

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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Henep Isum Mandingo and Hup Daniel Wemp, :
 :
 : Plaintiffs, : **Index No.**
 : : 105519/09
 :
 : - against - : **AMENDED**
 : **COMPLAINT**
 :
 : Advance Publications, Inc. and :
 : Jared Diamond, :
 : :
 : Defendants. :
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Plaintiffs, by their attorneys, Litman, Asche & Gioiella, LLP, for their Amended Complaint, allege:

1. Plaintiffs Henep Isum Mandingo (AIsum@) and Hup Daniel Wemp (AWemp@) are residents of Papua New Guinea.

2. Defendant Advance Publications, Inc. (AAvance@) is a New York corporation with a principal place of business in the State of New York. Advance Publications, Inc., publishes, operates and owns the *New Yorker Magazine*, which has a principal place of business in the City, County and State of New York, and the *Times Picayune*, a daily newspaper published in the State of Louisiana.

3. Defendant Jared Diamond (ADiamond@) is a resident of the State of California. He is a Professor of Geography at the University of California in Los Angeles.

4. The action concerns the publication of false and defamatory articles in the April 21, 2008 issue of the *New Yorker*, the December 11, 2008 issue of the *Times Picayune*, and on internet sites operated by defendant, and republished and offered to the public by the *New Yorker* on a DVD containing all articles published in the *New Yorker* Magazine between January 1 and April 30, 2008, the date of which publication is unknown, but was subsequent to April 21, 2008, falsely accusing plaintiffs of criminal behavior, including complicity in multiple murders and in the case of Wemp promoting prostitution and/or rape. The articles claim that plaintiffs were the leaders on opposite sides of a long-lasting blood feud which claimed the lives of some 30 people. Plaintiff Wemp is accused in the article of having planned over a three year period the murder of plaintiff Isum, and having been exultant when his efforts resulted in Isum having received an arrow wound to his spine, which left him paralyzed and in a wheelchair. While largely fiction, the articles purport to rely on statements made to defendant Diamond by Wemp in 2001 and 2002 when Wemp acted as Diamond=s driver during field trips throughout New Guinea. By naming Wemp as the source of stories about tribal warfare in New Guinea, and by falsely pointing to plaintiffs as the leaders of that warfare, defendants seriously endangered plaintiffs= safety

and further held plaintiff Isum up to scorn and ridicule, as more fully described below.

Separating Truth From Fiction: An Overview

5. The *New Yorker* article falsely claims that over a period of several decades, two clans in the New Guinea Highlands, the Handa (of which Plaintiff Daniel Wemp is a member) and the Ombal (which the article falsely claims Plaintiff Isum is a member) were traditional enemies and engaged in a blood feud characterized by a series of revenge killings by members of one clan of the other. The article claims that the warfare between the clans was touched off in 1992, when a pig owned by a member of the Handa clan trampled a garden owned by a member of the Ombal clan; that the two clans fought for a period of three years, and in the fighting, some 30 people were killed. The article alleges that one of the individuals killed in the fighting was Wemp's beloved uncle, Soll. It is alleged that because Soll had a son who was too young to avenge his father's death, the job of leading the revenge fell to Wemp. The article claims that in pursuance of his vendetta, Wemp hired some 200 soldiers, paying them with some 300 pigs stolen from the Ombals, and rewarding them with access to young women of the clan.

6. The article claims that Wemp chose as a target of his revenge plaintiff Isum, who the article says was, like Daniel=s deceased uncle Soll, Atall and handsome@ and marked as a future leader. The article claims that Wemp engaged in battles during this three year war, and was wounded in one of the battles. The article claims that three years after the war began, Handa tribesmen, under Wemp=s command, succeeded in ambushing Isum and shooting him in the spine, resulting in his complete paralysis and confinement to a wheelchair. The article quotes Wemp as having been exultant in paralyzing Isum.

The historical facts do not support the factual claims in the article:

a. The fight did not start over a pig in a garden, but started as a dispute between two young men who were involved in a card game, when one of the men accused the other of stealing approximately two kina, the New Guinea currency. The accused man then injured the jaw of his accuser, touching off a battle between the Handa and the Ombal.

b. The Handa and Ombal were not historical enemies, but had lived together and intermarried for centuries prior to this fight breaking out.

c. The fight did not last three years, as the article claims, but approximately three months of actual

fighting, followed by six to 12 months thereafter of negotiating a compensation settlement for injured allies on both sides of the fight.

d. 30 people were not killed in the fight, one died during the fighting, and 3 men who were wounded in the fighting died months later.

e. Isum was not a leader of the Ombal clan. Indeed, Isum is not even an Ombal. Isum is a member of the Henep clan, whose land was trampled on by Handa fighters during the early days of the battle.

f. Daniel Wemp was not a participant in this war at all. At the time of the fighting, Wemp was working some 200 miles away at the coast, in a city called Madang. He only learned of the fighting after it was over.

g. Daniel was not injured in the fight, but received an injury some ten years earlier when he was 11 or 12 while he was watching another fight between two different clans.

h. Isum was not wounded in revenge for the death of Soll. Soll was still alive, although wounded, then Isum was wounded.

i. It would not have fallen to Daniel to avenge the death of Soll. Daniel and Soll lived in different villages, and were not particularly close. Soll was survived by four adult

brothers, who would have been far more appropriate to conduct revenge for his wounding than Daniel, had the Handa sought revenge, which they did not.

j. Daniel did not participate in supplying women for participants in the war. That practice is unheard of among the Handa and Ombal and would violate a taboo.

k. The war did not result in the theft of 300 pigs from the Ombal.

False and Defamatory Material in the
New Yorker Article in Greater Detail

7. The following excerpts from the article are untrue in whole or in part:

A. In 1992, when Daniel Wemp was about twenty-two years old, his beloved paternal uncle Soll was killed in a battle against the neighboring Ombal clan. In the New Guinea Highlands, where Daniel and his Handa clan live, uncles and aunts play a big role in raising children, so an uncle=s death represents a much heavier blow than it might to most Americans. Daniel often did not even distinguish between his biological father and other male clansmen of his father=s generation. And Soll had been very good to Daniel, who recalled him as a tall and handsome man, destined to become a leader. Soll=s death demanded vengeance.

The truth: Soll played virtually no role in raising Daniel. They lived in different villages, separated by several hours of walking, and saw each other infrequently. Soll was not

Atall and handsome.@ Soll=s death did not demand vengeance and was never Aavenged.@ By the time Soll died, the fighting had stopped.

B. Daniel told me that responsibility for arranging revenge usually falls on the victim=s firstborn son or, failing that, on one of his brothers. ASoll did have a son, but he was only six years old at the time of his father=s death, much too young to organize the revenge,@ Daniel said. AOn the other hand, my father was felt to be too old and weak by then; the avenger should be a strong young man in his prime. So I was the one who became expected to avenge Soll.@ As it turned out, it took three years, twenty-nine more killings, and the sacrifice of three hundred pigs before Daniel succeeded in discharging this responsibility.

The truth: The Handa did not try to avenge Soll=s death. Had they done so, it would not have fallen to Daniel. Soll had four adult brothers, each of whom was capable of fighting. Wemp=s father was in his early 50s at the time and was neither Aold@ nor Aweak.@ Indeed, Wemp=s father, unlike Wemp, did engage in fighting in 1993.

It did not take three years or any amount of time to avenge Soll=s death. The entire fighting between the Handa and the Ombal took place in a three month period in 1993. There were not Atwenty-nine more killings.@ A total of four people were killed in the Handa/Ombal fight (2 Handa, 2 Ombal).

The Handa and Ombal did not sacrifice pigs, and it is doubtful that the Handa and Ombal, combined, owned as many as 300 pigs.

C. *[Daniel] told me the story of his revenge.*

The truth: There was no revenge by Daniel.

D. *Daniel=s methods might seem quite familiar to members of urban gangs in AmericaYDaniel=s thirst for vengeance and his hostility toward rival clans are really not so far from our own habits of mind as we might like to think.*

The truth: Daniel has never been a member of a gang and has never participated in a fight. Daniel had no thirst for revenge. Daniel has nothing in common with members of urban gangs in America.

E. *The war between the Handa clan and the Ombal clan began many years ago; how many, Daniel didn=t say, and perhaps didn=t know. It could easily have been several decades ago, or even in an earlier generation. Among Highland clans, each killing demands a revenge killing, so that a war goes on and on, unless political considerations cause it to be settled, or unless one clan is wiped out or flees.*

The truth: The Handa and the Ombal were not traditional enemies and had not fought each other prior to 1993. The two clans lived in close proximity to one another and intermingled and intermarried freely. No war in the Highlands

of New Guinea has ever resulted in an entire clan being wiped out.

F. When I asked Daniel how the war that claimed his uncle's life began, he answered, "The original cause of the wars between the Handa and Ombal clans was a pig that ruined a garden. That was how the Handa-Ombal war began. An Ombal man found that his garden had been wrecked by a pig. He claimed that the offending pig belonged to a certain Handa man, who denied it. The Ombal man became angry, demanded compensation, and assaulted the Handa pig owner when he refused. Relatives of both parties then joined in the dispute, and soon the entire membership of both clans between four and six thousand people was dragged into a war that had now raged for longer than Daniel could remember. He told me that, in the four years of fighting leading up to Soll's death, seventeen other men had been killed."

The truth: The cause of the war between the Handa and the Ombal was not that a pig ruined a garden. The cause of the war was a fight between two young men of the clans over the loss of two kina in a card game. Nor are there 4,000-6,000 people in the Handa and Ombal clans combined. There were not four years of fighting leading up to Soll's death. Soll was fatally wounded during the fight which lasted only three months, and died shortly after the fighting was over. No one, let alone 17 other men, had been killed in fighting leading up to Soll's death.

G. Soll was killed in a so-called "public fight" — one fought in the open between

large groups of warriors separated by a considerable distance. With the air full of arrows and spears, it is often impossible to tell who was responsible for a kill. Even if the side achieving the kill does know, it is always careful to keep the killer=s identity secret. For that reason, the target of Daniel=s revenge was not Soll=s killer but another Ombal man, named Hemp Isum, who had organized the fight for the Ombals. By accepting the official role known as Aowner of the fight,@ Isum took responsibility for the killing, and Daniel became the owner of fights to kill Isum. Isum suited Daniel=s needs perfectly, because he was tall, handsome, and marked as a future leader, just as Soll had been. By killing Isum, Daniel would exact appropriate revenge for Soll=s death.

The truth: Daniel played no role in seeking revenge for Soll=s death, nor did anyone else. He was not the Aowner of the fight@ or even a participant. If anyone had sought revenge for Soll=s death, they would not have chosen Isum as the victim, as Isum had not organized the fight for the Ombal; indeed, Isum is not even an Ombal, but a member of a third clan, the Henep. Isum had been dragged into the fighting because it occurred, in part, on his land.

H. Daniel explained to me that Handas are taught from early childhood to hate their enemies and to prepare themselves for a life of fighting. AIf you die in a fight, you will be considered a hero, and people will remember you for a long time,@ he said. ABut if you die of a disease you will be remembered for only a day or a few weeks, and then you will forgotten.@ Daniel was proud both of the aggressiveness displayed by all the warring clans of his Nipa tribe and of their faultless recall of debts and grievances. He likened Nipa people to Alight elephants@: AThey remember what happened thirty years ago, and their words continue to float in the air. The way that we come to understand things in life is by telling stories, like the stories I am telling you now, and like all the stories that grandfathers tell their grandchildren about their relatives who must be avenged. We also come to understand things in life by fighting on the battlefield along with our fellow clansmen and allies.

The truth: Handas are not taught to hate anyone and do not prepare themselves for a life of fighting. Handa are taught skills with a bow and arrow, which they use for hunting. In Wemp=s lifetime, there have been two periods of fighting, one when he was 11 or 12 years old, and the second in 1993. Grandfathers do not tell grandchildren about relatives that must be avenged.

Daniel was not proud of the aggressiveness displayed by warring clans of Ahis Nipa tribe.@ Indeed, Daniel was not even a member of the Nipa tribe. Daniel has no idea what the

phrase Awhite elephants@ means. There are no elephants in New Guinea.

I. *Yat the time of Soll=s death [Daniel] was in the coastal town of Madang, about two hundred miles from his homeland. He didn=t even receive the news until two weeks later, after which the journey home took him a further week. A consequence of that delay which evidently upset Daniel was that he never got to see Soll=s corpse; he saw only the site where Soll was buried.*

Once home, Daniel assumed his role as owner of the fight and quickly organized efforts by his demoralized relatives to take revenge. On the first day of the resulting fight, Daniel was wounded. AI was advancing in battle with my biological father, who was holding a shield to protect me, while I myself held the weapons,@ he told me. As my father and I went up a hill towards a stone quarry from which the Ombal enemy was throwing stones as well as spears, a stone hit my father on his leg. So I took the shield to protect my father, and I told him to go faster. That was when I was left unprotected, and an Ombal spear struck me on the back of my lower left leg.

The truth: Daniel did not Aassume his role as owner of the fight@ or organize efforts to take revenge. Daniel arrived back in the Highlands after the fighting had already ended.

Daniel was not wounded in the fighting in 1993. He received a wound on the back of his leg, in 1982, when he was 11

or 12 years old while watching a different fight between different tribes.

J. All in all, Daniel=s first attempt at quick revenge was a failure, and so the war entered a slower, more complex and costly second phase, involving alliance-building, negotiation, and incessant plotting. Daniel=s clan realized that it would have to enlist supporters from other villages. The selection of allies posed tricky and dangerous problems. The New Guinea Highlands are full of aggressive men seeking revenge for their own reasons, and skilled at using treachery to achieve it. Whenever a battle takes place, men not hired by either side are likely to present themselves, hoping for the opportunity to kill an enemy of their own. AYou have to make sure that the men you hire as paid killers or allies are real enemies of your target, bearing grievances of their own from years ago,@ Daniel said. AIf you make the mistake of hiring a man who actually does not consider your target to be his own enemy, he may seize the chance to kill you, then go to your enemies and claim a reward.

The truth: Daniel was not involved in alliance-building or hiring warriors from other villages. He never attempted to avenge Soll=s death. In the Magarima area where the Ombal and Handa are located, men are never Ahired@ to fight in battles between clans.

K. Daniel and the brother of Fukal Limbuzu and of Wiyo became from the outset the three Handa owners of the next fight. Meanwhile, the Ombals, too, had their own motives for revenge, because an Ombal man named Sande had been killed in the same fight as Soll, and Isum himself had been wounded.

The truth: Daniel was not an Aowner of the fight.@

L. Daniel engaged more than two hundred men as allies for his own revenge agendaY

The truth: Daniel engaged no one and had no revenge agenda.

M. Hiring, supporting, and rewarding all those allies was a complex logistical operation. Daniel had to feed them during the actual days of combat, to arrange for houses in which they could sleep, and even, as he delicately phrased it, Ato provide ladies for the warriors when they were homesick.@ Daniel estimated that, in the three years that it took him to get his revenge, he had to furnish about three hundred pigs. By custom, the pigs to be slaughtered during that long phase of preparation should be not one=s own, but, rather, stolen from the enemy clan.

The truth: Daniel hired, supported and rewarded no one. Neither he nor any other Handa or any Ombal provided Aladies for the warriors when they were homesick.@ Daniel did not take three years to get his revenge. The fighting lasted only three months, and Daniel was not involved. Daniel did not furnish 300 or any pigs in the fighting. Wemp did not involve himself in stealing pigs.

N. Because the three female relatives of Daniel=s had married into the Ombal clan, Isum had become Daniel=s relative by marriage B Daniel referred to Isum as an uncle B and so Daniel was not permitted to kill him, or indeed, any other Ombal clan member, by his own hand. Yet hiring killers to kill Isum was permissible. ABy killing Isum or arranging for Isum=s killing,@

Daniel explained, AI would lose Isum as an uncle, but that would be worth it, because I would gain my revenge.@

The truth: Daniel does not consider Isum a relative. Having relatives who married into the Ombal clan would not affect Daniel=s relationship with Isum, since Isum was not a member of the Ombal clan. In the Magarima area of the tribal Highlands, warriors are never Ahired.@ Daniel did not seek revenge against Isum.

O. In the three years following Soll=s death, there were six battles. (A public fight is counted as a battle only if a man is killed). In any given battle, different participants and their hired allies were pursuing different agendas. While Daniel=s agenda was to avenge Soll, his co-owners of the fight on the Handa side were out to avenge Limbuzu=s death and Wiyo=s blinding; the Ombals aimed at avenging Sande=s death and Isum=s wounding in the same battle in which Soll and Limbuzu had been killed; and both sides sought vengeance for accumulated deaths and maimings and woundings from earlier battles. In total, about thirty people were killed in those six battles.

The truth: There were no battles following Soll=s death, let alone six. 30 people were not killed, but four. The fighting ended within three months after it started. Daniel was not the Aco-owner@ of the fight or even a participant.

P. In the sixth battle, while a public fight was raging, the Handas sent out several groups of stealth killers B one that went up to the north end of Karinja Village,

another that went down the main road, still another that went down along the side of the river, and so on. Daniel described what happened next: AIsun was in the public fight, with his bow and arrow ready for a long-range battle, and he was shooting and dodging arrows in the open. He was concentrating on that public fight, looking at our men far away in the open, and he wasn=t prepared for our attack from behind and nearby by one of our hidden parties. It was our group that had gone down along the side of the river that got him. Only one arrow hit Isum, but it was a bamboo arrow, flat and sharp as a knife, and it cut his spinal cord. That=s even better than killing him, because he=s now still alive today, eleven years later, paralyzed in a wheelchair, and maybe he=ll live for another ten years. People will see his constant suffering. Isum may be around for a long time, for people to see his suffering, and to be reminded that this happened to him as proper vengeance for his having killed my uncle Soll.@

The truth: There was no sixth battle. Daniel does not know how Isum was injured. Isum did not have his spinal cord cut, but was shot in the side of his neck. Isum was never in a wheelchair, much less 11 years after the event. Daniel never told Diamond that paralyzing Isum was Aeven better than killing him@ or any of the other words attributed to Daniel in this paragraph.

Q. When I asked Daniel how he felt about the battle in which Isum became paralyzed, his reaction was unapologetically positive: a mixture of exhilaration and pleasure in expressing aggression. He used phrases such

as AI was very nice, and his gestures projected euphoria and a huge sense of relief. AI felt that it was a matter of >kill or else die by suicide.= I was prepared to die myself in that fight. I knew that, if I did die then, I would be considered a hero and would be remembered. If I had personally seen the arrow go into Isum, I would have felt emotional relief then. Unfortunately, I wasn't actually there to see it, but, when I heard that Isum had been paralyzed, I thought, I have everything. I feel as if I am developing wings. I feel as if I am about to fly off, and I am very happy. After that battle, just as after each battle in which we succeeded in killing an Ombal, we danced and celebrated and slaughtered pigs. When you fight with thinking and finally succeed, you feel good and relieved. The revenge relieves you; now it can be your turn to help someone else get his own revenge.

The truth: Daniel was never exhilarated or pleased at the wounding of Isum, which occurred while Daniel was 200 miles away in Madang. Daniel never said, AI felt that it was a matter of >kill or else die by suicide=@, and never contemplated suicide. Warriors who fail in their missions do not commit suicide in the Magarima Highlands. Daniel was never in a battle in which an Ombal was killed and never claimed or celebrated any killing by slaughtering pigs. The rest of the words attributed to Wemp were never said by him.

R. The maiming of Isum did not end the affair for Daniel. There was still the matter of compensation to be paid to allies. Traditionally, this was paid in pigs, and today it is paid in pigs plus kina, the national currency of Papua New Guinea. The pigs paid in compensation to allies after the fight must be one's own pigs, and it may take a fight-owner four or five years to raise all the pigs he owes. The pay rate for a kill B payable in Daniel's case to the man who shot the arrow that paralyzed Isum B is eighty pigs plus fifteen thousand kina, around fifty-four hundred dollars. Highland etiquette forbade Daniel to tell me who fired the arrow, but he did say that he was a member of another clan, who lived far away and had a grievance of his own; about twenty-five years previously, some Ombal clansmen had damaged his village and killed his grandfather. When he succeeded in paralyzing Isum, his desire for revenge was satisfied, and the Handa-Ombal war ceased to concern him.

The truth: Daniel was not in charge of compensating allies for fighting. As was the custom, Daniel and other members of his clan contributed compensation to Soll's mother's relatives because he died as a result of the fighting. Daniel's contribution was one pig and a modest amount of cash. Daniel did not pay any compensation to the individual who shot Isum, whose identity is unknown to Daniel. Daniel did not have Aeighty pigs.@

S. But it continued to concern Daniel, who was now, of course, a target for Ombal revenge. He told me that Ombal men tried for several years to kill him and three

other Handa clansmen who had been fight-owners, but they never succeeded. AThe four of us were too tough for the Ombal people to kill,@ he boasted.

The truth: The Handa/Ombal are at peace, and no one is seeking revenge.

T. Daniel, after spending the first twenty-eight years of his life being taught to hate the Ombals, constantly fearing ambushes by them, plotting and paying for ambushes against them, and fighting in wars that killed dozens of Handas and Ombals, now feels safe visiting Ombal villages, sleeping their overnight, and playing in Ombal-vs.-Handa basketball games.

The truth: Daniel was never taught to hate the Ombals, and never feared ambushes by them or plotted and paid for ambushes against them. He never fought in wars that killed any, let alone dozens of Ombal.

U. I asked Daniel why, on learning of Soll=s death, he hadn=t saved himself all the effort and expense, and just asked the police to arrest Isum. AIf I had let the police do it, I wouldn=t have felt satisfaction,@ he replied. AI wanted to obtain vengeance for myself, even if it were to cost me my own life. I had to ask myself, how could I live through my anger over Soll=s death for the rest of my life? The answer was that the best way to deal with my anger was to exact the vengeance myself.

The truth: Daniel never said the words attributed to him and never sought vengeance for Soll=s death.

V. Daniel concluded his story in the same happy, satisfied, straightforward tone in which he had recounted the rest of it. ANow, when I visit an Ombal village to play basketball, and Isum comes to watch the game in his wheelchair, I feel sorry for him,@ he said. AOccasionally, I go over to Isum, shake his hand, and tell him, >I feel sorry for you.= But people see Isum. They know that he will be suffering all the rest of his life for having killed Soll. People remember that Isum used to be a tall and handsome man, destined to become a future leader. But so was my uncle, who had been very good to me, and would have become a leader.

The truth: Prior to the publication of the *New Yorker* article, Daniel had never met Isum, much less shaken hands with him and told him that he felt sorry for him. He did not say the words attributed to him.

W. Fortunately for Daniel and his son, several years later a shift in clan enmities and alliances, typical of Highland clan politics, ended the whole Handa-Ombal cycle of revenge killing and united both clans against a common enemy. To the west of Daniel=s Nipa tribe is the land of the Huli tribe and language group.

The truth: Daniel is not a member of the Nipa tribe, nor are any members of Daniel=s Handa clan. Nor are Ombals members of the Nipa tribe.

X. Given the pride that the Nipas take in their aggressiveness, it=s no surprise that they eventually came into conflict with their Huli neighborsYIn a Papua New Guinea

national election, a parliamentary seat in a district shared by Hulis and Nipas was contested by a Huli candidate and a Nipa candidate who happened to be from the Handa clan. Faced with the Hulis, the Handas and the Ombals buried their differences: the Ombals voted for the Handa candidate and received a big cash payment from the Handas for doing so. But the Huli candidate, as Daniel put it, Awon the game,@ and the Nipas, considering this Aa personal problem,@ responded by blocking highways on which supplies reached the Hulis, stopping vehicles, and killing Huli men they found in the vehicles and raping Huli women.

The truth: The Handa and Ombal clans did not use guns, kill anyone in this fight, or rape women. Handa and Ombal are not members of a Nipa clan and Daniel never gave defendant Diamond any such information.

THE TIMES PICAYUNE ARTICLE

8. The Times Picayune article repeated some of the false information contained in the New Yorker article, stating that defendant Diamond had talked Ato Daniel Wemp in the highlands of New Guinea about avenging his uncle=s 1992 killing. The article further reports that Daniel told Diamond A>I thought I have everything. I feel as if I am developing wings, I feel as if I am about to fly off, and I am very happy.=@
A> I went to obtain revenge for myself, even if it were to cost me my life. . .=@

The article concluded that Ain New Orleans someone would have put Wemp=s face on a T-shirt and proclaimed how he kept it gangsta to the very end,@ and that A>Daniel=s methods might seem quite familiar to members of urban gangs in America.
. .=@

AS AND FOR A FIRST CAUSE OF ACTION

(On behalf of Daniel Wemp against Advance and Diamond, Libel)

9. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1-8 of this Complaint with the same force and effect as though set forth at length herein.

10. The false statements set forth above exposed plaintiffs to public contempt, ridicule, aversion and disgrace, and induced an evil opinion of plaintiffs in the minds of right-thinking persons and deprived plaintiffs of their friendly intercourse in society in that, among other things:

-- the false statements accused Daniel of multiple crimes portraying him as a bloodthirsty murderer, and leader of murderers, a procurer of women and a thief, responsible for multiple killings and for the planning and carrying out a revenge shooting of Isum, and for rejoicing at the permanent paralysis of Isum.

-- attributed to Daniel false statements about the Handa and Ombal clans and individuals members thereof,

falsely portraying Daniel as an individual who would and did lie about his own relatives and clansman to an outsider, thereby maligning the Handa and Ombal clans in the eyes of the outside world and endangering Daniel and casting him involuntarily into a pariah.

11. As a result of the publication of the article, Daniel has been unable to return to live in his highland village or live among the Handa and Ombal clans; the article has engendered great anger at him, and he has effectively been in hiding, unable to work or earn a living, a *persona non grata* in his own homeland.

12. In writing and publishing this article, defendants acted, at a minimum, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible writers, editors and publishers. Diamond knew that the information and quotations attributed to Daniel were false.

13. Daniel has been damaged, in an amount in excess of \$10,000,000, including special damages in the form of lost wages.

14. Defendants' misconduct was intentional, or at a minimum, wantonly negligent and with reckless disregard for the consequences, and accordingly, plaintiffs are entitled to

punitive damages in an amount to be determined by the trier of fact.

AS AND FOR A SECOND CAUSE OF ACTION

(On behalf of Daniel Wemp against Advance, libel)

15. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1-14 of this Complaint with the same force and effect as though set forth at length herein.

16. Defendant Advance, in publishing the Time Picayune article acted in a grossly irresponsible manner without due consideration for the standards of information gathering or dissemination ordinarily followed by responsible editors and publishers.

AS AND FOR A THIRD CAUSE OF ACTION

(On behalf of Plaintiff Isum Mandingo against Advance and
Diamond, libel)

17. Plaintiffs= repeat and reallege each and every allegation contained in Paragraphs 1-14 of this Complaint with the same force and effect as though set forth at length herein.

18. The New Yorker article:

-- falsely portrayed Isum as a permanently paralyzed man in a wheelchair, thereby lowering his status among his clansmen and tribesmen; and

-- falsely portrayed Isum as a murderer, the leader of a fight involving the death of some thirty individuals over a period of three years.

19. Isum has suffered and continues to suffer humiliation, disgrace and emotional distress.

20. Isum has been damaged in an amount in excess of \$5,000,000.

AS AND FOR A FOURTH CAUSE OF ACTION

(On behalf of Daniel Wemp against Defendants Advance and Diamond, intentional and negligent infliction of emotional distress)

21. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1-14 of this Complaint with the same force and effect as though set forth at length herein.

22. Defendant Diamond intentionally, recklessly and negligently, reported blatantly false information of and concerning plaintiffs, and falsely accused Wemp of crimes, including murder, conspiracy to murder, assault, promotion of prostitution and/or rape and falsely cited plaintiff Wemp as the source of blatantly false information concerning his clan and neighboring clans, which Diamond and Advance knew or should have known would, when published, unreasonably endanger Daniel=s safety and cause him to fear for his safety.

23. Defendant Advance caused the falsehoods contained in Diamond=s article to be published without conducting any independent verification or fact checking.

24. Defendants= conduct in writing the article, and Advance=s conduct in publishing it was so outrageous in character, so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as outrageous, and utterly intolerable in a civilized community.

AS AND FOR A FIFTH CAUSE OF ACTION

(On behalf of Isum Mandingo against Diamond and Advance,
intentional and negligent infliction of emotional distress)

25. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1-24 of this Complaint with the same force and effect as though set forth at length herein.

26. Defendants intentionally, recklessly and negligently reported false information concerning Isum, which Defendants knew or should have known would cause Isum emotional distress.

AS AND FOR A SIXTH CAUSE OF ACTION

(On behalf of Daniel Wemp and Isum
Mandingo against Diamond and Advance)

27. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1-14 of this Complaint with the same force and effect as though set forth at length herein.

28. The article first published in the April 21, 2008 issue of the *New Yorker* was republished and remarketed along with an abstract repeating the libel as part of a DVD offered for sale and sold and distributed to the public sometime after April 21, 2008.

AS AND FOR A SEVENTH CAUSE OF ACTION

(On behalf of Daniel Wemp and Isum
Mandingo against Diamond and Advance)

29. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1-14 and 18-20 of this Complaint with the same force and effect as though set forth at length herein.

30. The article first published in the April 21, 2008 issue of the *New Yorker* was republished and remarketed along with an abstract repeating the libel as part of a DVD offered for sale and sold and distributed to the public sometime after April 21, 2008.

Wherefore, Plaintiffs demand judgment:

1. On each of the first and fourth causes of action, in the favor of Daniel Wemp against defendants jointly and severally in an amount in excess of \$10,000,000.

2. On the second cause of action in favor of Daniel Wemp against Advance in an amount in excess of \$10,000,000.

3. On each of the third and fifth causes of action in favor of Plaintiff Isum Mandingo against Advance and Diamond, jointly and severally in an amount in excess of \$5,000,000.

4. On the sixth cause of action in favor of Plaintiffs Daniel Wemp and Isum Mandingo against Advance and Diamond in an amount in excess of \$10,000,000.

5. On the seventh cause of action in favor of Plaintiffs Daniel Wemp and Isum Mandingo against Advance and Diamond in an amount in excess of \$10,000,000.

6. Punitive damages on each cause of action in favor of each Plaintiff against each Defendant.

7. Interest and costs.

Dated: New York, New York
September 21, 2009

Respectfully submitted,

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Henep Isum Mandingo and
Hup Daniel Wemp

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