

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI: EASTERN DIVISION

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|-------------------------------|---|-----------------------------------|
| HANS MOKE NIEMANN, |) | |
| |) | |
| <i>Plaintiff,</i> |) | CIVIL ACTION NO. |
| |) | |
| v. |) | <u>JURY TRIAL DEMANDED</u> |
| |) | |
| SVEN MAGNUS ØEN CARLSEN A/K/A |) | |
| MAGNUS CARLSEN, PLAY MAGNUS |) | |
| AS D/B/A PLAY MAGNUS GROUP, |) | |
| CHESS.COM, LLC, DANIEL RENSCH |) | |
| A/K/A “DANNY” RENSCH, AND |) | |
| HIKARU NAKAMURA, |) | |
| |) | |
| <i>Defendants.</i> |) | |

COMPLAINT

Plaintiff Hans Moke Niemann (“Niemann”), by and through his attorneys Oved & Oved LLP (*pro hac application forthcoming*) and local Missouri counsel The Gartner Law Firm, alleges, upon information and belief, as follows:

NATURE OF THE ACTION

1. Niemann is a 19-year-old, self-taught chess prodigy. He brings this action to recover from the devastating damages that Defendants have inflicted upon his reputation, career, and life by egregiously defaming him and unlawfully colluding to blacklist him from the profession to which he has dedicated his life.

2. In 2014, Niemann became the youngest-ever winner of the Tuesday Night Marathon at the Mechanics’ Institute Chess Club, the oldest chess club in the United States, earning him the title of U.S. Chess Federation Master. By December 2020, FIDE, the international governing body of professional chess, awarded Niemann its highest honor by naming him a chess

Grandmaster. By October 2022, FIDE ranked Niemann as the 40th best chess player in the world, tied for the fourth-youngest player in the top-50.

3. Chess is Niemann's life. His gift for playing chess earned him a scholarship to the prestigious Columbia Grammar & Preparatory School in New York City, a school he could only attend by simultaneously working full time to support himself financially. Since the age of 16, Niemann's sole means of supporting himself has been from the money he makes teaching chess and participating in chess tournaments. Prior to the events giving rise to this Complaint, Niemann lived out of a suitcase, traveling the world to compete in chess tournaments.

4. Defendant Sven Magnus Øen Carlsen ("Carlsen") is a 31 year old chess player from Norway. He is presently the five-time reigning World Chess Champion and the highest-ranked chess player in history. Carlsen has exploited his notoriety and success in chess to create an incredibly lucrative global brand and online chess company, the Play Magnus Group ("Play Magnus"). Prior to the acts giving rise to this Complaint, Play Magnus proudly touted Niemann as one of its brand ambassadors.

5. Over the years, Play Magnus has grown into one of the two largest online chess companies in the world, second only to the multi-billion-dollar behemoth Chess.com, LLC ("Chess.com"). In August 2022, Chess.com agreed to acquire Play Magnus for nearly \$83 million and merge the two companies in order to monopolize the chess world. Carlsen, having solidified his position as the "King of Chess," believes that when it comes to chess, he can do whatever he wants and get away with it.

6. On September 4, 2022, Niemann soundly defeated Carlsen during an in-person game at the prestigious Sinquefeld Cup chess tournament in St. Louis, Missouri.

7. Notably, this was not the first time that Niemann beat Carlsen at chess, just the first time he did so at a FIDE-sanctioned event. Niemann's upset victory effectively dashed Carlsen's two remaining statistical ambitions, namely: achieving a 2900 FIDE performance rating for the first time in history; and breaking his own world-record unbeaten streak in FIDE-sanctioned events. These accomplishments, if achieved, would have solidified Carlsen as arguably the greatest chess player of all time and made his burgeoning chess empire even more valuable. Making matters worse for Carlsen, Niemann embarrassed Carlsen by playfully taunting him during his post-match interview.

8. Notorious for his inability to cope with defeat, Carlsen snapped. Enraged that the young Niemann, fully 12 years his junior, dared to disrespect the "King of Chess," and fearful that the young prodigy would further blemish his multi-million dollar brand by beating him again, Carlsen viciously and maliciously retaliated against Niemann by falsely accusing Niemann, without any evidence, of somehow cheating during their in-person game and demanding that the organizers of the Sinquefield Cup immediately disqualify Niemann from the tournament.

9. When tournament officials refused to comply with Carlsen's corrupt and cowardly demand to baselessly eliminate Niemann from competition, Carlsen lashed out again, this time by boycotting the remainder of the Sinquefield Cup in protest—an unprecedented act for a top chess professional, let alone the reigning World Champion. Carlsen then confirmed his defamatory accusations against Niemann with a provocative post on Twitter, which had the intended effect of disseminating Carlsen's false accusations that Niemann had cheated against him across the globe.

10. Days later, Carlsen was scheduled to play Niemann again in the Julius Baer Generation Cup. Rather than seek to redeem himself from his unexpected loss to Niemann, Carlsen, the "King of Chess," gutlessly forfeited the game after making one move, and then issued

a press release repeating his false accusations that Niemann had cheated against him at the Sinquefield Cup.

11. Carlsen's unprecedented actions, coupled with his unfounded accusations, sent shock waves through the chess world and instantly thrust Niemann into the center of what is now widely reported as the single biggest chess scandal in history.

12. Due to his unparalleled stature and influence in the chess community, Carlsen knew that (i) the public would believe his accusations of cheating against Niemann, even though Carlsen had no legitimate basis to believe Niemann actually cheated against him; (ii) he could ensure that no reputable chess tournament would invite Niemann to compete in the future; and (iii) his false accusations would cause other top chess players to boycott Niemann as well.

13. Following Carlsen's defamatory accusations, a flurry of independent and unbiased sources, including the tournament organizers and arbiters of the Sinquefield Cup, FIDE, and the world's foremost experts in cheat detection, have uniformly confirmed that there is no evidence that Niemann cheated in any of his games against Carlsen, including at the Sinquefield Cup, particularly given the more than ample anti-cheating security measures used at the event. Unbiased top chess analysts have dissected Niemann and Carlsen's Sinquefield Cup game in excruciating detail and concluded that Niemann's victory resulted more from Carlsen's particularly poor play than Niemann's particularly exceptional play.

14. Nonetheless, following Carlsen's baseless and retaliatory accusations, Carlsen unleashed his media empire to fan the flames of Carlsen's cheating accusations, drown out the legitimate evidence refuting them, blacklist Niemann from top-level chess tournaments, and

protect, at any cost, his eponymous Play Magnus brand and status as “King of Chess.” Almost immediately thereafter:

- (a) Chess.com, in collusion with Carlsen and Play Magnus, immediately banned Niemann from its website and all of its future events, to lend credence to Carlsen’s unsubstantiated and defamatory accusations of cheating;
- (b) Defendant Hikaru Nakamura (“Nakamura”)—Chess.com’s most influential streaming partner—acting in collusion with Carlsen and Chess.com, published hours of video content amplifying and attempting to bolster Carlsen’s false cheating allegations against Niemann with numerous additional defamatory statements; and
- (c) Chess.com executive Danny Rensch (“Rensch”) issued defamatory press releases, and leaked defamatory “reports” to prominent press outlets, falsely accusing Niemann of lying in his post-match Sinquefield Cup interview regarding his use of a “chess engine” in a handful of recreational online games when he was a child, to bolster Carlsen’s unsubstantiated defamatory accusations that Niemann cheated against him at the Sinquefield Cup.

15. Despite the falsity of Defendants’ accusations, Defendants’ malicious defamation and unlawful collusion has, by design, destroyed Niemann’s remarkable career in its prime and ruined his life. As a result of Play Magnus and Chess.com’s collusion to blacklist him from chess, Niemann can no longer compete in any online Chess.com or Play Magnus tournaments, and will not receive invitations to in-person events sponsored by Chess.com or Play Magnus, which collectively comprise the majority of FIDE-sanctioned chess tournaments.

16. Already, based on Defendants’ defamatory accusations: (i) the Chess.com Global Championship revoked Niemann’s invitation to play in that tournament in October 2022, even though Niemann earned that invitation through his exceptional play; (ii) teenage Grandmaster Vincent Keymer cancelled his upcoming game with Niemann in Germany; (iii) the Tata Steel Chess Tournament, one of chess’s most prestigious tournaments, immediately ceased its ongoing

arrangements for Niemann to play in its January 2023 tournament; and (iv) Niemann cannot obtain employment as a chess teacher at a reputable school.

17. Accordingly, Niemann asserts the following claims against Defendants: (1) slander; (2) libel; (3) unlawful group boycott under the Sherman Act, 15 U.S.C. § 1, *et. seq.*; (4) tortious interference with contract and business expectancies; and (5) civil conspiracy.

18. Niemann seeks damages in an amount to be determined at trial, but no less than One Hundred Million Dollars (\$100,000,000).

PARTIES

19. Plaintiff Hans Moke Niemann is a natural person and a Connecticut resident.

20. Defendant Sven Magnus Øen Carlsen is a natural person residing in Norway.

21. Defendant Play Magnus AS d/b/a Play Magnus Group is a Norway limited liability company founded and owned, in whole or in part, by Carlsen.

22. Defendant Chess.com, LLC is a Nevada limited liability company with a principal place of business in Mountain View, California. Upon information and belief, Chess.com's members reside in Utah and California.

23. Defendant Daniel Rensch a/k/a "Danny" Rensch is a natural person residing in Utah.

24. Defendant Hikaru Nakamura is a natural person residing in Florida.

JURISDICTION AND VENUE

25. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1337 because Niemann's claims arise out of federal law, namely 15 U.S.C. § 1, *et seq.* The Court has supplemental jurisdiction over Niemann's state law claims pursuant to 28 U.S.C. § 1367.

26. Upon information and belief, this Court also has jurisdiction over this action pursuant to 28 U.S.C. § 1332, as none of the Defendants reside in Niemann’s home state of Connecticut.

27. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to the claims occurred in this District.

FACTS

A. The Key Players and Their Roles

i. FIDE and Its Oversight of Professional Chess

28. Since 1924, chess has been regulated by the International Chess Federation, a Swiss-based federation popularly known by its French acronym, “FIDE” (Fédération Internationale des Échecs). In its current form, FIDE is made up of national chess organizations in 200 countries and has been recognized by the International Olympic Committee as an official Global Sporting Organization.

29. As the official body overseeing professional chess, FIDE sets the rules of international chess competitions, organizes and sanctions the highest-level professional chess tournaments, including the World Chess Championship, and certifies tournament arbiters (*i.e.*, referees or umpires). In addition, one of FIDE’s most important functions is to calculate professional chess players’ official performance ratings. These official ratings are used for several purposes, including bestowing professional titles such as “Grandmaster” and determining which players qualify for professional tournaments.

30. FIDE calculates these official performance ratings using an algorithm known as the “Elo rating system.” Only events that are officially sanctioned by FIDE affect players’ official FIDE performance ratings. To qualify as an officially-sanctioned FIDE event, a tournament or match must adhere to strict parameters established by FIDE.

31. Prior to 2021, FIDE only officially sanctioned matches and tournaments that were held in-person, with participants playing their matches “over the board”—*i.e.*, physically sitting across from each other and moving their chess pieces by hand. FIDE employs strict anti-cheating procedures, such as screening players for metal and electronic devices, broadcasting games with time delays, and tightly observing the players during their matches.

32. Currently, the vast majority of official FIDE-sanctioned events are still conducted in-person, with only a few select events taking place online. FIDE-sanctioned online events also employ strict anti-cheating protections to ensure that those online matches are played fairly.

33. Niemann, however, has never participated in a FIDE-sanctioned event that was not “over the board.”

34. The day-to-day operations of each of the FIDE-sanctioned tournaments are run by tournament organizers, in conjunction with FIDE (the “Tournament Organizers”). Tournament Organizers are responsible for, among other things, tournament logistics, security, and anti-cheating, or “fair play,” measures.

ii. Chess.com and Its Economic Dominance in the Chess World

35. Outside of “official” chess events and tournaments sanctioned and regulated by FIDE, the authoritative body governing professional chess, there are a large variety of websites and online applications, including Chess.com, on which people of any skill level—novices, enthusiasts, and professionals alike—can play recreational chess.

36. Over the past three decades, these casual chess platforms have seen a meteoric rise in popularity, largely due to the ease with which they allow individuals of all skill levels to play recreational chess quickly and easily with others all over the world.

37. Through a series of acquisitions, Chess.com has become, by far, the world’s largest and most popular online chess company. Chess.com currently has more than 90 million members

who play over ten million online chess games on its website each day. This is more than three times the number of games hosted by the next largest chess website, Lichess.org, which is a free and open-source website maintained by a non-profit organization.

38. To attract members to its platforms, Chess.com solicits top chess professionals from all over the world to play recreational Chess.com matches and create content on its platforms, pursuant to Streaming Partner Agreements. Players with Streaming Partner Agreements (“Streaming Partners”) create content, including articles, interviews, and “streaming videos” during which top players play chess live and/or offer commentary regarding topics of interest to chess fans. Chess.com employs many of the world’s most famous competitive chess players, including Carlsen and Nakamura.

39. Chess.com allows members to “follow” their favorite chess players for easier access to those players’ games and content. Nakamura, for instance, has over one million followers on Chess.com, and Carlsen has over 64,000.

40. While Chess.com provides an online “rating system” for its members, that rating system is completely separate from, and has no bearing whatsoever on, a player’s official FIDE performance rating. Rather, a player’s Chess.com rating is a private and unofficial tool that members can use to help identify and play other Chess.com members with roughly the same skill level.

41. Accordingly, a professional chess player’s performance on Chess.com has absolutely no effect on their professional rankings, qualifications for official FIDE-sanctioned events, or official records and statistics.

42. Moreover, while Chess.com occasionally hosts tournaments and events on its online platform in which top-ranked professional chess players participate and compete for prize money, Chess.com does not host any FIDE-sanctioned events on its platform.

43. For the most part, professional chess players use Chess.com merely to connect with fans, increase their visibility in the chess community and gain “followers” to enhance their personal brands, or simply to have fun and play chess in a relaxed, unofficial atmosphere. For example, despite Carlsen’s obsession with his FIDE ranking and unbeaten streaks, Chess.com’s own statistics reveal that he has lost at least 40 online chess games on Chess.com in the past month alone.

44. Even though Chess.com has no official role in governing professional chess, and does not host any FIDE-sanctioned events on its platform, it is nevertheless a dominant force in the professional chess world by virtue of its enormous revenues and influence as the world’s dominant online chess site. For example, Chess.com is a major corporate sponsor of almost every important and prestigious professional chess tournament around the world, including FIDE-sanctioned, in-person chess tournaments and events.

45. Thus, despite being unable to rank players, govern official chess rules and regulations, or host FIDE-sanctioned events on its platform, Chess.com can exert its dominance to determine which players will succeed or fail by controlling who is, and who is not, invited to the events and tournaments it sponsors, and who can use its leading online Chess.com platform. As the dominant source of chess-related news and events, access to Chess.com also has a major influence on top chess players’ image and public exposure.

iii. Chess.com’s “Chief Chess Officer,” Rensch

46. Rensch is an “international master” level player, which is one level below Grandmaster. He is one of Chess.com’s top executives, holding the title “Chief Chess Officer.”

47. Rensch is the public face of Chess.com, and a well-known figure in the chess world for his coverage and commentary for Chess.com’s flagship online events, as well as over the board tournaments sponsored by Chess.com.

iv. Carlsen and His Company Play Magnus, Formerly Chess.com’s Main Competitor

48. Practically synonymous with professional chess, Carlsen is a FIDE Grandmaster who has won every World Chess Championship since 2013. He has the single highest peak Elo rating in the history of chess of 2882. Carlsen interacts with the public through his popular Twitter account, @MagnusCarlsen, which has nearly 800,000 followers, and a highly visible streaming channel sponsored by Chess.com.

49. In 2014, Carlsen founded Play Magnus, which, after Chess.com, has become the second most dominant commercial enterprise in chess.

50. Over the years, Play Magnus expanded its reach in the chess world by acquiring other chess websites and chess content creators. In 2019, Play Magnus acquired the chess websites chess24.com and chessable.com. Chess24.com is one of the most popular chess websites worldwide, and hosts one of the two largest internet chess servers other than Chess.com. In 2020, Play Magnus expanded further by acquiring the U.S. website ichess.net. In 2021, Play Magnus acquired the Dutch magazine *New in Chess* and the publisher Everyman Chess.

51. As stated on its website, Carlsen, through Play Magnus, “united some of the most exciting chess brands and platforms into one strong ecosystem to grow the sport of chess.” Under his own personal brand, Play Magnus’s explicitly stated mission is to “Defin[e] the future of Chess.”

52. On July 19, 2022, Carlsen announced that he would not defend the Chess World Championship title that he has held since 2013. Instead, Carlsen would focus on two personal goals that he believed would solidify his stature as the greatest chess player of all time: (i) breaking his own world-record unbeaten streak of 125 consecutive FIDE-sanctioned matches; and (ii) achieving an official FIDE performance rating of 2900, which has never been accomplished in the history of chess.

v. Chess.com Streamer Hikaru Nakamura

53. Nakamura is a chess Grandmaster who, at his peak, was ranked second in the world by FIDE.

54. Nakamura is by far Chess.com’s most popular streaming partner, with nearly one million followers on Chess.com. Nakamura also operates streaming channels on multiple other social media platforms.

55. For example, in 2018, Nakamura began streaming on the Twitch platform under the channel name GMHikaru. On February 14, 2021, Nakamura reached the milestone of one million followers on his Twitch channel.

56. Nakamura uses these channels to stream the chess matches he plays online and to offer a Grandmaster chess player’s insight and commentary on current events in the world of competitive chess. Nakamura has publicly stated that he prioritizes his streaming career over his chess-playing career.

57. Nakamura also operates a server called “Naka’s PogUniversity” on Discord, a popular voice and text messaging social media platform, and has a Twitter account with over 430,000 followers. In addition, Nakamura has a YouTube channel, which had over 1,390,000 subscribers as of October 2022.

58. As Chess.com’s most prolific online personality, Nakamura has a well-documented history of abusing his leverage with Chess.com to blacklist competitors, accuse players of cheating, and damage the careers of up-and-coming chess players.

59. Nakamura has also had an acrimonious relationship with Niemann for several years, dating back to when they both worked as streamers for Chess.com and Nakamura viewed Niemann as a threat to his dominance on chess streaming platforms.

vi. Niemann and His Meteoric Rise from Child Prodigy to FIDE Top-40 Player

60. Niemann is American chess prodigy.

61. At the age of 11, he became the youngest player to win the Tuesday Night Marathon, a tournament held at the Mechanics’ Institute Chess Club, the oldest chess club in the United States. This victory earned Niemann the title of U.S. Chess Federation Master.

62. At the age of 16, Niemann, who received no financial support or assistance from his family or anyone else, moved to New York City after receiving a scholarship to attend the prestigious Columbia Grammar & Preparatory School. While in school, Niemann supported himself by teaching chess at other prestigious schools, including The Nightingale-Bamford School and The Browning School, and participating in professional chess tournaments.

63. At the age of 17, FIDE granted Niemann the title of Grandmaster.

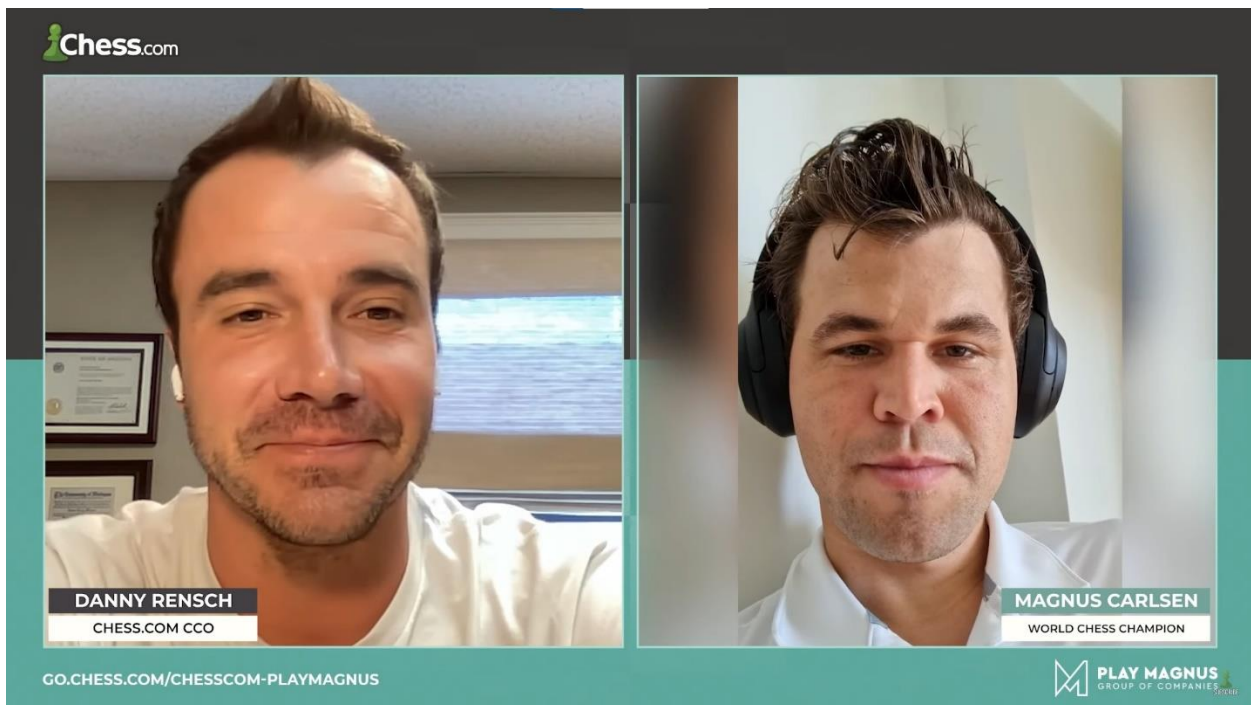
64. Since then, Niemann, by playing a record number of games in 2021, has been steadily climbing FIDE’s ranks. By virtue of his decision to dedicate himself wholly and

completely to playing in FIDE-sanctioned chess tournaments, Niemann rose in the rankings to 40th in the world, with a FIDE performance rating of 2699.

B. Chess.com’s Merger with Play Magnus to Monopolize Chess

65. In August 2022, shortly before Niemann’s victory against Carlsen at the Sinquefeld Cup, Play Magnus and Chess.com announced that Play Magnus accepted an offer to be acquired by Chess.com for approximately \$83 million, with plans to merge the two companies and monopolize the chess world (the “Merger”).

66. The Merger’s announcement was personally made by Rensch and Carlsen in a split-screen video, as depicted below:



67. When Chess.com and Play Magnus announced the Merger on August 24, 2022, they estimated that it would take approximately six to eight weeks to finalize the transaction.

68. Thus, at the time Niemann defeated Carlsen at the Sinquefeld Cup, Carlsen and Chess.com were in the midst of negotiating terms for Carlsen’s sale of his Play Magnus brand.

69. Upon announcing the Merger, it was reported that “With this, there is no other realistic chess competitor in sight (apart from the open-source and free Lichess platform), raising questions about monopolistic issues in the space and the reasons behind Chess.com’s recent price hike.”

70. Once completed, the Merger will further solidify Chess.com’s monopoly over the chess industry by, among other things, providing it total control over Chess24, one of the last few alternatives to Chess.com for online chess, and purchasing the Play Magnus brand, which has become virtually synonymous with chess.

C. Niemann’s Surprise Upset at the Sinquefield Cup

71. Between September 1 and September 13, 2022, Niemann competed in the Sinquefield Cup, an annual FIDE-sanctioned, invitation-only chess tournament in St. Louis, Missouri with a total prize pool of \$350,000. The Sinquefield Cup is one leg of the “Grand Chess Tour,” a series of international chess tournaments featuring the top chess players in the world, with a total prize pool of \$1.4 million.

72. All of the matches in the Sinquefield Cup were held live and in-person; in other words, “over the board.”

73. The third round of the Sinquefield Cup took place on September 4, 2022, with Niemann facing Carlsen.

74. By all accounts, Niemann was a massive underdog, particularly given that Carlsen was playing with the white pieces, which afforded Carlsen the distinct competitive advantage of making the first move in the game.

75. Yet, unlike the vast majority of Carlsen’s opponents, Niemann was not intimidated by Carlsen’s stature and did not play for a draw like most would have done.

76. Niemann played to win. He attacked Carlsen early and flipped the advantage to the black pieces, which rattled Carlsen for the remainder of the game.

77. Unnerved by Niemann's unexpected confidence and early strategic advantage, Carlsen made numerous mistakes upon which Niemann capitalized to secure a tremendous victory over Carlsen, which, by all accounts, should have propelled Niemann's career to the next level and allowed him to continue realizing his enormous potential as the next great American chess player.

78. Unbeknownst to Niemann at the time, Defendants would do whatever it took ensure that this would never happen.

79. Niemann not only beat Carlsen; Niemann embarrassed Carlsen by defeating him with the black pieces and playfully taunting him during and after their match. He also shattered Carlsen's historic 53-game unbeaten streak and made it practically impossible for Carlsen to ever achieve a 2900 FIDE performance rating. What is more, Niemann handed Carlsen this stunning upset while Carlsen was in the midst of negotiating and finalizing the Merger to solidify Carlsen's chess empire around his Play Magnus brand.

D. Carlsen Responds by Falsely and Baselessly Accusing Niemann of Cheating

80. As a result of this shocking defeat, Carlsen snapped. Unable to accept the reality of his unexpected loss, Carlsen reflexively retaliated by defaming Niemann to Michael Khodarkovsky, the Executive Director of the Grand Chess Tour, falsely accusing Niemann of cheating during their game and demanding that Niemann be immediately disqualified. Carlsen knew that Niemann's sudden expulsion from a major professional chess tournament would send a clear, albeit false, message to the public that Niemann cheated.

81. Because Carlsen had absolutely no evidence of Niemann's cheating, Khodarkovsky refused to comply with Carlsen's dictatorial command.

82. Yet this did not stop Carlsen from disseminating his false and defamatory accusations that Niemann cheated. It merely forced him to be more creative. Carlsen rose to the challenge by first convincing Khodarkovsky to dramatically enhance the anti-cheating measures at the Sinquefeld Cup, including by adding military-grade metal detection scans and a 15-minute tape delay on all broadcasts of tournament games. Carlsen knew that the sudden, unnecessary, and unexplained implementation of these new anti-cheating measures would be interpreted by the chess community and the public to mean that the Tournament Operators had a legitimate basis to believe that one or some of its players had cheated.

83. Then, at 2:00 PM on September 5, 2020, the day after Niemann's shocking upset, Carlsen publicly announced on his Twitter page that he had withdrawn from the Sinquefeld Cup.

84. In that Twitter post, Carlsen linked to a video of soccer manager José Mourinho infamously reacting to a controversial referee decision by saying "I prefer really not to speak. If I speak, I am in big trouble." Carlsen's Twitter post is reproduced below:



85. Carlsen knew full well that withdrawing in the middle of a prestigious, high-profile professional chess tournament like the Sinquefeld Cup is virtually unheard of for any top-level chess player, let alone the reigning Chess World Champion widely considered to be the greatest chess player in history.

86. By insisting that the Sinquefeld Cup impose enhanced anti-cheating measures after his loss to Niemann, resigning from the tournament immediately thereafter, and then referencing a famous video of a soccer coach refraining from publicly accusing referees of misconduct, Carlsen conveyed a clear and unmistakable message to the public: that Niemann only beat Carlsen because Niemann cheated.

87. As Carlsen intended, the chess world and the public at large received Carlsen's defamatory message loud and clear. On September 6, 2022, worldchess.com posted an article titled "Did Hans Niemann Actually Cheat? All the Info So Far," which stated

Yesterday, Magnus Carlsen withdrew from the Sinquefeld Cup 2022 after his loss to Hans Niemann in Round 3. Multiple tweets, streams, comments, and security checks later, the accusation of Niemann cheating is pretty obvious!

88. On September 7, 2022, Slate posted an article titled "The Chess World is absolutely losing it over cheating allegations after massive upset," stating that

Carlsen's implications rocked the chess community, which quickly began speculating online that Niemann must have cheated, despite no evidence of foul play being presented from Carlsen or event organizers.

89. Also on September 7, 2022, ABC News Australia released an article stating that

Carlsen announced his withdrawal via a cryptic tweet on Tuesday morning (AEST) which was interpreted by many commentators – including leading American grandmaster Hikaru Nakamura – as alluding to foul play.

90. On September 8, 2022, Chessbase.com posted an article stating

In the last few days the chess world has been in enormous upheaval after the World Champion Magnus Carlsen withdrew from the Sinquefield Cup in protest after three rounds, with an unspoken accusation of cheating of the player who had defeated him, US rising star Hans Niemann.

91. On September 9, 2022, The Guardian newspaper published an article noting that Carlsen's "only explanation" for why he withdrew from the Sinquefield Cup

was a cryptic video clip of the football manager José Mourinho saying "If I speak I am in big trouble," during a press conference about referees. This was widely interpreted as raising suspicions of cheating.

That article also noted that Carlsen's

games [at the Sinquefield Cup] will be rated and the defeat by Niemann will cost him seven rating points, a large setback in the context of trying to get from 2865 to 2900. His dream of a record rating has just become more distant.

92. Also on September 9, 2022, Vice News published an article explaining that the public "took [Carlsen's] cryptic tweet to mean that the only reason why Niemann won was because he cheated."

E. Carlsen Enlisted His New Business Partner Chess.com and Co-Conspirator Nakamura to Bolster His False Accusation that Niemann Cheated Against Him

93. After Carlsen succeeded in laying the groundwork against Niemann with his initial defamatory accusations of cheating, he unleashed the full force of his newly-broadened media empire to publicly bolster those allegations and drown out any legitimate sources of opposition that demonstrated why Carlsen's allegations were untrue.

94. Immediately after Carlsen announced his withdrawal from the Sinquefield Cup in a manner maliciously calculated to communicate to the world that Niemann had cheated during their match, Chess.com banned Niemann from its website, deleted Niemann's slack account, and forbade Niemann from participating in any further Chess.com events.

95. By design, this sudden ban, at the precise time that Carlsen accused Niemann of cheating against him, added instant credibility to Carlsen's false allegations and suggested that they were true. Otherwise, there would be no reason for Chess.com to suddenly ban Niemann immediately after he defeated Carlsen.

96. To bolster this unprecedented joint ban, which effectively blacklisted Niemann from professional chess, Nakamura leveraged his platform as Chess.com's top streamer and credibility as a top chess player to engage in an all-out blitz of defamatory accusations to further confirm that Carlsen accused Niemann of cheating and to make it appear that those accusations are true.

97. First, on September 5, 2022, Nakamura stated numerous times during one of his widely-viewed streaming videos that it was "very obvious" that Carlsen withdrew from the Sinquefeld Cup because Niemann had cheated during their match:

- a. "Magnus did not withdraw because he was pissed at losing the game, let's put it that way. I mean, I've played with Magnus for the last 20 years, he did not withdraw because he lost the game."
- b. "I mean, its pretty obvious why Magnus withdrew ... Its very obvious why he withdrew and that, there's no doubt in my mind why he withdrew. No doubt. Zero doubt.... I already said it.... Magnus literally posted a video saying if I speak I'm in big trouble, yeah its very clear what he's implying. There's no doubt in my mind."
- c. "We know why, we know why Magnus withdrew. There's zero doubt. There's zero doubt why he withdrew."
- d. "If they're on a 15-minute delay, that says it all. If they're on a 15-minute delay, then we know the reason why Magnus withdrew from the event. Plain and simple. That's all that I need to say. They were not on a delay for the first four rounds. Yeah, yeah, its that simple."

98. Second, as the formerly second-highest-ranked chess player in the world, who touted his inside knowledge regarding Chess.com, Nakamura knew that if he accused Niemann of

cheating, or stated that he believed Niemann cheated, the public would assume that those accusations and/or opinions were based on his inside knowledge and expertise in chess, and thus should be credited as true. To bolster that credibility, Nakamura made several false and defamatory statements suggesting that he had such specialized knowledge, not known to the public, further proving that Carlsen's accusations against Niemann were true:

- a. "I've heard [similar accusations] from a lot of different chess players, in regard to [Niemann's] over-the-board shots. ... I'm obviously not going to say names, but these people I know these are people I know people that I respect, very prominent people in the chess community."
- b. "... I heard about this directly from someone in Saint Louis, one of the players during the rapid and blitz, who said that they're basically certain that Hans has done something, and then Magnus withdraws from the tournament. So its ... very, very strange."
- c. [Niemann's explanation of how he beat Carlsen is] "complete nonsense, it's just not possible because this is such an obscure line, there's no way you're looking at it to this degree."
- d. "I'll just say this as someone who has played a lot of games, if you're super prepared, and you look at something that morning, you blitz out the first 20 moves. If you looked at it that morning you just blitz out all the moves. You don't pretend, you don't use 12 minutes. You use like three or four minutes on one specific move. That's how it works."
- e. "This is weird. This analysis [by Niemann] is not 2700 level analysis. This is not 2700 level analysis. Like, Alejandro's outplaying him [as the interviewer]. Alejandro's not even using the engine and he's outplaying him."

99. During that same streaming video, Nakamura also republished a tweet from an account named "Unsubstantiated Chess Rumors" falsely stating that top players know that Niemann had been banned twice on Chess.com for cheating, which statement Nakamura falsely presented as fact, claiming "this is a legitimate tweet."

100. During his stream the next day, on September 6, 2022, Nakamura continued to amplify Carlsen's allegations, and reiterated that his own specialized knowledge proved that Carlsen's accusations were true:

- a. "This is something that has been going on for a long time, I've heard from many different people. And when Magnus is a World Champion essentially, I think, is saying 'there's something weird going on,' you start to look at it a little bit differently."
- b. "Why would Magnus say [this] if there's literally no hard proof? Like I said, amongst grandmasters, this rumor's been around forever, I've heard it, I've summarily dismissed it many different times, but actual top players are saying stuff now."

101. Nakamura's statements were false and defamatory, including because Niemann did not cheat against Carlsen in the September 4, 2022 Sinquefield Cup match, and because Niemann had not previously been banned twice on Chess.com for cheating. Yet as Nakamura well knew, his reputation as one of the world's top chess players allowed him to hurl these false and completely unsubstantiated accusations against Niemann, and the public would regard them as fact.

102. In response to Carlsen and Nakamura's accusations, Niemann gave an interview unequivocally denying that he had cheated in his Sinquefield Cup match against Carlsen on September 4, 2022, or in any other FIDE-sanctioned event. During that interview, Niemann, hoping to set the record straight, also responded to Nakamura's accusations of online cheating in recreational games by candidly admitting that when he was 12 and 16 years old, he had regrettably used a "chess engine"—a computer program designed to calculate the optimal chess move in any given situation—in a handful of non-FIDE-sanctioned recreational chess matches he played online

on Chess.com. Niemann expressed deep remorse for using a chess engine in these Chess.com games, calling it the worst mistake of his life.¹

103. Just days later, Chess.com and Rensch piled on their own false accusations regarding Niemann's online chess play on Chess.com. These false accusations were specifically designed to depict Niemann as a serial cheater, and thus reinforce Carlsen's accusations that Niemann cheated against him "over the board" at the FIDE-sanctioned Sinquefield Cup.

104. Specifically, on September 8, 2022 at 6:58 PM, Rensch caused Chess.com's Twitter account to post the following statement:

Dear Chess Community,

The last few days have been tumultuous for many in the chess community. At this time, we have reached out to Hans Niemann to explain our decision to privately remove him from Chess.com and our events. **We have shared detailed evidence with him concerning our decision, including information that contradicts his statements regarding the amount and seriousness of his cheating on Chess.com.** We have invited Hans to provide an explanation and response with the hope of finding a resolution where Hans can again participate on Chess.com. We want nothing more than to see the best chess players in the world succeed in the greatest events. We will always act to protect the integrity of the game that we all love.

Danny Rensch
Chief Chess Officer
Chess.com²

105. Chess.com and Rensch's above statement is false. Niemann did not lie about the "amount and seriousness of his cheating on Chess.com." In addition, Chess.com had not shared "detailed evidence with [Niemann] that contradicts his statements regarding the amount and

¹ Notwithstanding Niemann's remorse for experimenting with a chess engine on Chess.com as a child, it is important to reiterate that these are merely recreational games having nothing to do with Niemann's, or anyone else's, FIDE performance rating or global rank. As stated above, all of Niemann's FIDE matches, including his victory over Carlsen at the Sinquefield Cup, were in person, "over the board," under tightly observed and secure conditions where he could not, and did not, cheat.

² Unless otherwise indicated, all emphasis herein is added.

seriousness of his cheating on Chess.com.” These are more trumped-up, false allegations, specifically designed to further defame Niemann by accusing him of not only being a serial online cheater, but now also a liar.

106. In fact, the very first public comment to this tweet was “Ha! Hans is a liar!”

107. Chess.com’s additional false accusations had the intended effect of further fanning the flames of Carlsen’s initial defamatory accusations that Niemann cheated against him “over the board” at the Sinquefeld Cup.

108. For example, on September 9, 2022, GINX Esports TV wrote in an article that “Chess.com banned [Niemann] after finding ‘evidence’ supporting the[] striking allegations” by Carlsen and Chess.com.

109. Conspiracy theories began going viral on the internet, no longer concerned with whether Niemann actually cheated but, rather, how he could have possibly cheated in an over the board game with strict anti-cheating protocols. These swirling conspiracy theories were so outrageous that they garnered the attention of, among many others, Elon Musk, who spread them in posts on Twitter, and Stephen Colbert, who spread them on The Late Show with Stephen Colbert. Elon Musk has 107.8 million Twitter followers, and The Late Show with Stephen Colbert had 2.3 million viewers as of August 2022.

110. Moreover, given that, even according to Chess.com, Niemann had years earlier resolved Chess.com’s issues with Niemann’s use of an engine during certain recreational online games, and Niemann had never done so again, Chess.com’s sudden ban of Niemann from Chess.com purportedly based on “cheating on Chess.com” could not be a more obvious pretext for its collusion with Carlsen and Play Magnus to destroy Niemann’s reputation and blacklist him from professional chess.

F. Defendants Continue to Defame Niemann After Another Match with Carlsen

111. On September 19, 2022, after Defendants' defamatory accusations had already been widely disseminated worldwide, Niemann and Carlsen were slated to play each other again at the Julius Baer Generation Cup.

112. As the reigning Chess champion, Carlsen could have seized upon this opportunity to redeem himself from his upset loss at the Sinquefeld Cup, or put this scandal to rest by admitting that he had no reason to believe that Niemann actually cheated against him.

113. Instead, Carlsen chose to pour more gasoline on the fire he started by resigning from his match with Niemann after making one move, another unprecedented act for any top professional chess player. By doing so, Carlsen intentionally sent another clear message to the public: that Carlsen stood by his prior accusation that Niemann had cheated against him at the Sinquefeld Cup, and that the public onslaught he unleashed against Niemann was truthful, justified, and should continue.

114. As the Daily News wrote on September 19, 2022, "Carlsen, the world's best player for over a decade, abruptly quit an online match amid allegations that his opponent, American grandmaster Hans Niemann, is a devious cheat."

115. As the BBC noted on September 23, 2022, "[a]ny thoughts that the issue of cheating might be put to bed were quickly dashed when Carlsen resigned after making only one move – an apparent protest at Niemann's participation."

116. In an interview on September 21, 2022, Carlsen was asked about the meaning behind his abrupt resignation against Niemann in the Julius Baer Generation Cup. Carlsen laughed and declined to comment, but then boasted "people can draw their own conclusions, and they certainly, certainly have" – a not-so-subtle endorsement of the swirling accusations and conspiracy

theories that Defendants created by accusing Niemann of cheating against Carlsen and lying about cheating in the past.

117. Meanwhile, Carlsen was privately disseminating his false cheating accusations to numerous members of the chess community, including chess commentator Lawrence Trent.

118. Moreover, to further fuel his prior defamatory accusations, Carlsen maliciously added yet another accusation into the mix by sarcastically stating, “I have to say, I’m very impressed by Niemann’s play and I think his mentor Maxim Dlugy must be doing a great job.”

119. Maxim Dlugy is not Niemann’s coach or mentor and has no involvement whatsoever with Niemann’s training or preparation. Maxim Dlugy is a professional chess player who is rumored to have cheated in online games on Chess.com. Accordingly, for those familiar with chess, falsely associating Niemann’s play with Dlugy was a direct accusation that Maxim Dlugy somehow helped Niemann cheat against Carlsen at the Sinquefeld Cup.

120. The reporter, well aware of the message Carlsen was sending, noted to Carlsen “you mentioned a name there, I think maybe a trainer of Hans Niemann, that he is doing a good job,” and asked if Carlsen could “say some more about that? Is that because you think [Dlugy is] helping Hans in the games?” Carlsen confirmed the accusation by laughing and stating that he hoped “to say a little bit more after the tournament.”

121. However, Carlsen’s purposeful suggestion was more than enough for Nakamura, who immediately took it to his streaming channels to fuel the next round of defamatory conspiracy theories against Niemann.

122. On September 22, 2022, Nakamura played a recording of Carlsen’s interview on his streaming channel and specifically highlighted Carlsen’s accusation that Dlugy helped Niemann cheat against him. Nakamura stated that “it’s very clear why Magnus is name-dropping

Dlugy. There is no doubt in anybody’s mind ... The reason he name-dropped is because Dlugy has been caught doing something wrong in ... tournaments on Chess.com.”

123. Nakamura also made the false statement that “as we know now, Hans Niemann did go to Max Dlugy’s academy in NYC for a short while.” That statement is false because Niemann did not ever “go to Max Dlugy’s academy in” New York City, even “for a short while.”

G. Carlsen Issues a Statement Explicitly Accusing Niemann of Cheating Against Him and Confirming His Intention to Blacklist Niemann from Professional Chess

124. On September 26, 2022, Carlsen issued a statement on his Twitter account explicitly accusing Niemann of cheating against him at the Sinquefield Cup. Specifically, Carlsen’s statement reads, in pertinent part:

I believe that Niemann has cheated more – and more recently – than he has publicly admitted. His over the board progress has been unusual, and throughout our game in the Sinquefield Cup I had the impression that he wasn’t tense or even fully concentrating on the game in critical positions, while outplaying me as black in a way I think only a handful of players can do. This game contributed to changing my perspective.

125. As is evident, Carlsen’s statement makes the factual accusation that Niemann has “cheated more – and more recently – than he has publicly admitted,” including during his match with Carlsen at the Sinquefield Cup. Moreover, to support this defamatory accusation, Carlsen represents that that he possesses private and undisclosed facts justifying his false factual assertion that Niemann cheated against him.

126. Carlsen’s September 26, 2022 statement goes on to make crystal clear his attempt to blacklist Niemann from future top-tier professional chess tournaments and events:

We must do something about cheating, and for my part going forward, **I don’t want to play against people that have cheated repeatedly in the past**, because I don’t know what they are capable of doing in the future.

There is more that I would like to say. Unfortunately, **at this time I am limited in what I can say without explicit permission from Niemann to**

speaking openly. So far I have only been able to speak with my actions, and those actions have stated clearly that **I am not willing to play chess with Niemann.**

127. By stating that Carlsen does not “want to play against people that have cheated repeatedly in the past,” and that he is “not willing to play chess with Niemann,” Carlsen sent a clear message to the organizers and sponsors of all future chess tournaments and events that if they invite Niemann to those events, Carlsen—as the reigning World Champion and number-one ranked chess player in the world—will not participate.

128. By stating that “at this time I am limited in what I can say without explicit permission from Niemann to speak openly,” Carlsen represented that he had additional evidence to support his defamatory accusations that Niemann cheated against him, but that Niemann is somehow preventing him from disclosing it. Both of these statements are false.

H. Chess.com, Rensch, and Nakamura Republish Carlsen’s False Accusation that Dlugy Is Niemann’s “Mentor” and Helped Him Cheat

129. Shortly after Carlsen falsely suggested that Dlugy is training Niemann and helping him cheat, and around the same time that Carlsen posted his September 26, 2022 statement, Chess.com and Rensch deliberately leaked years-old emails between Dlugy and Rensch to VICE Media (“VICE”) in an attempt to legitimize the narrative that Dlugy was a cheater and that by association, so was Niemann.

130. In those emails, Dlugy explained to Rensch that while he was playing in an online tournament on Chess.com in 2017, he allowed the students at his chess academy to view his screen and shout out suggestions for moves Dlugy should play. Dlugy stated that he later discovered that one of the students may have been suggesting moves that the student derived using a chess engine.

131. On September 28, 2022, VICE published those emails as part of an article titled “Chess Grandmaster Maxim Dlugy Admitted to Cheating on Chess.com, Emails Show,” with a

byline stating “Dlugy, who is one of Hans Niemann’s coaches and was recently namedropped by Magnus Carlsen, cheated in his own tournaments in 2017 and 2020, according to emails he exchanged with Chess.com.”

132. That same day, Nakamura reacted to the VICE article during one of his video streams. During that streaming video, Nakamura reiterated his false accusation that Niemann was “not being completely clean about what’s going on” with respect to Niemann’s past with cheating.

133. Nakamura further stated that, based on the VICE story, there was “no way that Chess.com is bluffing” in its defamatory September 8, 2022 press release accusing Niemann of lying about the number of times he cheated on Chess.com and claiming to have shared unidentified “detailed evidence” of this with Niemann.

134. In that same streaming video, Nakamura went on to state “you know what the million dollar question is: who is the student” who suggested chess moves to Dlugy that came from a chess engine. Nakamura proceeded to clearly suggest that Niemann was that student.

135. Nakamura’s statements were false because, as stated above, Niemann did not lie about the amount and seriousness of his use of a chess engine on Chess.com, and because Niemann was not the student who purportedly used a chess engine in suggesting moves to Dlugy during Dlugy’s game on Chess.com in 2017.

I. Numerous Officials and Experts Confirm that There is No Evidence that Niemann Cheated Against Carlsen or Lied About His Past Online Play

136. Since early September 2022, numerous chess officials and cheat-detection experts have thoroughly examined the facts and circumstances and repeatedly confirmed that there is absolutely no basis to believe that Niemann cheated in his match against Carlsen at the Sinquefeld Cup or that Niemann lied about his use of engine assistance in online games.

137. For example, on September 10, 2022, the Sinquefield Cup’s Chief Arbiter, Chris Bird, issued a statement confirming that there was “no indication that any player has been playing unfairly in the 2022 Sinquefield Cup. This includes all rounds played to date.”

138. Around this same time, Tony Rich, the executive director of the Saint Louis Chess Club, which hosted the Sinquefield Cup, denied that there was any indication of cheating, by any player, during the tournament.

139. On September 21, 2022, Mr. Bird, the Sinquefield Cup Chief Arbiter, issued a second statement on Twitter:

To all the folks who contacted me looking for comments/interviews: As Chief Arbiter of the 2022 #SinquefieldCup, I would only say “one player withdrew for personal reasons, and there is no indication that any player played unfairly in any of those games.”

140. Separately, Kenneth Regan—a professor at the University of Buffalo who developed the system used by FIDE to identify cheaters in chess games, and who is widely regarded as the world’s foremost expert on cheating in chess, including by Carlsen and Nakamura—publicly confirmed that there is absolutely no statistical evidence that Niemann cheated in his game against Carlsen, or at any other time during the past two-plus years.

141. Professor Regan used his program to analyze games Niemann played in 106 separate events, together with online games and over the board games “since January 2020.” Professor Regan clearly and unambiguously stated that this analysis produced “no evidence of cheating in over the board [games] at all.” The same was true with respect to the specific Sinquefield Cup game between Niemann and Carlsen, where Professor Regan stated “I found nothing.”

142. Similarly, Caleb Wetherell, who runs the chess analytics website Pawnalyze, stated that “it’s not out of the ordinary for an upset in an individual game, especially, like this to happen,”

because it is natural for “junior chess players to get better over time and eventually beat their predecessors.”

143. Consistent with the findings of all of these officials and experts, many unbiased top chess players have stated that, after analyzing the Niemann-Carlsen match at the Sinquefeld Cup in detail, Carlsen simply played particularly poorly against Niemann, making several obvious blunders that Niemann capitalized upon to win the match.

144. Further confirming the lack of any evidence that Niemann cheated, FIDE itself issued a statement on September 23, 2022, admonishing Carlsen’s behavior and stating that is prepared to investigate the situation “when the adequate initial proof is provided.”

J. To Drown Out Legitimate Sources Clearing Niemann of Carlsen’s Defamatory Accusations, Chess.com and Rensch Publish a Defamatory “Report” Falsely Accusing Niemann of Cheating and Lying About Online Cheating

145. On October 5, 2022, Niemann was scheduled to begin competing in the U.S. Chess Championship tournament, which, due to Defendants’ repeated defamatory accusations and blacklisting, is quite possibly one of the last competitive chess tournaments in which Niemann will ever be allowed to play.

146. Niemann desperately hoped to be able to compete in that tournament, deliver an impressive performance, and lessen the blow of at least some of Defendants’ defamatory accusations.

147. Yet, once again, Defendants had different plans.

148. In an attempt to not only further destroy Niemann’s reputation, but also distract Niemann to the maximum extent possible in the hopes of torpedoing his chances for victory at the U.S. Chess Championship tournament, Chess.com and Rensch ensured that on October 4, 2022, the day of the tournament’s opening ceremony, their defamatory accusations would once again dominate the headlines.

149. First, at approximately 3:30 PM on October 4, 2022, the Wall Street Journal published an article titled “Chess Investigation Finds That U.S. Grandmaster ‘Likely Cheated’ More Than 100 Times.”

150. Contrary to the legitimacy connoted by the article’s inflammatory title, the “investigation” referenced therein was nothing more than a one-sided, self-serving and defamatory hit piece produced entirely by Chess.com, which Chess.com maliciously leaked to the Wall Street Journal to fuel the spectacle of Carlsen’s cheating allegations on the eve of Niemann’s potentially final competitive tournament.

151. Hours after the Wall Street Journal published its article and created a frenzy within the chess world and the media at large, Chess.com published on its website the defamatory “report” (the “Defamatory Report”) upon which the article was based.

152. Like Chess.com’s defamatory September 8, 2022 press release, which was tactically made in conjunction with Carlsen’s accusations that Niemann cheated “over the board,” Chess.com’s Defamatory Report falsely claims that Niemann “cheated much more than he has publicly admitted to, including in many prize events, at least 25 streamed games, and 100+ rated games on Chess.com, as recently as when he was 17 years old.”

153. Chess.com and Rensch knew that the Defamatory Report is false because, among other things, it accuses Niemann of cheating in games where he was streaming (*i.e.*, with both his face and his computer screen visible to the public), while Rensch previously admitted to Niemann that he knew Niemann had never cheated in any games he played while streaming.

154. The Defamatory Report also states that Niemann purportedly “confessed” to these so-called “cheating offenses” during a call with Rensch in 2020, which is also false.

155. While Chess.com was forced to admit in the Defamatory Report that there is no “concrete evidence proving that Hans is cheating over the board,” that “over the board” professional chess is not Chess.com’s domain of expertise, and that Chess.com does not “advocate” for that conclusion, the Defamatory Report nevertheless provided 10 pages of slanted analysis to support the conclusion that Niemann did cheat over the board at FIDE-sanctioned events. For example, the Defamatory Report states:

- a. “While we do not doubt that Hans is a talented player, we note that his results are statistically extraordinary.”
- b. “Hans is consistently above many contemporaries in strength increases, even though he has he has only recently shown the same caliber of play.”
- c. “Hans also had two rating plateaus that are uncharacteristic of the class of improving chess prodigies who become elite GMs.”
- d. “Hans...has had an uncharacteristically erratic growth period mired by consistent plateaus.”
- e. There are only “13 players currently ranked in the world’s top 50 players who are younger than 25,” and that “Hans is the only player who became a GM at age 17” while the others “all achieved the title between ages 12 and 16.”
- f. “The conventional wisdom is that if you are not a GM by age 14, it is unlikely that you can reach the top levels of chess. While that statement may seem discouraging, it has been borne out in modern chess history. Greats like Fischer, Kasparov, Carlsen, and almost all of the modern GMs who have been established as top five players, were notable GMs by age 15 at the latest.
- g. “[T]here are many remarkable signals and unusual patterns in Hans’ path as a player.”

156. Further, despite defensively disclaiming any collusion with its partner Carlsen, which is frankly incredible, and admitting that FIDE is responsible for professional “over the board chess,” the Defamatory Report dedicates another two pages to defending Carlsen’s defamatory accusations, including by using Carlsen’s own statements. For example, in the Defamatory Report, Chess.com:

- a. Falsely claims that Niemann’s explanation of his preparation was not supported by records of Carlsen’s prior games.
- b. Demeans Niemann’s post-game analysis, claiming that “[t]his analysis and dependence on the engine seem to be at odds with the level of preparation that Hans claimed was at play in the game and the level of analysis needed to defeat the World Chess Champion.”
- c. Reports that Carlsen “shared in a private conversation that his experience in playing Hans was ‘unlike a game he’s ever had.’ He emphasized that he has competed against numerous prodigies and players who ‘exert’ themselves and show great effort throughout a long, difficult fight like this game. He described Hans’ level of exertion as ‘effortless’ and felt he never had a chance to get back in the game, which was extremely unusual for Magnus who is known for his resourcefulness.”³
- d. Tries to bolster Carlsen’s purported private conversation by claiming that “Hans’ lack of emotion or excitement about the result was also noted by several others,” and linking to videos of “the reactions of notable players who have beaten Magnus.”
- e. Claims that the “game and the surrounding behaviors and explanations are bizarre.”

157. Highlighting that the Defamatory Report is nothing more than a false and malicious hatchet-job on Niemann is that, as set forth above, its self-serving “findings” are directly refuted by exhaustive analysis from Professor Ken Regan, the world’s foremost expert on cheating in chess.

158. In fact, after Chess.com published the Defamatory Report, Professor Regan directly discredited the false accusations made against Niemann in that document.

159. Likewise, contrary to Chess.com’s self-serving contention that it merely wanted to ensure the integrity of the 2022 Chess.com Global Championship tournament, Chess.com allowed

³ Notably, this portion of the Defamatory Report is taken virtually verbatim from Nakamura’s statement while streaming a month earlier on September 5, 2022, that “I’ve never seen Magnus just lose like that, where it seemed like he never had a chance in the game. Like, there are many games he’s lost, ... but games where he had no chance? Its very, very rare.”

several players who had previously been banned from online chess for cheating in high profile events to participate in that tournament.

160. In fact, Sebastien Feller, a European Grandmaster who was caught cheating at the 2010 Chess Olympiad tournament and subsequently banned from participating in FIDE-sanctioned events for nearly three years, is currently playing in the same tournament as Carlsen—the 2022 European Club Cup—with no objection whatsoever from Chess.com or Carlsen. Likewise, Magnus recently played a FIDE-sanction game against Parham Maghsoodloo, who was also banned for Lichess.org for cheating. Apparently, Carlsen only reserves his protests for those who have defeated him and threaten to undermine the financial value of Carlsen’s brand and the Merger.

161. Only hours after its release, Nakamura reacted to the Wall Street Journal article on his stream and endorsed Chess.com’s self-serving accusations as true by, among other things, stating “the fact that [Niemann] has cheated in these tournaments, Titled Tuesday 1, 2, 3. I mean, to me the Titled Tuesdays are bad enough as is, but then when you see that he cheated in the PRO Chess League as well...”

162. Nakamura then tactically weaponized the Defamatory Report to further Defendants’ efforts to blacklist Niemann from professional chess, stating “What happens with the US Championship? Because, honestly, I feel like there’s a real chance that now that this has dropped, you could have top players in the event say they’re not going to play against Hans.”

K. Defendants’ Defamatory Accusations Have Destroyed Niemann’s Life

163. Despite the fact that Niemann did not cheat during his Sinquefield Cup match against Carlsen, or use an engine during online recreational matches more frequently than he has acknowledged, Defendants’ coordinated campaign of defamation and misinformation has

nevertheless already had the desired effect of destroying Niemann's reputation, career, and livelihood.

164. On September 5, 2022, the same day that Carlsen withdrew from the Sinquefield Cup, Chess.com banned Niemann from its website and all of its future events, including the Chess.com Global Championship in October 2022, to which Niemann had previously earned an invitation. This was less than a week after Chess.com confirmed in writing, as recently as August 31, 2022, that it was "super excited to have [Niemann] in the event, and looking forward to [him] competing." Yet, the only thing that changed between August 31, 2022 and September 5, 2022 was that Niemann defeated Carlsen at the Sinquefield Cup.

165. Niemann had also arranged for a match against fellow up-and-coming teenage Grandmaster Vincent Keymer, to be hosted in Germany. However, following Defendants' accusations, Keymer has refused to play in this match, specifically based on Defendants' defamatory accusations against Niemann.

166. Prior to Defendants' defamatory accusations, Niemann had also been in extensive negotiations with the Tata Steel Chess Tournament—which is one of the world's most prestigious tournaments and has Chess.com as one of its main sponsors—to have Niemann compete. However, in the face of Defendants' repeated false and defamatory accusations, the Tata Steel Chess Tournament has ceased all contact with Niemann.

167. Carlsen's point-blank refusal to participate in any tournament that invites Niemann, and Chess.com's outright banning of Niemann from any tournament associated with it, have cut Niemann off from the vast majority of tournaments.

168. In a typical year, Niemann could expect to participate in approximately 15 major chess tournaments, each of which would (i) generate approximately \$5,000 to \$15,000 in

appearance fees for Niemann; (ii) give Niemann access to potential cash prizes ranging between approximately \$5,000 to \$100,000; and (iii) provide Niemann the opportunity to play matches against highly-rated competitors to increase his FIDE rating.

169. By being excluded from these tournaments, Niemann has lost any opportunity to obtain any appearance fees or cash prizes, as well as the ability to improve his FIDE rating.

170. By banning Niemann from online chess platforms, which Defendants monopolize, Niemann's streaming career has also been destroyed.

171. In fact, Niemann cannot even obtain employment as chess teacher at a reputable school now that his reputation has been destroyed by Defendants' lies.

FIRST CAUSE OF ACTION
(Slander – Against All Defendants)

172. Niemann repeats, reiterates, and re-alleges each and every allegation as contained in the above paragraphs with the same force and effect as if fully set forth herein.

173. Defendants published and repeatedly re-published false and defamatory oral statements accusing Niemann of cheating during his match against Carlsen and in other unidentified competitive chess games, and lying about cheating in the past, as set forth more fully above.

174. Defendants' statements were false, as set forth more fully above.

175. Defendants made the defamatory statements with full knowledge that such statements were false, or with reckless disregard as to whether such statements were false, as set forth more fully above.

176. Niemann's reputation has been, and continues to be, significantly damaged by Defendants' misconduct, including by: (i) losing his appearance fees for the Chess.com Global Championship, the Tata Steel Chess Tournament, and future chess tournaments; (ii) losing access

to potential tournament prize funds at the Chess.com Global Championship, the Tata Steel Chess Tournament, and future chess tournaments; (iii) losing access to the vast majority of opportunities to increase his FIDE rating by playing matches against other top-rated players; (iv) having his reputation in the competitive chess industry and the public destroyed; (v) being prevented from obtaining lucrative endorsements, sponsorships, business and marketing opportunities; and (vi) being forced to incur significant costs, expenses and fees, including but not limited to attorneys' fees, to try to remedy or mitigate the damage caused by Defendants' misconduct.

177. Accordingly, Niemann is entitled to a money judgment against Defendants in an amount to be determined at trial but not less than \$100,000,000, including compensatory, consequential, and punitive damages.

**SECOND CAUSE OF ACTION
(Libel – Against All Defendants)**

178. Niemann repeats, reiterates, and re-alleges each and every allegation as contained in the above paragraphs with the same force and effect as if fully set forth herein.

179. Defendants published and repeatedly re-published false and defamatory written statements accusing Niemann of cheating during his match against Carlsen and in other unidentified competitive chess games, and lying about cheating in the past, as set forth more fully above.

180. Defendants' statements were false, as set forth more fully above.

181. Defendants made the defamatory statements with full knowledge that such statements were false, or with reckless disregard as to whether such statements were false, as set forth more fully above.

182. Niemann's reputation has been, and continues to be, significantly damaged by Defendants' misconduct, including by: (i) losing his appearance fees for the Chess.com Global

Championship, the Tata Steel Chess Tournament, and future chess tournaments; (ii) losing access to potential tournament prize funds at the Chess.com Global Championship, the Tata Steel Chess Tournament, and future chess tournaments; (iii) losing access to the vast majority of opportunities to increase his FIDE rating by playing matches against other top-rated players; (iv) having his reputation in the competitive chess industry and the public destroyed; (v) being prevented from obtaining lucrative endorsements, sponsorships, business and marketing opportunities; and (vi) being forced to incur significant costs, expenses and fees, including but not limited to attorneys' fees, to try to remedy or mitigate the damage caused by Defendants' misconduct. .

183. Accordingly, Plaintiff is entitled to a money judgment against Defendants in an amount to be determined at trial but not less than \$100,000,000, including compensatory, consequential, and punitive damages.

THIRD CAUSE OF ACTION
(Violation of the Sherman Act, 15 U.S.C. § 1, *et seq.* – Against All Defendants)

184. Niemann repeats, reiterates, and re-alleges each and every allegation as contained in the above paragraphs with the same force and effect as if fully set forth herein.

185. Defendants acted in concert to improperly refuse to deal with Niemann, as described more fully above, including Chess.com banning Niemann from its platform and sponsored events, Carlsen refusing to play Niemann in any tournaments or events, and Defendants acting collectively to cause organizers of professional chess tournaments to blacklist Niemann from participating in their events.

186. The global competitive chess industry, including Chess.com and Play Magnus as global companies, affects trade or commerce among the several States, including internationally by operating international chess tournaments with cash prizes within the United States and in other

countries, as well as operating within the United States internet-based chess servers that are accessible worldwide.

187. Defendants' concerted actions to ban and blacklist Niemann constitute an improper and unreasonable restraint of trade because those actions remove a top chess player from the national and international chess circuit.

188. Moreover, because Defendants' conduct had the effect of coercing other market actors to refuse to do business with Niemann, Defendants' agreement to ban and blacklist Niemann is a *per se* improper restraint of trade.

189. Defendants' conduct has caused, and will continue to cause, substantial monetary damage to Niemann by, including but not limited to, preventing Niemann from participating in chess tournaments that award appearance fees and monetary prizes, as well as preventing Niemann from obtaining lucrative endorsements, sponsorships, business and marketing opportunities and otherwise making a living from his skill at playing chess.

190. Accordingly, Niemann is entitled to a money judgment against Defendants in an amount to be determined at trial, but not less than \$100,000,000, including compensatory, consequential, and punitive damages.

FOURTH CAUSE OF ACTION
(Tortious Interference with Contract and Business Expectancies –
Against All Defendants)

191. Niemann repeats, reiterates, and re-alleges each and every allegation as contained in the above paragraphs with the same force and effect as if fully set forth herein.

192. Niemann had contracts and/or valid business expectancies with the Chess.com Global Championship, Vincent Keymer, and the Tata Steel Chess Tournament.

193. As fellow members of the competitive chess industry, Defendants had actual knowledge of Niemann's contracts and/or business expectancies with the Chess.com Global Championship, Vincent Keymer, and the Tata Steel Chess Tournament.

194. Defendants intentionally interfered with Niemann's relationship with the Chess.com Global Championship, Vincent Keymer, and the Tata Steel Chess Tournament by defaming Niemann and improperly attempting to restrain trade by coercing them to terminate their relationship with Niemann and blacklist him from future competitive chess matches, as set forth more fully above.

195. Defendants had no justification for their conduct because, as set forth above, they each knew that their conduct was motivated solely to cause specific harm to Niemann rather than to protect any legitimate competitive interest.

196. Niemann has suffered extensive damages as a result of Defendants' conduct, including but not limited to the loss of: (i) appearance fees for the 2022 Chess.com Global Championship, the Tata Steel Chess Tournament, and future chess tournaments; (ii) access to potential tournament prize funds at the 2022 Chess.com Global Championship, the Tata Steel Chess Tournament, and future chess tournaments; (iii) access to the vast majority of opportunities to increase his FIDE rating by playing matches against other top-rated players; (iv) his reputation in the professional chess industry and the public; and (v) potential endorsements, sponsorships, and business and marketing opportunities.

197. Accordingly, Niemann is entitled to a money judgment against Defendants in an amount to be determined at trial, including compensatory, consequential, and punitive damages.

**FIFTH CAUSE OF ACTION
(Civil Conspiracy – Against All Defendants)**

198. Niemann repeats, reiterates, and re-alleges each and every allegation as contained in the above paragraphs with the same force and effect as if fully set forth herein.

199. Defendants schemed and agreed amongst themselves to repeatedly defame Niemann to members of the chess community and the public at large, in order to improperly cause the chess community to refuse to deal with Niemann, as described more fully above, including by unlawfully banning Niemann from Chess.com's platform and sponsored events, and blacklisting Niemann from participating in professional chess tournaments.

200. Defendants took multiple overt acts in furtherance of their scheme and agreement, including by making repeated false and defamatory statements accusing Niemann of having cheated during his match against Carlsen on September 4, 2022, unlawfully banning Niemann from Chess.com's platform and sponsored events, and interfering with his professional relationships, as described more fully above.

201. Niemann has suffered extensive damages as a result of Defendants' conduct, including but not limited to: (i) losing appearance fees for the 2022 Chess.com Global Championship, the 2023 Tata Steel Chess Tournament, and future chess tournaments; (ii) losing access to potential tournament prize funds at the 2022 Chess.com Global Championship, the Tata Steel Chess Tournament, and future chess tournaments; (iii) losing access to the vast majority of opportunities to increase his FIDE rating by playing matches against other top-rated players; and (iv) having his reputation in the competitive chess industry and the public destroyed; (v) being prevented from obtaining lucrative endorsements, sponsorships, business and marketing opportunities; and (vi) being forced to incur significant costs, expenses and fees, including but not

limited to attorneys' fees, to try to remedy or mitigate the damage caused by Defendants' misconduct.

202. Accordingly, Niemann is entitled to a money judgment against Defendants in an amount to be determined at trial, but not less than \$100,000,000, including compensatory, consequential, and punitive damages.

WHEREFORE, Niemann hereby requests that the Court grant the following relief:

- a) On the First Cause of Action, a money judgment in favor of Niemann against Defendants, the specific amount of which to be determined at trial, but not less than \$100,000,000, plus pre-judgment interest;
- b) On the Second Cause of Action, a money judgment in favor of Niemann against Defendants, the specific amount of which to be determined at trial, but not less than \$100,000,000, plus pre-judgment interest;
- c) On the Third Cause of Action, a money judgment in favor of Niemann against Defendants, the specific amount of which to be determined at trial, but not less than \$100,000,000, plus pre-judgment interest;
- d) On the Fourth Cause of Action, a money judgment in favor of Niemann against Defendants, the specific amount of which to be determined at trial, plus pre-judgment interest;
- e) On the Fifth Cause of Action, a money judgment in favor of Niemann against Defendants, the specific amount of which to be determined at trial, but not less than \$100,000,000, plus pre-judgment interest;
- f) An award of Niemann's costs, expenses, and reasonable attorneys' fees incurred in connection with this action;
- g) Any other and further relief as the Court deems just and proper.

Dated: New York, New York
October 20, 2022

s/Terrence A. Oved
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