

16. Defendant Daniel Marvin (hereinafter, "Marvin"), upon information and belief, is a citizen and resident of the State of New York. He served as commander of A-424 in An Phu during the period of December, 1965 to June, 1966. As a captain in command of Detachment A-424, he served under the command of Colonel William B. Tuttle, and was also in command of all Plaintiffs, except Colonel Tuttle. In May 2003, he caused to have published an allegedly true account of his tour of duty in An Phu. He intentionally, recklessly, and with disregard to the truth, included throughout his book, "Expendable Elite", false and libelous accusations against all of the Plaintiffs. He further caused the libelous and false accounts in his book to be disseminated and published to the general public, which accused Plaintiffs of crimes, unlawful conduct, violations of the Uniform Code of Military Justice, and violations of international law. Such statements constitute libel per se against these Plaintiffs. For example, Defendant Marvin fabricated a story in his named book that accuses these Plaintiffs of participating in various illegal acts, including but not limited to the attempted assassination of Crown Prince Norodom Sihanouk, the then leader of Cambodia. Defendant Marvin further alleged another incredible lie. He stated that while Marvin was in command of A-424, and while several of Plaintiffs were serving under his command, specific orders were given by USSF to transfer operation of An Phu to ARVN and regular U.S. Army units. Marvin alleged that the Plaintiffs then in A-424, conspired with him to disobey these lawful orders, remain in camp, and resist any efforts of the Army to remove them. He then alleged that as result of their mutiny, the Central Intelligence Agency began organizing a regiment of ARVN soldiers to wipe out Plaintiffs and all occupants of An Phu, killing them and destroying the population, consisting of Detachment A-424, as well as the ARVN and civilian citizens of South Vietnam serving in An Phu. He further, and incredulously, alleged that an ARVN regimental force had arrived at Chau Doc, under the command of and accompanied by agents of the Central Intelligence Agency. He stated that had it not been for the intervention of an ARVN General, Marvin, Plaintiffs, and all occupants of An Phu would have been annihilated.

17. Defendant Chicago Review Press, Inc., is a corporation organized and existing pursuant to the laws of a state other than South Carolina, and that said Defendant has assisted and continues to assist the defendants Marvin