losses outlined in the preceding paragraphs will continue for the remainder of Bryant's work-life expectancy and years beyond. These losses will be the subject of expert witness opinion. Bryant will more precisely identify and address these losses during discovery.

6.12 White's defamation also caused Bryant to sustain general damages, including impairment of reputation and standing in the local, state, national, and business communities, personal humiliation, mental anguish, suffering, and emotional distress.

6.13 Bryant demands recovery from White of all compensatory damages caused by her defamation, including the special, general, economic, and non-economic damages outlined in this Amended Complaint.

6.14 Bryant also demands punitive damages, attorneys' fees, and costs from White due to the malicious, bad-faith conduct outlined in this claim and the other claims outlined in this Amended Complaint.

CLAIM 2: FALSE LIGHT (versus White)

7.1 Plaintiff adopts by reference the complete content of all preceding and following paragraphs into this claim pursuant to Rule 10(c) of the Mississippi Rules of Civil Procedure.

7.2 The elements of a false light claim are (1) the false light in which the other was placed would be highly offensive to a reasonable person, and (2) the actor had knowledge of or acted in reckless disregard of the falsity of the publicized matter and the false light in which the other would be placed.

7.3 White's accusation satisfies these elements because:

- a. White's accusation that Bryant embezzled \$77 million of welfare funds would be highly offensive to a reasonable person;
- b. White knew or recklessly disregarded the falsity of her accusation; and
- c. White knew or recklessly disregarded the false light in which her accusation would place Bryant.

7.4 White's false accusation caused Bryant to sustain compensatory damages, including special and general damages. Bryant amends his complaint to specifically state his special damages pursuant to Rule 9(g) of the Mississippi Rules of Civil Procedure.

7.5 While the businesses that Bryant is associated with have increased revenue and profitability year-over-year, White's false accusation caused Bryant to lose the following income:

- a. White's false accusation caused Bryant to lose approximately \$8,000.00 in annual income from Client 1.
- b. White's false accusation caused Bryant to lose approximately \$83,332.00 in annual income from Client 2.

- c. White's false accusation caused Bryant to lose approximately \$132,000.00 in annual income from Client 3.
- d. White's false accusation caused Bryant to lose approximately \$96,000.00 in annual income from Client 4.
- e. White's false accusation caused Bryant to lose approximately \$90,000.00 in annual income from Client 5.
- f. White's false accusation caused Bryant to lose approximately \$12,000.00 in annual income from Client 6.
- g. White's false accusation caused Bryant to lose approximately \$8,000.00 in annual income from Client 7.
- h. White's false accusation caused Bryant to lose approximately \$44,000.00 in annual income from Client 8.
- i. White's false accusation caused Bryant to lose approximately \$8,000.00 in annual income from Client 9.

7.6 White's false accusation also caused Bryant to lose the opportunity to secure the business of a known prospective client, which resulted in Bryant losing approximately \$12,000.00 in annual income.

7.7 White's false accusation also caused Bryant to lose unidentified past and prospective clients, business opportunities, and associated income. These losses will be the subject of expert witness opinion. Bryant will more precisely identify and address these losses during discovery.

7.8 The client and income losses outlined in the preceding paragraphs will continue for the remainder of Bryant's work-life expectancy and years beyond. These losses will be the subject

of expert witness opinion. Bryant will more precisely identify and address these losses during discovery.

7.9 White's false accusation also caused Bryant to sustain general damages, including impairment of reputation and standing in the local, state, national, and business communities, personal humiliation, mental anguish, suffering, and emotional distress.

7.10 Bryant demands recovery from White of all compensatory damages caused by her false accusation, including the special, general, economic, and non-economic damages outlined in this Amended Complaint.

7.11 Bryant also demands punitive damages, attorneys' fees, and costs from White due to the malicious, bad-faith conduct outlined in this claim and the other claims outlined in this Amended Complaint.

CLAIM 3: RESPONDEAT SUPERIOR (versus Mississippi Today)

8.1 Plaintiff adopts by reference the complete content of all preceding and following paragraphs into this claim pursuant to Rule 10(c) of the Mississippi Rules of Civil Procedure.

8.2 White made her false and slanderous accusation while acting within the course-and-scope of her employment with Mississippi Today.

8.3 White had actual or apparent authority to make her false and slanderous accusation.

8.4 Mississippi Today is vicariously liable for the damage caused by White's false and slanderous accusation pursuant to the common law doctrine of respondeat superior.

8.5 The common law doctrine of respondeat superior renders White and Mississippi Today jointly and severally liable for any judgment returned in Bryant's favor on claims 1 and 2.

8.6 Bryant seeks the compensatory damages, punitive damages, attorneys' fees, and costs outlined in claims 1 and 2 from Mississippi Today under the common law doctrine of respondeat superior.

CLAIM 4: DEFAMATION (versus Mississippi Today)

9.1 Plaintiff adopts by reference the complete content of all preceding and following paragraphs into this claim pursuant to Rule 10(c) of the Mississippi Rules of Civil Procedure.

9.2 The August 11, 2022, accusation satisfies the elements of a defamation claim because:

- a. Mississippi Today's accusation that Bryant misused and squandered at least \$77 million of federal funds is false and defamatory;
- b. Mississippi Today published and continues to publish this false and defamatory accusation on its website;
- c. Mississippi Today knew Bryant did not misuse and squander at least \$77 million of welfare funds, or it accused Bryant of misusing and squandering at least \$77 million of federal funds with reckless disregard for whether he had done so; and
- d. Mississippi Today's accusation that Bryant misused and squandered at least \$77 million of federal funds is libelous per se.

9.3 The May 8, 2023, accusation satisfies the elements of a defamation claim because:

- a. Mississippi Today's accusation that Bryant steered the expenditure of millions of federal welfare dollars to benefit his family and friends is false and defamatory;
- b. Mississippi Today published and continues to publish this false and defamatory accusation on its website;

- c. Mississippi Today knew Bryant did not steer the expenditure of millions of federal welfare dollars to benefit his family and friends, or it accused Bryant of steering the expenditure of millions of federal welfare dollars to benefit his family and friends with reckless disregard for whether he had done so; and
- d. Mississippi Today's accusation that Bryant steered the expenditure of millions of federal welfare dollars to benefit his family and friends is libelous per se.

9.4 Mississippi Today's false and libelous accusations caused Bryant to sustain compensatory damages, including special and general damages. Bryant amends his complaint to specifically state his special damages pursuant to Rule 9(g) of the Mississippi Rules of Civil Procedure.

9.5 While the businesses that Bryant is associated with have increased revenue and profitability year-over-year, the defamatory remarks of Mississippi Today caused Bryant to lose the following income:

- a. White's defamation caused Bryant to lose approximately \$8,000.00 in annual income from Client 1.
- b. White's defamation caused Bryant to lose approximately \$83,332.00 in annual income from Client 2.
- c. White's defamation caused Bryant to lose approximately \$132,000.00 in annual income from Client 3.
- d. White's defamation caused Bryant to lose approximately \$96,000.00 in annual income from Client 4.
- e. White's defamation caused Bryant to lose approximately \$90,000.00 in annual income from Client 5.

- f. White's defamation caused Bryant to lose approximately \$12,000.00 in annual income from Client 6.
- g. White's defamation caused Bryant to lose approximately \$8,000.00 in annual income from Client 7.
- h. White's defamation caused Bryant to lose approximately \$44,000.00 in annual income from Client 8.
- i. White's defamation caused Bryant to lose approximately \$8,000.00 in annual income from Client 9.

9.6 The defamation of Mississippi Today also caused Bryant to lose the opportunity to secure the business of a known prospective client, which resulted in Bryant losing approximately \$12,000.00 in annual income.

9.7 The defamation of Mississippi Today also caused Bryant to lose unidentified past and prospective clients, business opportunities, and associated income. These losses will be the subject of expert witness opinion. Bryant will more precisely identify and address these losses during discovery.

9.8 The client and income losses outlined in the preceding paragraphs will continue for the remainder of Bryant's work-life expectancy and years beyond. These losses will be the subject of expert witness opinion. Bryant will more precisely identify and address these losses during discovery.

9.9 The defamation of Mississippi Today also caused Bryant to sustain non-economic damages, including impairment of reputation and standing in the local, state, national, and business communities, personal humiliation, mental anguish, suffering, and emotional distress.

9.10 Bryant demands recovery from Mississippi Today of all compensatory damages caused by its defamation, including the special, general, economic, and non-economic damages outlined in this Amended Complaint.

9.11 Bryant also demands punitive damages, attorneys' fees, and costs from Mississippi Today due to the malicious, bad-faith conduct outlined in this claim and the other claims outlined in this Amended Complaint.

CLAIM 5: FALSE LIGHT (versus Mississippi Today)

10.1 Plaintiff adopts by reference the complete content of all preceding and following paragraphs into this claim pursuant to Rule 10(c) of the Mississippi Rules of Civil Procedure.

10.2 The August 11, 2022, accusation satisfies the elements of a false light claim because:

- a. Mississippi Today's accusation that Bryant misused and squandered at least \$77 million of federal funds would be highly offensive to a reasonable person;
- b. Mississippi Today knew or recklessly disregarded the falsity of its accusation; and
- c. Mississippi Today knew or recklessly disregarded the false light in which its accusation would place Bryant.

10.3 The May 8, 2023, accusation satisfies the elements of a false light claim because:

- a. Mississippi Today's accusation that Bryant steered the expenditure of millions of federal welfare dollars to benefit his family and friends would be highly offensive to a reasonable person;
- b. Mississippi Today knew or recklessly disregarded the falsity of its accusation; and
- c. Mississippi Today knew or recklessly disregarded the false light in which its accusation would place Bryant.

10.4 Mississippi Today's false accusations caused Bryant to sustain compensatory damages, including special and general damages. Bryant amends his Complaint to specifically state his special damages pursuant to Rule 9(g) of the Mississippi Rules of Civil Procedure.

10.5 While the businesses that Bryant is associated with have increased revenue and profitability year-over-year, Mississippi Today's false accusations caused Bryant to lose the following income:

- a. Mississippi Today's false accusation caused Bryant to lose approximately \$8,000.00 in annual income from Client 1.
- b. Mississippi Today's false accusation caused Bryant to lose approximately \$83,332.00 in annual income from Client 2.
- c. Mississippi Today's false accusation caused Bryant to lose approximately \$132,000.00 in annual income from Client 3.
- d. Mississippi Today's false accusation caused Bryant to lose approximately \$96,000.00 in annual income from Client 4.
- e. Mississippi Today's false accusation caused Bryant to lose approximately \$90,000.00 in annual income from Client 5.
- f. Mississippi Today's false accusation caused Bryant to lose approximately \$12,000.00 in annual income from Client 6.
- g. Mississippi Today's false accusation caused Bryant to lose approximately \$8,000.00 in annual income from Client 7.
- h. Mississippi Today's false accusation caused Bryant to lose approximately \$44,000.00 in annual income from Client 8.

- i. Mississippi Today's false accusation caused Bryant to lose approximately \$8,000.00 in annual income from Client 9.

10.6 Mississippi Today's false accusation also caused Bryant to lose the opportunity to secure the business of a known prospective client, which resulted in Bryant losing approximately \$12,000.00 in annual income.

10.7 Mississippi Today's false accusation also caused Bryant to lose unidentified past and prospective clients, business opportunities, and associated income. These losses will be the subject of expert witness opinion. Bryant will more precisely identify and address these losses during discovery.

10.8 The client and income losses outlined in the preceding paragraphs will continue for the remainder of Bryant's work-life expectancy and years beyond. These losses will be the subject of expert witness opinion. Bryant will more precisely identify and address these losses during discovery.

10.9 Mississippi Today's false accusation also caused Bryant to sustain non-economic damages, including impairment of reputation and standing in the local, state, national, and business communities, personal humiliation, mental anguish, suffering, and emotional distress.

10.10 Bryant demands recovery from Mississippi Today of all compensatory damages caused by its placing Bryant in a false light, including the economic, non-economic, general, and specific damages outlined in this Amended Complaint.

10.11 Bryant also demands punitive damages, attorneys' fees, and costs from Mississippi Today due to the malicious, bad-faith conduct outlined in this claim and the other claims outlined in this Amended Complaint.

WHEREFORE, PREMISES CONSIDERED, the Honorable Phil Bryant demands a judgment against Deep South Today and Mary Margaret White for all compensatory damages sought and proven by Bryant at trial, including the special and general damages outlined in this Amended Complaint. Bryant also demands punitive damages, attorneys' fees, costs, other available legal and equitable relief, and any additional relief the Court deems appropriate.

RESPECTFULLY SUBMITTED, this 23rd day of August 2023.

By: /s/ William M. Quin II
William M. Quin II

**Attorney for Plaintiff, the Honorable Phil Bryant,
64th Governor of the State of Mississippi**

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CERTIFICATE OF SERVICE

I certify that I have caused the preceding filing to be electronically filed with the Clerk of Court using the MEC system. Because the defendants have not yet filed a responsive pleading, I certify that I transmitted a copy of this filing to the attorneys for the defendants by electronic means and requested the attorneys' acknowledgment of receipt of this filing. If the attorneys do not acknowledge receipt, I certify that I will ensure service of this pleading on the defendants in accordance with Rule 5(b)(1) of the Mississippi Rules of Civil Procedure.

SO CERTIFIED, on this the 23rd day of August, 2023.

/s/ William M. Quin II _____