DEMAND LETTER

December 17, 2020

Greg Abbott   Various Media Outlets
1100 San Jacinto Boulevard   Via Publication
Austin, Texas 78701
Via Regular and Certified Mail Return Receipt Requested
CMRRR No. *7017 3380 0000 6626 2636*

Re: Defamatory Advertisement of Shelley Luther

Dear Mr. Abbott and the Publishing Media,

I represent Shelley Luther, who has retained our firm to make this demand and, if necessary, sue you for false defamatory statements made in the recent television advertisement you are airing this week in the Luther-Springer run-off. Please provide this letter to your counsel and act on it immediately.

For Greg Abbott, the purpose of this letter is to ensure that you are fully aware of the misrepresentations contained in the anti-Luther advertisement and give you an opportunity to retract them before filing suit, as required by Texas law. Retraction means that there will be no suit. Failure to retract is an invitation to be served.

For the various media outlets airing this advertisement, this letter is to remind you that third-party attack ads bought by disappointing mediocre politicians who are not candidates are not subject to the "no-censorship" provisions of FCC rules. Accordingly, a station may choose whether or not to run an ad by a third party and, because it can reject the ads based on their content, the station is not shielded from liability for defamatory statements.

Of course, everyone who receives this letter is a sophisticated legal player and is aware that public persons can struggle to sue for defamation. However, it is not impossible – all we have to do is show malice.

In this case, I believe that is possible. Shelley Luther forced Abbott to issue an entire executive order backtracking on jail time for people caught trying to work for a living. Shelley became a national symbol for those opposing executive orders issued by politicians who put working people in jail at the same time that they are releasing real criminals.

Indeed, records show Abbott is spending hundreds of thousands of dollars to oppose Shelley and prevent a second embarrassment.

If you persist, and I am instructed to sue, you will have to explain to the court why you continued with the false and defamatory statements even after being informed in clear language of the truth. You will have to have a valid reason for continuing at this point to win a motion to dismiss. No one is stating that you may not your favored feckless candidate, but you are not allowed to just make things up.

Pursuant to the Texas Defamation Mitigation Act, TEX. CIV. PRAC. & REM. CODE §§ 73.051-73.062, I demand you retract your false defamatory statements. The retraction should address the following errors.

1. **LIE:** "Shelly Luther claims to be a conservative Republican, but Luther has only voted in Democratic primaries."

TRUTH: Luther voted in exactly one Democratic primary in 1998, when Democrats included a teacher-pay resolution for those voting in that primary. However, Luther voted in the Republican Primary run-off:
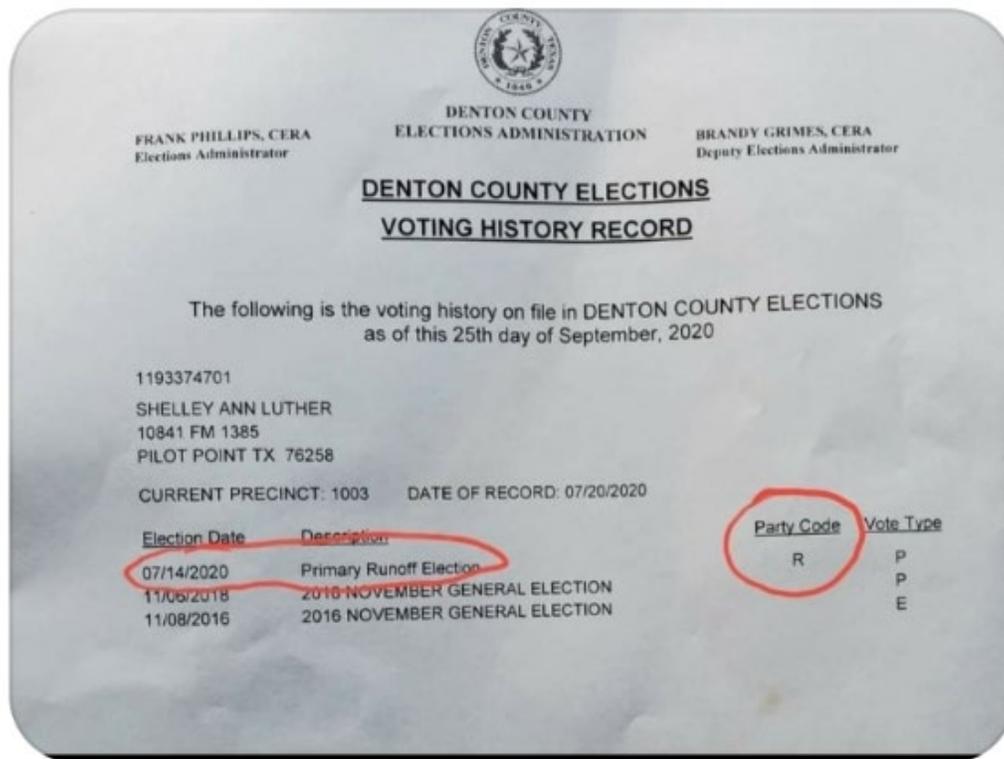
President Donald Trump was a Democrat until 2009, so if this is Abbott's best show, it is not only factually wrong, but also a sign of a weak argument.

2. **LIE**: "Luther opposes Republican plans to secure the border."

TRUTH: Luther made no such statement. Produce the quote.

3. **LIE**: "Luther even supported Black Lives Matter riots."

TRUTH: This is a deliberate misrepresentation reminiscent of an argument that a child might attempt. Abbott is adopting Springer's "interpretation" of this tweet:

No reasonable person can say Luther is siding with BLM over law enforcement based on this tweet. The tweet clearly is simply stating that all the activist groups want "liberty and justice for all." And Luther states a few days later:

I do not expect Greg Abbott to be fair, but he cannot create a false narrative and pretend that he read the June 6th tweet and is summarizing it reasonably. His summary is a lie, and he surely knows that it is a lie.

In the off-chance that you somehow are spending hundreds of thousands of dollars without knowing the truth, now you know.

If you did not know Luther voted in the Republican Primary this year, and voted in exactly one Democrat Primary more than two decades ago, now you know.

If your reading comprehension is so easily distorted by your desire to tell a narrative that you read statements about BLM in order to make faux points, now you can reread the tweet and recognize how wrong you were.

You must retract the above-mentioned statements and cease such publication.

In the event you choose to continue defaming my client, and choose not to issue the correction or retraction, a lawsuit may be filed wherein we will seek actual damages, mental anguish damages, special damages, nominal damages, exemplary damages, all reasonable and necessary attorneys' fees as additional damages, and costs of court. We will additionally add individuals that have republished these statements in concert to further damage my client's reputations.

If we must file suit to resolve this defamation, we will also request electronic discovery of your work, home computers, and mobile devices. Based on this intent, you are provided notice to not destroy evidence concerning any evidence, created or in existence since May 7, 2020. In short, this means that you may not "clean" your phone or delete any text messages, videos taken, tweet history, or any other evidence of your electronic activity.

Please confirm by December 21, 2020, that you have taken the steps outlined in this letter to preserve evidence potentially relevant to this action. If you have not undertaken the steps outlined above, or have taken other actions, please describe what you have done to preserve potentially relevant evidence.

Yours,

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