



BRIAN R. CHAVEZ-OCHOA, ESQ.

DEMAND TO CEASE AND DESIST

John Amato, Editor and Publisher
CrooksandLiars.com
PO BOX 66310
Los Angeles, CA 90066

Via US Postal Mail

Via Email to crooksandliars@gmail.com

re: CrooksandLiars.com Republishing Defamatory Content from ABC News and This Week with George Stephanopolous

Sirs/Mesdames:

I am litigation counsel to Troy Newman.

I write with respect to content on the CrooksandLiars website republishing content from the Sunday, June 26, 2015, edition of "This Week with George Stephanopoulos" (hereinafter "TWWGS"). The particular page on your website which contains the false and defamatory material is found at: <http://crooksandliars.com/2015/07/planned-parenthood-head-calls-out-center>.

One of Mr. Stephanopoulos' guests on the June 26 episode was Cecile Richards (hereinafter "Richards"), the President of the Planned Parenthood Federation of America (hereinafter "PPFA"). Stephanopoulos 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. ABC News and TWWGS broadcasted those statements during the Sunday morning edition of TWWGS. Now you continue to publish them on the CrooksandLiars webpage. You also continue to publish them in the form of a transcript on the same page.

She stated, you have been rebroadcasting via the web, and the written verbiage on 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."

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 CrooksandLiars regarding the lies uttered by Richards. No one from CrooksandLiars contacted him before she uttered them on TWWGS. No one contacted him before CrooksandLiars repeated and further broadcast those lies by linking the video of her remarks on its website. No one contacted him before CrooksandLiars 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 CrooksandLiars publish a retraction of the false and defamatory remarks it has republished on its website 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.

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

CrooksandLiars' 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 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 your republication of it on CrooksandLiars. 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. Exchange*, 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.2d 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 of Richards by CrooksandLiars, by the means 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.

You are aiding the rapid spread of Richards’ despicable lie. 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 CrooksandLiars’ best interest 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:

Publish a retraction and a sincere apology.

Remove immediately the offensive, false and malicious statement about Mr. Newman from the CrooksandLiars 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 yours,

Brian Chavez-Ochoa

