CHAVEZ-OCHOA LAW OFFICES, INC.

BRIAN R. CHAVEZ-OCHOA, ESQ.

August 6, 2015

DEMAND TO CEASE AND DESIST

ABC News Headquarters 47 West 66th Street New York, NY 10023

Via US Postal Mail and Via Fax to 212-456-5962

re:

Defamatory Content of ABC News Website and

July 26, 2015, Edition of This Week with George Stephanopolous

Sirs/Mesdames:

I am litigation counsel to Troy Newman.

I write with respect to content on the website for "This Week with George Stephanopoulos" and the broadcast content of the Sunday, June 26, 2015, edition of "This Week with George Stephanopoulus" (hereinafter "TWWGS").

One of Mr. Stephanopoulus' guests on the June 26 episode was Cecile Richards (hereinafter "Richards"), the President of the Planned Parenthood Federation of America (hereinafter "PPFA"). Stephanopoulus interviewed Richards regarding recent coverage of a series of investigative videos examining PPFA's participation in the transfer of fetal tissues after abortions performed at PPFA affiliates from those facilities to various biologic resource companies, including StemExpress, Inc. and Advanced Bioscience Resources, Inc.

During the interview, Richards made certain false and defamatory statements. You broadcasted those statements during the Sunday morning edition of TWWGS. You continue to publish them in video archival material on the TWWGS webpage. You also continue to publish them in the form of a transcript version of Richards' false and defamatory remarks on the TWWGS webpage.

She stated, you broadcasted, and your webpage repeats:

"The folks behind this, in fact, are part of the most militant wing of the anti-abortion movement that has been behind, you know, the bombing of clinics, the murder of doctors in their homes, and in their -- in their churches, [] that's what actually needs to be -- to be looked at." http://abcnews.go.com/Politics/planned-parenthood-president-organization-broken-laws/story?id=32692100

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Richards' innuendo-laden remarks that "the folks behind this ... ha[ve] been behind, you know, the bombing of clinics, the murder of doctors in their homes, and in their [] churches" outrageously insinuates that Troy Newman has been responsible for bombing abortion clinics, murdering doctors in their homes, and murdering doctors in their churches.

Those assertions, each and every one of them, are absolutely false.

Mr. Newman has not been contacted by anyone conducting fact-checking for ABC News regarding the lies uttered by Richards. No one from ABC News contacted him before she uttered them on TWWGS. No one contacted him before ABC News repeated and further broadcast those lies by placing archival video of her remarks on its website. No one contacted him before ABC News placed a written transcription of her remarks on its website.

Omission of fact checking in such circumstances certainly was irresponsible, and likely constitutes careless and reckless publication of false statements of facts that are injurious, and, in fact, defamatory per se.

Mr. Newman hereby demands that TWWGS publish a retraction of the false and defamatory remarks made by Cecile Richards and a correction thereto.

To clarify, Mr. Newman has never participated in, planned, assisted, caused, aided or abetted:

- ✓ the murder of anyone, whether a doctor or other person;
- ✓ the bombing of any clinic, whether an abortion facility or other;
- ✓ the murder of Bernard Slepian, MD (referred to by innuendo in Richards' remark regarding doctors murdered in their homes); or,
- ✓ the murder of George Tiller, MD (referred to by innuendo in Richards' remark regarding doctors murdered in their churches).

Those are the true facts.

Richards, George Stephanopoulus, and ABC News would have been informed of those facts had they checked with Mr. Newman or his representatives. Plainly, however, that ABC News was not interested in learning the truth. Rather, ABC News has allowed Richards' rumor-mongering to substitute for appropriate fact-checking. Obviously, ABC News was intent upon publishing Richards' unsubstantiated rumors, and avoided learning the true facts so that the truth would not get in the way.

ABC News' conduct is reckless and malicious. Its reckless and malicious conduct gives rise to substantial liability for defamation. The defamatory insinuation about Mr. Newman gives rise to liability since a defendant in a libel case is accountable and liable "for what is insinuated as well as for what is stated explicitly." See, e.g., MacLeod v. Tribune Publishing Co., 52 Cal.2d 536, 547, 343 P.2d 36.

Richards' "defamation by implication stems not from what is literally stated, but what is implied." *See Tavoulareas v. Piro*, 817 F.2d 762, 780 (D.C.Cir.1987) (en banc); *cert. denied*, 484 U.S. 870 (1987) (use of the term "set up" in a familial context implied that one family

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member provided an opportunity to another family member on the basis of kinship, not merit); see generally R. SMOLLA, LAW OF DEFAMATION, Sec. 4.05 (1990).

The harms to my client caused by the original publication of the defamatory remarks on Sunday are being continuously compounded by the republication of it by ABC News and TWWGS. In such cases, where defamatory matter is repeated without privilege and without permission, the person who repeated the statement and caused the harm is liable. *Frommoethelydo v. Fire Ins. Exhange*, 42 Cal.3d 208, 217 (1986). "A false statement is not less libelous because it is the repetition of rumor or gossip or of statements or allegations that others have made concerning the matter." *Ray v. Citizen-News Co.*, 14 Cal.App.2d 6, 8-9 (Cal. App. 1936).

Because each repetition of a defamatory statement constitutes a separate publication, a separate cause of action lies for each republication. *Di Giorgio Corp. v. Valley Labor Citizen*, 260 Cal. App. 268 (Cal. App. 1968). By your choice to republish the false and defamatory remarks of Richards, you have made yourself "equally guilty of defamation, even though he states the source of the charge and indicates that he is merely repeating a rumor." *Jackson v. Paramount Pictures Corp.*, 68 Cal. App. 4th 10, 26 (Cal. App. 1998).

The continuous republication of the false, defamatory remarks by Richards by ABC News and TWWGS, by the mechanism of posting on your website the video footage of her remarks and posting the transcript of her remarks is having its natural, unsurprising and, likely, intended effect. As of noon, July 30, 2015, the false, defamatory remarks have been linked by dozens of websites, including news media and public interest websites. Although the following is by no means an exhaustive list, the pages quoting Richards' remarks on TWWGS or linking to your website for the video of Richards' remarks include:

- > the St. Louis American
- > the Washington Post
- CrooksandLiars.com
- Commondreams.org
- > Freerepublic.org
- ➢ Breitbart.com
- Democracy Now
- > KVUE (ABC affiliate)
- > Crossmap.com
- > CC.org
- ➤ CBN.com
- > Parentherald.com
- > thinkprogress.org

- > legalinsurrection.com
- ➤ Facebook.com
- > wnd.com
- > timebomb2000.com
- > right180.com
- > muslimanonymous.info
- newsninja2012.com
- > topix.com
- > psychroaches.blogspot.com
- amtvmedia.com
- > gma.yahoo.com
- > sandiegofreepress.org
- > teaparty.org

Richards' despicable lie – broadcast by TWWGS and carried on the ABC News website – is spreading rapidly. To my knowledge, it has been rebroadcast on at least one other network news program on the Fox News Network, and links are being made to it from social media all over the world.

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Of course, Richards, TWWGS, and ABC News will be held responsible for the harm to my client's reputation caused by the media's repetition of Richards' libelous statement. *See* R. SMOLLA, LAW OF DEFAMATION, Sec. 4.91 ("the originator of the statements is liable for any secondary publication that is the natural and probable consequence of his or her act"). It would, therefore, be in ABC News' and TWWGS's best interests to publish a retraction immediately. It is extremely offensive that my client has been defamed in this reckless and disrespectful manner.

By this letter, Mr. Newman demands the following from you:

- 1. Publish a retraction and a sincere apology.
- 2. Remove immediately the offensive, false and malicious statement about Mr. Newman from the ABC News website.

This letter does not constitute a complete or exhaustive statement of all of my client's rights or claims.

Nothing stated herein is intended as, nor should it be deemed to constitute, a waiver of, to relinquish any of, my client's rights or remedies, whether legal or equitable, all of which are hereby expressly reserved.

Sincerely,
CHAVEZ-OCHOA LAW OFFICES, INC.

BRIAN R. CHAVEZ-OCHOA