

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF LOUDOUN

THE VIRGINIA PROJECT,

Plaintiff,

v.

CASE NO.

JAMIE ANN NEIDIG-WHEATON,
[address redacted]

Defendant.

PLAINTIFF DEMANDS TRIAL BY JURY.

COMPLAINT

COMES NOW the Plaintiff, The Virginia Project, by counsel, and files this Complaint seeking entry of judgment against the Defendant, Jamie Ann Neidig-Wheaton, in the amount of Two Hundred Thousand Dollars (\$200,000.00) compensatory damages, and THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) punitive damages, and in support of this Complaint the Plaintiff states the following:

1. The Plaintiff, The Virginia Project (hereinafter "TVP") is and at all times relevant to this lawsuit was a Virginia political action committee registered with the Virginia Department of Elections, registration number PAC-19-01064. The mission of TVP is to facilitate communication, cooperation, and coordination among Virginia Republican party members and candidates, and provide information, education, and other resources to assist Republican Party candidates running for election to the Virginia General Assembly or to Virginia statewide offices.

2. The Defendant, Jamie Ann Neidig-Wheaton, is and at all times relevant

to this lawsuit was an adult natural person and citizen of the Commonwealth of Virginia, residing in Loudoun County, Virginia, and co-founder and moderator of a Facebook social media group called “Anti-Racist Parents of Loudoun County” (hereinafter “ARPLC”).

3. The Defendant and members of her Facebook social media group, ARPLC, believe and advocate that Loudoun County Public Schools (hereinafter “LCPS”) should adopt, endorse, promote, and teach its students and teachers the principles of critical race theory (hereinafter “CRT”) and related concepts such as “equity,” “diversity inclusion,” “culturally appropriate instruction,” and “systemic racism,” with the ultimate goal of “dismantling and disrupting systems of oppression” and “white supremacy” in LCPS.

4. The philosophical foundation of CRT and the related doctrines of equity, systemic racism, etc., is Marxist critical theory; CRT and related doctrines posit that the United States of America is inherently a racist society where black, Hispanic, and other minority citizens are “oppressed” and white citizens are “oppressors” who benefit from “white privilege” and “white supremacy” that is pervasive in every American institution, including public schools.

5. In early 2021, TVP joined with Parents Against Critical Theory (hereinafter “PACT”), an association of concerned parents of LCPS students, to oppose the endorsement, promotion, and teaching of CRT and related doctrines in LCPS, culminating in TCP and PACT co-sponsoring an educational webinar presentation for Loudoun County parents. The webinar presentation concisely explained what CRT is and its origins and philosophical underpinnings, and the danger CRT presents to traditional American values and institutions, as well as examples

of how LCPS was incorporating CRT principles and techniques in the LCPS curriculum.

6. Members of ARPLC, including Defendant, became concerned when they realized how popular and effective TVP's above referenced educational webinar presentation was, and they quickly recognized that LCPS parents' anti-CRT movement was gaining momentum.

7. In the above described context, on March 12, 2021, ARPLC members convened an online Facebook meeting and issued a "call to action," urging each other to identify and list names, addresses, employers, etc., of parents who opposed CRT in LCPS. ARPLC members discussed during the same meeting their intent to publicly expose parents who opposed CRT, infiltrate organizations like TVP and PACT who opposed CRT, and recruit computer hackers to hack into and disable websites of anti-CRT organizations.

8. TVP soon learned of ARPLC's March 12, 2021 online Facebook meeting and plans to hack and disable the websites of TVP, PACT, and other anti-CRT groups and organizations. In response, TVP contacted appropriate law enforcement authorities and reported what ARPLC members had discussed and done during their March 12 meeting, and what ARPLC planned to do in the future.

9. Soon after ARPLC's March 12 meeting, news media outlets learned about the meeting and ARPLC's related discussions and plans. The Daily Wire and other media outlets published articles about these topics, and the resulting publicity generated even more opposition to ARPLC's agenda and the promotion and/or teaching of CRT in LCPS.

10. Defendant and her fellow ARPLC members were concerned by the above referenced series of unfavorable developments after their Facebook strategy meeting on March 12th, and in this context, Defendant on March 18, 2021 appeared on a livestream podcast with podcast host and political activist Atiba Madyun. During the March 18, 2021 livestream podcast, Defendant was physically located within the Commonwealth of Virginia, and the livestream podcast was watched and heard by people located within the Commonwealth of Virginia.

11. During the above referenced March 18, 2021 livestream podcast, the Defendant publicly accused TVP of encouraging or “spurring” unnamed people to threaten the Defendant, other members of ARPLC, and their children.

12. Defendant’s above described public accusations about TVP were livestream broadcast to the podcast’s live audience on March 18, 2021, and after the podcast was concluded, anyone with internet access could easily view the podcast online. Defendant’s public statements and allegations about TVP were thereby published on March 18, 2021, and on every subsequent date when the podcast was viewed online.

13. During the above referenced March 18, 2021 livestream podcast, Defendant stated, “As a matter of fact, the Virginia Project, who has been a vocal force in this, in spurring other people to threaten us ... We’ve been threatened with kidnapping; our children have been threatened ... They’ve gone after my business; they’ve gone after our jobs ... Again, we are being threatened ... The threats are real; the FBI has been notified.”

14. On and before March 18, 2021, and at all times relevant to this lawsuit, no officer or employee of TVP threatened the Defendant, any children or relative of Defendant,

Defendant's job or Defendant's business, or any member of ARPLC.

15. On and before March 18, 2021, and at all times relevant to this lawsuit, no officer or employee of TVP asked, encouraged, or directed anyone to threaten, intimidate, or harm the Defendant, any children or relative of Defendant, Defendant's job or Defendant's business, or any member of ARPLC.

16. On and before March 18, 2021, and at all times relevant to this lawsuit, no officer or employee of TVP advocated or called for kidnapping the Defendant, any children or relative of the Defendant, or any member of ARPLC.

17. On and before March 18, 2021, and at all times relevant to this lawsuit, Defendant knew or in the exercise of reasonable care should have known that no officer or employee of TVP had threatened Defendant, any children or relative of Defendant, Defendant's job or Defendant's business, or any member of ARPLC.

18. On and before March 18, 2021, and at all times relevant to this lawsuit, Defendant knew or in the exercise of reasonable care should have known that no officer or employee of TVP asked, encouraged, or directed anyone to threaten, intimidate, or harm the Defendant, any family member or relative of Defendant, Defendant's job or Defendant's business, or any member of ARPLC.

19. On and before March 18, 2021, and at all times relevant to this lawsuit, Defendant knew or in the exercise of reasonable care should have known that no officer or employee of TVP advocated or called for kidnapping the Defendant, any children or relative of the Defendant, or any member of ARPLC.

20. On and before March 18, 2021, and at all times relevant to this lawsuit, Defendant had no information or evidence suggesting that any officer or employee of TVP threatened the Defendant, any children or relative of Defendant, Defendant's job or Defendant's business, or any member of ARPLC

21. On and before March 18, 2021, and at all times relevant to this lawsuit, Defendant had no information or evidence suggesting that any officer or employee of TVP asked, encouraged, or directed anyone to threaten, intimidate, or harm the Defendant, any children or relative of Defendant, Defendant's job or Defendant's business, or any member of ARPLC.

22. On and before March 18, 2021, and at all times relevant to this lawsuit, Defendant had no information or evidence suggesting that any officer or employee of TVP advocated or called for kidnapping the Defendant, any children or relative of the Defendant, or any member of ARPLC.

23. Defendant's above described published statements and allegations about TVP on March 18, 2021 were factual assertions, and these factual assertions were entirely false.

24. When Defendant published the above described factual statements and allegations about TVP on March 18, 2021, Defendant knew that these factual statements and allegations were false.

25. When Defendant published the above described factual statements and allegations about TVP on March 18, 2021, Defendant knew that these statements and allegations were probably false, and Defendant demonstrated a willful disregard for the truth by publishing the statements and allegations while knowing they were probably false.

26. When Defendant published the above described factual statements and allegations about TVP on March 18, 2021, Defendant failed to exercise ordinary and reasonable care to previously investigate whether or not her statements and allegations about TVP were true and accurate, and Defendant was thereby negligent in publishing these statements and allegations about TVP.

27. Defendant's act of publishing the above described false factual statements and allegations about TVP on March 18, 2021 injured and damaged TVP's reputation.

28. On March 18, 2021, and at all times relevant to this lawsuit, Defendant acted with actual malice and intended to harm TVP's reputation when Defendant published her false factual statements and allegations about TVP, and TVP is therefore entitled to seek an award of punitive damages.

29. On March 18, 2021, and at all times relevant to this lawsuit, Defendant was willfully and wantonly negligent and demonstrated a conscious disregard of TVP's rights when Defendant published her false factual statements and allegations about TVP, and TVP is therefore entitled to seek an award of punitive damages.

30. On March 18, 2021, and at all times relevant to this lawsuit, Defendant knew that publishing her false factual statements and allegations about TVP would probably cause injury to TVP, and Defendant acted with reckless indifference to the harmful consequences that would likely result when Defendant published her false factual statements and allegations about TVP, and TVP is therefore entitled to seek an award of punitive damages.

31. On March 18, 2021, and on all subsequent publishing dates, and at all times relevant

to this lawsuit, Defendant's act of publishing false and damaging factual statements and allegations about TVP constitutes defamation of TVP.

32. On March 18, 2021, and on all subsequent publishing dates, and at all times relevant to this lawsuit, Defendant's act of publishing false and damaging factual statements and allegations about TVP which suggested that TVP committed a crime of moral turpitude, suggested that TVP was unfit to perform the duties of a Virginia political action committee, suggested that TVP exhibited a lack of trustworthiness and integrity in the performance of its required tasks and duties as a Virginia PAC, and which prejudiced TVP's professional standing and reputation as a Virginia political action committee, constitutes defamation *per se* of TVP.

33. As a direct and proximate result of Defendant's negligent, willfully and wantonly negligent, recklessly indifferent, and malicious and intentional act of publishing false and defamatory factual statements and allegations about TVP on March 18, 2021 and on all subsequent publishing dates, TVP suffered embarrassment, humiliation, injury and damage to its standing and reputation as a Virginia political action committee, impairment and diminution of its ability to perform its work and duties as a Virginia political action committee, loss of financial contributions/income, and out of pocket expenses and losses.

WHEREFORE, for all the above described reasons, the Plaintiff, The Virginia Project, by counsel, respectfully demands entry of judgment against the Defendant, Jamie Ann Neidig-Wheaton, in the amount of TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) compensatory damages, and THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) punitive damages, along with prejudgment interest calculated from March 18, 2021, and taxable costs.

PLAINTIFF DEMANDS TRIAL BY JURY.

THE VIRGINIA PROJECT

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