

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Jesse Ventura,
a/k/a James G. Janos,

Plaintiff,

v.

No. _____
(Jury Trial Demanded)

HarperCollins Publishers, LLC,

Defendant.

COMPLAINT

Plaintiff Jesse Ventura, a/k/a James G. Janos, for his claims against the defendant, HarperCollins Publishers, LLC, states and alleges that:

THE PARTIES

1. Plaintiff Jesse Ventura, a/k/a, James G. Janos (“Ventura”) is an individual citizen and resident of the State of Minnesota.

2. Defendant HarperCollins Publishers, LLC (“HarperCollins”) is, on information and belief, a limited liability company with its corporate headquarters located at 195 Broadway, New York, NY 10007.

JURISDICTION AND VENUE

3. The Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a) because the parties’ citizenship is diverse and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

4. The Court has personal jurisdiction over HarperCollins pursuant to Minn. Stat. §§ 543.19, subds. 1(2)–(4), and the Due Process Clause of the Fourteenth Amendment to the United States Constitution, because HarperCollins transacts business in the State of Minnesota and has committed acts inside and outside of the State of Minnesota intended to cause and causing injury in this State, including but not limited to the intentional publication of defamatory statements of and concerning Minnesota resident Ventura via the sale of books in this State.

5. Venue in the District of Minnesota is proper pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to Ventura’s claims occurred in this district, and pursuant to 28 U.S.C. §1391(c)(2) because, for venue purposes, a defendant corporation is deemed to reside in any judicial district in which it is subject to personal jurisdiction at the time the action is commenced.

FACTS

Ventura

6. Ventura is the former Governor of the State of Minnesota, having served in that capacity from 1999 through 2002; the former Mayor of Brooklyn Park, Minnesota, having served in that capacity from 1990 through 1993; and is also a veteran of the United States Navy, having served his country as a member of the Naval Special Forces Underwater Demolition / SEAL Teams.

7. Through and as a result of his accomplishments in a career that has spanned more than four decades, Ventura has become well known to the public throughout the United States, and has created for himself a unique public personality and image; and his

professional names, “Jesse Ventura” and “Jesse ‘the Body’ Ventura,” as well as his image, voice, photograph, likeness, and public persona, have become commercially valuable commodities.

8. Ventura comes from a military family, is very proud of his and his family’s military service, and has nothing but the highest regard for veterans of, and those currently serving in, the United States military.

9. Ventura’s service in the Naval Special Forces Underwater Demolition / SEAL Teams was a defining experience in his life, and he has always believed that those with whom he served, as well as those who preceded and followed him, deserve his and the nation’s utmost respect and deepest gratitude.

10. Ventura has, over a period of many years, maintained close friendships with his former colleagues in the Naval Special Forces Underwater Demolition / SEAL Teams, and he has on several occasions since his own discharge from the military attended and spoken at Navy SEAL graduation and other ceremonies, where he has always been treated with dignity and respect.

11. Although Ventura has liberally exercised his First Amendment right to criticize government policy, and has been publicly opposed to the war in Iraq, he has always supported America’s troops, and has never, and would never, wish them any harm.

Chris Kyle and “American Sniper”

12. In the fall of 2010, Jim DeFelice (“DeFelice”) was recruited by HarperCollins editor Peter Hubbard (“Hubbard”) to work with first-time author Chris Kyle (“Kyle”) to write a non-fiction book about Kyle’s career as a Navy SEAL sniper.

13. Together, Kyle, DeFelice, and a third co-author, Scott McEwen, wrote the book *American Sniper, the Autobiography of the Most Lethal Sniper in U.S. Military History* (“*American Sniper*”).

14. *American Sniper* includes a sub-chapter captioned “*Punching Out Scruff Face*,” which at pages 310 through 312 contains a false and defamatory story about an incident involving Ventura.

15. The *Punching Out Scruff Face* sub-chapter reads, in its entirety, as follows:

AFTER THE FUNERAL WE WENT TO A LOCAL BAR FOR THE WAKE proper.

As always, there were a bunch of different things going on at our favorite nightspot, including a small party for some older SEAL’s and UDT members who were celebrating the anniversary of their graduation. Among them was a celebrity I’ll call Scruff Face.

Scruff served in the military; most people seem to believe he was a SEAL. As far as I know, he was in the service during the Vietnam conflict but not actually in the war.

I was sitting there with Ryan and told him that Scruff was holding court with some of his buddies.

“I’d really like to meet him,” Ryan said.

“Sure.” I got up and went over to Scruff and introduced myself.

“Mr. Scruff Face, I have a young SEAL over here who’s just come back from Iraq. He’s been injured but he’d really like to meet you.”

Well, Scruff kind of blew us off. Still, Ryan really wanted to meet him, so I brought him over. Scruff acted like he couldn't be bothered.

All right.

We went back over to our side of the bar and had a few more drinks. In the meantime, Scruff started running his mouth about the war and everything and anything he could connect to it. President Bush was an asshole. We were only over there because Bush wanted to show up his father. We were doing the wrong thing, killing men and women and children and murdering.

And so on. Scruff said he hates America and that's why he moved to Baja California. 9/11 was a conspiracy.

And on and on some more.

The guys were getting upset. Finally, I went over and tried to get him to cool it.

"We're all here in mourning," I told him. "Can you just cool it? Keep it down."

"You deserve to lose a few," he told me.

Then he bowed up as if to belt me.

I was uncharacteristically level-headed at that moment.

"Look," I told him, "why don't we just step away from each other and go on our way?"

Scruff bowed up again. This time he swung.

Being level-headed and calm can last only so long. I laid him out.

Tables flew. Stuff happened. Scruff Face ended up on the floor.

I left.

Quickly.

I have no way of knowing for sure, but rumor has it he showed up at the BUD/S graduation with a black eye.

A true and correct copy of *American Sniper, the Autobiography of the Most Lethal Sniper in U.S. Military History*, pages 310-312, is attached hereto marked **Exhibit A**.

16. Kyle never disputed that the quoted passage from *American Sniper*, attached hereto as Exhibit A, was written about Ventura, and it contains matters of description, facts, and circumstances sufficient for readers to infer that Kyle was referring to Ventura, including: the “Scruff Face” reference to his famous facial hair; his status as an “older” “celebrity” former UDT / SEAL who served during the Vietnam war; his winter home in Baja California (Mexico); his opposition to the war in Iraq; the 9/11 “conspiracy” about which he has talked and written; and his having been the speaker at BUD/S graduation ceremonies.

17. *American Sniper* was written in part based on a series of oral interviews between Kyle and DeFelice, which DeFelice then used to draft the manuscript.

18. The incident described by Kyle in the *Scruff Face* sub-chapter was described to DeFelice in his 2011 audio-recorded interview with Kyle.

19. In his 2011 recorded interview with DeFelice, Kyle recounted an alleged incident in which Ventura “got loud about President Bush was an a—hole, we were doing the wrong thing, we’re killing men and women and children and murdering and doing all this sh-t . . . and he told me that we deserve to lose a few,” “[a]nd then he bowed up, and then [I] knocked him down.”

20. Kyle also told DeFelice during the 2011 recorded interview that: “we were on the sidewalk when I did it”; I “hit [Ventura] in the eye”; Ventura “had at least one, I don’t know if it was two black eyes or what the next day . . . he fell backwards and hit his

head . . . he fell and hit the sidewalk . . . he didn't get back up"; Kyle ran after he did it because "of course the cops were there"; and I knew Ventura had a black eye because I saw him on TV three or four days later, and because Ventura showed up at the BUD/S Class 258 graduation the next day and "everybody was laughing" and asking "Who beat the sh-t out of him?"

21. While working on the manuscript, DeFelice spoke with only four people about Kyle's Ventura story: Chris Kyle; Chris Kyle's wife, Taya Kyle, who was not present when the alleged incident occurred; Chris Kyle's SEAL teammate, Kevin Lacz; and a woman named Debbie Lee, who did not claim to have witnessed the incident.

22. In his recorded interview with DeFelice, Kevin Lacz's story was that Kyle "choked" Ventura, rather than punching him. According to Lacz: "No, this is how it happened," "like Kyle is out there choking—he's choking Ventura out . . . And then that was it. It got broken up. But I was like, he choked up Ventura."

23. In his recorded interview with DeFelice, Lacz also claimed that he had heard another version of the story in which Kyle had supposedly broken Ventura's leg.

24. In his recorded interview with DeFelice, Lacz did not claim that Ventura had told Kyle SEALs "deserve to lose a few."

25. Aside from Chris Kyle, none of the people that DeFelice spoke with about the Ventura incident prior to publication had reported hearing Ventura say SEALs "deserve to lose a few."

26. In the first draft manuscript of *American Sniper*, a new detail was added to the story told in Kyle's 2011 recorded interview, which made it appear that Kyle had not

assaulted Ventura without provocation, saying instead that Ventura got “decked” only after he had “loaded up to punch [Kyle].” Omitted was Kyle’s claim that he saw Ventura on TV a few days later with a black eye.

27. In the next iteration of the story, additional details were added that made Kyle appear to be more of a hero, and Ventura appear to look worse. As the story morphed, it was written that Kyle remained “uncharacteristically level-headed” after Ventura supposedly said “You deserve to lose a few,” and Kyle suggested that “we just step away from each other and go on our way,” and did not react physically until after Ventura “swung” at him first. And then, “Tables flew. Stuff happened. Jesse ended up on the floor.”

28. Although Ventura’s name appeared in early drafts of the book, it was removed from the story prior to publication, with one editorial comment written in the manuscript margin explaining: “Don’t want to use his full name or description. Was warned of law suit.” The title of the subchapter was correspondingly changed for publication from “Punching out Jesse” to “Punching out Scruff Face.”

29. When HarperCollins editor Peter Hubbard first read the manuscript of *American Sniper*, he commented in the margin, “Great story. If it was witnessed by fellow SEALs—thus corroboration [sic] against libel claim—can we mention who it was? Jessie [sic] Ventura, I take it.”

30. Although Hubbard knew prior to publication that the *Scruff Face* subchapter was about Ventura, and that it was libelous if not true, neither HarperCollins nor

anyone acting on its behalf did any pre-publication due diligence, research, investigation, or fact-checking to determine whether the story was true or false.

31. Prior to publication, neither co-author DeFelice, HarperCollins, nor anyone acting on its behalf contacted or attempted to contact Ventura or his representatives to ask if the story was true or false.

The Publication and Promotion of American Sniper

32. *American Sniper* was released for sale nationally, including in Minnesota, on January 3, 2012, by William Morrow, an imprint of HarperCollins.

33. Prior to publication of *American Sniper*, Hubbard and others at HarperCollins were of the opinion that a war-themed memoir, written by unknown, first-time author Chris Kyle, would appeal only to a limited market segment.

34. Consistent with that opinion, Hubbard and HarperCollins publicist Sharon Rosenblum (“Rosenblum”) pronounced the book a great success when only a few thousand advance copies were sold.

35. To promote *American Sniper*, Rosenblum arranged for Kyle to appear on the nationally-satellite broadcast *Opie & Anthony* radio show January 4, 2012, the day after *American Sniper* was released to the public.

36. During his January 4, 2012, appearance on the *Opie & Anthony* radio show, Kyle was interviewed about the Ventura story that appears in the *Scruff Face* sub-chapter:

HOST: There’s someone on the line saying that you had—you were in a bar fight with Jesse, Ventura. Is that true?

HOST: What.

CHRIS KYLE: God.

HOST: It's probably—is it?

CHRIS KYLE: Yes.

HOST: Oh, sh___ (expletive deleted).

HOST: Oh, let's get into this.

HOST: Yeah, I would like to.

HOST: Can we talk about it?

HOST: I was going to ask you how you felt about it, actually.

* * *

HOST: What happened in the bar?

HOST: Yeah, what happened? You were in a bar and --

HOST: Oh, Jesus.

CHRIS KYLE: We, ah, we had just come back from our '06 deployment when we lost our guys. We were having a wake for the guy who got the Medal of Honor, Mikey Mansoor. And he happened to be there. He was coming in for a graduating BUDs class that he was going to speak to. And he was upset with the war. He doesn't agree with it, which is fine. I—you don't have to agree with the war. I just get sent there. I don't have to agree with politics. I signed up to serve the country; the country tells me what to do.

HOST: Uh-huh.

CHRIS KYLE: But he was making it known that he did not agree with it. And I approached him and said, "Hey, you know" —

HOST: It's not the place.

CHRIS KYLE: — "I appreciate it, but we are having a wake." It was the SEAL bar there in town. I said, "We're having the wake here. The family is here. I

would appreciate it if you'd just kind of keep it down." He told us that we were killing innocent people over there —

HOST: Oh, f___ (expletive deleted).

CHRIS KYLE: — men, women and children. That we were murderers. And, you know, I said, "You know what, we can all have our differences, that's—that's fine; but, please, just don't upset the family."

HOST: Yeah.

CHRIS KYLE: And then he said that, you know, we deserve to lose a few guys.

HOST: Holy sh___ (expletive deleted).

HOST: Jesse said that?

CHRIS KYLE: Yes.

HOST: What the f___ (expletive deleted) is wrong with him.

HOST: So, by the way, all you guys out there that attacked me because I f___ ing (expletive deleted) attacked him, good, I'm glad to hear that. He really is a douche. And what happened when he said that to you?

CHRIS KYLE: I punched him.

HOST: Did you grab his ponytail?

CHRIS KYLE: No, I punched him.

HOST: You slugged him? Good.

HOST: "I punched him."

HOST: "I punched him."

HOST: Good for you.

HOST: Where did you punch him?

HOST: Bravo.

CHRIS KYLE: In the face.

HOST: What happened?

HOST: That's when you take a head shot.

CHRIS KYLE: I mean, Jesse Ventura, he's —

HOST: Big man.

CHRIS KYLE: — he's an older guy, too.

HOST: Yeah, he's an older guy.

CHRIS KYLE: Of course all the guys then started making fun of me. "So what geriatric" (inaudible) — (Laughter.)

HOST: Wait. When you hit him, did he hit you back, or...

CHRIS KYLE: No, he—he went down.

HOST: Oh —

HOST: Like out? Like was he like —

CHRIS KYLE: I don't think he was out. It definitely took him off balance. He went down and —

HOST: But the ref wasn't looking. They never are.

HOST: Did his walker fall with him?

CHRIS KYLE: Yeah, I think he fell out of his wheelchair.

HOST: Wow. Wow. He went down.

HOST: You hit a big dude. He's a—he's still Jesse the Body. I mean, he's an older guy, but he's still a big strong guy.

HOST: Did he awkwardly get up and have to walk out of the place?

CHRIS KYLE: I don't know. I took off running, because the cops were already outside. And as soon as I hit him, I knew, SEAL party, SEAL bar, cops were watching, they saw the whole thing happen. So I took off running.

HOST: Oh, yeah. So Jesse Ventura said to a SEAL at a bar where there was a wake for a SEAL: "You deserve to lose a few guys"?

HOST: Yeah.

CHRIS KYLE: Yes, he did.

A true and correct copy of a transcript of Kyle's January 4, 2012, interview on the *Opie & Anthony* radio show as it later appeared on

<http://www.youtube.com/watch?v=PBjWI0UBwWU> is attached hereto marked **Exhibit B**.

37. Rosenblum was present for the January 4, 2012, *Opie & Anthony* interview, and she later referred to the interview as a "hit."

38. The day after Kyle's appearance on the *Opie & Anthony* radio show, the book rose to number 21 on Amazon's best-seller list.

39. Hubbard wrote in an e-mail that the publicity from the Ventura story was "priceless," and Rosenblum characterized the Ventura story as "hot hot hot."

40. Rosenblum arranged for Kyle to appear on FOX TV's *The O'Reilly Factor* the next day, January 5, 2012.

41. In the lead segment of Kyle's interview on *The O'Reilly Factor*, Kyle participated in the following exchange with the show's host Bill O'Reilly:

MR. O'REILLY: Personal story segment tonight: Chief Chris Kyle, a Navy SEAL, is officially the most lethal sniper in U.S. military history. The Chief has written a brand new book called *American Sniper*, that chronicles his amazing story in Iraq. I spoke with him last night. So, Chief, I read your book. Very

entertaining. I recommend it for my audience. I think they'll like it. First of all, you say you knocked Jesse Ventura to the floor with a punch. Now, you don't mention his name, but everybody knows who that is. Number one, that—that happened? You knocked him out?

MR. KYLE: Well, I knocked him down.

MR. O'REILLY: Knocked him down. Why? Why would you punch Ventura?

MR. KYLE: It was in '06. Was the year we lost our first two SEALs in Iraq. We came home. We lost our last guy just before coming home. We had the wake in a SEAL bar there in Coronado. And he was there. He was there for a speaking engagement at a BUD ceremony, graduating class—

MR. O'REILLY: Because he was a SEAL, right?

MR. KYLE: Yes, sir.

MR. O'REILLY: He was a Navy SEAL. So he was badmouthing the war, right?

MR. KYLE: Badmouthing the war, badmouthing Bush, badmouthing America.

MR. O'REILLY: And you took exception?

MR. KYLE: I did find a problem with it. The family was there. I asked him to please tone it down, that we did not want to upset the family members of Mikey Mansoor.

MR. O'REILLY: Who was killed?

MR. KYLE: Yes, sir. And he earned the Medal of Honor. He jumped on a grenade and saved everybody else around.

MR. O'REILLY: But I want to be clear. Ventura wasn't attacking him at all, verbally bashing him; he was just bashing the whole thing in general?

MR. KYLE: Yes, sir.

MR. O'REILLY: All right.

MR. KYLE: Until he said we deserve to lose a few guys.

MR. O'REILLY: He said we deserve to—we, the United States—

MR. KYLE: No. He said, “You, y’ all, deserve to lose a few guys.”

MR. O'REILLY: Navy SEALs.

MR. KYLE: I—I'm assuming. He was saying that to me.

MR. O'REILLY: Was he drunk?

MR. KYLE: No, sir. I never saw him with a drink in hand at all.

MR. O'REILLY: So once he said, “You deserve to lose a few guys,” you popped him?

MR. KYLE: Yes, sir.

MR. O'REILLY: Did he fight back?

MR. KYLE: He went down. The cops were there, I took off running.

MR. O'REILLY: You ran?

MR. KYLE: Yes, sir.

MR. O'REILLY: Did they arrest you?

MR. KYLE: No, sir. I—I have a master chief that always said, “Punch and run.”

* * *

A true and correct copy of a transcript of Kyle’s January 5, 2012, interview on *The O'Reilly Factor* as it later appeared on <http://video.foxnews.com/v/1368298701001> is attached hereto marked **Exhibit C**.

42. Rosenblum was present during Kyle’s January 5, 2012, appearance on *The O'Reilly Factor*.

43. At the time that Kyle appeared on *The O'Reilly Factor*, the FOX Television Network and HarperCollins were both owned by the same parent company, News Corporation.

44. On January 6, 2012, the day after Kyle's appearance on *The O'Reilly Factor*, *American Sniper* rose to No. 2 on Amazon's best-seller list, and HarperCollins ordered 100,000 reprints of the book. The reprints included the false and defamatory story about Ventura.

45. Within days of Kyle's appearance on *The O'Reilly Factor*, *American Sniper* became a No. 1 bestseller on Amazon and B&N.

46. Following Kyle's *Opie & Anthony* and *O'Reilly* appearances, the Ventura story dominated media coverage of *American Sniper*.

47. In order to take advantage of the publicity generated by Kyle's Ventura story, HarperCollins provided its institutional customers with links to the *Opie & Anthony* and *O'Reilly* interviews, and to related news stories that included titles like "Navy Seal Punched Out Jesse Ventura."

48. HarperCollins also actively marketed the book by leveraging Ventura's name in connection with Internet search engine optimization tools and on social media.

49. Within days of *American Sniper*'s release, Ventura publicly stated that Kyle's story about him was false.

50. Although HarperCollins was aware that Ventura had publicly labeled Kyle's story false, it made no attempt to investigate the veracity of Kyle's story, and

instead continued to use the false and defamatory story about Ventura as a marketing tool.

51. During the week of January 9, 2012, Kyle's appearance on *The O'Reilly Factor* was discussed on *The Five*, a FOX News commentary show, and the show's five hosts all agreed, among themselves, that Kyle was telling the truth about the comments he attributes to Ventura and the incident during which he allegedly punched Ventura. A true and correct copy of a transcript of the *circa* January 9, 2012, *The Five* broadcast, as it later appeared on <http://www.youtube.com/watch?v=f4P2fzR9dcA>, is attached hereto marked **Exhibit D**.

52. Rosenblum arranged for Kyle to appear on the *Opie & Anthony* radio show for the second time, which appearance took place on January 10, 2012.

53. During Kyle's January 10, 2012, appearance on *Opie & Anthony*, Kyle participated in the following exchange with the show's hosts:

HOST: What exactly happened, Chris? If you could just refresh, because a lot of people might not have heard you on that moment. Just if you could give us a brief—just kind of sum the story up so people know what we're talking about.

MR. KYLE: It was the wake for Mikey Mansoor, and of course all the families were there. He was there. He started getting loud and voicing his opinion coming out against the war and the troops and everything. So we asked him to keep it down. And he got belligerent about it, and finally said we deserve to lose a few.

* * *

HOST: Now, Chris, is it possible that you and Jesse were arguing or you were debating and he said something to the effect of it's only natural you're going to lose a few? Are you 100 percent sure that he said it and with the intention that you heard it?

MR. KYLE: No. I feel that (inaudible) he said exactly what I thought I heard. Them other guys that were standing right there—

HOST: Oh, they heard it as well?

MR. KYLE: —exact same way.

* * *

HOST: Chris, there's no doubt in your mind you punched Jesse Ventura that day, right?

MR. KYLE: Yes, sir, definitely.

A true and correct copy of a transcript of Kyle's January 10, 2012, interview on the *Opie & Anthony* radio show as it later appeared on <http://www.theblaze.com/stories/radio-host-confronts-seal-sniper-over-ventura-bar-brawl-story-and-reveals-psy-ops-theory/>, is attached hereto marked **Exhibit E**.

54. By January 22, 2012, and while news outlets were continuing to run with the Ventura story, *American Sniper* hit No. 1 on the New York Times Bestseller List, where it remained for weeks.

55. Rosenblum commented that *American Sniper*'s sales during this time period were "astonishing."

56. On January 23, 2012, Ventura filed suit against Kyle in the Hennepin County, Minnesota, District Court seeking damages for defamation, appropriation of name and likeness, and unjust enrichment. Kyle's attorneys subsequently removed the case to the United States District Court for the District of Minnesota, Civil No. 12-0472 (RHK/SER) (the "Defamation Action").

57. On February 2, 2013, Kyle was shot and killed at a shooting range in Texas, and his Estate was substituted as the defendant in the Defamation Action.

58. In October 2013—more than a year and one-half after Ventura had filed suit and long after he had produced photographs and other evidence to prove that the incident described in the *Scruff Face* subchapter never happened—HarperCollins published a Memorial Edition of *American Sniper* which included the false and defamatory story about Ventura.

59. At the time that HarperCollins published the Memorial Edition of *American Sniper*, HarperCollins was aware of the evidence that Ventura had produced proving that the incident described in the *Scruff Face* subchapter was fabricated.

60. Rosenblum booked Taya Kyle, Chris Kyle's widow, on a media tour to publicize the new release, during which Taya Kyle was asked about and commented on the Ventura story.

The July 2014 Trial

61. Beginning on July 8, 2014, Ventura's Defamation Action against the Estate of Chris Kyle (the "Estate") was tried simultaneously to a jury and to the Court. Hubbard and Rosenblum both testified for, and HarperCollins' insurer participated in and funded, the defense.

62. Rosenblum's trial testimony during the Defamation Action established that the Ventura story and resulting controversy and publicity were largely responsible for the book's success.

63. Hubbard testified during the Defamation Action that the book had sold more than 1.5 million copies as of July 2014.

64. On July 29, 2014, the jury returned a verdict against the Estate in the Defamation Action, awarding Ventura \$500,000 for defamation, and returned an advisory verdict against the Estate, awarding Ventura \$1,345,477.25 for unjust enrichment.

65. In finding that Ventura had proven his claim for defamation, the jury in the Defamation Action determined that the story about Ventura—published in the *Scruff Face* sub-chapter and recounted by Kyle in subsequent publicity interviews—was false and defamatory, and that Kyle either knew the story was false or acted with reckless disregard for the truth.

66. On August 7, 2014, the trial court entered its judgment in the Defamation Action in Ventura's favor and against the Estate, adopting the jury's advisory verdict as its own.

67. In adopting the jury's advisory verdict on Ventura's claim for unjust enrichment, the Defamation Action trial court found that the evidence supported the jury's conclusion that Kyle had been unjustly enriched by his defamatory story about Ventura, and that the jury's damages award represented a reasonable portion of the Estate's total profits from *American Sniper*. According to the court:

Given how much media attention the Ventura story garnered and how book sales sky-rocketed after select media appearances in which Kyle recounted and discussed the Ventura story, the jury's conclusion that Kyle was unjustly enriched by his story about Ventura was supported by a preponderance of the evidence. Likewise, its award of \$1,345,477.25 was a reasonable portion (approximately 25%) of Chris Kyle's and his Estate's total profits to date and was supported by substantial evidence.

68. On November 26, 2014, the Defamation Action trial court issued a Memorandum Opinion and Order denying the Estate's Motion for Judgment as a Matter of Law or New Trial.

69. In its November 26, 2014, Order, the Defamation Action trial court held that Ventura had proven that Kyle's story was false, not only by a preponderance of the evidence, but also under the heightened clear-and-convincing standard. According to the court:

Defendant also argues Plaintiff was required to prove falsity by clear-and-convincing evidence. . . . But she acknowledges that neither the Supreme Court nor the Eighth Circuit (nor any Minnesota court) has ever imposed that burden on a public figure such as Plaintiff. . . . Regardless, in the Court's view the evidence here, viewed in the light most favorable to the verdict, . . . was sufficient to prove falsity by this higher standard. Defendant contends Plaintiff failed to surmount this hurdle because clear-and-convincing evidence requires something more "than one man's word against another[']s," . . . but far more was presented here. Indeed, several witnesses testified consistently with Plaintiff, and other evidence—such as the absence of obvious injury in photographs taken after the incident—supports Plaintiff's version of events.

70. The Defamation Action trial court's November 26, 2014, Order also affirmed once again that Ventura's award for unjust enrichment was appropriate because Kyle and his Estate had directly benefited from the defamatory statements contained in *American Sniper*. According to the court:

Plaintiff's defamation claim provided him with no means to obtain the disgorgement of Defendant's ill-gotten gains—money the jury found, and the Court agreed, that Defendant made by defaming Plaintiff in American Sniper. Only through unjust enrichment could Plaintiff attempt to force Defendant to yield those improper profits. Under these circumstances, Plaintiff's legal remedy was inadequate to fully ameliorate Defendant's

wrongful conduct, and the defamation claim did not preclude the unjust-enrichment claim as a matter of law.

71. Even after Ventura successfully proved in federal court that Kyle's story was false and defamatory, copies of *American Sniper* containing the *Scruff Face* sub-chapter continued to be sold throughout the country, including in Minnesota, and HarperCollins continued to profit from those sales.

CLAIMS FOR RELIEF

COUNT I UNJUST ENRICHMENT

72. Ventura restates and adopts the allegations above.

73. It has been conclusively determined in the Defamation Action that the story about Ventura in *American Sniper* is false and defamatory.

74. HarperCollins, by virtue of being in contractual privity with Kyle and participating in and funding his defense of the Defamation Action through a common insurer, is estopped to deny that the story about Ventura in *American Sniper* is false and defamatory.

75. HarperCollins published a false and defamatory story about Ventura, and subsequently used that story to promote *American Sniper* for its own economic advantage and gain.

76. HarperCollins published and promoted the false and defamatory story about Ventura either knowing it to be false, or with reckless disregard for the truth.

77. The publicity and controversy generated by the false and defamatory story about Ventura substantially increased sales of *American Sniper*, thereby generating millions of dollars in revenues and profits for HarperCollins.

78. As a direct result of its publication and promotion of the false and defamatory story about Ventura, HarperCollins has been unjustly enriched at Ventura's expense in an amount in excess of \$75,000.

79. Equity requires that HarperCollins make restitution to Ventura for all property and benefits unjustly received, including but not limited to revenues and profits from the sale of *American Sniper* books and/or any subsidiary or ancillary rights sales.

COUNT II
MISAPPROPRIATION OF NAME AND LIKENESS
(Appropriation Branch of Right of Privacy)

80. Ventura restates and adopts the allegations above.

81. Ventura has acquired a property right in the exclusive commercial use of his own identity, as represented by his name, image, voice, likeness, photograph, and public persona.

82. Without consent, HarperCollins unlawfully appropriated and used Ventura's identity for its own economic advantage and gain, including Ventura's name, image, and public persona.

83. HarperCollins is liable to Ventura for wrongful appropriation of his identity in an amount in excess of \$75,000 to be determined by the trier of fact.

WHEREFORE, the plaintiff, Jesse Ventura, a/k/a James G. Janos, prays that the Court:

- (c) Enter judgment in his favor and against Defendant HarperCollins on Count I of the Complaint for Unjust Enrichment in an amount greater than \$75,000 and ordering restitution for all property and benefits unjustly received;
- (b) Enter judgment in his favor and against Defendant HarperCollins on Count II of the Complaint for Misappropriation of Name and Likeness in an amount in excess of \$75,000;
- (c) Award his costs and disbursements and attorneys' fees incurred herein; and
- (d) Award all other relief which the Court deems to be just and equitable.

JURY TRIAL DEMAND

Ventura demands a trial by jury for all claims so triable.

HENSON & EFRON, P.A.

Dated: December 15, 2014.

By: /s/ David Bradley Olsen

David Bradley Olsen, 197944

Court J. Anderson, 331570

John N. Bisanz, Jr., 0389098

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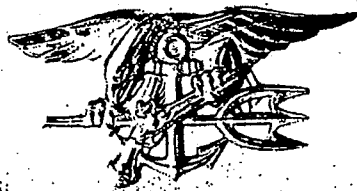
Facsimile: 612-339-6364

Attorneys for Plaintiff Jesse Ventura,

a/k/a James G. Janos

NAVY SEAL CHRIS KYLE

WITH SCOTT McEWEN AND JIM DEFELICE



AMERICAN SNIPER



THE AUTOBIOGRAPHY OF THE
MOST LETHAL SNIPER
IN U.S. MILITARY HISTORY



American Sniper

attend it. It was great to see him, even though he was now permanently blind.

Before passing out from blood loss after he'd been shot, Ryan had been able to see. But as his brain swelled with internal bleeding, bone or bullet fragments that were in his eye severed his optic nerves. There was no hope for restoring sight.

When I saw him, I asked him why he'd insisted on walking out of the building under his own power. It struck me as a remarkably brave thing—characteristic of him. Ryan told me he knew that our procedures called for at least two guys to go down with him if he couldn't move on his own. He didn't want to take more guys out of the fight.

I think he thought he could have gotten back on his own. And probably he would have if we'd let him. He might even have picked up a gun and tried to continue the fight.

Ryan left the service because of his injury, but we remained close. They say friendships forged in war are strong ones. Ours would prove that truism.

Punching Out Scruff Face

AFTER THE FUNERAL WE WENT TO A LOCAL BAR FOR THE WAKE proper.

As always, there were a bunch of different things going on at our favorite nightspot, including a small party for some older SEALs and UDT members who were celebrating the anniversary of their graduation. Among them was a celebrity I'll call Scruff Face.

Scruff served in the military; most people seem to believe he was a SEAL. As far as I know, he was in the service during the Vietnam conflict but not actually in the war.

I was sitting there with Ryan and told him that Scruff was holding court with some of his buddies.

Hard Times

"I'd really like to meet him," Ryan said.

"Sure." I got up and went over to Scruff and introduced myself. "Mr. Scruff Face, I have a young SEAL over here who's just come back from Iraq. He's been injured but he'd really like to meet you."

Well, Scruff kind of blew us off. Still, Ryan really wanted to meet him, so I brought him over. Scruff acted like he couldn't be bothered.

All right.

We went back over to our side of the bar and had a few more drinks. In the meantime, Scruff started running his mouth about the war and everything and anything he could connect to it. President Bush was an asshole. We were only over there because Bush wanted to show up his father. We were doing the wrong thing, killing men and women and children and murdering.

And on and on. Scruff said he hates America and that's why he moved to Baja California. 9/11 was a conspiracy.

And on and on some more.

The guys were getting upset. Finally, I went over and tried to get him to cool it.

"We're all here in mourning," I told him. "Can you just cool it? Keep it down."

"You deserve to lose a few," he told me.

Then he bowed up as if to belt me one.

I was uncharacteristically level-headed at that moment.

"Look," I told him, "why don't we just step away from each other and go on our way?"

Scruff bowed up again. This time he swung.

Being level-headed and calm can last only so long. I laid him out.

Tables flew. Stuff happened. Scruff Face ended up on the floor. I left.

Quickly.

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American Sniper

I have no way of knowing for sure, but rumor has it he showed up at the BUD/S graduation with a black eye.

FIGHTING IS A FACT OF LIFE WHEN YOU'RE A SEAL. I'VE BEEN in a few good ones.

In April '07, we were in Tennessee. We ended up across the state line in a city where there'd been a big UFC mixed-martial-arts fight earlier that evening. By coincidence, we happened into a bar where there were three fighters who were celebrating their first victories in the ring. We weren't looking for trouble; in fact, I was in a quiet corner with a buddy where there was hardly anyone else around.

For some reason, three or four guys came over and bumped into my friend. Words were said. Whatever they were, the wannabe UFC fighters didn't like them, so they went after him.

Naturally, I wasn't going to let him fight alone. I jumped in. Together, we beat the shit out of them.

This time, I didn't follow Chief Primo's advice. In fact, I was still pounding one of the fighters when the bouncers came to break us up. The cops came in and arrested me. I was charged with assault. (My friend had slipped out the back. No bad wishes on him; he was only following Primo's second rule of fighting.)

I got out on bail the next day. I had a lawyer come in and work out a plea bargain with the judge. The prosecutor agreed to drop the charges, but to make it all legal I had to get up there in front of the judge.

"Mr. Kyle," she said, in the slow drawl of justice, "just because you're trained to kill, doesn't mean you have to prove it in my city. Get out and don't come back."

And so I did, and haven't.

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1 Opie and Anthony Interview_1.txt

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"Opie & Anthony: American Sniper Chris Kyle

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01-04-2012"

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<http://www.youtube.com/watch?v=PBJWI0UBWWU>

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Transcribed by:

19

Jane T. Doby

Registered Merit Reporter

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Doby Professional Reporting, Inc.

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(Transcript begins at 22:04)

2

HOST: There's someone on the line saying

3

that you had -- you were in a bar fight with Jesse,

Page 1



1 Opie and Anthony Interview_1.txt
4 Ventura. Is that true?
5 HOST: What.
6 CHRIS KYLE: God.
7 HOST: It's probably -- is it?
8 CHRIS KYLE: Yes.
9 HOST: Oh, shit.
10 HOST: Oh, let's get into this.
11 HOST: Yeah, I would like to.
12 HOST: Can we talk about it?
13 HOST: I was going to ask you how you felt
14 about it, actually.
15 HOST: Because we -- we -- we -- I don't
16 know, how do -- how do -- how do you explain
17 Jesse --
18 HOST: There was a -- there was a verbal
19 altercation in here between --
20 HOST: No, but he -- but he used to come
21 on our show, and it was all right. We -- we didn't
22 agree with a lot of the stuff he said, but we had an
23 okay time with him.
24 HOST: "Thank you for your service."
25 HOST: But then we had a moment where he

3

1 walked off our show because we just killed him with
2 knowledge.
3 HOST: Yeah, we had --
4 HOST: We really did.
5 HOST: -- a big argument.
6 HOST: Especially Jim.
7 HOST: We had a big argument, yeah.
8 HOST: What happened in the bar?

1 Opie and Anthony Interview_1.txt

9 HOST: Yeah, what happened? You were in a
10 bar and --

11 HOST: Oh, Jesus.

12 CHRIS KYLE: We, ah, we had just come back
13 from our '06 deployment when we lost our guys. We
14 were having a wake for the guy who got the Medal of
15 Honor, Mikey Mansoor.

16 And he happened to be there. He was
17 coming in for a graduating BUDs class that he was
18 going to speak to.

19 And he was upset with the war. He doesn't
20 agree with it, which is fine. I -- you don't have
21 to agree with the war. I just get sent there. I
22 don't have to agree with politics. I signed up to
23 serve the country; the country tells me what to do.

24 HOST: Uh-huh.

25 CHRIS KYLE: But he was making it known

4

1 that he did not agree with it. And I approached him
2 and said, "Hey, you know" --

3 HOST: It's not the place.

4 CHRIS KYLE: -- "I appreciate it, but we
5 are having a wake."

6 It was the SEAL bar there in town. I
7 said, "We're having the wake here. The family is
8 here. I would appreciate it if you'd just kind of
9 keep it down."

10 He told us that we were killing innocent
11 people over there --

12 HOST: Oh, fuck.

13 CHRIS KYLE: -- men, women and children.

1 Opie and Anthony Interview_1.txt

14 That we were murderers. And, you know, I said, "You
15 know what, we can all have our differences,
16 that's -- that's fine; but, please, just don't upset
17 the family."

18 HOST: Yeah.

19 CHRIS KYLE: And then he said that, you
20 know, we deserve to lose a few guys.

21 HOST: Holy shit.

22 HOST: Jesse said that?

23 CHRIS KYLE: Yes.

24 HOST: What the fuck is wrong with him.

25 HOST: So, by the way, all you guys out

5

1 there that attacked me because I fucking attacked
2 him, good, I'm glad to hear that. He really is a
3 douche.

4 And what happened when he said that to
5 you?

6 CHRIS KYLE: I punched him.

7 HOST: Did you grab his ponytail?

8 CHRIS KYLE: No, I punched him.

9 HOST: You slugged him? Good.

10 HOST: "I punched him."

11 HOST: "I punched him."

12 HOST: Good for you.

13 HOST: Where did you punch him?

14 HOST: Bravo.

15 CHRIS KYLE: In the face.

16 HOST: What happened?

17 HOST: That's when you take a head shot.

18 CHRIS KYLE: I mean, Jesse Ventura,

19 he's -- 1 Opie and Anthony Interview_1.txt
20 HOST: Big man.
21 CHRIS KYLE: -- he's an older guy, too.
22 HOST: Yeah, he's an older guy.
23 CHRIS KYLE: Of course all the guys then
24 started making fun of me. "So what geriatric"
25 (inaudible) --

6

1 (Laughter.)
2 HOST: Wait. When you hit him, did he hit
3 you back, or...
4 CHRIS KYLE: No, he -- he went down.
5 HOST: Oh --
6 HOST: Like out? Like was he like --
7 CHRIS KYLE: I don't think he was out. It
8 definitely took him off balance. He went down
9 and --
10 HOST: But the ref wasn't looking. They
11 never are.
12 HOST: Did his walker fall with him?
13 CHRIS KYLE: Yeah, I think he fell out of
14 his wheelchair.
15 HOST: Wow. Wow. He went down.
16 HOST: You hit a big dude. He's a -- he's
17 still Jesse the Body. I mean, he's an older guy,
18 but he's still a big strong guy.
19 HOST: Did he awkwardly get up and have to
20 walk out of the place?
21 CHRIS KYLE: I don't know. I took off
22 running, because the cops were already outside. And
23 as soon as I hit him, I knew, SEAL party, SEAL bar,

1 Opie and Anthony Interview_1.txt
24 cops were watching, they saw the whole thing happen.
25 So I took off running.

7

1 HOST: Oh, yeah.

2 So Jesse Ventura said to a SEAL at a bar
3 where there was a wake for a SEAL: "You deserve to
4 lose a few guys"?

5 HOST: Yeah.

6 CHRIS KYLE: Yes, he did.

7 HOST: Repugnant.

8 HOST: So you make me even happier,
9 because he and I got into a very, very nasty
10 exchange. Because he -- I was -- I was defending
11 kind of --

12 HOST: Al Qaeda.

13 HOST: Yes. And I said, You know what,
14 they're nice people, Jesse.

15 No. I said that I kind of agreed with the
16 Afghanistan action. And he was saying that I'm just
17 a guy who didn't serve who was for the war. And I'm
18 like: But that's not where I'm coming from. I'm
19 not saying fuck -- just go out and fight. It wasn't
20 at all.

21 So we just got into an ugly thing, and it
22 just got personal. And --

23 HOST: What an ass he is.

24 HOST: He's a douche. But he really hates
25 my guts. So I'm so happy you did that, because I'm

8

1 not a man -- like I couldn't stand up and punch him.

2 What happened was as we -- we kept
Page 6

1 Opie and Anthony Interview_1.txt

3 arguing, he patted me on the back, hard. And I knew
4 he was like -- as he was leaving. He's like:
5 Thanks for your service. But it was like one of
6 those.

7 And for me to match him I would have to
8 pat -- and I'm like I'm not going to do what you
9 did. I wish I was him, though. How great would
10 that have been --

11 HOST: No kidding.

12 HOST: (inaudible) slug him. So I
13 insulted him.

14 CHRIS KYLE: Yeah, I'm sure I just caught
15 him off balance and he tripped, but --

16 HOST: No you didn't.

17 HOST: That must have been it. Sure.

18 HOST: Good for you, man.

19 HOST: That must have been it.

20 HOST: I'm so happy.

21 (Transcript ends at 26:32.)

22

23

24

25

9

1 STATE OF MINNESOTA: : CERTIFICATE
2 COUNTY OF HENNEPIN:

3 I, Jane T. Doby, Registered Merit
4 Reporter, a Notary Public in and for the County of
5 Hennepin, State of Minnesota, certify that the
6 foregoing is a transcription of the audio/video
7 event entitled "Opie & Anthony: American Sniper
8 Chris Kyle 01-04-2012," found at
9 <http://www.youtube.com/watch?v=PBjWIOUBWU>.

10 I was not personally present at this
11 Page 7

1 Opie and Anthony Interview_1.txt
event, and therefore I do not have personal
knowledge of the identities of the various speakers
heard. The foregoing transcription is done to the
best of my ability, based solely on listening to the
audio provided.

I further certify that I am not a
relative or employee or attorney or counsel of any
of the parties or a relative or employee of such
attorney or counsel;

That I am not financially interested in
the action and have no contract with the parties,
attorneys or persons with an interest in the
action that affects or has a substantial tendency
to affect my impartiality;

WITNESS MY HAND AND SEAL this 19th day of
January, 2012.

Jane T. Doby
Registered Merit Reporter
Notary Public
Hennepin County, Minnesota

2 Bill O'Reilly Interview of Ventura_1.txt

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4 "Most Lethal Sniper in U.S. Military History"

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6 Interview by Bill O'Reilly of Jesse Ventura

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8 <http://video.foxnews.com/v/1368298701001/most-lethal>

9 -sniper-in-us-military-history

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Jane T. Doby

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Registered Merit Reporter

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MR. O'REILLY: Personal story segment

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tonight: Chief Chris Kyle, a Navy SEAL, is

Page 1



2 Bill O'Reilly Interview of Ventura_1.txt
4 officially the most lethal sniper in U.S. military
5 history. The Chief has written a brand new book
6 called American Sniper, that chronicals his amazing
7 story in Iraq. I spoke with him last night.

8 So, Chief, I read your book. Very
9 entertaining. I recommend it for my audience. I
10 think they'll like it.

11 First of all, you say you knocked Jesse
12 Ventura to the floor with a punch. Now, you don't
13 mention his name, but everybody knows who that is.

14 Number one, that -- that happened? You
15 knocked him out?

16 MR. KYLE: Well, I knocked him down.

17 MR. O'REILLY: Knocked him down. Why?
18 why would you punch Ventura?

19 MR. KYLE: It was in '06. Was the year
20 that we lost our first two SEALS in Iraq. We came
21 home. We lost our last guy just before coming home.
22 We had the wake in a SEAL bar there in Coronado.

23 And he was there. He was there for a
24 speaking engagement at a BUD ceremony, graduating
25 class --

3

1 MR. O'REILLY: Because he was a SEAL,
2 right?

3 MR. KYLE: Yes, sir.

4 MR. O'REILLY: He was a Navy SEAL.

5 So he was badmouthing the war, right?

6 MR. KYLE: Badmouthing the war,
7 badmouthing Bush, badmouthing America.

8 MR. O'REILLY: And you took exception?

2 Bill O'Reilly Interview of Ventura_1.txt

9 MR. KYLE: I did find a problem with it.

10 The family was there. I asked him to please tone it
11 down, that we did not want to upset the family
12 members of Mikey Mansoor.

13 MR. O'REILLY: Who was killed?

14 MR. KYLE: Yes, sir. And he earned the
15 Medal of Honor. He jumped on a grenade and saved
16 everybody else around.

17 MR. O'REILLY: But I want to be clear.
18 Ventura wasn't attacking him at all, verbally
19 bashing him; he was just bashing the whole thing in
20 general?

21 MR. KYLE: Yes, sir.

22 MR. O'REILLY: All right.

23 MR. KYLE: Until he said we deserve to
24 lose a few guys.

25 MR. O'REILLY: He said we deserve to --

4

1 we, the United States --

2 MR. KYLE: No. He said, "You, y'all,
3 deserve to lose a few guys."

4 MR. O'REILLY: Navy SEALs.

5 MR. KYLE: I -- I'm assuming. He was
6 saying that to me.

7 MR. O'REILLY: Was he drunk?

8 MR. KYLE: No, sir. I never saw him with
9 a drink in hand at all.

10 MR. O'REILLY: So once he said, "You
11 deserve to lose a few guys," you popped him?

12 MR. KYLE: Yes, sir.

13 MR. O'REILLY: Did he fight back?

2 Bill O'Reilly Interview of Ventura_1.txt
14 MR. KYLE: He went down. The cops were
15 there, I took off running.
16 MR. O'REILLY: You ran?
17 MR. KYLE: Yes, sir.
18 MR. O'REILLY: Did they arrest you?
19 MR. KYLE: No, sir. I -- I have a master
20 chief that always said, "Punch and run."
21 MR. O'REILLY: Now, if I ask you a tough
22 question, are you going to pop me tonight?
23 MR. KYLE: No, sir.
24 MR. O'REILLY: I'm not (inaudible) but,
25 okay, I'm good.

5

1 Now the other thing in the book is that
2 you are credited with 150 certified kills, which
3 means you, as a sniper, took out 150 guys, and
4 somebody else saw it, witnessed it. So you are the
5 most lethal sniper in U.S. history, and you have the
6 medals to prove it: Five Bronze Stars, two Silver
7 Stars, and all of that.
8 what struck me in the book, though, is
9 that you considered the people you were killing, the
10 Iraqis you were killing, quote/unquote, savages.
11 MR. KYLE: The people I was killing, not
12 just Iraqis. Yes.
13 MR. O'REILLY: Why did you consider the
14 enemy savages?
15 MR. KYLE: From their actions. The way
16 they live day to day, as far as the violence they
17 commit on American troops, the beheadings, the rape
18 of innocent villagers and towns people that they go

19 2 Bill O'Reilly Interview of Ventura_1.txt
into just to intimidate them.
20 They live by putting fear into other
21 people's hearts, and civilized people just don't act
22 that way.
23 MR. O'REILLY: You were so effective in
24 Iraq that they put \$20,000 on your head. If one of
25 them had killed you, they would have been paid

6

1 \$20,000.
2 Do you believe that they considered you a
3 savage?
4 MR. KYLE: I'm sure they did. I --
5 honestly, I don't know, and I really don't care.
6 MR. O'REILLY: So you were committed to
7 killing these people because you in your heart
8 believed that they deserved to die?
9 MR. KYLE: I wasn't so much committed to
10 killing them, as I was -- I'm committed to making
11 sure every service member that was over there,
12 whether American or Allied, came home.
13 MR. O'REILLY: But as a sniper, your job
14 is to kill them. Not wound them, not arrest them.
15 You have to have a certain mentality to be a sniper.
16 MR. KYLE: Yes.
17 MR. O'REILLY: You're killing them.
18 MR. KYLE: Oh, I'm killing them to protect
19 my fellow Americans.
20 MR. O'REILLY: And you liked it.
21 MR. KYLE: I -- I --
22 MR. O'REILLY: You liked that job. In
23 that book that comes --

2 Bill O'Reilly Interview of Ventura_1.txt

24

MR. KYLE: Yes.

25

MR. O'REILLY: You know, it was a -- your

7

1 wife didn't want you to do it, she wanted you to
2 stay home. You went back -- how many times did you
3 go back?

4

MR. KYLE: Four times.

5

MR. O'REILLY: Four times.

6

You liked killing these guys. Did you

7

ever figure that out?

8

MR. KYLE: Well, I mean, it -- it's not a

9

problem taking out someone who wants your people

10

dead. That's not a problem at all.

11

MR. O'REILLY: Do you ever, now, looking

12

back, have any regrets at all about anything that

13

you did?

14

MR. KYLE: Yes, I do. And it's the people

15

I couldn't save.

16

MR. O'REILLY: The Americans you couldn't

17

save --

18

MR. KYLE: Yes.

19

MR. O'REILLY: -- or the Allied forces?

20

MR. KYLE: Americans, the local Iraqis.

21

Anyone who I witnessed violence coming down on them

22

and I could not save them.

23

MR. O'REILLY: That's your regret?

24

MR. KYLE: Yes, sir.

25

MR. O'REILLY: You don't have post

8

1 traumatic stress or anything like that, or, you
2 know, that you killed so many human beings? That

2 Bill O'Reilly Interview of Ventura_1.txt

3 doesn't come -- come back at you?

4 MR. KYLE: None of my problems come from
5 the people I've killed.

6 MR. O'REILLY: It's very fascinating. And
7 that's why I want people to read your book, because
8 I think if they do, if they read your book, Chief,
9 American Sniper, they'll understand what war is
10 really about. Because I think too many of us don't
11 understand what war is really about.

12 MR. KYLE: I mean, war is hell. It's
13 definitely -- Hollywood fantasizes about it and
14 makes it look good. It's -- war sucks.

15 MR. O'REILLY: But they need guys like you
16 to win.

17 MR. KYLE: You -- it definitely -- you
18 have to get in the mentality and you have to not
19 think of them as a human being. You -- you have to
20 portray them as -- that's why I put --

21 MR. O'REILLY: "Savages."

22 MR. KYLE: -- "savage," definitely.

23 MR. O'REILLY: Right.

24 All right, Chief. Thanks very much. We
25 appreciate you coming on in.

9

1 MR. KYLE: All right. Thanks.

2 (End.)

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2 Bill O'Reilly Interview of Ventura_1.txt

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1 STATE OF MINNESOTA: : CERTIFICATE
2 COUNTY OF HENNEPIN:

3 I, Jane T. Doby, Registered Merit
4 Reporter, a Notary Public in and for the County of
5 Hennepin, State of Minnesota, certify that the
6 foregoing is a transcription of the audio/video
7 event entitled "Most Lethal Sniper in U.S. Military
History," found at
8 [http://video.foxnews.com/v/1368298701001/most-lethal](http://video.foxnews.com/v/1368298701001/most-lethal-sniper-in-us-military-history)
9 -sniper-in-us-military-history.

10 I was not personally present at this
11 event, and therefore I do not have personal
12 knowledge of the identities of the various speakers
heard. The foregoing transcription is done to the
best of my ability, based solely on listening to the
audio provided.

11 I further certify that I am not a
12 relative or employee or attorney or counsel of any
of the parties or a relative or employee of such
Page 8

2 Bill O'Reilly Interview of Ventura_1.txt
attorney or counsel;

That I am not financially interested in
the action and have no contract with the parties,
attorneys or persons with an interest in the
action that affects or has a substantial tendency
to affect my impartiality;

WITNESS MY HAND AND SEAL this 15th day of
January, 2012.

Jane T. Doby
Registered Merit Reporter
Notary Public
Hennepin County, Minnesota

5 Fox Five.txt

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5 "Fox Retracts the Chris Kyle Punches Jesse Ventura
6 story! OK, not really"

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8 <http://www.youtube.com/watch?v=f4P2fzR9dCA>

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Transcribed by:

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FEMALE HOST 1: All right. Well, we've
got an update to a story that we brought you last
week. Jesse Ventura is now responding to the Navy

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5 Fox Five.txt

4 SEAL who said he punched him out. Now, to refresh
5 your memory, here is what Chief Kyle said on the
6 O'Reilly Factor Thursday night.

7 "MR. O'REILLY: Why would you punch
8 Ventura?

8 MR. KYLE: It was in '06. Was the year
9 that we lost our first two SEALS in Iraq. We came
10 home. We lost our last guy just before coming home.
11 We had the wake in a SEAL bar there in Coronado.
12 And he was there. He was there for a
13 speaking engagement at a BUD ceremony, graduating
14 class --

15 MR. O'REILLY: Because he was a SEAL,
16 right?

17 MR. KYLE: Yes, sir.

18 MR. O'REILLY: He was a Navy SEAL.
19 So he was badmouthing the war, right?

20 MR. KYLE: Badmouthing the war,
21 badmouthing Bush, badmouthing America."

22 FEMALE HOST 1: All right. Well, Ventura
23 is saying that these events never happened. In
24 fact, he writes on FaceBook, quote: If this
25 happened six years ago, someone would have known of
it before now. I have always opposed the war in
Iraq, but I have never spoken or wished any ill will
towards the soldiers. Someone is out to destroy my
credibility."

So that's his response. My question to
you, the five.

3

1 FEMALE HOST 2: Did he write that, post
2 that from his newly adopted country, Mexico?
3 Because isn't that where Jesse Ventura moved to?

4 MALE HOST: Yeah.

5 FEMALE HOST 1: (inaudible)

6 FEMALE HOST 2: I believe the Navy SEAL.

7 FEMALE HOST 1: You've got something good
8 here, Eric, because you interviewed him.

5.Fox Five.txt

9 MALE HOST 1: I completely believe this
10 Navy SEAL. I had the discussion about a year ago
11 with Jesse Ventura and I brought up, you know, his
12 9/11 conspiracy theory, which by the way, he was
13 pedaling on some reality TV show he was doing.
14 Just take a look at that picture. He got
15 so mad at me. I mean, he was -- he literally was
16 pointing the finger at me. Then he stood up and
17 started shaking -- his finger was shaking at me.
18 And all I said was, "Look, I don't think you're
19 being patriotic saying that President Bush or Dick
20 Cheney had anything to do with 9/11." He went
21 ballistic on me. So I agree, I believe the Navy
22 SEAL Kyle when he says --
23 FEMALE HOST 1: In that picture, if you
24 drop the lower third, you see he has the SEAL's
25 shirt on and the Navy SEAL trident as well.

4

1 But, I mean, look, he's in trouble
2 obviously with that community because of the
3 comments that he has made, Greg.
4 MALE HOST 2: well, he says that they're
5 trying to destroy his credibility, but he's been
6 doing an excellent job at that for -- by himself.
7 He's a giant boob. And the thing that bugs me most
8 about conspiracy mongers is --
9 FEMALE HOST 1: Don't give boobs a bad
10 name.
11 MALE HOST 2: Conspiracy mongers
12 mistakenly think that conspiracy thinking represents
13 intellectual thought; when in fact, when you're

5 Fox Five.txt

14 dealing with a conspiracy, all you're doing is
15 posing questions, never answers. So it's always the
16 responsibility of you to answer their questions.

17 The best way to deal with a 9/11 truther
18 is go back at them and go: How do I know you're not
19 behind 9/11? That the government employed idiots
20 like you to purvey these silly conspiracies so you
21 actually don't think the government did it. That's
22 mind blowing.

23 MALE HOST 3: Can I pull a Greg on you?

24 MALE HOST 2: Yes.

25 MALE HOST 3: Why do you wear your glasses

5

1 like that?

2 MALE HOST 2: Because I can't see my nose.

3 MALE HOST 3: Oh, okay. I got it. By the
4 way, you should leave boobs alone.

5 Jesse Ventura got elected governor. If we
6 remember, this is a guy that ran as an independent.
7 He ran it on that -- remember that picture of him
8 going around the circle with all -- his oiled up
9 arms? All from steroids. I used a lot of steroids,
10 I must admit. I'm past the statute of limitations.
11 It does do some things to your brains, and I don't
12 think that I would take Jesse's word over this other
13 guy's word for a second. Not that Jesse's
14 necessarily lying, he just can't remember.

15 MALE HOST 2: That's true.

16 (end.)

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5 Fox Five.txt
Hennepin County, Minnesota

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4 Opie and Anthony Interview of Kyle and Jones.txt

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2 "Radio Host Confronts SEAL Sniper Over Ventura Bar
3 Brawl Story...and Reveals 'Psy-Ops' Theory"

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5 Opie and Anthony Interview of
6 Chris Kyle with Alex Jones

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8 [http://www.theblaze.com/stories/radio-host-confronts](http://www.theblaze.com/stories/radio-host-confronts-seal-sniper-over-ventura-bar-brawl-story-and-reveals-psy-ops-theory/)
9 [-seal-sniper-over-ventura-bar-brawl-story-and-reveal](http://www.theblaze.com/stories/radio-host-confronts-seal-sniper-over-ventura-bar-brawl-story-and-reveals-psy-ops-theory/)
10 [s-psy-ops-theory/](http://www.theblaze.com/stories/radio-host-confronts-seal-sniper-over-ventura-bar-brawl-story-and-reveals-psy-ops-theory/)

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(Part 1)

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HOST: We got Chris Kyle on the line. We

3

were just discussing the whole Chris Kyle thing.

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4 Opie and Anthony Interview of Kyle and Jones.txt
4 HOST: Oh, yeah.

5 HOST: Hey, Chris.

6 MR. KYLE: Hi, guys. How are you all
7 doing.

8 HOST: Turn the music off.

9 HOST: Turn the music -- Jesus.

10 (laughter)

11 HOST: Jesus.

12 HOST: Sorry, Chris.

13 (laughter)

14 HOST: Is this rock radio?

15 HOST: I guess (inaudible) was enjoying
16 (inaudible). Was doing it for his own pleasure.

17 HOST: Hi, Chris. How are you?

18 HOST: What's up, Chris.

19 MR. KYLE: Not much. How are you all
20 doing?

21 HOST: Well --

22 HOST: Good, buddy.

23 HOST: -- you told a story on our show
24 that you -- you punched Jesse Ventura in a bar.
25 And, wow, the story took off, man.

3

1 HOST: Was this the first place you had
2 ever told that story, publicly?

3 MR. KYLE: It -- well, yes. I mean, for a
4 big audience like that. I mean, the event is in the
5 book, but I purposely left his name out, because I
6 didn't want that whole thing to take off like that.

7 And then ever since then, I've been trying
8 to kind of deflect questions from it, because not

4 Opie and Anthony Interview of Kyle and Jones.txt
9 trying to make money off of putting him down or
10 anything.

11 HOST: Yeah.

12 HOST: Yeah. We -- we got a tip that it
13 was Jesse Ventura. We asked you, and we decided to
14 say yes to that, and -- and admit it was Jesse
15 Ventura. Because in, like you said, in the book
16 it's very vague. You said you punched a guy, "Fuzzy
17 Face guy" was it? Was that the exact --

18 MR. KYLE: Yeah, "Scruffy face."

19 HOST: Scruffy face, right, right.

20 Well, a lot of people are now calling you
21 a liar, including --

22 HOST: I believe you, by the way.

23 HOST: Yeah, so do I.

24 HOST: Yeah, so far we believe you,
25 absolutely.

4

1 MR. KYLE: Well, I -- they can call me
2 whatever they want, because I know this thing has
3 gotten so blown up that the only way to actually put
4 it to rest is the witnesses. I have asked them to
5 stay out of it, to where finally now I've said, You
6 know what, just go ahead, come out with it --

7 HOST: Oh, okay.

8 MR. KYLE: -- and put this behind us.

9 HOST: Good idea.

10 HOST: Oh, you have actually asked them to
11 speak up. Because there was audio we heard of
12 Ventura -- of course you probably heard it too --
13 where he's denying ever meeting you, and he's

14 4 Opie and Anthony Interview of Kyle and Jones.txt
15 harping on the fact that a crime has been committed
16 and maybe he should file charges.

17 MR. KYLE: Well, he definitely should, if
18 he thinks that's right.

19 HOST: Do you regret it at all?

20 MR. KYLE: You know what, I wish I would
21 have handled it differently. I mean, I don't -- I
22 mean, the story, I think, definitely needed to be in
23 the book like it is. But as far as -- yeah, I
24 probably should have played it down to where his
25 name didn't get out there. But, you know what, it
is now, so I'm ready to go on with it.

5

1 HOST: What exactly happened, Chris? If
2 you could just refresh, because a lot of people
3 might not have heard you on that moment. Just if
4 you could give us a brief -- just kind of sum the
5 story up so people know what we're talking about.

6 MR. KYLE: It was the wake for Mikey
7 Mansoor, and of course all the families were there.
8 He was there. He started getting loud and
9 voicing his opinion coming out against the war and
10 the troops and everything. So we asked him to keep
11 it down. And he got belligerent about it, and
12 finally said we deserve to lose a few.

13 HOST: Yeah, that's way over the line.

14 HOST: Now, was he -- he was there -- this
15 was in a bar, just so people know?

16 MR. KYLE: Yes. It was the outside patio
17 portion of a bar, and we were standing on the
18 sidewalk of it.

19 4 Opie and Anthony Interview of Kyle and Jones.txt
HOST: Now, was he with anybody or was he

20 alone, to your knowledge?

21 MR. KYLE: No, I mean, he was definitely
22 there at the bar with people.

23 HOST: Oh, he was with people. So there's
24 a few people that saw this?

25 MR. KYLE: Oh, there's a bunch of people

6

1 that saw this.

2 HOST: Yeah, and they've -- they've spoken
3 about it like in smaller circles over the years.
4 It's not like this has been a complete secret.

5 MR. KYLE: Oh, no. I mean, the entire
6 community has known about this.

7 HOST: And this is a room -- like --
8 there's a radio guy who is friends with Jesse
9 Ventura, who he thinks that we all scripted this
10 together. I guess because Opie just happened to
11 look over at the instant feedback, which is the one
12 time instant feedback actually, you know, gave us
13 something helpful.

14 HOST: Actually -- actually, it was a
15 phone call.

16 HOST: Oh, a phone call? Okay.

17 HOST: It seemed like it might have been
18 someone that really knows Chris Kyle, and was kind
19 of just, you know, hoping that you were finally
20 going to mention the name.

21 But Alex Jones says that it's a
22 conspiracy; we were in on the conspiracy, even
23 though we just met you that morning.

24 4 Opie and Anthony Interview of Kyle and Jones.txt
And by the way, we thought you were
25 awesome.

7

1 HOST: Yeah.

2 HOST: We think you did the greatest.

3 HOST: Oh, yeah. People loved you on the
4 show, man.

5 HOST: And they also -- Alex Jones also
6 says we scripted the whole thing. So we helped you
7 along and we got together and we came up with this
8 whole thing.

9 MR. KYLE: Right, and I've heard all of
10 those rumors.

11 HOST: Jesse was the wrestler. He -- he
12 did the scripted stuff not --

13 HOST: Right.

14 HOST: -- not other people.

15 (Part 2)

16 HOST: ... comfortable to me.

17 MR. JONES: Chris, listen, I hope for
18 you -- your sake that you are telling the truth.
19 And, you know, I mean, Jesse is so freaked out by
20 this, he's saying, you know, Do they have a body
21 double of me or something? Let me tell you, I --

22 HOST: Oh, well, that's paranoia.

23 MR. JONES: -- talked to him off air. He
24 is completely, he is completely flummoxed and -- and
25 dumbfounded.

8

1 HOST: "I'm flummoxed and dumbfounded."

2 HOST: Chris, were -- Chris, were you
Page 6

4 Opie and Anthony Interview of Kyle and Jones.txt

3 tempted to put Jesse's name in the -- because, Alex,
4 one thing that makes this more believable to me is
5 that Chris did not put the name in the book.

6 MR. JONES: The publisher probably said he
7 couldn't prove it.

8 HOST: The publisher --

9 MR. KYLE: No.

10 HOST: No, Chris Kyle is saying today,
11 Alex, that he can prove this, and allow the guys
12 that know about this, he finally told them, Yeah,
13 you could -- you could tell everyone what you saw
14 that day.

15 MR. JONES: Okay. Well, that's not what
16 the owner of the bar is going to say.

17 HOST: Now, Chris, why didn't you put it
18 in the book, honestly?

19 MR. KYLE: Because I didn't want this
20 whole reaction to come out here.

21 HOST: Yeah, see.

22 MR. JONES: I'm not trying to sell my book
23 off of making someone else look bad.

24 HOST: And, Alex, is it possible, because
25 we heard you call --

9

1 (end)

2 (Part 3)

3 HOST: So you think Chris Kyle is lying.

4 MR. JONES: I don't believe that Jesse
5 Ventura said, "You deserve to lose a few Navy
6 SEALS."

7 HOST: No, no, no. All right. Fair
Page 7

4 Opie and Anthony Interview of Kyle and Jones.txt

8 enough. But do you think Chris Kyle punched Jesse
9 Ventura and knocked him down?

10 MR. JONES: I told you that when I first
11 was sitting there -- you know, they come in during a
12 break when I was on the radio like last Thursday and
13 they said, "Have you seen this," you know, "from the
14 Opie and Anthony show?"

15 And I said no. Scene 1, they said here it
16 is, they pulled it up on screen, and I started
17 watching it.

18 And he says, you know, he was in there
19 talking bad about the war, blah, blah, and I
20 thought, Oh, well maybe there was a fight.

21 And then when he gets to the part about,
22 you know, "You deserve to lose a few," I was like,
23 That's a bunch of bull.

24 And so that -- that was my initial
25 response. Is that -- is that I can imagine Jesse

10

1 Ventura, you know, sometime making somebody angry
2 talking bad about the war and some type of
3 altercation ensuing.

4 But the part about him saying that, I -- I
5 cannot see that happening. And now that Jesse
6 denied it, I have to believe Jesse.

7 And let me tell you, Jesse is so shocked
8 that another Navy SEAL would say something like
9 this, because he thinks they're all honorable, that,
10 you know, off air -- he even said some of it on
11 air -- he's like, My God, Alex, do you think like --
12 like they had a double in there, this is some type

4 Opie and Anthony Interview of Kyle and Jones.txt

13 of a psyop.

14 HOST: Enough of the psyop.

15 HOST: Now, Chris, is it possible that you
16 and Jesse were arguing or you were debating and he
17 said something to the effect of it's only natural
18 you're going to lose a few? Are you 100 percent
19 sure that he said it and with the intention that you
20 heard it?

21 MR. KYLE: No. I feel that (inaudible) he
22 said exactly what I thought I heard. Them other
23 guys that were standing right there --

24 HOST: Oh, they heard it as well?

25 MR. KYLE: -- exact same way. And I feel

11

1 horrible about it coming out the way it has, and I'm
2 sorry I handled it the way I did on your show. I --
3 I guess I should have just denied it and said I
4 don't know what you're talking about. But -- and I
5 had no idea -- and after all of this has come out,
6 I've listened to different interviews of people
7 trying to, you know, say I'm lying and everything.
8 I had no idea Mr. Ventura was trying to -- was
9 thinking about public office, doing all of this
10 other stuff. I honestly have no idea who this Perle
11 guy is.

12 So, no, I'm not part of some bigger thing
13 trying to discredit him. Yeah, I feel bad that now
14 all of a sudden all of this attention is on this.
15 And I'm trying to get a story out there about, hey,
16 you all look at what the troops have to go through,
17 take notice and let's take care of these vets.

4 Opie and Anthony Interview of Kyle and Jones.txt

18 MR. JONES: Mr. Kyle, can I ask you a
19 question?

20 (Part 4)

21 MR. JONES: And I'm telling you, if Jesse
22 is lying, he is -- he is a better liar than even
23 Herman Cain. If he's lying, he's one of the best
24 liars I've ever seen.

25 HOST: So -- so that means you're saying

12

1 Chris Kyle is lying.

2 Chris, there's no doubt in your mind you
3 punched Jesse Ventura that day, right?

4 MR. KYLE: Yes, sir, definitely.

5 And Mr. West (phonetic), you're a friend
6 of Mr. Ventura's. I'd be more than happy, if you
7 would like to set up a time for me and him, not on
8 the air, me and him, to be able to talk, whether on
9 the phone or in person. I'll be in California
10 next -- or this week, and Vegas the week after. I'd
11 be more than happy to sit down, me and him talk and
12 settle this thing.

13 MR. JONES: Wow, that would be a
14 newsworthy event.

15 MR. KYLE: Well, why even make it on the
16 news. I mean, I'm trying to --

17 HOST: Yeah, Alex, what's wrong with you?

18 MR. KYLE: -- (inaudible) the questions on
19 this. He wants this thing to go away. I fully,
20 100 percent believe I'm telling the truth, you
21 believe him. I think him and I could definitely
22 clear the air.

4 Opie and Anthony Interview of Kyle and Jones.txt

23 (end)

24

25

13

1 STATE OF MINNESOTA:

2 COUNTY OF HENNEPIN:

CERTIFICATE

3 I, Jane T. Doby, Registered Merit
4 Reporter, a Notary Public in and for the County of
5 Hennepin, State of Minnesota, certify that the
6 foregoing is a transcription of the audio/video
7 event entitled, "Radio Host Confronts SEAL Sniper
8 Over Ventura Bar Brawl Story...and Reveals 'Psy-Ops'
Theory," found at
<http://www.theblaze.com/stories/radio-host-confronts-seal-sniper-over-ventura-bar-brawl-story-and-reveals-psy-ops-theory/>.

9 I was not personally present at this
10 event, and therefore I do not have personal
11 knowledge of the identities of the various speakers
heard. The foregoing transcription is done to the
best of my ability, based solely on listening to the
audio provided.

12 I further certify that I am not a
13 relative or employee or attorney or counsel of any
14 of the parties or a relative or employee of such
attorney or counsel;

15 That I am not financially interested in
16 the action and have no contract with the parties,
17 attorneys or persons with an interest in the
action that affects or has a substantial tendency
to affect my impartiality;

18 WITNESS MY HAND AND SEAL this 16th day of
19 January, 2012.

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21
22
23 Jane T. Doby
Registered Merit Reporter
24 Notary Public
Hennepin County, Minnesota
25