

BRIAN R. CHAVEZ-OCHOA, ESQ.

August 6, 2015

**DEMAND TO CEASE AND DESIST**

Cecile Richards, President  
Planned Parenthood Federation of America  
Planned Parenthood Action  
434 West 33rd Street  
New York, NY 10001

*Via US Postal Mail and Via Fax to 212-245-1845*

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 Stephanopoulos" (hereinafter "TWWGS").

Ms. Richards appeared as one of Mr. Stephanopoulos' guests on the June 26, 2015, episode (hereinafter "Richards"), the President of the Planned Parenthood Federation of America (hereinafter "PPFA") and of Planned Parenthood Action (hereinafter "PPA"). 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 broadcasted those statements during the Sunday morning edition of TWWGS, and they continue to publish them in video archival material on the TWWGS webpage. They also continue to publish them in the form of a transcript version of Richards' false and defamatory remarks on the TWWGS webpage.

Richards stated:

"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>

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.*

Richards did not contact Mr. Newman to conduct fact-checking before appearing on TWWGS and uttering her lies about Troy Newman. 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 Richards, PPFa, and PPA, publish a retraction of the false and defamatory remarks she made on TWWGS, 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, PPFa, and PPA would have been informed of those facts had they checked with Mr. Newman or his representatives. Plainly, however, Richards, PPFa, and PPA were not interested in learning the truth. Rather, Richards, PPFa, and PPA engaged in rumor-mongering as a substitute for appropriate fact-checking. Obviously, Richards, PPFa, and PPA were intent upon publishing Richards' unsubstantiated rumors, and avoided learning the true facts so that the truth would not get in the way.

The conduct of Richards, PPFa, and PPA 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 continuous republication of the false, defamatory remarks by Richards by ABC News and TWWGS, by their mechanism of posting on their website the video footage of Richards' remarks and posting the transcript of Richards' remarks is having its natural, unsurprising and, likely, intended effect. As of noon, July 30, 2015, Richards' 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 include:

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|--------------------------|-----------------------------|
| ➤ the St. Louis American | ➤ legalinsurrection.com     |
| ➤ the Washington Post    | ➤ Facebook.com              |
| ➤ CrooksandLiars.com     | ➤ wnd.com                   |
| ➤ Commondreams.org       | ➤ timebomb2000.com          |
| ➤ Freerepublic.org       | ➤ right180.com              |
| ➤ Breitbart.com          | ➤ muslimanonymous.info      |
| ➤ Democracy Now          | ➤ newsninja2012.com         |
| ➤ KVUE (ABC affiliate)   | ➤ topix.com                 |
| ➤ Crossmap.com           | ➤ psychroaches.blogspot.com |
| ➤ CC.org                 | ➤ amtvmmedia.com            |
| ➤ CBN.com                | ➤ gma.yahoo.com             |
| ➤ Parentherald.com       | ➤ sandiegofreepress.org     |
| ➤ thinkprogress.org      | ➤ teaparty.org              |

Richards' despicable lie 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.

Of course, Richards, PFFA, and PPA 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 Richards', PFFA's, and PPA'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. Communicate that retraction and sincere apology to ABC News together with a request that ABC News immediately remove Richards' false and defamatory, malicious comment from its 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, or 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.

151

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BRIAN R. CHAVEZ-OCHOA