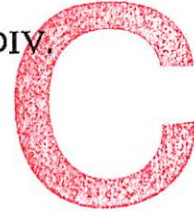


34TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. BERNARD

STATE OF LOUISIANA

NO. 23 - 0565

DIV.



IV WASTE, L.L.C.

VERSUS

LEE ZURIK and GRAY MEDIA GROUP, INC.

FILED: MAY 09 2023

 Randy S. Nunez
DEPUTY CLERK

PETITION FOR DAMAGES

Plaintiff IV Waste, L.L.C. (“IV Waste”), a Louisiana limited liability company with its registered office in the Parish of St. Bernard, through undersigned counsel, respectfully represents as follows:

PARTIES, VENUE, AND BASIS OF CLAIMS

1.

Made defendants herein are:

- (1) Lee Zurik (“Zurik”), a person of the full age of majority domiciled in Orleans Parish;
and
- (2) Gray Media Group, Inc. (“Gray Media”), a foreign corporation authorized to do and doing business throughout the State of Louisiana with a registered office in East Baton Rouge Parish.

2.

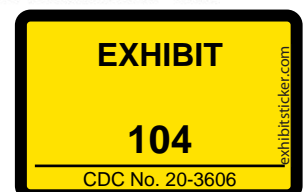
Venue is proper in this judicial district pursuant to La. C. Civ. P. arts. 73(A) and 74, and La. RS § 13:3203.

3.

Zurik, who was at all times acting in the course and scope of his employment with Gray Media as a news reporter on FOX 8 WVUE-TV (“FOX 8”), a Fox News affiliate owned by Gray Media, has repeatedly defamed IV Waste through a series of continuing reports called “Talking Trash” that began airing on FOX 8 in February 2022.

4.

Zurik and FOX 8 have been engaged in a long-running effort to create a negative and false image about IV Waste in the minds of the public. Since February 2022, Zurik and FOX 8 have aired and posted news reports advertised as “investigative” that have included statements and



conclusions about IV Waste that are demonstrably false. Prior to airing many of these reports, Zurik and FOX 8 were provided with facts, explanations, and documents that they chose to ignore, instead proceeding to publish false and misleading information portrayed to the public as “investigative”. IV Waste refrained from bringing any action initially, hoping that Zurik and FOX 8 would cease their conduct, but a recent report repeating false allegations has made it clear that this pattern of publishing false information and ignoring facts and information that are inconsistent with the negative stories Zurik and FOX 8 want to tell about IV Waste will continue. And the harm caused by the reports is not theoretical. Public officials have apparently been misled by the reports and have filed legal claims against IV Waste based on them.

5.

Specifically, on May 10, 2022, Zurik and FOX 8 aired a false “investigative” report stating that IV Waste received parade cleanup work in Kenner as part of a “rigged public bid” that “smacked” of “self-dealing” and that IV Waste unfairly received the work and “public dollars” instead of a competitor company; these allegations were false and made knowingly or recklessly. Then again, on February 15, 2023, Zurik and FOX 8 published yet another false “investigative” report repeating assertions they had previously made that IV Waste improperly billed Kenner and did not have required back up documentation to prove it did the work. When these statements were published on February 15, 2023, IV Waste in fact had all backup documentation for the date Zurik and FOX 8 reported on. Had they done any proper or reasonable investigation, they would have known those documents existed and that the substance of the report was false. As detailed herein, these are just two of the more recent false and malicious reports that Zurik and FOX 8 have aired.

6.

Enough is enough. IV Waste brings this action to end the false and defamatory pieces cloaked by Zurik and FOX 8 as “investigative reports”, which in fact were designed to put IV Waste in a false and negative light and to generate distrust by the public and IV Waste’s customers, as desired by one of its competitors, whose attorney provided Zurik with certain of the documents upon which the misleading and false reports were based.

7.

The reports have been widely published, including in St. Bernard Parish, and remain available on FOX 8’s website. Zurik and Gray Media are solidarily liable to IV Waste for all

damages caused by the defamatory statements and reports forming the basis of Counts 1 and 2 of this Petition, which damages have been sustained by IV Waste in St. Bernard Parish and elsewhere

BACKGROUND

IV Waste replaced a competitor as Kenner's garbage contractor in 2020.

8.

IV Waste provides garbage collection and disposal, recycling, and related services to municipalities, municipal districts, and parishes, as well as to private commercial customers, in and around the Greater New Orleans Area, including in St. Bernard Parish.

9.

In January 2020, IV Waste was contacted about the possibility of providing garbage collection and recycling services in the City of Kenner ("Kenner"), which services were being provided at the time by Ramelli Janitorial Service, Inc. ("Ramelli"). IV Waste had never performed services in Kenner, but, after a first meeting with then-Mayor Ben Zahn and others in the administration, the parties entered negotiations for a garbage collection contract.

10.

Following that first meeting with Kenner, IV Waste was asked if it was interested in providing a proposal for Kenner's 2020 Mardi Gras parade cleanup work. Ramelli had previously submitted a proposal for the work that was shared with IV Waste. IV Waste later submitted a better proposal that included expensive machinery and more labor at a lower price. IV Waste was awarded the cleanup work by a non-profit corporation called Visit Kenner, Inc., which is funded through grants, private donations, and contractual agreements with local governments. IV Waste performed the work in February 2020, and was paid by Visit Kenner, Inc., not Kenner.

11.

Meanwhile, IV Waste and Kenner negotiated a 10-year contract for garbage collection and recycling services that the Kenner City Council first approved on March 5, 2020. IV Waste was to start providing garbage collection, curbside recycling, and related services in Kenner on May 1, 2020. Following the March 5, 2020 City Council meeting, Kenner instructed Ramelli to stop performing those services as of May 1, 2020.

12.

Ramelli, disgruntled by the loss of Kenner's work, filed a lawsuit against Kenner for breaching its contract and one against IV Waste for alleged misrepresentations, unfair trade

practices, and conversion of property. Although Ramelli recently settled the suit against Kenner, the lawsuit against IV Waste is still pending in Orleans Parish.

13.

In addition to curbside garbage collection and recycling services, Kenner asked IV Waste to construct and operate a drop-off site where residents could dispose of large bulky waste, construction debris, and yard and storm debris. Kenner also requested that IV Waste operate a site known as the Kenner Yard, which was adjacent to the new drop-off site, and was where city contractors and employees could bring similar bulky waste materials for disposal. Both the Kenner Yard and the drop-off site were equipped by IV Waste with large 30-yard containers that, once filled, were hauled by IV Waste to Kenner's designated landfill for dumping. IV Waste charged Kenner \$350 for the hauling of each 30-yard container from both sites per the pricing terms contained in the parties' contract.

14.

IV Waste's performance of services in Kenner went smoothly and earned IV Waste exceptionally high approval ratings from Kenner's residents and praise from the City's Administration and City Council. The company established a good working relationship with Kenner as a result of its hard work, responsiveness, and quality of services. It was looking forward to working with Kenner for the 10-year term of the contract.

As the 2022 mayoral election in Kenner approached, FOX 8 began airing Zurik's "Talking Trash" series, which relied on documents given to Zurik by Ramelli's lawyer to portray IV Waste in a negative and false light.

15.

Early in 2022, it was predicted that the March 2022 mayoral race in Kenner would be a hard fought one between then Mayor Ben Zahn and now Mayor Michael Glaser. Ramelli and its owner were supporters and financial contributors to Mayor Glaser's campaign.

16.

On February 7, 2022, in the lawsuit between Ramelli and IV Waste in Orleans Parish, IV Waste made a large production of over 60,000 emails to Ramelli in discovery, which included public emails with Kenner, nonpublic emails with third parties, and internal IV Waste emails. Within a matter of days, Ramelli's attorney began providing Zurik and FOX 8 with select emails and documents from IV Waste's production which Ramelli apparently believed supported its claims that IV Waste had obtained Kenner's work through unfair or unethical means.

17.

Around the same time, Zurik contacted IV Waste for the first time with questions about its Kenner invoices and charges. Zurik requested an on-camera interview with IV Waste's owner, Sidney D. Torres, IV, in conjunction with a series of stories focusing on Kenner's garbage contract and billing. Mr. Torres declined an on-camera interview unless Zurik would conduct it live, having had prior bad experiences with Zurik years before with an on-camera interview and unfair, biased, and inaccurate reporting about Mr. Torres's previous company, SDT Waste & Debris Services. Zurik did not want to conduct the interview live though.

18.

Although there was no on-camera interview, IV Waste and its counsel met with Zurik in person and communicated with him back and forth in writing between February 11 and 16, 2022, answering Zurik's questions, providing explanations of its procedures and charges, and giving Zurik documents and information. Unbeknownst to IV Waste, Ramelli's lawyer was also providing Zurik with information and additional nonpublic documents from the Ramelli-IV Waste lawsuit and, on information and belief, meeting with Zurik at the same time. Zurik did not show or ask IV Waste about the specific internal IV Waste documents Ramelli's lawyer gave him before using them in his stories.

19.

Despite IV Waste's meeting and exchanges of information and documents with Zurik, Zurik and FOX 8 aired the first of its "Talking Trash" "investigative" series of reports on February 17, 2022, which was clearly intended to portray IV Waste in a negative light and to generate public distrust of IV Waste. FOX 8 published the story on its website as well, which was titled "Nearly \$1 million paid to Kenner trash contractor without required documentation." The title, like much of the story's content, is false and defamatory.

20.

The February 17, 2022 report questioned the truthfulness of IV Waste's charges of \$350 per large 30-yard container transported from the residential drop-off site and Kenner Yard and its bills for the special storm debris and cleanup work following Hurricane Ida, which had devastated Kenner on August 29, 2021. IV Waste's counsel and general manager provided Zurik with backup documentation and explanations for many of the charges Zurik questioned and advised him that a review was being performed with the assistance of an outside accounting firm of all Kenner

billings for the period Zurik was investigating, but Zurik deliberately omitted those facts in the report. Rather, he noted only that IV Waste had not provided certain requested documentation about its collection of storm debris. Zurik did not disclose that he had just requested those documents the day before and given the company less than 24 hours to compile and provide them. IV Waste's counsel told Zurik the company was working on it but needed a reasonable amount of time. IV Waste also demonstrated in advance of the story other inaccuracies in Zurik's understanding about procedures at the drop-off site. Zurik ignored those facts that contradicted his theory of fraudulent practices and billing by IV Waste and proceeded with the first "Talking Trash" report without waiting for the additional documentation IV Waste was compiling, falsely stating that IV Waste had overcharged Kenner for nearly \$1 million for which no backup documentation existed, which was not true. The report also suggested, without justification, that documentation IV Waste had provided to FOX 8 was not credible. This was just the beginning of Zurik's and FOX 8's repeated pattern of not giving IV Waste a reasonable opportunity to provide all requested information and documents and deliberately ignoring facts, documents, and information that demonstrated the falsity of the reports Zurik and FOX 8 wanted to publish.

21.

The second "Talking Trash" report, aired on February 21, 2022 and was based in part on internal IV Waste emails Ramelli's lawyer gave to Zurik on February 11 and 15, 2022, as well as, on information and belief, additional information provided by Ramelli's lawyer. This report, published on FOX 8's website with the title "Behind-the-scenes dealings raise questions about Kenner garbage contract," was designed to lead the public to believe that IV Waste obtained the Kenner contract through secret and unethical "backroom deals" involving Nick Nicolosi, who Zurik described as "a powerful behind-the-scenes politico" and friend of the then-Mayor. Zurik's report intentionally implied that IV Waste received the contract by secretly paying Nicolosi through a third party. This false narrative was nothing more than rank speculation and, not surprisingly, mirrored the same unsupported theory Ramelli was advancing in its lawsuit against IV Waste. Zurik featured an internal IV Waste email on air given to him by Ramelli's lawyer but intentionally portrayed the email in a false light to insinuate that IV Waste was lying about not having a financial relationship with Nicolosi. Although Zurik contacted IV Waste's counsel on the day of the story and asked if it had any comment about Nicolosi, Zurik intentionally did not show or ask IV Waste about the email he featured in the report in a misleading and deceptive manner.

On information and belief that is because Zurik knew the truth about the email would not support the negative story he wanted to tell about IV Waste.

22.

The day following the “behind the scenes dealing” report, Zurik and FOX 8 aired yet another slanderous “Talking Trash” segment that falsely reported to the public that IV Waste was improperly billing Kenner for thousands of households that did not receive recycling pickup, not following the contract in calculating its recycling fee, and cheating Kenner by shortening the recycling routes but billing for full routes. The false statement in the report about shortened recycling routes was again based on internal IV Waste emails Zurik obtained from Ramelli’s attorney which again were taken out of context. Zurik did not ask IV Waste about the internal email he planned to use because, on information and belief, he again knew that that the truth would contradict his planned story. Similarly, the misleading statements in the report about how fees for recycling are supposed to be calculated and that IV Waste was deliberately charging more than the contract allowed are flatly contradicted by the plain language of IV Waste’s contract with Kenner. Zurik and FOX 8 published those statements knowing they were false, or they exhibited a reckless disregard for their falsity by not bothering to look at the contract before airing the piece. Zurik and FOX 8 were wholly undeterred from proceeding with the misleading and derogatory report they had prepared even though they were provided with explanations, information, and documentation contradicting multiple statements in the report.

23.

Zurik and FOX 8 continued to publish defamatory “Talking Trash” reports about IV Waste’s alleged improper and unsupported billing of Kenner in March 2022 against the backdrop of the heated Kenner’s mayor’s race. A March 10, 2022 report claimed that IV Waste overcharged Kenner for post-Hurricane Ida debris collection and disposal, pointing primarily to discrepancies between IV Waste’s bills and the landfill’s records in the weeks following Hurricane Ida. The unmistakable and intended message to the public and Kenner, again, was that IV Waste had cheated and overcharged Kenner. Zurik and FOX 8 published this misinformation despite that IV Waste had given Zurik documentation from the landfill that explained the discrepancy and information showing that IV Waste had in fact *underbilled* Kenner on the date Zurik was “investigating.” Zurik and FOX 8 aired the report without noting either, continuing their pattern of irresponsible, misleading, biased, and deceptive reporting about IV Waste.

24.

Then, on May 10, 2022, in reliance on additional emails from Ramelli's lawyer, Zurik and FOX 8 televised a "Talking Trash" report about IV Waste's performing the parade cleanup job in Kenner over two years prior.¹ Zurik and FOX 8 claimed FOX 8 that they had "uncovered" a rarely seen "paper trail" proving a "rigged public bid" and backroom secret deals between Kenner and IV Waste. The report charged that the "paper trail" revealed the "leaking" by Kenner of Ramelli's "confidential bid" to IV Waste as part of a "bid rigging" that allowed IV Waste to receive "public dollars" from Kenner through unfair and unethical means.

25.

There were numerous false statements and inaccuracies in the May 10, 2022 televised report, and Zurik and FOX 8 knew it. At a minimum, they published the inaccurate statements with a high degree of awareness of their probable falsity. First, there was no public bid, nor was one required, because the contract for the parade cleanup was not with the City of Kenner but with a private non-profit corporation, Visit Kenner, Inc. IV Waste told Zurik that in writing before the report aired. Accordingly, IV Waste did not receive "public dollars"; it was paid by Visit Kenner, Inc., which is funded by various means including private donations, a fact that is publicly available. Additionally, there was no unethical breach of confidentiality. Non-confidential proposals were solicited from at least three vendors, including Ramelli, and IV Waste's was chosen because it was lower and provided more labor and equipment than Ramelli's.

26.

Zurik and FOX 8 deliberately did not report on those facts provided in advance by IV Waste,² and they ignored publicly available information that contradicted the story they wanted to tell, which was one that perpetuated the biased and false narrative that IV Waste received work from Kenner (under the Ben Zahn administration) through unfair and unethical means that

¹ The timing of this report is noteworthy, especially considering that it addressed a small job from over two years before. In May 2022, IV Waste and Ramelli were competing for a New Orleans garbage collection contract. The feeding of the emails and the negative and misleading reporting appeared timed to influence the results of New Orleans contract award against IV Waste, although it was still awarded the work. More recently, Zurik and FOX 8 have begun airing new "Talking Trash" reports aimed at New Orleans Mayor Latoya Cantrell's administration and suggesting that IV Waste was awarded the New Orleans work as political payback. The recent reports do not discuss that IV Waste received the highest scores based on objective criteria established for the public bid process and offered the best pricing.

² Zurik and FOX 8 briefly displayed IV Waste's written statement during the televised report but did not highlight or even comment on the fact that the parade cleanup work was with Visit Kenner, Inc. FOX 8 made IV Waste's written statement available on its website, but never reported that the contract was not a public one with a non-profit corporation.

disadvantaged Kenner and Kenner's former garbage contractor Ramelli. Zurik and FOX 8 knowingly published the false statements in the report or published them with a high degree of awareness of the probable falsity.

After Mayor Glaser took office, IV Waste's relationship with Kenner deteriorated and Kenner sued IV Waste in part pointing to one of Zurik's "Talking Trash" reports.

27.

Michael Glaser beat Ben Zahn in the March 2022 mayoral race and took office on July 1, 2022. Mayor Glaser met with Ramelli's principal, Robert Ramelli, within two weeks of taking office, despite the fact that Ramelli's lawsuit against Kenner was still pending. In the coming months, the Mayor continued to meet with Ramelli and the same attorney who had provided Zurik documents used in the "Talking Trash" reports. During this period, Kenner began questioning IV Waste about certain alleged billing "discrepancies" and supposed overcharges that were the subject of Zurik's "Talking Trash" series.

28.

IV Waste and its counsel met with Mayor Glaser and his administration multiple times during the fall of 2022 and provided them literally with binders of documentation that the new administration apparently could not locate and detailed explanations of all charges about which it was questioned. IV Waste also provided Kenner with the review generated in early 2022 with the assistance of an outside accounting firm, which detailed and reconciled billings and invoices for IV Waste's post-Hurricane Ida cleanup work, which Zurik and FOX 8 had "investigated." The review demonstrated that IV Waste had in fact *underbilled* the City by \$36,148 during the same period that Zurik and FOX 8 falsely told the public Kenner had been overcharged and possibly fraudulently charged by IV Waste.

29.

Nevertheless, the Mayor and his administration decided on a course of action to take certain of IV Waste's contracted services away – based on alleged improper overcharges – and give those back to the Mayor's political donor, Ramelli. In fact, Robert Ramelli texted the Mayor in November 2022 telling him, "I really need help." On information and belief, the Mayor met with Robert Ramelli and/or Ramelli's lawyer four different times between July 2022 and January 2023.

30.

By January 13, 2023, Kenner was discussing settlement of Ramelli's lawsuit against Kenner. Following an internal meeting at the Mayor's office about Ramelli, the Mayor texted Zurik

(not for the first time) on January 18, asking Zurik to call him and advising Zurik that there was a meeting with IV Waste set for January 23, 2023. Zurik followed up with the Mayor on January 23. And, although the Mayor had asked for a proposal from IV Waste at the January 23 meeting to resolve the growing dispute over billing issues, he told Zurik on January 23 that Kenner had already decided to cease IV Waste's recycling and drop-off site services. IV Waste was not informed of that news until days later, on January 27, 2023, when it received a letter from the City Attorney's Office stating that all "supplementary services" (recycling and drop-off site) were "suspended" as of March 1, 2023. Soon after, IV Waste learned that Kenner was settling the Ramelli lawsuit for \$1.2 million and that Ramelli would be providing recycling and drop-off site services as of March 1, for the same per-household rate IV Waste had been charging.

31.

On February 10, 2023, IV Waste filed a petition for declaratory judgment against Kenner, asking a Court to declare that the parties' contract did not allow Kenner to suspend the recycling and drop-off site services and replace it mid-contract with Ramelli. IV Waste also sought a declaration that Kenner was in default on the contract.

32.

Kenner responded on February 14 by suing IV Waste, claiming it had been overbilled and/or fraudulently charged over \$2 million since 2020. Kenner specifically asserted in the lawsuit that "IV Waste is improperly charging the City \$350 per container for "roll offs" from the Drop-Off Site which either do not exist or are not filled to capacity as revealed in Fox8 News investigation by Lee Zurik published on February 17, 2022." Kenner calculated its damages for these allegedly improper container charges as totaling over \$1.1 million.

33.

Zurik and FOX 8 promptly reported on Kenner's claims against IV Waste on the night of Kenner's filing, referencing Zurik's earlier negative reporting on IV Waste. On the following day, February 15, 2023, Zurik and FOX 8 aired a new "Talking Trash" report about the lawsuit, in which it repeated false statements from prior reports and made new ones.

34.

For instance, Zurik highlighted two dates during the post-Hurricane Ida cleanup on which he again reported to the public that IV Waste improperly charged Kenner for hauling 30-yard containers from the residential drop-off site. Specifically, Zurik noted that, on November 12, 2021,

IV Waste billed Kenner for hauling 14 containers from the drop-off site but that only 12 residents had visited the site to dispose of waste that day. Zurik falsely represented that “IV essentially claimed each resident brought enough trash to fill up more than one of the large containers.” He further incorrectly reported: “on that day IV billed Kenner for 14 containers, it only had backup documentation of dumping two containers at the landfill,” stating that “it’s unclear why IV charged Kenner for the additional 12 containers that day.”

35.

Zurik similarly pointed out that on January 16, 2022, IV Waste charged to haul six containers but only eight residents visited the drop-off site that day. According to Zurik, “IV Waste claimed the eight residents filled up six 30-yard containers,” which he had reported in the past “would be nearly impossible.” In other words, the unmistakable and intended gist of the report was that IV Waste had fraudulently billed Kenner for containers that could not have been filled by the small number of residents and/or were not in fact hauled and dumped on the two dates he and FOX 8 featured.

36.

The story about alleged fraudulent billing for November 12, 2021, which Zurik first put together in February 2022, hinged on Zurik’s once mistaken belief that all the containers at issue had been located and filled at the residential drop-off site, where he and FOX 8 had set up a surveillance camera to film residents entering and exiting. But IV Waste and its counsel demonstrated to Zurik in advance of the February 2022 report that he was mistaken and that the premise of his theory about fraudulent charges was unsupported. IV Waste and its counsel, through an in-person meeting and multiple written communications in February 2022, explained to Zurik that the invoice on which his story relied did not distinguish containers filled at the residential drop-off site from those filled at the adjacent Kenner Yard, which is the site where the City, IV Waste, other city contractors and subcontractors, and city employees were disposing of large volumes of storm and construction debris in the same type of IV Waste containers. Zurik expressed surprise to learn of the Kenner Yard, about which he appeared to know nothing. He asked IV Waste multiple times about the layout of the two sites and the access points for the Kenner Yard in the days leading up to the first airing of his story in February 2022. IV Waste detailed the layout of the two sites for him and the access points for the Kenner Yard. The information provided to Zurik, which could easily be verified by visiting the site, demonstrated that Zurik’s surveillance of

the drop-off site entrance did not capture the large number of trucks and trailers entering and exiting the Kenner Yard every day in November with debris from Hurricane Ida, which had devastated Kenner and caused massive destruction and damage. In other words, it was demonstrated to Zurik at the time that his hypothesis that the 14 containers emptied on November 12, 2021 were all filled at the drop-off site by residents and theory of fraudulent practices and billing by IV Waste were unsupported.

37.

IV Waste also explained to Zurik in February 2022 that there was no basis to assume that a container hauled from the drop-off site on a particular date had been filled to capacity on that same day, as there could be a high volume of residential debris brought one day, but not enough to fill a container, and a small number of residents may fill the container the next day. Indeed, the sign in sheets from the drop-off site, which, on information and belief, Zurik had, showed that 124 residents visited the site in the six days leading up to November 12, 2021, and 102 residents had been to the drop-site in the five days leading up to January 16, 2022. Zurik and FOX 8 of course ignored all of this in the reports aired on February 17, 2022 and February 15, 2023.

38.

Regarding Zurik's repeated statement (first on February 17, 2022 and again on February 15, 2023) that IV Waste did not have backup documentation to prove that it in fact hauled and dumped all of the containers billed on November 12, 2021, that was also false. In February 2022, IV Waste told Zurik that it was in the process of conducting a review of Kenner's bills and compiling all available backup documentation for the charges, including for November 12, 2021, but that the review was not completed. IV Waste requested some additional time to finish the review and provide Zurik and FOX 8 with the information and documentation. Zurik and FOX 8 ignored the request and ran the story on February 17, 2022. They published the same false statement again on February 15, 2023, despite knowledge that the review was to have been completed in 2022 and having reviewed IV Waste's lawsuit against Kenner that referenced and attached the review. Zurik and FOX 8 ignored that the review showed IV Waste underbilled, not overbilled, Kenner in November 2021. They also published again on February 15, 2023, the false statement that IV Waste only had backup documentation for two of 14 containers dumped on November 12, 2021, when IV has backup documentation proving that every container on IV Waste's invoice for November 12, 2021 had in fact been hauled and dumped at the landfill.

39.

The February 15, 2023 report was irresponsible, reckless, and false.³ Zurik and FOX 8 knew that IV Waste never claimed to Kenner or anyone else that the small number of residents on November 12, 2021 and January 16, 2022 somehow filled the number of large containers on a single day. Zurik and FOX 8's statements that IV Waste made such claims had no factual basis. Further, documents and information demonstrating the falsity of Zurik's statement about the absence of backup documentation for IV Waste's charges on November 12, 2021 were available. But Zurik only provided IV Waste with a vague description of what the report would cover on the afternoon the report was scheduled to air. He did not identify the specific issues, bills, or dates that were being covered in the report or ask for any documentation, exhibiting further malice and recklessness in his and FOX 8's reporting on IV Waste.

40.

Zurik and FOX 8's widely published and disseminated reporting on IV Waste has consistently portrayed IV Waste in a false and negative light. The reports discussed herein were intentionally designed to raise suspicions about IV Waste's business practices and ethics and to harm its reputation and business relationships. Zurik and FOX 8 routinely ignored documentation and explanations from IV Waste that did not fit with the reports' unflattering narrative about IV Waste, and, in doing so, they deliberately, or at least recklessly, spread misinformation and caused harm to the company.

CAUSES OF ACTION

Count 1: Defamation Based on the May 10, 2022 Report

41.

The statements and assertions aired on May 10, 2022 regarding IV Waste and its obtaining of the 2020 parade cleanup work were false, deceptive, and *per se* defamatory. Zurik and FOX 8 knew or should have known that there was no requirement for a public bidding process; that Zurik had not "uncovered" a "paper trail" proving a "rigged public bid"; and that there was no unethical

³ There are other inaccuracies and misleading statements in the report about IV Waste's charges for contaminated recycling, as Zurik and FOX 8 suggested that IV Waste improperly handled and charged for contaminated material and was not honestly reporting to Kenner about the large volume of contaminated recycling. But IV Waste had provided Zurik with video evidence of the large amount of contamination, which Zurik of course did not mention. Nor did he report that Kenner under the Zahn administration had authorized and approved of the manner in which IV Waste handled contaminated recyclable materials, instead creating a false impression that IV Waste had been acting without authorization and was cheating Kenner.

leaking of confidential proposals to IV Waste. Nor was IV Waste paid by Kenner's "public dollars" as stated. Zurik intentionally did not report the information IV Waste had provided regarding the source of the job and funds (Visit Kenner, Inc.) and, in reliance on documents provided by Ramelli's lawyer, perpetuated the false narrative that Ramelli had been treated unfairly in Kenner because of IV Waste's secret and unethical "backroom deals". Zurik and FOX 8 demonstrated malice and a reckless disregard for whether the statements published on May 10, 2022 were true or false and caused harm to IV Waste.

Count 2: Defamation Based on the February 15, 2023 Report

42.

The statements and assertions made in the February 15, 2023 report about IV Waste and its bills for hauling and dumping containers from the drop-off site in the months following Hurricane Ida were also misleading, untrue, and defamatory *per se*. Zurik and FOX 8 all but expressly accused IV Waste of engaging in fraud despite knowledge of facts that rebutted and undermined the story. Further, Zurik and FOX 8 knew that IV Waste had been working on a review of the bills Zurik questioned, which entailed compiling all backup documentation. Instead of asking whether documentation had been located to support the charges Zurik highlighted in the report, he and FOX 8 recklessly proceeded with the story and falsely claimed that IV Waste did not have backup documentation, when in fact it did. Once again, Zurik and FOX 8 acted with malice and a reckless disregard for the truth and published false and defamatory information about IV Waste, which caused IV Waste harm.

DAMAGES

43.

Zurik and FOX 8's intentional and/or reckless reports have caused harm to IV Waste's business reputation, led to a loss of work and business opportunities, and damaged its relationship with one of its key public customers – the City of Kenner. On information and belief, the complained of reports by Zurik and FOX 8 influenced Kenner's decision to "suspend" certain of IV Waste's services and replace IV Waste with Ramelli. Kenner has sued IV Waste for \$1.2 million in damages pointing directly to Zurik and FOX 8's reporting. Not only have the irresponsible and defamatory reports damaged IV Waste's current business relationships, but the reports continue to cause harm as they are, and will remain, available on the internet to all of IV Waste's potential new customers in the future.

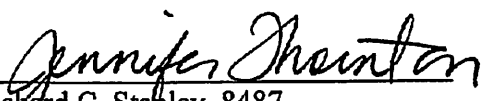
JURY DEMAND

44.

IV Waste requests a trial by jury on all issues properly tried to a jury.

WHEREFORE, Plaintiff IV Waste, L.L.C., respectfully prays that Defendants Lee Zurik and Gray Media Group, Inc. be cited to appear and answer the allegations contained herein, and that after due proceedings, there be judgment rendered in favor of IV Waste and against Defendants *in solido* for all damages as are reasonable in the premises, for interest thereon from the date of judicial demand until paid, for all costs of these proceedings, and for any further and other legal and equitable relief as the Court deems necessary and proper.

Respectfully Submitted,


Richard C. Stanley, 8487
Jennifer L. Thornton, 27109
Patrick M. Bollman, 38674
Stanley Reuter Thornton & Alford LLC
909 Poydras Street, Suite 2500
New Orleans, Louisiana 70112
Telephone: (504) 523-1580
Facsimile: (504) 524-0069
rcs@stanleyreuter.com
jlt@stanleyreuter.com
pmb@stanleyreuter.com

Gregory J. Noto, 14275
NOTO LAW FIRM
532 East Judge Perez Drive
Suite 102
Chalmette, Louisiana 70043
Telephone: (504) 279-6686
Facimile: (504) 324-0329
greg@notolawfirm.com

Counsel for IV Waste, L.L.C.

PLEASE SERVE

Lee Zurik
1025 S Jefferson Davis Pkwy
New Orleans, Louisiana 70125

Gray Media Group, Inc.
through its agent:
CT Corporation System
3867 Plaza Tower Drive
Baton Rouge, Louisiana 70816

