

IN THE CIRCUIT COURT OF HARDIN COUNTY, TENNESSEE
AT SAVANNAH

CLARK JONES,

Plaintiff

v.

TONY HAYS, ET AL.

Defendants.

No. 3414

Jury Demanded

FILED 29th DAY OF July 2004 AT 11:15 AM
DIANE POLK, CLERK
BY: Julia Smith CLERK

AFFIDAVIT OF WORLDNETDAILY.COM

STATE OF VIRGINIA
COUNTY OF FAIRFAX

COMES NOW plaintiff, WorldNetDaily.com(hereinafter "WND"), by and through its President, Joseph Farah, and states that WND is qualified, to the best of WND's knowledge and belief, to give testimony in the courts of the United States and of Tennessee. Having so stated, WND, by said President, makes oath to the truth and accuracy of the information below set out;

1. In 2000, WND was an online Internet news source.
2. In 2000, WND made news available by news articles posted in Oregon each day on the WND website.
3. In 2000, any person (without restriction), located any place in the world, could access, for no charge, the news articles posted by WND in Oregon, if the person had an Internet connected computer and the acumen to locate the WND website.
4. In 2000, WND did not directly transmit, via e-mail or otherwise, the news articles posted in Oregon by WND.

5. In 2000, the only means by which WND communicated the news articles was by posting, in Oregon, the news articles on the WND website.
6. In 2000, once the news articles were posted in Oregon on the WND website throughout the world immediately the news articles became accessible.
7. In 2000, the news articles posted by WND in Oregon targeted no audience because of the geographical location of the audience or based on any other criteria distinguishing one person in the world from another person.
8. In 2000, the news articles posted in Oregon were accessible to any person in the world at the exact same time so that no person was given any preference over any other person in the world either as to the time or the way the posted news articles were accessible.
9. In 2000, any person anywhere in the world who had the acumen and computer technology and chose to access the news articles posted by WND in Oregon, without further permission from WND and without the necessity for paying, could copy the news articles by any means available to the person, including, but not limited to, downloading the news articles onto a computer disk or onto any other medium.
10. In 2000, WND had available to it no technology by which WND could determine the identity of any person from the fact that the person accessed the WND website.
11. In 2000, WND had no technology by which WND could identify anything about the person's location from the fact that the person accessed the WND website.
12. In 2000, WND published a periodic magazine (hereinafter "**WND Magazine**"), in print format, available to subscribers (hereinafter "**Subscribers**") who paid to WND \$36.00 per year.
13. In 2000, WND solicited, by posting in Oregon on the WND website, a solicitation for persons to become Subscribers.
14. In 2000, if a person responded to the WND solicitation to become a Subscriber, WND collected, in Oregon, the subscription price and, thereafter, periodically mailed to the Subscriber a copy of the WND Magazine.
15. On January 1, 2000, there were, worldwide, approximately one thousand one hundred seventy-one (1171) Subscribers and, on December 31, 2000, there were, worldwide, approximately one thousand two hundred nine (1209) Subscribers.

16. On January 1, 2000, there were twelve (12) Subscribers (1% of total) who provided WND a mailing address in Tennessee, and, on December 31, 2000, there were twelve (12) Subscribers (.09% of total) who provided WND a mailing address in Tennessee.
17. On January 1, 2000, there were zero (0) Subscribers who provided WND a mailing address in Adamsville, Crump, Saltillo or Savannah, Tennessee, and, on December 31, 2000, there were zero (0) Subscribers who provided WND a mailing address in Adamsville, Crump, Saltillo or Savannah, Tennessee.
18. In 2000, persons who accessed the WND website posted in Oregon could respond to the solicitations of WND to become a Subscriber by communicating their intention to WND by clicking on the appropriate icon on the WND homepage.
19. In 2000, WND offered for sale certain products/items (e.g., books, videotapes) to any person who placed an order and remitted payment to WND in Oregon.
20. In 2000, any person who accessed the WND website posted in Oregon and wished to purchase the use of an offered item/product could make purchase by clicking on the appropriate icon on the WND website and, thereby, communicate the order to WND in Oregon.
21. Neither in 2000 nor at any time before or after 2000 has WND had any employees or agents of any other kind located at any place in Tennessee or dispatched for a particular task by or for WND to any place in Tennessee.
22. Neither in 2000 nor at any time before or after 2000 has WND had an office, a mailing address or any contact point or contact person of any kind in Tennessee.
23. Neither in 2000 nor at any time before 2000 did WND contract any person to render any services of any kind to or for WND in Tennessee.
24. Neither in 2000 nor at any time before 2000 did WND have any affiliation, for business purposes, with any person (human or entity) in Tennessee.
25. Neither in 2000 nor any time before 2000 did WND have any creditors (including vendors) of any kind in Tennessee.
26. Neither in 2000 nor any time before 2000 did WND have any debtors (including vendees) in Tennessee.
27. Neither in 2000 nor any time before or after 2000 has WND had any owners or equity holders of any kind in Tennessee.

28. Other than purchasing the use of the news articles, specified in the responses of WND to the first set of interrogatories propounded by Clark Jones, more particularly, response to Interrogatory No. 2, neither in 2000 nor at any time before 2000 did WND make any purchases in or from Tennessee.
29. Neither in 2000 nor any time before or after 2000 has WND been licensed to do business in Tennessee or in any locality in Tennessee.
30. Neither in 2000 nor any time before or after 2000 has WND had any benefit to gain, different in any way from what benefit WND has had to gain in states other than Tennessee or the remainder of the world, from or because a person located in Tennessee accessed the WND website posted in Oregon.
31. Neither in 2000 nor any time before or after 2000 has WND engaged in any marketing designed to increase the number of persons in Tennessee, distinct from any or all states other than Tennessee, who access the WND website posted in Oregon.
32. Neither in 2000 nor any time before has WND posted in Oregon any news articles concerning events reported to have occurred in Tennessee except information provided to WND by persons other than WND employees or agents.
33. Neither in 2000 nor any time before or after 2000 has WND had a designated agent for service of process in Tennessee.
34. Neither in 2000 nor any time before 2000 has WND ever done any business in Tennessee.
35. Neither in 2000 nor any time before or after 2000 has WND owned nor had any interest in any property (real or personal, corporeal or incorporeal) located in Tennessee.
36. Neither in 2000 nor any time before or after 2000 has WND maintained either a telephone subscription or an account of any kind, either in the name of WND or any other name, in Tennessee.
37. Neither in 2000 nor any time before 2000 have persons who accessed the WND website been able to use the WND computer, located in Oregon, as a host computer by which to interact with other persons.
38. Prior to WND acquiring from Mr. Hays/Mr. Thompson the news articles that are the subject of the instant lawsuit, Clark Jones was not known by WND to exist.

39. After WND acquired the news articles that are the subject of the instant lawsuit from Mr. Hays/Mr.Thompson, WND had no more knowledge of or about Clark Jones than what Mr. Hays/Mr. Thompson reported in the news articles verified by Mr. Hays/Mr. Thompson to be accurately reported from sources known by Mr. Hays/Mr. Thompson to be reliable.
40. All investigation, sourcing, interviewing and other fact-gathering for or related to the news articles that are the subject of the instant lawsuit were related to WND to have been done by Mr. Hays/Mr. Thompson.
41. In 2000 and before and after 2000, WND was and is located, headquartered, domiciled and incorporated by and in Oregon and Delaware.
42. In and before 2000, WND's sole business transaction, involving a person thought by WND to be a of Tennessee, was purchasing the use of the news articles that are the subject of the instant case from Mr. Thompson/Mr. Hays and one article from Patrick Poole.
43. Neither in 2000 nor at any time before or after 2000 did WND have economic incentive to target Tennessee, as opposed to New York, California or India, to cause persons to choose to search out the WND website to read the news articles that are the subject of the instant lawsuit.
44. In 2000, WND, in Tennessee, did not advertise the existence of the WND website.
45. In neither 2000 nor before or after 2000 did WND ever tailor the WND Oregon website or news articles posted on it to appeal more to a Tennessee audience in comparison with an audience anywhere else located.
46. In 2000, visitors at WND's Oregon website could interact with the WND website only in the following ways:
 - a. Purchasing products
 - b. Purchasing advertising
 - c. Subscribing to publications
 - d. Subscribing to email lists
47. In 2000, WND did not initiate interaction with persons because the person accessed the WND website in Oregon solely to read news articles posted by WND in Oregon.
48. Neither in 2000 nor before 2000 has WND entered into contracts or other agreements with persons known by WND to be residents of Tennessee.
49. Neither in 2000 nor before or after 2000 did WND intend to cause injury to Clark

Jones in Tennessee or any other place.

50. In 2000, WND estimates that it received 24 million unique visitors on the WND Oregon website of which the only ones that can be identified by the location of the person who initiated the hit are those placing an order, to become a Subscriber or to purchase an item/product, in which case the ordering person would provide an address.
51. Both before and after WND acquired from Mr. Hays/Mr. Thompson the news articles that are the subject of the instant lawsuit, WND neither had nor has ever had any subjective thoughts about Clark Jones, including, but not limited to, spite, ill-will, hatred, a desire for vengeance or revenge or malice expressed by any other synonym, adjective or noun.
52. At no time before or after WND acquired from Mr. Hays/Mr. Thompson the news articles that are the subject of the instant lawsuit, has WND ever had any information that gave WND any reason to believe that either Mr. Hays or Mr. Thompson had or ever had had any subjective thoughts about Clark Jones, including, but not limited to, spite, ill-will, hatred, a desire for vengeance or revenge, or malice expressed by any other synonym, adjective or noun.
53. In posting in Oregon the news articles that are the subject of the instant lawsuit on the WND website, WND had no purpose or objective other than to report the information included in the news articles for consumption by any person, located anywhere in the world, who chose to access the WND website for the purpose of reading the subject articles, for whatever purpose, if any, such persons might have.
54. In posting in Oregon the news articles that are the subject of the instant lawsuit, WND did not, thereby, express any editorial opinion about the information reported in the news articles and did not suggest what, if anything, a reader or any other person might wish to engage in or omit because of the information reported.
55. The news article posted on September 20, 2000 in Oregon includes the following:
 - p.3, ¶ 11—**WorldNetDaily** asked Wallace
 - p.7, ¶ 52—Law enforcement officials told **WND** that Sweat ,
 - p.7, ¶ 58—A number of residents of Savannah told **WorldNetDaily**
 - p.7, ¶ 59—[Clark Jones] told **WND**.
 - p.8, ¶ 68—Clark Jones told **WND**

- p.8, ¶ 70—Jones ... when he spoke to **WND**.
- p.10, ¶ 90—LaFon told **WND**
- p.11, ¶ 102—Isbell told **WND**
- p.12, ¶ 112—**WND** attempted twice to ask Carpenter
- p.12, ¶ 113—Carpenter was ordered not to talk to **WorldNetDaily**
- p.13, ¶ 126—TBI sources tell **WorldNetDaily**
- p.13, ¶ 128—vouchers obtained by **WorldNetDaily**
- p.13, ¶ 129—Wallace has ordered these agents not to talk to **WND**.
- p.14, ¶ 132—**WND** made numerous attempts to talk to Roger Hughes.
- p.14, ¶ 136—two senior law enforcement sources told **WND**
- p.14, ¶ 139—Winkler refused to talk to **WND**
- p.15, ¶ 146—Two law enforcement sources told **WorldNetDaily**
- p.15, ¶ 150—Harmon talked to **WND**

56. In spite of the quoted references in the immediately preceding enumerated paragraph, **WND** never gathered or attempted to gather any of the information reported in any of the news articles that are the subject of the instant lawsuit; the references quoted were added by **WND** after **WND** purchased the use of the already-completed news articles from Mr. Hays/Mr. Thompson.

57. Other than what Mr. Hays/Mr. Thompson reported, **WND** had no knowledge of any kind that any of the sources with whom **WND** is reported to having interacted even existed.

58. **WND** has never had any interaction with the Tennessee Bureau of Investigation, either directly or through any other person acting for or on behalf of **WND**.

59. All of the information appearing in the news article posted in Oregon by **WND** on September 20, 2000 was stated by Mr. Hays/Mr. Thompson to have been gathered by Mr. Hays/Mr. Thompson, as part of an investigation done by Mr. Hays/Mr.

Thompson over a period of months preceding WND having any knowledge of the existence of Mr. Hays and having any contact of any kind with Mr. Thompson and having no knowledge at all that the investigation was being or had been conducted.

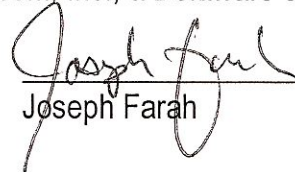
60. Neither in 2000 nor before 2000 did any WND employee or agent of any kind travel from Oregon or any other place to Tennessee in connection with or related in any way to or concerning any news articles that are the subject of the instant lawsuit.
61. No WND employee or agent of any kind ever initiated telephone or e-mail contact from Oregon or any other place into Tennessee, for the purpose of gathering information for or in connection with preparation or verification of the content of the news articles that are the subject of the instant lawsuit.
62. Every substantive detail included in the news articles that are the subject of the instant lawsuit was provided to WND by Mr. Hays after which there were a few unrecorded telephone conversations with Mr. Hays/Mr. Thompson about the articles, and/or the investigation by which the information in the news articles was collected.
63. When WND received telephone calls from Mr. Hays/Mr. Thompson, WND had no knowledge by which to verify where Mr. Hays/Mr. Thompson was/were when the calls were placed.
64. From these conversations, all of which occurred prior to WND posting the subject news articles in Oregon on the WND's Oregon website, WND was assured that the information provided to WND was accurately reported and based on reliable sources.
65. Once WND acquired ownership of the news articles that are subject of the instant lawsuit, WND edited the news articles, with edits, none of which changed any substance of the news reported as provided by Mr. Hays/Mr. Thompson, before posting the news article on September 20, 2000 in Oregon.
66. While it is impossible for WND, at any time from and before filing of the complaint in the instant case in September 2001, to know precisely what edits WND made of the news articles, the inclusion of the references to WND in the excerpts quoted, in enumerated paragraph 55 above, is typical of edits made by WND in illustrating that WND made no edits that changed any substance of the content.
67. Neither in 2000 nor before or after 2000 did WND agree, with any person (human beings and entities alike) to accomplish any goal by any means where dissemination of information about Clark Jones was either part of the agreement as a means to an end or as part of the end.

68. The only agreement, involving any of the news articles that are the subject of the instant lawsuit, by WND was that WND would pay to Mr. Hays/Mr. Thompson, as more particularly specified in enumerated paragraph 67 above, relatively negligible amounts of money in return for Mr. Hays/Mr. Thompson selling to WND the rights and entitlements to the news articles for the use and benefit, as newsworthy information, of WND.
69. WND, in accordance with its agreement more particularly specified in the immediately preceding enumerated paragraph, paid Mr. Hays/Mr. Thompson the agreed amount of money for WND's use of the subject news articles and, thereby, fulfilled one hundred percent of the obligation WND undertook by the agreement and never, theretofore or thereafter, has had any obligations, formal or informal, tacit or verbal or any other kind, to anybody, with respect to what use or disposition WND might make of the news articles.
70. Neither in 2000 nor before or after 2000 did WND make any agreement, be it formal or informal, tacit or verbal, enforceable or unenforceable, to post any of the news articles, on the WND Oregon website or in any other way to transfer the information imparted by the news articles, in whole or in part, to any person (human and entity alike).
71. The purchasing of the use of the news articles from Mr. Hays/Mr. Thompson, as with purchasing the use of other news articles from other freelance reporters, was not based on an agreement by WND to post the news articles for use on the WND website; to the contrary, WND always reserves exclusively unto itself what WND posts on the WND website and when, if ever, to post what WND chooses to post.
72. With respect to the 2000 presidential election, WND expressed no corporate editorial opinion as to whether voters should cast their vote for any candidate in opposition to any other candidate; particularly, WND expressed no corporate editorial opinion and had no corporate position with respect to whether Albert Gore, Jr. or George W. Bush was the more suitable candidate to hold the office of President.
73. With respect to the 2000 presidential election, the news articles that are the subject of the instant lawsuit were not posted by WND with the intent to be of more value to voters of one state over the voters in any one of the other forty-nine states.
74. With respect to the 2000 presidential election, the news articles that are the subject of the instant lawsuit were posted by WND with the intent to help inform readers throughout the United States about information gathered by Mr. Hays/Mr. Thompson about Al Gore.
75. WND was motivated in WND's decision, exclusively made by WND without concert

with any other person (human or entity), to post, in Oregon, the subject news articles on the WND website by nothing other or more than the business judgment of WND that the information imparted by the news articles was newsworthy, timely and based on investigative journalism conducted by persons with longstanding and well-tested reputations for reliable investigative reporting widely-published by print and telecast media and the assurances of the Mr. Hays/Mr. Thompson that the information was documented and/or documentable by reliable sources.


STATE OF VIRGINIA
COUNTY OF FAIRFAX

Personally appeared before me, Joseph Farah, with whom I am personally acquainted, and who, in his capacity of President of WorldNetDaily.com Inc., acknowledged that he executed the within instrument for the purposes therein contained, and who further acknowledged that he is the President of WorldNetDaily.com, Inc., a Delaware corporation, and is authorized by that entity to execute this instrument on behalf of WorldNetDaily.com, Inc., a Delaware corporation.



Joseph Farah

Witness my hand, at office, this 20th day of July, 2004.



Notary Public

My Commission Expires:

Julie K. Konnor, Notary Pub
Commonwealth of Virginia
My Commission Expires 05/31/2008