

THE HONORABLE RONALD B. LEIGHTON

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

WOUNDED WARRIOR PROJECT, INC.,

Plaintiff,

v.

GORDON ALEX GRAHAM,

Defendant.

No. C15-5073RBL

**CONSENT JUDGMENT,  
PERMANENT INJUNCTION  
AND ORDER**

Plaintiff Wounded Warrior Project, Inc. (“WWP”) and Defendant Gordon Alex Graham (“Graham” or “Defendant”) having agreed to resolve the claims between them in this action on terms mutually agreeable and evidenced by an agreement including the entry of the following Consent Judgment and Permanent Injunction, the Court finds and orders as follows:

1. This is an action for defamation and tortious interference with business expectancies and relationships in violation of the common law of the State of Washington. This Court has jurisdiction over the subject matter pursuant to 28 U.S.C. § 1332(a)(1) in that the matter in controversy exceeds the sum of \$75,000.00, exclusive of interests and costs, and is between citizens of different states.

2. WWP is a Virginia nonprofit corporation having its principal place of business and headquarters at 4899 Belfort Road, Suite 300, Jacksonville, Florida 32256. WWP is an

1 Internal Revenue Service (“IRS”) registered 501(c)(3) nonprofit organization.

2 3. Graham resides at 14910 125th Street, KP N, Gig Harbor, Washington 98329.

3 4. Graham currently operates, and during all relevant times of this action operated,  
4 the following website: <http://asknod.wordpress.com> (“ASKNOD.COM”).

5 5. This Court has personal jurisdiction over Graham based upon his presence within  
6 this judicial district.

7 6. Venue in this Court is proper under 28 U.S.C. § 1391(b)(2), because a substantial  
8 portion of the events giving rise to the claims set forth in WWP’s Complaint occurred within this  
9 judicial district, and Graham resides in this judicial district.  
10

11 Based upon the foregoing, the parties consent as follows:

12 A. WWP is hereby granted permanent injunctive relief enjoining and restraining Graham  
13 and his agents, employees, representatives, affiliates, successors, and those persons in  
14 active concert or participation with him, from making, either directly or indirectly,  
15 false and/or misleading statements of fact regarding WWP and/or its programs,  
16 services, financial information, supporters, donors, business relationships, and/or  
17 business conduct.

18 B. WWP is hereby granted permanent injunctive relief enjoining and restraining Graham  
19 and his agents, employees, representatives, affiliates, successors, and those persons in  
20 active concert or participation with him, from making, either directly or indirectly,  
21 defamatory statements regarding WWP and/or its programs, services, financial  
22 information, supporters, donors, business relationships, and/or business conduct.

23 C. Any content regarding WWP and/or its programs, services, financial information,  
24 supporters, donors, business relationships, and/or business conduct on the  
25 ASKNOD.COM website shall be removed from such website by Graham upon notice  
26 of this Consent Judgment and Permanent Injunction.

27 D. Within 30 days of this Consent Judgment and Permanent Injunction, Graham shall  
28 personally remove all defamatory content regarding WWP from, and issue a  
retraction on, the ASKNOD.COM and <http://www.veteranstoday.com>  
 (“VETSTODAY.COM”) websites and any other websites over which Graham has  
editorial control in which Graham's false, defamatory and misleading statements

1 about WWP have been published or republished; such retraction shall expressly state  
2 that the false, misleading and defamatory statements published therein are incorrect  
3 and shall provide as follows:

4 The content that I, Gordon Alex Graham, authored and published in my own name  
5 and under the handle ASKNOD.COM regarding Wounded Warrior Project, Inc. and  
6 its programs, services, financial information, supporters, donors, business  
7 relationships, and business conduct is not substantiated by any factual information,  
8 and is false, misleading, and defamatory. I retract all such statements, including  
9 statements that Wounded Warrior Project is a legal scam and/or a fraudulent  
10 organization. The truth is that Wounded Warrior Project provides lifesaving services  
11 to warriors. It is accredited by the Veteran's Administration to provide benefits  
12 assistance to veterans, and it does not receive government funds. The salary of its  
13 CEO - which is voted on by WWP's independent, all-volunteer Board of Directors -  
14 is well within the range of salaries paid to similarly-sized nonprofit executives. I  
15 apologize to Wounded Warrior Project and acknowledge the publication of false,  
16 misleading, and defamatory content regarding Wounded Warrior Project was  
17 disrespectful and inappropriate. Furthermore, I apologize for the loss of donations I  
18 caused and continue to cause Wounded Warrior Project because of my publication of  
19 false, misleading, and defamatory statements. I am ashamed that, because of my  
20 actions, injured veterans may have chosen not to avail themselves of Wounded  
21 Warrior Project's programs and services.

- 22 E. Within 30 days of this Consent Judgment and Permanent Injunction, Graham shall  
23 contact, in writing, all third-party websites (including, but not limited to,  
24 <http://vetlikeme.org/opinion-5-8/>; [http://beforeitsnews.com/opinion-  
25 conservative/2014/01/wounded-warriors-project-a-legal-scam-2788654.html](http://beforeitsnews.com/opinion-conservative/2014/01/wounded-warriors-project-a-legal-scam-2788654.html);  
26 <http://www.texasfred.net/archives/22799> [http://www.volusia.com/wounded-warriors-  
27 project-legal-scam/](http://www.volusia.com/wounded-warriors-project-legal-scam/); and <http://www.stewwebb.com/2014/01/22/>) over which Graham  
28 does not have editorial control and on which Graham's false, defamatory and  
misleading statements about WWP have been published or republished; Graham shall  
(1) inform each such website of this Consent Judgment and Permanent Injunction (2)  
request that each such website remove all of Graham's defamatory content about  
WWP, and (3) request that each such website publish a retraction expressly stating  
that Graham's false, misleading and defamatory statements published therein are  
incorrect and shall request the retraction be published as follows:

29 The content that I, Gordon Alex Graham, authored and published in my own name  
30 and under the handle ASKNOD.COM regarding Wounded Warrior Project, Inc. and  
31 its programs, services, financial information, supporters, donors, business  
32 relationships, and business conduct is not substantiated by any factual information,  
33 and is false, misleading, and defamatory. I retract all such statements, including  
34 statements that Wounded Warrior Project is a legal scam and/or a fraudulent  
35 organization. The truth is that Wounded Warrior Project provides lifesaving services  
36 to warriors. It is accredited by the Veteran's Administration to provide benefits  
37 assistance to veterans, and it does not receive government funds. The salary of its

CEO - which is voted on by WWP's independent, all-volunteer Board of Directors - is well within the range of salaries paid to similarly-sized nonprofit executives. I apologize to Wounded Warrior Project and acknowledge the publication of false, misleading, and defamatory content regarding Wounded Warrior Project was disrespectful and inappropriate. Furthermore, I apologize for the loss of donations I caused and continue to cause Wounded Warrior Project because of my publication of false, misleading, and defamatory statements. I am ashamed that, because of my actions, injured veterans may have chosen not to avail themselves of Wounded Warrior Project's programs and services.

F. This Consent Judgment and Permanent Injunction neither addresses nor settles any claims or damages WWP Chief Operating Officer Albion Giordano might have relating to any unauthorized access to and dissemination, disclosure and publication of Mr. Giordano's private health records and information contained in those records whether maintained at the Veterans Administration or by any other health care provider.

G. Judgment shall be entered in favor of WWP, and this Court shall retain jurisdiction over the subject matter hereof and the parties hereto for the purposes of enforcing this Consent Judgment and Permanent Injunction.

H. This Consent Judgment and Permanent Injunction constitutes a final judgment pursuant to Fed. R. Civ. P. 54. Each party shall bear its own costs and attorneys' fees incurred in connection with this case.

**CONSENTED AND AGREED TO:**

\_\_\_\_\_  
Gordon Alex Graham, Defendant

/s/ Jacob L. Potak  
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Gordon Alex Graham**

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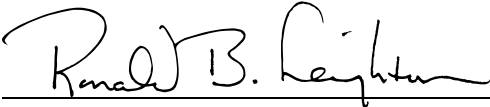
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**Counsel for Plaintiff Wounded  
Warrior Project, Inc.**

**II. ORDER**

The Court has considered the foregoing stipulated Consent Judgment and Permanent Injunction and having reviewed the records on file, including the related Stipulated Motion for Entry of Consent Judgment and Permanent Injunction, the Court hereby ORDERS, ADJUDGES AND DECREES that the foregoing agreement shall be enforceable and effective as of the date of the execution of this Order.

Dated this 1<sup>st</sup> day of June, 2015.



RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE

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