

# Exhibit A

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA  
CASE NO:

ALEKSEJ GUBAREV, XBT HOLDING S.A.,  
AND WEBZILLA, INC.,  
Plaintiffs,

vs.

BUZZFEED, INC. AND BEN SMITH,  
Defendants.

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**COMPLAINT FOR DAMAGES**

Plaintiffs, Aleksej Gubarev (“Mr. Gubarev”), XBT Holding S.A. (“XBT”), and Webzilla, Inc. (“Webzilla”)(collectively, “Plaintiffs”) sue Defendants Buzzfeed, Inc. (“Buzzfeed”) and Ben Smith (“Mr. Smith”) for damages. In support, Plaintiffs allege the following:

**INTRODUCTORY STATEMENT**

1. On January 10, 2017, in perhaps one of the most reckless and irresponsible moments in modern “journalism,” Defendant Buzzfeed and its Editor in Chief Ben Smith chose to publish a “dossier” of unverified information compiled by a private security company in which various allegations were made concerning, among other things, computer hacking allegedly carried out by persons or organizations with ties to Russia, the Russian Government, and/or the Federal Security Service of the Russian Federation (“FSB”).

2. And, although Buzzfeed and Smith specifically knew that at least portions of the dossier were untrue, they printed the entire document – without meaningful redactions – including those portions that falsely accused the Plaintiffs of participating in an alleged conspiracy to commit crimes against the Democratic Leadership, not to mention a conspiracy to

undermine American Democracy and the 2016 election. With respect to the Plaintiffs, these allegations were wholly and completely false.

3. BuzzFeed and Smith published these allegations without having even taken the most basic step of contacting the Plaintiffs to ask if the allegations had any merit. Indeed, in its original publication of the dossier, BuzzFeed itself *admitted* it had no idea what – if anything – in the dossier was truthful, writing:

The dossier, which is a collection of memos written over a period of months, includes specific, unverified, and potentially unverifiable allegations... BuzzFeed News reporters in the US and Europe have been investigating various alleged facts in the dossier but have not verified or falsified them. ...[The dossier] is not just unconfirmed: It includes some clear errors.

4. As of the date of this filing, the original BuzzFeed article has been viewed almost six million times and BuzzFeed has published eight additional follow-up articles, each of which links back to the original defamatory publication.

5. Plaintiff Aleksej Gubarev, who is married with three young children is not, in any way, shape, or form, a public figure. As a result of BuzzFeed and Mr. Smith's reckless publication of defamatory materials, he has found his personal and professional reputation in tatters. His wife has found herself a target of online harassment and the family's personal security has been compromised. Similarly, the economic damage to XBT and Webzilla (a Florida Corporation), including the harm to the companies' previously-unblemished reputations with their clients, lenders, vendors, and others has been immediate and ongoing.

### **PARTIES**

6. Plaintiff Aleksej Gubarev is an individual who resides in the Republic of Cyprus. Mr. Gubarev has lived in Cyprus since 2002. Mr. Gubarev is the Chairman and CEO and director of Plaintiff XBT Holding S.A.

7. Plaintiff XBT Holding S.A. is a company organized under the laws of Luxembourg. XBT has offices in Florida and Texas as well as other locations across the globe. XBT has various subsidiary companies, including Webzilla, Inc.

8. Plaintiff Webzilla, Inc. is a Florida corporation with offices in Fort Lauderdale.

9. Defendant BuzzFeed, Inc. is a Delaware Corporation. According to BuzzFeed, it has offices in “18 cities around the world including New York, Los Angeles, San Francisco, London, Sydney, Sao Paulo, and Tokyo.” BuzzFeed owns and operates the BuzzFeed.com website as well as the BuzzFeed mobile app. According to BuzzFeed’s media kit, it has in excess of 200 million unique monthly views. BuzzFeed.com is one of the most trafficked websites in the United States, currently ranked in the top 100 websites visited in the U.S.

10. Defendant Ben Smith is an individual who, on information and belief, resides in Brooklyn, New York. Mr. Smith is the Editor in Chief of BuzzFeed.

#### **JURISDICTION, VENUE, AND CONDITIONS PRECEDENT**

11. This Court has subject matter jurisdiction over Plaintiffs’ claim for damages as each claim is in excess of \$15,000.

12. This Court has personal jurisdiction over the Defendants pursuant to Florida Statute 48.193(1)(b). The Defendants posted defamatory materials concerning the Plaintiffs on their website (and through their mobile app), which materials were accessed in Florida, constituting the commission of the tortious act of defamation within Florida under section 48.193(1)(b).

13. This Court also has personal jurisdiction over the Defendants pursuant to Florida Statute 48.193 because:

(a) Defendants have caused injury to persons or property within Florida, arising out of acts or omissions undertaken outside of the state and Defendants regularly solicit advertising and viewers within Florida;

(b) Defendants have committed intentional torts expressly aimed at one or more of the Plaintiffs, the effects of which were suffered in this circuit. Defendants' intentional conduct was calculated to cause injury to one or more of the Plaintiffs in Florida and has caused injury to one or more of the Plaintiffs in Florida. Based on their intentional torts, Defendants should have reasonably anticipated being haled into this Court and due process is satisfied. .

14. Venue is proper in Broward County because the tort occurred in Broward County and the harm to the Plaintiffs was felt in Broward County in that Plaintiff regularly conducts business in Broward County, Florida.

15. All conditions precedent to this action have been performed. Specifically, although not actually required to do so, Plaintiffs provided Defendants with pre-suit notice and a demand for a retraction pursuant to Florida Statutes Chapter 770.01, *et seq.* See **Exhibit 1**.

### **FACTUAL ALLEGATIONS**

16. Mr. Gubarev is an individual who lives, with his wife and three children, in Cyprus. He is a 36 year-old venture capitalist and tech expert. In 2002, at the age of 22, he moved from Russia to Cyprus and, in 2005, he founded Webzilla Limited (an XBT predecessor) – a company that specializes in internet hosting, data, and web-development.

17. Over the next 12 years, Mr. Gubarev grew XBT to an international business with various subsidiary companies, employing approximately 300 employees in three different continents. XBT has offices in Texas, Florida, and Luxembourg, among others.

18. Mr. Gubarev has never been involved in politics and is not a public figure. Outside of technology circles, he is not known at all.

19. Webzilla, Inc., one of XBT's subsidiaries, is a Florida corporation with offices in Fort Lauderdale, Florida and Dallas, Texas.

20. XBT and its subsidiaries operate approximately 37,000 servers across the globe, with approximately 40 percent of its business being handled over the servers run out of Dallas, Texas. Approximately 27 percent of XBT's global business comes from within the United States.

21. Given that XBT's and Webzilla's businesses focus on internet hosting solutions, network services, and web development services, their reputation for providing secure services has been carefully cultivated and paramount to the success of the businesses.

22. Similarly, prior to the Defendants' publication of defamatory materials, Mr. Gubarev's own professional reputation has been untarnished and key to his ability to build XBT and Webzilla into successful international hosting companies.

23. On January 10, 2017, BuzzFeed and Mr. Smith published an online article entitled, "These Reports Allege Trump Has Deep Ties To Russia" (the "Defamatory Article") The Defamatory Article, which at the time of this writing has been viewed more than 5.9 million times, can be found at [https://www.buzzfeed.com/kenbensinger/these-reports-allege-trump-has-deep-ties-to-russia?utm\\_term=.fvQvex17e#.yez3nBr3](https://www.buzzfeed.com/kenbensinger/these-reports-allege-trump-has-deep-ties-to-russia?utm_term=.fvQvex17e#.yez3nBr3). A true and accurate copy of the Defamatory Article is attached hereto as **Exhibit 2**. On information and belief, the Defamatory Article has (conservatively) been viewed in Florida tens of thousands of times.

24. This Defamatory Article attached a 35-page unverified "dossier" of information compiled by a private security company. On information and belief, the dossier was created as part of opposition research conducted as part of the 2016 election campaign; it is not an official

document and was not created by any government entity. A true and accurate copy of the dossier attached to the Defamatory Article is attached hereto as **Exhibit 3**.

25. The dossier included various allegations concerning, among other things, allegations of computer hacking of the Democratic Party allegedly carried out by persons or organizations with ties to Russia, the Russian Government, and/or the Federal Security Service of the Russian Federation (“FSB”).<sup>1</sup>

26. With respect to the Plaintiffs, the dossier included the following assertions of fact:

*[redacted] reported that over the period March-September 2016 a company called XBT/Webzilla and its affiliates had been using botnets and porn traffic to transmit viruses, plant bugs, steal data and conduct “altering operations” against the Democratic Party leadership. Entities linked to one Alexei GUBAROV [sic] were involved and he and another hacking expert, both recruited under duress by the FSB, Seva KAPSUGOVICH, were significant players in this operation. In Prague, COHEN agreed contingency plans for various scenarios to protect the operations, but in particular what was to be done in the event that Hillary CLINTON won the presidency. It was important in this event that all cash payments owed were made quickly and discreetly and that cyber and that cyber and other operators were stood down / able to go effectively to ground to cover their traces.*

27. Not a single portion of this statement (as it applies to Mr. Gubarev, XBT, or Webzilla) has any basis in fact whatsoever. Specifically:

- a. Neither XBT nor Webzilla nor any of their affiliates had been “*using botnets and porn traffic to transmit viruses, plant bugs, steal data and conduct ‘altering operations’*” against the Democratic Party leadership or anyone else;
- b. No “*entities linked*” to Mr. Gubarev were involved in any alleged cyber-attacks;
- c. Mr. Gubarev was not “*recruited under duress by the FSB*” (to be clear, he was not recruited at all – whether under duress or otherwise), nor was he recruited for such activities by anyone else at any other time or in any other circumstances whatsoever. Additionally, he has no knowledge of, has never met and has never spoken to a person known as Seva Kapsugovich;

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<sup>1</sup> The FSB is the main successor agency to the USSR's Committee of State Security (“KGB”).

- d. Mr. Gubarev and his companies have never acted with “*another hacking expert*” to mount a cyber-attack on the Democratic Party Leadership or on any other person; and
- e. Not having been involved in the activities attributed to them in the “dossier,” neither Mr. Gubarev nor any of his companies would have had any need to “*go effectively to ground to cover their traces*” in the event that Ms. Clinton won the presidency.

28. Although Buzzfeed and Mr. Smith claim that they had the dossier in their possession for weeks prior to its publication, and despite their claims that they had four reporters working near full-time on attempting to verify the claims made in the dossier, prior to publishing the Defamatory Article and the dossier, neither Buzzfeed nor Mr. Smith contacted the Plaintiffs to determine if the allegations made against them had any basis in fact. After the dossier’s publication numerous journalists (more than 30) contacted Mr. Gubarev with some even arranging to travel to Cyprus to discuss the publication with Mr. Gubarev. During this time, and up to the present day, neither Buzzfeed nor Mr. Smith contacted the Plaintiffs to determine if the allegations made against them had any basis in fact.

29. At the time the Defendants published the Defamatory Article and accompanying dossier, they knew, without a doubt, that at least certain portions of the dossier were untrue. Indeed, the Defamatory Article stated specifically that:

The dossier, which is a collection of memos written over a period of months, includes specific, unverified, and potentially unverifiable allegations... BuzzFeed News reporters in the US and Europe have been investigating various alleged facts in the dossier but have not verified or falsified them. ...[The dossier] is not just unconfirmed: It includes some clear errors.

30. In other words, Buzzfeed and Mr. Smith knew for sure *only* that certain parts of the dossier were *untrue*. Other than the portions confirmed by them to be false, Buzzfeed and Mr. Smith had been unable to verify the veracity of any of the claims made in the dossier.



31. Indeed, Mr. Smith has admitted that BuzzFeed knew at the time that it published the Defamatory Article and dossier that there were “real solid reasons to distrust” the veracity of the allegations contained therein.

32. Despite these concerns, BuzzFeed and Mr. Smith took no steps to redact out the names of the Plaintiffs from the dossier, a step they could have taken easily and which would not have changed the character of their reporting.

33. BuzzFeed and Mr. Smith immediately faced an onslaught of criticism for their irresponsible decision to publish the unverified dossier and the Defamatory Article – drawing condemnation from media outlets and journalism experts across the political spectrum including The Washington Post, CNN, MSNBC, Fox News, and the Poynter Institute to name a few.

34. Despite this condemnation, BuzzFeed published eight additional follow-up articles, each of which contained a link back to the original Defamatory Article.

30. In addition, Mr. Smith published an Op-Ed in the New York Times and appeared in numerous television and radio interviews defending his decision to publish the Defamatory Article and the dossier. Some of these articles and interviews actually compounded the defamatory effect by implying that BuzzFeed had verified the claims made.

35. For example in his New York Times Op-Ed, Mr. Smith stated that BuzzFeed decided to publish the dossier “only after we had spent weeks with reporters in the United States and Europe trying to confirm or disprove specific claims.” What the New York Times Op-Ed omitted, however, is that BuzzFeed had failed entirely in these efforts. The Op-Ed also failed to state that BuzzFeed had made no attempts to contact Mr. Gubarev, XBT, or Webzilla and – on information and belief – had made no attempts to verify the claims made as to the Plaintiffs.

36. Similarly, Mr. Smith stated on CNN's Reliable Sources that Buzzfeed was "running it down every way we could" and told MSNBC's Meet the Press Daily that "we, like many other organizations had had [the dossier] for weeks. We had reporters in Europe and the United States trying to stand up or knock down specific details."

37. Buzzfeed and Mr. Smith's decision to publish the unverified dossier not only flew in the face of all journalistic standards and ethics, but also violated Mr. Smith's own claims of how Buzzfeed operates. Less than two months before it published the Defamatory Article and dossier, Mr. Smith wrote an article for the Columbia Journalism Review in which he claimed that Buzzfeed not only routinely took steps to verify the facts that they published but that doing so was "not complicated." Specifically, in an article entitled "How tech and media can fight fake news," published on November 17, 2016, Mr. Smith wrote:

Mark Zuckerberg recently wrote that "identifying the 'truth' is complicated." Maybe for algorithms and epistemologists. But it's something that professional journalists are asked to do every day, and it's not actually that complicated. The everyday reporting truths—who said what, when did they say it, what does the document say, where did the money go—are the sorts of thing we're good at pinning down.

#### **COUNT I – DEFAMATION AND DEFAMATION PER SE**

38. Plaintiff re-alleges and re-asserts the allegations set forth in paragraphs 1-37 as if fully set forth herein.

39. Defendants Buzzfeed and Mr. Smith, by and through their representatives, published false and defamatory statements concerning Plaintiffs without privilege to do so.

40. The false and defamatory statements included, but are not limited to, allegations that:

- a. XBT and Webzilla used "*botnets and porn traffic to transmit viruses, plant bugs, steal data and conduct 'altering operations'*" against the Democratic Party leadership;
- b. "*entities linked*" to Mr. Gubarev were involved in cyber-attacks;

- c. Mr. Gubarev was “*recruited under duress by the FSB*”
- d. Mr. Gubarev and his companies acted with “*another hacking expert*” to mount a cyber-attack on the Democratic Party Leadership; and
- e. Mr. Gubarev and his companies would need to “*go effectively to ground to cover their traces*” in the event that Ms. Clinton won the presidency.

41. The defamatory statements were published without privilege to third parties, including thousands or tens of thousands (or more) residents of Florida.

42. None of the Plaintiffs are public figures, nor are they limited public figures for purposes of a defamation analysis.

43. The defamatory statements were made negligently; without reasonable care as to their truth or falsity; with knowledge of their falsity; and/or with reckless disregard for the truth.

44. The statements allege that the Plaintiffs committed crimes including (but not limited to) computer hacking and that the Plaintiffs engaged in behavior designed to undermine American democracy and the 2016 Presidential election.

45. The statement are of the kind that they would tend to prejudice the Plaintiffs in the eyes of a substantial and respectable minority of their communities.

46. The statements have caused, and will continue to cause, the Plaintiffs injury in their personal, social, and business relations.

47. XBT and Webzilla have suffered, and will continue to suffer, actual injury as a result of injury to their corporate reputations. At least one lender has declined to do business with XBT and/or Webzilla based on the defamatory statements published by the Defendants and, on information and belief, the defamatory statements have also cost Webzilla and XBT clients.

48. Mr. Gubarev has suffered, and will continue to suffer, actual injury as a result of the injury to his personal reputation.

49. The defamatory statements tend to injure the Plaintiffs in their business trade as the allegations call into question the security and proper operation of the Plaintiffs' businesses. Additionally, the above statements subject Plaintiffs to distrust, scorn, ridicule, hatred, and contempt. As such, the defamatory statements constitute defamation *per se*.

50. In addition, as a direct and proximate result of the defamatory statements made by Defendants, Plaintiff has suffered, and continue to suffer, substantial damages.

51. It is clear from the statements made by Buzzfeed and Mr. Smith, discussed above, that they had actual knowledge of the wrongfulness of their conduct and the high probability that injury or damage to the Plaintiffs would result and that, despite that knowledge, the Defendants intentionally pursued that course of conduct, resulting in injury or damage. Accordingly, and in conformity with Florida Statute §768.72, the Plaintiffs will seek leave of court to seek an award of punitive damages against Defendants. In the alternative, Plaintiffs will also seek leave of court to seek punitive damages under Florida Statute §768.72 because the Defendants' actions, as described above, were so reckless or wanting in care that they constituted a conscious disregard or indifference to the rights of the Plaintiffs.

### **PRAYER FOR RELIEF**

WHEREFORE, plaintiffs Aleksej Gubarev, XBT Holding S.A., and Webzilla, Inc. pray for judgment against defendants Buzzfeed, Inc. and Ben Smith as follows:

1. For an award of general and special in an amount in excess fifteen thousand dollars (\$15,000.00) in accordance with proof at trial together with interest thereon at the maximum legal rate; and Plaintiffs reserve the right to seek leave of court to seek punitive damages against Defendants in accordance with the facts and claims stated herein and established through discovery;

2. For costs of suit incurred herein; and

3. For such other and further relief as to this court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a trial by jury on all issues so triable.

Respectfully submitted this 3<sup>rd</sup> day of February, 2017 by:

The Plaintiffs,  
Aleksej Gubarev,  
XBT Holding S.A.  
Webzilla, Inc.  
By their Attorneys,

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## EXHIBIT 1

**BOSTON LAW GROUP, PC**

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January 28, 2017

**By Email and By Hand Delivery**

Mr. Ben Smith, Editor in Chief  
BuzzFeed, Inc.  
111 E. 18th Street  
13th Floor  
New York, NY 10003.

**Re: Aleksej Gubarev, XBT Holding, S.A., and Webzilla, Inc.**

Dear Mr. Smith:

Please be advised that this office represents Mr. Aleksey Gurarev ("Mr. Gubarev"), XBT Holding, S.A. ("XBT"), and Webzilla, Inc., a Florida Corporation ("Webzilla"). Please direct all future communications to me directly.

I am writing to you in accordance with Florida Statutes Chapter 770.01, *et seq.* to provide you with pre-suit notice that Mr. Gubarev, XBT, and Webzilla intend to initiate litigation against BuzzFeed and you individually in connection with the BuzzFeed article published on January 10, 2017 entitled, "These Reports Allege Trump Has Deep Ties To Russia." The article, which at the time of this writing has been viewed more than 5.8 million times, can be found at [https://www.buzzfeed.com/kenbensinger/these-reports-allege-trump-has-deep-ties-to-russia?utm\\_term=.fvQvex17e#.yez3nBr3](https://www.buzzfeed.com/kenbensinger/these-reports-allege-trump-has-deep-ties-to-russia?utm_term=.fvQvex17e#.yez3nBr3).

As you are aware, this article attached a 35-page so-called "dossier" of information allegedly compiled by a private security company in which various allegations were made concerning, among other things, allegations of computer hacking of the Democratic Party allegedly carried out by persons or organizations with ties to Russia, the Russian Government, and/or the Federal Security Service of the Russian Federation ("FSB").<sup>1</sup>

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<sup>1</sup> The FSB is the main successor agency to the USSR's Committee of State Security ("KGB").



Mr. Ben Smith  
January 28, 2017  
Page 2

Of particular concern to my clients, the dossier which you published contained the following assertions of fact:

*[redacted] reported that over the period March-September 2016 a company called XBT/Webzilla and its affiliates had been using botnets and porn traffic to transmit viruses, plant bugs, steal data and conduct "altering operations" against the Democratic Party leadership. Entities linked to one Alexei GUBAROV [sic] were involved and he and another hacking expert, both recruited under duress by the FSB, Seva KAPSUGOVICH, were significant players in this operation. In Prague, COHEN agreed contingency plans for various scenarios to protect the operations, but in particular what was to be done in the event that Hillary CLINTON won the presidency. It was important in this event that all cash payments owed were made quickly and discreetly and that cyber and that cyber and other operators were stood down / able to go effectively to ground to cover their traces.*

I want to be abundantly clear: Not a single portion of this statement (as it applies to Mr. Gubarev, XBT, or Webzilla) has any basis in fact whatsoever. Specifically:

1. Neither XBT nor Webzilla nor any of their affiliates had been *"using botnets and porn traffic to transmit viruses, plant bugs, steal data and conduct 'altering operations'"* against the Democratic Party leadership or anyone else;
2. No *"entities linked"* to Mr. Gubarev were involved in any alleged cyber-attacks;
3. Mr. Gubarev was not *"recruited under duress by the FSB"* (to be clear, he was not recruited at all – whether under duress or otherwise), nor was he recruited for such activities by anyone else at any other time or in any other circumstances whatsoever. Additionally, he has no knowledge of, has never met and has never spoken to a person known as Seva Kapsugovich;
4. Mr. Gubarev and his companies have never acted with *"another hacking expert"* to mount a cyber-attack on the Democratic Party Leadership or on any other person; and
5. Not having been involved in the activities you attribute to them in the "dossier," neither Mr. Gubarev nor any of his companies would have had any need to *"go effectively to ground to cover their traces"* in the event that Ms. Clinton won the presidency.

I would be remiss if I did not mention that this is not the ordinary case in which a media outlet, in good faith, published information that it reasonably believed to be true. BuzzFeed (and you, specifically) explicitly did *not* believe that all aspects of the report were true – and, indeed, you have said as much. BuzzFeed did nothing to confirm the truth or falsity of the information with respect to Mr. Gubarev, XBT, or Webzilla. BuzzFeed made no attempts to contact Mr. Gubarev, XBT, or Webzilla and – perhaps most disturbingly – BuzzFeed did not even bother to



Mr. Ben Smith  
January 28, 2017  
Page 3

take the simple step of redacting my clients' names, something that would have taken no time, cost no money, and not changed the character of your "reporting" at all. This was, in short, a complete abdication of journalistic standards and ethics.

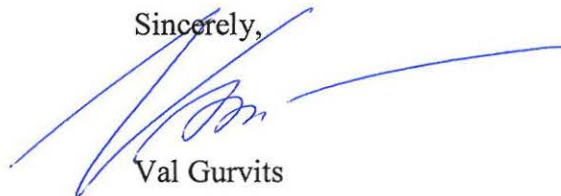
Despite your explicit knowledge that certain facts contained in the report were untrue, you published the allegations concerning Mr. Gubarev, XBT, and Webzilla apparently without the slightest care as to how such publication would adversely impact Mr. Gubarev, XBT, and Webzilla.

Mr. Gubarev is not, in any way, shape, or form, a public figure. He is a private individual who woke up one day to find that your website had – shockingly – tied him to an alleged Russian conspiracy to commit crimes against Democratic Leaders, not to mention a conspiracy to undermine American Democracy. The resulting damage was immediate, ongoing, and completely predictable. Mr. Gubarev is married with three young children. As a result of the publication of your article, his wife has found herself a target of online harassment and the family's personal security compromised. Mr. Gubarev has found his professional and personal reputation left in tatters. Similarly, the economic damages to XBT and Webzilla – including (but not limited to) the harm to the company's previously-unblemished reputation with its clients, lenders, vendors, and others has been immediate. That Webzilla would be harmed in Florida, where it is incorporated and has offices, as well as in other locations across the globe was also fully predictable.

Pursuant to the Florida Statute, my clients are demanding an immediate and complete retraction of the libelous materials in a manner designed to be as visible as the original article. Such retraction should take place immediately and, at the latest, prior to February 3, 2017. As noted, Mr. Gubarev, XBT, and Webzilla intend to initiate litigation in Florida. Please understand, however, that the issuance of such a retraction – while absolutely necessary – will *not* relieve you of the potential for punitive damages because the original report was not "published in good faith; that its falsity was due to an honest mistake of the facts; [or] that there were reasonable grounds for believing that the statements in said article or broadcast were true." Florida Statutes Chapter 770.02(a). Nevertheless, my clients consider such a retraction to be a precursor to any possible discussion of an amicable resolution to this matter.

If you or your counsel would like to discuss this matter prior to the initiation of litigation, please feel free to contact me before February 3, 2017.

Sincerely,

A handwritten signature in blue ink, appearing to read "Val Gurvits", with a long horizontal flourish extending to the right.

Val Gurvits

## EXHIBIT 2



TOP POST  
5,950,378 VIEWS



# These Reports Allege Trump Has Deep Ties To Russia

A dossier, compiled by a person who has claimed to be a former British intelligence official, alleges Russia has compromising information on Trump. The allegations are unverified, and the report contains errors.

Originally posted on Jan. 10, 2017, at 6:20 p.m.

Updated on Jan. 10, 2017, at 9:09 p.m.



**Ken Bensinger**  
BuzzFeed News Reporter



**Miriam Elder**  
BuzzFeed News World Editor



**Mark Schoofs**  
BuzzFeed News Investigations  
Editor



Drew Angerer / Getty Images

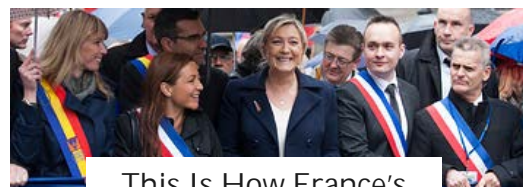
A dossier making explosive — but unverified — allegations that the Russian government has been “cultivating, supporting and assisting” President-elect Donald Trump for years and gained compromising information about him has been

## In The News Today

- President Trump's senior adviser Kellyanne Conway says she meant to say "Bowling Green terrorists" after citing a nonexistent "massacre."
- Hundreds of US residents are still trapped by Trump's executive immigration orders, fueling a bitter battle between civil rights attorneys and border patrol agents.
- Uber CEO Travis Kalanick is dropping out of Donald Trump's economic advisory panel after backlash among customers led to the "Delete Uber" hashtag.
- A pharmaceutical company hiked the price of its life-saving overdose antidote from \$575 to \$4,100 in the middle of an opioid epidemic.

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## BuzzFeed **NEWS**



This Is How France's Nationalist Party Is Winning Gay Support

by J. Lester Feder

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The dossier, which is a collection of memos written over a period of months, includes specific, unverified, and potentially unverifiable allegations of contact between Trump aides and Russian operatives, and graphic claims of sexual acts documented by the Russians. BuzzFeed News reporters in the US and Europe have been investigating various alleged facts in the dossier but have not verified or falsified them. [CNN reported](#) Tuesday that a two-page synopsis of the report was given to President Obama and Trump.

Now BuzzFeed News is publishing the [full document](#) so that Americans can make up their own minds about allegations about the president-elect that have circulated at the highest levels of the US government.

The document was prepared for political opponents of Trump by a person who is understood to be a former British intelligence agent. It is not just unconfirmed: It includes some clear errors. The report misspells the name of one company, "Alpha Group," throughout. It is Alfa Group. The report says the settlement of Barvikha, outside Moscow, is "reserved for the residences of the top leadership and their close associates." It is not reserved for anyone, and it is also populated by the very wealthy.

The Trump administration's transition team did not immediately respond to BuzzFeed News' request for comment. However, the president-elect's attorney, Michael Cohen, [told Mic](#) that the allegations were absolutely false.

"It's so ridiculous on so many levels," he said. "Clearly, the person who created this did so from their imagination or did so hoping that the liberal media would run with this fake story for whatever rationale they might have."

And Trump shot back against the reports a short time later on Twitter.

His former campaign manager and current senior White House adviser, Kellyanne Conway, also denied the claims during [an appearance](#) on *Late Night With Seth Meyers*, adding that "nothing has been confirmed." She also said Trump was "not aware" of any briefing on the matter.

The documents have circulated for months and acquired a kind of legendary status among journalists, lawmakers, and intelligence officials who have seen them. *Mother Jones* writer David Corn referred to the documents in [a late October column](#).

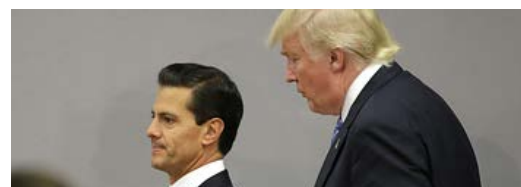
Harry Reid spokesman Adam Jentleson tweeted Tuesday that the former Senate Democratic leader had seen the documents before writing a public letter to FBI Director James Comey about Trump's ties to Russia. And CNN reported Tuesday that Arizona Republican John McCain gave a "full copy" of the memos to Comey on Dec. 9, but that the FBI already had copies of many of the memos.

**If you have tips related to this story, write us at [trumpstories@buzzfeed.com](mailto:trumpstories@buzzfeed.com). To send us information confidentially, go [here](#).**

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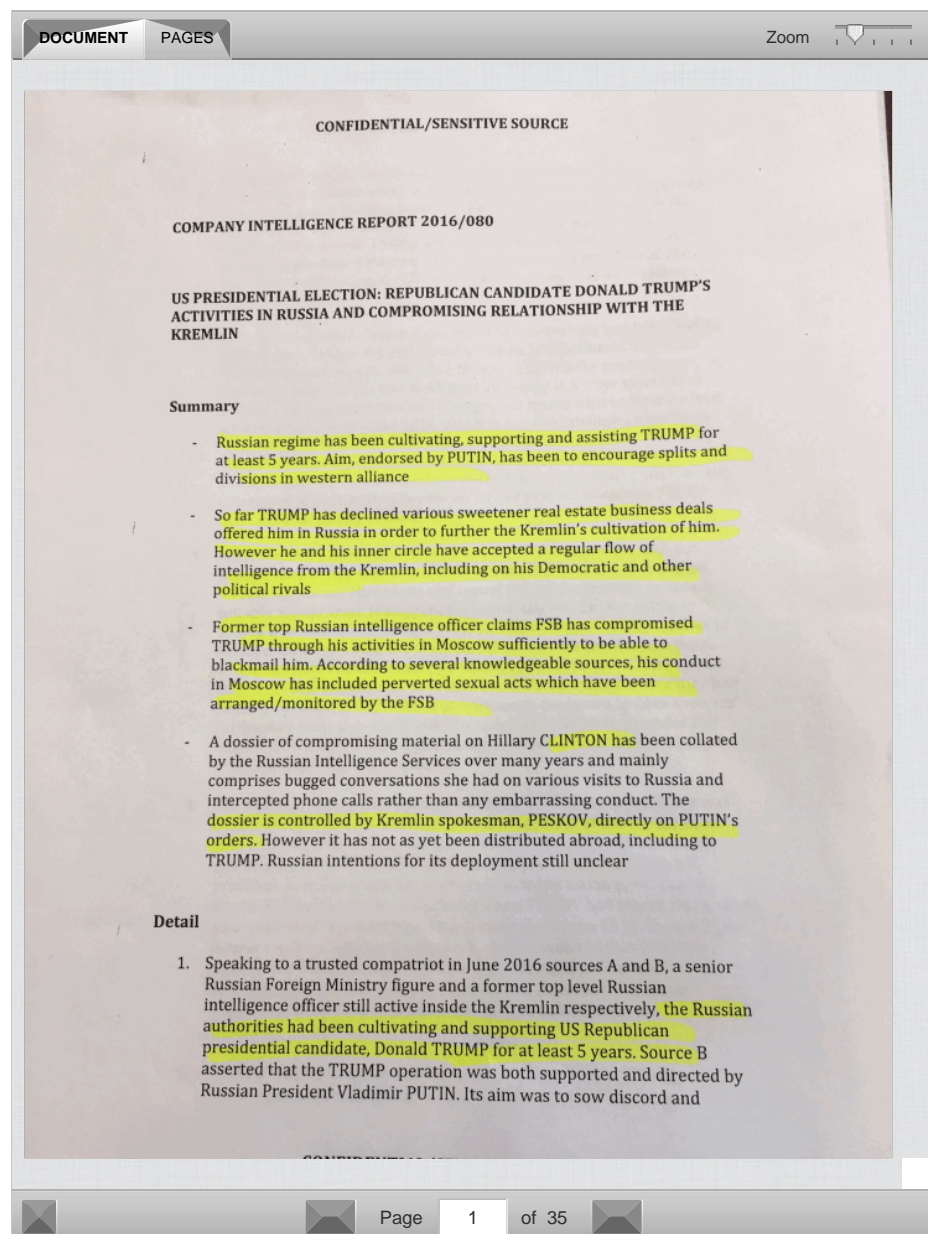


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Meet The "Good Trolls" Secretly Spying On Trump Supporters And Neo-Nazis

Ken Bensinger is an investigative reporter for BuzzFeed News and is based in Los Angeles. His secure PGP fingerprint is 97CC 6E32 10A2 23FE 4E84 98B4 9CFF 4214 9D26 8AA7  
Contact Ken Bensinger at [ken.bensinger@buzzfeed.com](mailto:ken.bensinger@buzzfeed.com).

Miriam Elder is the world editor for BuzzFeed News and is based in New York. Her secure PGP fingerprint is 5B5F EC17 C20B C11F 226D 3EBE 6205 F92F AC14 DCB1  
Contact Miriam Elder at [miriam.elder@buzzfeed.com](mailto:miriam.elder@buzzfeed.com).

Pulitzer-prize winner Mark Schoofs is the investigations and projects editor for BuzzFeed News. While working at The Village Voice, Schoofs won the [2000 Pulitzer Prize for International Reporting](#) for his series on AIDS in Africa.  
Contact Mark Schoofs at [mark.schoofs@buzzfeed.com](mailto:mark.schoofs@buzzfeed.com).



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## Aleksej Gubarev

Co-founder and CEO at XBT Holding

Aleksej Gubarev was born on 20 June, 1980 in Ust-Ilimsk, Irkutsk Oblast.

In 1996 Aleksej entered Novosibirsk State University where he studied at Faculty of Mechanics and Mathematics. He has been working in IT industry from year 2000 when he run various local projects.

In 2005, when he was 25, he founded XBT – company that specializes in hosting, data and web-development. XBT Holding now has 11 subsidiaries collaborating over 9 countries. XBT Holding is a parent company for such projects as [Fozzy.com](#), IaaS hosting provider [Servers.com](#), secureVPN.



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## SUCCESSFUL BUSINESS



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# Exhibit C

**The New York Times** | <https://nyti.ms/2k8xon7>

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U.S.

# Russian Executive Sues BuzzFeed Over Unverified Trump Dossier

By ELI ROSENBERG FEB. 4, 2017

A Russian technology executive who was named in a dossier containing unverified allegations about connections between President Trump and the Russian government has sued BuzzFeed News, which published the information.

The defamation suit was filed in court on Friday in Broward County, Fla., according to lawyers for the executive, Aleksey Gubarev, the chief of XBT, a technology company based in Luxembourg. The suit focuses on allegations, made near the end of the dossier, that Mr. Gubarev and his company were involved in hacking operations against the leadership of the Democratic Party.

In the complaint, Mr. Gubarev's lawyers say that BuzzFeed acted recklessly; that none of the statements have any basis in fact; and that Mr. Gubarev's association with the dossier has left his reputation "in tatters," compromised his family's security and damaged his company's business prospects. It called BuzzFeed's decision "perhaps one of the most reckless and irresponsible moments in modern 'journalism.'"

The publishing of the dossier was one of the most startling moments of the weeks before Mr. Trump's inauguration.

Compiled by a former British intelligence operative who was hired by Mr. Trump's Republican rivals and later by supporters of Hillary Clinton, the document had circulated for months among high-ranking government officials and journalists. The veracity of its claims had been investigated but never proved.

But after CNN reported last month that intelligence officials had presented a summary of the allegations to Mr. Trump and President Barack Obama, BuzzFeed decided to publish the document in full, saying that "Americans can make up their own minds about allegations about the president-elect that have circulated at the highest levels of the U.S. government."

When it published the dossier, BuzzFeed noted that it contained errors and that its claims had not been verified. The publication's editor in chief, Ben Smith, later wrote that its reporters in the United States and Europe spent weeks investigating the report.

BuzzFeed ignited a debate over both the claims in the report as well as the outlet's decision to break from typical journalistic practices in publishing it. Mr. Trump denounced the unproven claims as a Nazi-esque smear, and called BuzzFeed a "failing pile of garbage" during a heated news conference on Jan. 11.

Mr. Gubarev's lawsuit claims that while more than 30 publications tried to contact him after the dossier's publication, he was not contacted by BuzzFeed for his response to the allegations.

Mr. Gubarev, 36, lives in Cyprus with his wife and three children. He founded the site Webzilla — which is also identified in the report, the complaint notes — and built it into an international business, XBT, with more than 300 employees around the world.

The lawsuit was filed in Florida, where Webzilla is registered.

A federal lawsuit over the publishing of a sex tape featuring the wrestler Hulk Hogan that led the website Gawker to file for bankruptcy and eventually shut down was also filed in the state. That case, over invasion of privacy, remains a cautionary tale in the media world.

After learning of the lawsuit on Friday, BuzzFeed removed the names of Mr. Gubarev and his company from the dossier. “We have redacted Mr. Gubarev’s name from the published dossier, and apologize for including it,” the company said in an emailed statement to The New York Times.

A spokesman for BuzzFeed said it had redacted other names in the document and should have redacted Mr. Gubarev’s, but the spokesman defended the company’s decision to publish the dossier.

Mr. Gubarev’s lawyers have also filed a lawsuit in Britain against the former intelligence agent who compiled the report and his consulting company.

The lawsuit against BuzzFeed comes at a tense moment for the news media. Mr. Trump’s administration has castigated journalists for challenging unverified or false claims presented by the White House as fact, and the president’s chief strategist, Stephen K. Bannon, has labeled the news media “the opposition party.”

Floyd Abrams, a First Amendment scholar and lawyer, said the lawsuit was a “difficult situation for BuzzFeed to be confronted with.”

“It seems inevitable that BuzzFeed will say in some fashion that subjecting it to crippling damages for publishing the dossier would, in the end, imperil the public’s right to know just what misconduct an American president” is suspected of, he said. He added that he could foresee lawyers arguing to move the case to federal court or to a court outside Florida. In the complaint, Mr. Gubarev’s lawyers argue that he is not a public figure. But if the court disagrees, Mr. Gubarev’s lawyers would have to prove that BuzzFeed acted not only negligently, but also maliciously.

One potential argument for defense lawyers is a principle called neutral reportage, which defends the publishing of some defamatory material if it is a matter of public interest and “does it in a fair and disinterested manner, without endorsing a defamatory charge,” Mr. Abrams said. The principle has been rejected by some courts, however, and has not been tested widely, he added.

“I would think that wherever this case is heard, an absolutely central issue will be whether a court would adopt the neutral reportage principle and say basically

precisely what the editor of BuzzFeed has been saying — that this is an enormous matter of public interest, we reported it fairly, we did not endorse it, we made very clear that these were simply charges that were well known to everyone but the American public,” he said.

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# Exhibit D

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<https://www.wsj.com/articles/russian-tech-executive-files-lawsuit-against-buzzfeed-over-dossier-1486175951>

## BUSINESS

# Russian Tech Executive Files Lawsuit Against BuzzFeed Over Dossier

Aleksej Gubarev, chief executive of a web-hosting company, was identified in dossier as hacking expert involved in stealing data from Democratic Party



While many news organizations had seen the dossier but withheld publication because they were unable to verify its claims, BuzzFeed published the full dossier online on Jan. 10. *PHOTO: BRENDAN MCDERMID/REUTERS*

By **LUKAS I. ALPERT**

Feb. 3, 2017 9:39 p.m. ET

A Russian tech executive whose name appeared in an unsubstantiated intelligence dossier on President Donald Trump has filed defamation lawsuits against BuzzFeed, which published the dossier online, and the former British intelligence officer who is believed to have compiled it.

Aleksej Gubarev, chief executive of XBT Holding, a Luxembourg web-hosting company, was identified in the dossier as a hacking expert involved in stealing data from the Democratic Party.

The suit against BuzzFeed, which was filed in state court in Broward County, Fla., called the site's publication of the dossier "perhaps one of the most reckless and irresponsible moments in modern 'journalism.'" The suit also names the



website's editor in chief, Ben Smith, as a defendant.

It alleged that even though “BuzzFeed and Smith specifically knew that at least portions of the dossier were untrue, they printed the entire document—without meaningful redactions.”

A spokesman for BuzzFeed said in a statement that the site, which had redacted some names and information when it originally published the full document, has since “redacted Mr. Gubarev’s name from the published dossier, and apologizes for including it.”

The 35-page dossier purported to contain intelligence that Russian officials have compromising personal and financial information about Mr. Trump and that the Kremlin colluded with members of Mr. Trump’s team to help get him elected. Both Mr. Trump and the Russian government have dismissed the allegations.

While many news organizations had seen the dossier but withheld publication because they were unable to verify its claims, BuzzFeed published the full dossier online on Jan. 10. BuzzFeed posted the dossier after CNN broke the news that U.S. intelligence agencies had included a two-page summary of the document in a briefing given to then-President Barack Obama and Mr. Trump before his inauguration.

In a statement, Mr. Gubarev called the allegations about himself “libelous, unverified and untrue” and said he was seeking an undetermined amount of compensation for damages he and his company suffered.

BuzzFeed’s decision to publish the unverified document was controversial in the journalism world. Mr. Smith defended the move in a staff memo at the time, saying the information was circulating at the highest levels of the U.S. government and readers had a right to make up their own minds about it.

A separate lawsuit, filed in the High Court of Justice, Queen’s Bench Division in London, accused former intelligence officer Christopher Steele and his firm, Orbis Intelligence Ltd., of tarnishing Mr. Gubarev’s name and his company, causing them to lose clients and damaging their relationship with lenders.

Mr. Steele, who people familiar with the matter have told The Wall Street Journal was responsible for compiling the report, couldn’t immediately be reached for comment.



In an interview with the Journal in January, Mr. Gubarev, who lives in Cyprus, said he hasn't resided in Russia for 15 years and wasn't involved in politics. He insisted he runs a legitimate business and doesn't employ hackers.

In the Florida lawsuit, Mr. Gubarev said his wife has become the target of online harassment and his "family's personal security has been compromised."

**Write to** Lukas I. Alpert at [lukas.alpert@wsj.com](mailto:lukas.alpert@wsj.com)

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# Exhibit E

NATIONAL JANUARY 11, 2017 3:08 PM

# Russian tech expert named in Trump report says US intelligence never contacted him



How is agency reportedly coping

An image of Alexsej Gubarev from the Russian website of Servers.com, which is owned by his parent company, XBT Holding. From Servers.ru website

BY KEVIN G. HALL AND TIM JOHNSON  
McClatchy Washington Bureau

WASHINGTON — A Russian venture capitalist and tech expert whose name and company are mentioned in the now-notorious document alleging connections between the Donald Trump campaign and Russian hackers says no intelligence officers have ever contacted him about the accusations, which he says are false.

A report compiled by a former Western intelligence official as opposition research against Trump was made public Tuesday when BuzzFeed posted its 35 pages. The document included unsubstantiated claims of collusion between the Trump campaign team and the Kremlin.



**Trump addresses Russia  
accusations, business dealings in**

## post-election press conference

President-elect Donald Trump on Wednesday delivered his first press conference since the November presidential election. Trump addressed his relationship with Russia and how he will handle his business once taking office.

C-SPAN

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It also alleged that global tech firm XBT Holding, with operations in Dallas, was instrumental in the hack of leaked Democratic Party emails that embarrassed Hillary Clinton and fellow Democrats.

XBT, owner of Dallas-based enterprise-hosting company Webzilla, is run by a successful Russian tech startup expert, Aleksej Gubarev. In a phone interview from Cyprus, where he said he'd lived since 2002, Gubarev said he was surprised to see his name in the report.

"I don't know why I was there," Gubarev said, adding that perhaps a competitor sought to discredit him. "I still don't understand the true reason for this report."

The salacious innuendoes in the periodic reports about Trump's personal life dominated social media headlines. The mention of Webzilla and Gubarev was among the more specific allegations: that XBT and affiliates "had been using botnets and porn traffic to transmit viruses, plant bugs, steal data and conduct 'altering operations' against the Democratic Party leadership."

Gubarev said he operated 75,000 servers across the globe and got real-time information if there had been hacking or illicit activity tied to his businesses. There is no evidence of that, he said, adding that no one has contacted him.

“I have a physical office in Dallas. Nobody contacted me,” said Gubarev, adding that 40 percent of his business is handled over the servers it runs in Dallas and the United States accounts for about 27 percent of his global business.

President-elect Trump confirmed Wednesday at a news conference that he had seen the 35-page report, and he blasted it as “fake news” and an “absolute disgrace.”

McClatchy has reported that Sen. John McCain, R-Ariz., gave the bulk of the report to FBI Director James Comey on Dec. 9. The final pages of the report are dated Dec. 11. McClatchy had the report earlier but couldn't verify any of its allegations.

A federal law enforcement source told McClatchy that the document was being examined as part of a broader FBI inquiry into Russia's influence on the U.S. election but wouldn't characterize its credibility. A source familiar with the former Western intelligence expert who compiled the dossier told McClatchy that the ex-spy has extensive experience in tracking activities in the Kremlin.

The report alleges that Gubarev and another

hacking expert were recruited under duress by the FSB, the Russian intelligence-agency successor to the KGB. Gubarev said he had not been threatened or blackmailed, nor had his mother, who lives in Russia.

Gubarev's Facebook page shows his wife, Anna Gubareva, and him on the bow rail of a fast-moving luxury yacht. His profile picture shows him behind the wheel of a vintage convertible Citroen. He is the public face of a number of tech companies around the globe.

XBT offers an array of tech services, from dedicated hosting of servers and cloud-based storage to developing apps for mobile phones and offering virtual private servers. His company advertises specialized services to software developers, advertisers, gaming companies and electronic-commerce enterprises. It also operates data centers in Russia, Asia, Europe and Dallas.

XBT has been on a buying spree in recent years, accumulating companies in the web-hosting and related fields, including DDoS.com, 1-800-HOSTING, SecureVPN.com, ColocateUSA, Server.lu in Luxembourg, Singapore's 8 to Infinity, and a site used heavily to host pornography, fozy.com. It acquired Webzilla about a decade ago, which is a medium-sized web-hosting company.

Although Webzilla operates from Texas, it has a "pretty deep Russian client base," analyst Carl Brooks of 451 Research, a Boston-based

consultancy, said in a December interview.

“They don’t have a bad reputation, by any means.”

He said the same went for XBT Holding: “To the best of my knowledge, XBT is not particularly nefarious.” He estimated annual revenues for XBT between \$50 million and \$200 million.

Gubarev suspected he might have been named in the report because of comments to Bloomberg’s Russia business columnist Leonid Bershidsky. Bershidsky wrote on Nov. 1 that Gubarev questioned allegations that the Trump organization maintained a server found to have communicated with two servers at Russia’s Alfa Bank, which is also named in the 35 pages of unproven allegations.

“Bloomberg asked me my expert opinion,” he said, noting it was the only time he’d ever commented about a U.S. election or U.S. politics.

In that column, Gubarev expressed doubt about the conclusions of outside experts who said they had studied the server connections between Alfa Bank and the Trump organization. These experts, Gubarev said, would not have had access to the complete logs of a server they didn’t control.

The Russian-born Cyprus resident may not be a household name in the United States, but he is tied to millions of iPhones belonging to ordinary Americans. Gubarev was a major investor in the app now called Prism. It was



one of the most downloaded of 2016 and uses artificial intelligence to turn ordinary cellphone photos into a wide range of painting styles.

If law enforcement wants to talk with him, Gubarev said, his door is open.

“I’m ready for any investigation. I’m ready to cooperate with everybody, he said.

GREG GORDON AND MCCLATCHY SPECIAL

CORRESPONDENT PETER STONE CONTRIBUTED TO THIS ARTICLE.

Kevin G. Hall: 202-383-6038, @KevinGHall

Tim Johnson: 202-383-6028, @timjohnson4

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### COMMENTS

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**Tim Kinnaird** ·

Western University

Hunter S. Thompson, where art thou? Fear and loathing is the new American political zeitgeist and the helter skelter of the Trump victory appears to have driven some down the rabbit hole of rabid resistance to the point of almost Monty Python-esque absurdity. The Clinton KoolAide Drinkers seem to be contriving their own Private Political Jonestown with hallucinations of depravity and wild paranoia . Indeed, Ralph Steadman's portraiture appears most apt to capture this Hillary in defeat moment: wild-eyed and delirious, naked and ugly, perched over a toilet vomiting a psychedelic brew of delusion.

[Like](#) · [Reply](#) · 1 · Jan 14, 2017 9:21am**Bardi Jonssen** ·

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"Russian tech expert named in Trump report says US intelligence never contacted him"

How would he know? Does US intelligence walk around with a special hat?

[Like](#) · [Reply](#) · Jan 13, 2017 9:32am**Dawn J Benko**

Obviously, intelligence eludes you.

[Like](#) · [Reply](#) · 3 · Jan 13, 2017 7:33pm**Bardi Jonssen** ·

UC Berkeley

Dawn J Benko : When members of the IC, not the FBI, talk with you, they do not have to identify themselves as such or even, gasp, set up an appointment. Besides not understanding the questions, you obviously watch way too much TV.

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# Exhibit F



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7795, Roost, Luxembourg

### Email address

finance@xbt.com

### Phone number

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Email \* Website

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### HEAD OFFICE ADDRESS

3, op der Poukewiss,  
7795, Roost,  
Luxembourg

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# Exhibit G



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## Detail by Entity Name

Florida Profit Corporation  
WEBZILLA INC.

### Filing Information

<b>Document Number</b>	P09000064327
<b>FEI/EIN Number</b>	N/A
<b>Date Filed</b>	07/29/2009
<b>Effective Date</b>	07/29/2009
<b>State</b>	FL
<b>Status</b>	ACTIVE
<b>Last Event</b>	AMENDMENT
<b>Event Date Filed</b>	07/16/2012
<b>Event Effective Date</b>	NONE

### Principal Address

2777 Stemmons Fwy.  
Suite 1655  
Dallas, TX 75207

Changed: 01/17/2014

### Mailing Address

2777 Stemmons Fwy.  
Suite 1655  
Dallas, TX 75207

Changed: 01/17/2014

### Registered Agent Name & Address

INCORPORATE NOW  
6750 N. Andrews Ave.  
Suite 200  
Fort Lauderdale, FL 33309

Name Changed: 03/01/2010

Address Changed: 03/31/2013

### Officer/Director Detail

**Name & Address**



Title D

Mishara, Rajesh Kumar  
2777 Stemmons Fwy.  
Suite 1655  
Dallas, TX 75207

Title D

Bezruchenko, Kostyantyn  
2777 Stemmons Fwy.  
Suite 1655  
Dallas, TX 75207

**Annual Reports**

<b>Report Year</b>	<b>Filed Date</b>
2014	01/17/2014
2015	02/04/2015
2016	02/23/2016

**Document Images**

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<a href="#">02/04/2015 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
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# Exhibit H

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA

-----	X
ALEKSEJ GUBAREV, XBT HOLDING S.A.,	:
and WEBZILLA, INC.	:
	:
Plaintiffs,	: Case No.: CACE-17-002364
	: Division: 21
	:
vs.	:
	:
BUZZFEED, INC. and BEN SMITH	:
	:
Defendants.	:
-----	X

**DEFENDANTS' NOTICE TO THE CIRCUIT  
COURT OF FILING NOTICE OF REMOVAL**

Defendants hereby give notice of having filed in the United States District Court for the Southern District of Florida their notice of removal of this action, Case No. CACE-17-002364, pending in the Circuit Court in and for Broward County, Florida. A copy of Defendants' notice of removal is attached.

Dated: February 28, 2017

LEVINE KELLOGG LEHMAN SCHNEIDER + GROSSMAN LLP  
201 South Biscayne Boulevard  
22nd Floor  
Miami, FL 33131  
Phone: (305) 403-8791  
Fax: (305) 403-8789

By: /s/ Lawrence A. Kellogg  
Lawrence A. Kellogg

and

Katherine M. Bolger (*pro hac vice forthcoming*)  
Nathan Siegel (*pro hac vice forthcoming*)  
Adam Lazier (*pro hac vice forthcoming*)  
LEVINE SULLIVAN KOCH & SCHULZ LLP  
321 West 44th Street, Suite 1000  
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(212) 850-6100  
*Counsel for Defendants*