

1 MAXWELL V. PRITT (State Bar No. 253155)
mpritt@bsflp.com
2 BOIES SCHILLER FLEXNER LLP
44 Montgomery Street, 41st Floor
3 San Francisco, CA 94104
Tel.: (415) 293-6800 / Fax: (415) 293-6899
4

PETER M. SKINNER, *pro hac vice app. to be filed*
pskinner@bsflp.com
5 CRAIG WENNER, *pro hac vice app. to be filed*
cwenner@bsflp.com
6 BOIES SCHILLER FLEXNER LLP
7 55 Hudson Yards
New York, NY 10001
8 Tel.: (212) 446-2300 / Fax: (212) 446-2350
Attorneys for Petitioner Robert F. Kennedy, Jr.
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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF ALAMEDA**

12 ROBERT F. KENNEDY, JR., an individual
Petitioner,

13 v.

14 KOS MEDIA, LLC d/b/a DAILY KOS
Respondent.

15 *First Petition*, Case No. RG21102647
DOWNEASTDEM, an individual
16 Petitioner,

17 v.

ROBERT F. KENNEDY, JR., an individual
18 Respondent.

19 *In the Matter of the Subpoena Issued to Kos
Media, LLC:*

20 ROBERT F. KENNEDY, JR.,
Petitioner,

21 v.

22 KOS MEDIA, LLC d/b/a DAILY KOS,
23 Respondents.

24 In the Supreme Court of the State of New
York, County of Westchester
25 Index No. 65319/2020
Order granting pre-action disclosure issued
26 on April 16, 2021
Appeal pending:
27 N.Y. App. Division, Dept. 2
28 Nos. 2021-03700 and 2021-04476

Case No.

**DECLARATION OF ROBERT F.
KENNEDY, JR. IN SUPPORT OF
PETITION TO COMPEL KOS MEDIA,
LLC TO COMPLY WITH SUBPOENA
FOR BUSINESS RECORDS**

Hearing Date: _____, 2021
Time: 9:00 a.m.
Department: 511

First Petition filed by DowneastDem on
June 23, 2021; instant Petition filed by
party in out-of-state action [C.C.P. §
2029.620]

1 **DECLARATION OF ROBERT F. KENNEDY, JR.**

2 I, Robert F. Kennedy, Jr., declare as follows:

3 1. I am the Petitioner in this action and submit this declaration in support of a petition
4 to compel Respondent Kos Media, LLC (the "Daily Kos") to produce business records in response
5 to a duly authorized subpoena from a New York court. I am an attorney licensed to practice law in
6 the State of New York. I have personal knowledge of the facts stated herein, unless stated on
7 information and belief, and if called upon to testify to those facts I could and would competently.

8 2. On August 29, 2020, I gave a speech at the Protest for Peace and Freedom in Berlin.
9 The Protest for Peace and Freedom was organized by a group called Querdenken 711.

10 3. On or about August 29, 2020, an anonymous blogger using the pseudonym
11 DowneastDem published statements about me on the Daily Kos website that are false and
12 defamatory. DowneastDem's defamatory statements were that, "RFK JR. joins neo-Nazis in
13 massive Berlin 'Anti-Corona' Protest" and that the "protest was organized by right-wing extremist
14 organizations - including the AfD party and various anti-Semitic conspiracy groups as well as the
15 neo-Nazi NPD party." These statements are false, and they wrongly claim that I joined with
16 organizations that are deeply hateful and whose values I reject.

17 4. I did not join with neo-Nazis on August 29, 2020, in Berlin. I did not speak at a protest
18 on August 29, 2020, that was organized by right-wing extremist organizations, the AfD party, any
19 anti-Semitic conspiracy group, or the neo-Nazi NPD party.

20 5. In my speech on August 29, 2020, I specifically decried Nazism and totalitarianism
21 of all kinds. For example, in my speech, I stated that:

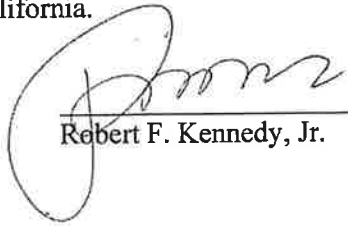
22 I look at this crowd, and I see the opposite of Nazism. I see people
23 who love democracy; people who want open government; people who
24 want leaders that are not going to lie to them; people who [want]
25 leaders who will not make up arbitrary rules and regulations to
26 orchestrate obedience of the population.

27 6. While at the Protest for Peace and Freedom, I did not observe any neo-Nazi or anti-
28 Semitic imagery or symbols. I observed nothing to suggest that the AfD party, any anti-Semitic

1 conspiracy group, or the neo-Nazi NPD party had any role whatsoever in the organization of the
2 protest. I am aware of news reporting concerning neo-Nazis organizing at a separate rally in
3 Berlin on August 29, 2020, but I did not attend nor join with any neo-Nazi rally.

4 7. I do not know the identity of DowneastDem.
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6 I declare under penalty of perjury under the laws of the State of California that the
7 foregoing is true and correct. Executed this 29 day of July, 2021, at
8 Los Angeles, California.
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12 Robert F. Kennedy, Jr.
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