

their oaths of office and subject the command of the United States Army, and the United States of America for all actions, duties, and orders promulgated by and/or delegated to subordinate commands. They were also subject to the Uniform Code of Military Justice for any breaches of their military duties.

6. In May, 2003, "Expendable Elite", a book written by Daniel Marvin purporting and alleging it to be a truthful account of his tour of duty in A-424, was published by TrineDay, offered for sale to the public, and distributed to retailers who subsequently distributed it. All Defendants are currently promoting and distributing the book in South Carolina, and in all likelihood, all of the United States, for profit.

7. The book contains false, libelous, defamatory, embarrassing, and humiliating accusations of the actions, conduct, and military services of Plaintiffs while they were associated with Daniel Marvin, A-424, USSF, ARVN, and the civilian population of Chau Phu province, South Vietnam, as more specifically described further in the Complaint that follows.

### **I. JURISDICTION**

8. Colonel William B. Tuttle, USA (Retired) is now and was a resident of York County of the State of South Carolina at the time of the publication of the libel, and at the time the other civil wrongs against him were committed by Defendants. The other Plaintiffs and Defendants are residents of various other states, as hereinafter detailed. Plaintiffs each have been damaged in an amount in excess of \$100,000. Jurisdiction is based on the diversity of parties Plaintiff and Defendant.

### **III. FACTUAL ALLEGATIONS**

9. William B. Tuttle is a citizen and resident of the State of South Carolina. He was a Lieutenant Colonel in command of Defendant, Captain Daniel Marvin at Detachment A-424 in Vietnam at all times during the alleged actions by Daniel Marvin and all of the other Plaintiffs. At no time did he meet secretly with Marvin, nor did he ever give him any top secret orders of any nature, and particularly, no orders to violate the integrity of Cambodia, to physically enter Cambodia, to fire weapons