



## Malin v. Lee Enterprises

In June of 2015, as I was finishing my fourteenth year as City Administrator for Davenport, Iowa, the local newspaper published a wildly false storyline about a casino receiving \$5 million of taxpayer funds. The story was fabricated as the Quad City Times was losing over 100 website subscribers a day, while attacking me for the City's pioneering transparency website, which was winning national awards.

The year prior, the Davenport City Council unanimously approved an agreement for a voter-approved casino to design, build and pay for a road, so the casino could move from a barge in the Mississippi River to a land-based location next to Interstate 80. At its new location, the casino generates over \$20 million a year in tax revenue, with \$1.3 million a year (for 15 years) repaying bonds for the road project. However, with the Quad City Times spiraling toward zero daily website subscribers, they falsely reported the road cost \$8 million instead of \$13 million, declaring \$5 million of taxpayer funds was unaccounted for and given to the casino because I "misled" the City Council. The wildly and knowingly false reporting sparked a firestorm to run me out of town, which is exactly what the newspaper wanted. In a secret June 10, 2015 email, a columnist at the Quad City Times asked the editorial page editor if he had a match, because she needed to "light a fire". The same columnist was so antagonistic about the City's website she had to ask others if her hostility was "hanging out" when she wrote about me and the website.

From:	Barb Ickes
Sent:	Mon 11/17/2014 6:14:21 PM
Importance:	Normal
Subject:	davenporttoday story
MAIL_RECEIVED:	Mon 11/17/2014 6:14:00 PM

Is my hostility hanging out?

The Quad City Times and its parent company Lee Enterprises, itself headquartered in Davenport, knows their 2015 storyline isn't just false, it is the opposite of the truth; that taxpayers benefitted tremendously from the project. Before and after June of 2015, the newspaper reported on more than ten occasions the project cost \$13 million or more, and would be paid for by the casino (example: <https://bit.ly/2O8f0yy>). Lee Enterprises knows the casino paid for everything because, in 2014, the City created a tax increment financing district surrounding the casino (<https://bit.ly/3kAdCAT>) so Davenport homeowners could never and have never paid a penny for the project. In fact, after building the road and moving to the I-80 location, the casino has paid more than \$65 million in taxes.

The knowingly false storyline about the casino, combined with the newspaper's election year threats of "voters wrath" to be brought upon the City Council if they did not take action against me, were such that I had to leave Davenport. I left with the City Council unanimously thanking me and a Key to the City. After I left, the City shut down its "davenporttoday.com" website, and Lee Enterprises created a "qctoday.com" website, on which it sells ads. With the City's website shut down and me serving as City Manager for Seaside, California, the Quad City Times then published a "Big Story" about how "Taxpayers Win" because of the casino (<https://bit.ly/3anhamL>).

On December 10, 2015, I asked the Quad City Times Publisher to retract the false statements from their June, 2015 publications. Fourteen minutes later, Lee Enterprises' Legal Vice President was on the case. Since that day, with over \$900 million in assets, seventy-five newspapers and a small army of lawyers, Lee Enterprises has fought tooth and nail to bury the truth of their false reporting. They have a merciless industry reputation for eliminating over 7,000 employees in recent years, along with retiree medical benefits, as their top executives make millions. Given their refusal to retract objectively false statements, I sued them for defamation and tortious interference with my employment contract on June 15, 2017. That was the first time I had ever sued anybody, and I had hoped it would be the last.

Contrary to the basic journalism principle that news must be separate from opinion, through discovery in the 2017 case, Lee Enterprises knows opinion writers of the QC Times directed a staff writer through a series of secret emails to report false information so they could attack me. They know the editorial

To: Brian Wellner[BWellner@qctimes.com]  
From: Mark Piddot  
Sent: Thur 6/18/2015 3:42:51 PM  
Importance: Normal  
Subject: RE: Swabing mud on head  
MAIL\_RECEIVED: Thur 6/18/2015 3:42:53 PM

Dull.

News is NOT that "Malin cannot agree"

News IS that City attorney and xxx aldermen believe Malin misled them.

News is NOT that aldermen need more information.

News IS that a majority of aldermen believe they had insufficient info when they approved the bid.

page editor of their "flagship" newspaper told the staff writer, in a secret email, that his draft article was "Dull", and "NOT" news. They know the editorial page editor secretly directed the staff writer to report that Davenport aldermen believed they were "misled" while the "hostility hanging out" columnist secretly directed the staff writer to underreport the cost of the road by millions. They know the staff writer checked with the columnist to see if

his false reporting would "work" for their attack. They know the editorial page editor secretly provided a draft editorial calling for my ouster to the staff writer and the staff writer secretly replied (at 1:50 AM) "Looks great".

To: Barb Ickes[Blickes@qctimes.com]; Dan Bo  
From: Brian Wellner  
Sent: Thur 6/18/2015 11:09:55 PM  
Importance: Normal  
Subject: This work for the chunk about the \$13M?  
MAIL\_RECEIVED: Thur 6/18/2015 11:09:00 PM

Lee Enterprises knows the staff writer had factual information contrary to what he reported. They have written documentation he lied to his editors and falsified an excerpt of the 2014 contract between the City and casino. They know the staff writer, who never attended journalism school, tried to win an investigative reporting award with his false publications. They know fact-checking was a problem at the Quad City Times and the newspaper was over a decade behind on defamation law training. They know emails were deleted after a former Lee Vice President in 2015 first considered I might sue them. They know they were desperate to increase digital subscriptions and declared the City's website was "competition". They know the editorial page editor lied under oath to cover up conspiring with the staff writer and columnist. They know the staff writer did the same, and then lied under oath some more to cover up being fired by the Quad City Times in 2017. Lee Enterprises knows all this, and more.

Page 110 ...

Q. ··Okay··At any point did the Quad-City Times  
19· ·conduct in-house sessions of training for you or for  
20· ·anyone else on staff?  
21· ····A· ··Oh, we have sensitivity training, that sort  
22· ·of thing, from time to time, but if you're talking  
23· ·about journalism standards again, no.

Lee Enterprises absolutely knows a court ruling in 2018 found the Times' "...statements attacking Malin's character and integrity constitute defamation per se" and "...demonstrates, at the least, a genuine issue of material fact on whether the statements were published with actual malice; at most this shows actual malice...".

The record does contain a documented effort by Malin, as well as several others involved in projects with him to correct the newspaper's account of use of public money on a number of these projects. Without explaining to readers the way public-private partnerships and public financing commonly worked on municipal projects such as the Modern Woodmen Park renovation and the Rhythm City Casino development, Defendants' insistence that "public money" was being used on these projects despite Malin's protestations or explanations otherwise demonstrates, at the least, a genuine issue of material fact on whether the statements were published with actual malice; at most, this shows actual malice

excerpts  
from 2018  
rulings

(c) The Court's prior assessment that the record demonstrated a genuine issue of material fact as to whether Defendants' publications were done with the "predominant purpose" to "financially injure or destroy" Plaintiff's at-will employment should stand.

Lee Enterprises knows the only reason they dodged the 2017 defamation claim was Judge Tabor's 2018 ruling that evidence of damaged reputation was lacking in the record at the time of her ruling, and they know they were able to stop me from plainly stating what the Times published was false in front of the jury on the remaining claim of tortious interference with my employment contract. Lee Enterprises knows they offered me hundreds of thousands of dollars in August of 2019 to bury the truth and avoid trial. They know I refused their hush money, and they retaliated with new defamatory publications, published by a Lee Vice President in September of 2019 to well over a hundred thousand people, and lingering on the internet for anyone to read.

With their \$900 million of corporate hubris, in 2019 they repeated the false storyline about public money being used for the casino, even after the Court ruled in 2018 that was evidence of actual malice. And then, as I lived and worked more than 2,000 miles away, they made it even worse. They compared me to some felon, when all I had done was ask them – a national media giant – to tell the truth. Truth they knew. Truth they know.

I'm just a regular guy. I don't have \$900 million or a platoon of company attorneys. I'm also an uncomplicated guy who thinks honest journalism is important to society, and knows corporate bullies will hurt others if no one stands up to them. So, I'm making a stand for truth. I'm fighting *for* journalism by fighting *against* Lee Enterprises. Following Iowa law, and fixing the single flaw of my 2017 case, I asked for retractions of the 2019 publications. Remarkably, even after being put on notice by the Court

in 2018 about defamation by implication and actual malice, Lee Enterprises leadership refused. Lee Enterprises leadership refused to retract publications they know to be false, and were specifically warned by a judge about.

So, Lee Enterprises leadership gets to go on trial. Not the rank and file employees, who labor for the lavish salaries, bonuses and stock options at corporate headquarters. The leadership. The executives who abolished retiree medical benefits and cast 7,000 employees overboard as they stow more cash into their golden lifeboats. The mercenary few who crafted the business strategy to eliminate experienced staff, put low-wage, untrained personnel at the tip of their spear, and pay attorneys to mop up the mess. The honchos calling the shots on ignoring judicial warnings, authorizing hush money payments and publishing more lies about somebody a half continent away when the hush money cover-up scheme didn't work. Those people are going on trial.

I'm just a regular, uncomplicated guy. But my father gave me a last name, and they're not taking it.

My new attorney is the same attorney who prevailed in the case establishing defamation by implication in Iowa. Malin v. Lee Enterprises was filed on May 18, 2020, with a pending trial in August.

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Feel free to call former Davenport Mayor Bill Gluba at 563 340-5164, retired Davenport PIO Jennifer Nahra at 563 579-3256 or career journalist (and former QC Times Davenport beat reporter) Tory Brecht at 563 340-7143 for their perspective on the Quad City Times' response to the City's davenporttoday.com website in 2014 and 2015.

ppt summary here: <https://www.craigmalin.info/siftings/ten-things-about-malin-v.-lee-enterprises>

lawsuit here: <https://www.craigmalin.info/siftings/malin-vs-lee-enterprises>

documentation for every factual statement: just ask