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July 25, 2019

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VIA CERTIFIED MAIL

Barry Diller
Inter Active Corporation HQ
555 West 18th Street
New York, NY 10011

Re: Notice to Retract Defamatory Statements Regarding One America News Network

Mr. Diller:

Please be advised that our firm has been retained by One America News Network (“OAN”) concerning the libelous article entitled “Trump’s New Favorite Channel Employs Kremlin-Paid Journalist,” published on July 22, 2019. I am writing to you as the owner of the Daily Beast. This letter serves as a demand that the Daily Beast publicly correct its defamatory statements in accordance with California Civil Code § 48a.

The article creates the unmistakable impression that content aired and published on OAN is being paid by, or works in conjunction with, the Russian government. *See Weller v. Am. Broadcasting Cos., Inc.*, 232 Cal. App. 3d 991, 1003 (1991) (“If the defendant juxtaposes a series of facts so as to imply a defamatory connection between them, or otherwise creates a defamatory implication, he may be held responsible for the defamatory implication.”). The byline of the article states that Kristian Rouz “appears on segments for One America News Network—ironic given he is working for a Russian outlet fingered in the 2016 election attack.”

The implication to the reader—before they even get to the substance of the article—is that Rouz’s work for OAN is part and parcel of his outside writing for other media outlets. The article goes on to underscore that false implication, by quoting a source claiming that “the merger between Russian state-sponsored propaganda and the American conservative media” is complete, that OAN “pushes some of the same false stores as Sputnik and RT,” and that “Kremlin propaganda sometimes leaks” into Rouz’s work for OAN. The false insinuation that OAN is part of the Kremlin’s propaganda machine is utterly false.

Here are the facts: OAN is an independent and family-owned media company focused on providing national and international news coverage. OAN is solely owned and operated by Herring Networks, Inc., which in turn is wholly-owned by members of the Herring family. The

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Herrings are a proud, dedicated and loyal American family. They launched OAN on July 4, 2013, to deliver timely national and international news 24 hours a day.

OAN features political analysis programming, political talk shows, and special documentary-style reports. In just a few years, OAN has become the fourth-highest rated national news network as measured by a leading cable provider and is greatly outperforming other emerging cable news networks. The Herrings launched OAN on their own and with their own money. They took no outside investment whatsoever and have never had any involvement with the Russian government.

The malicious claim that OAN is a Russian propaganda operation is vile, sensationalistic reporting. The Daily Beast should immediately retract its defamatory statements.

Kristian Rouz, the young man whom the Daily Beast article attacked, is employed by OAN as a news aggregator. His job is to collect and analyze articles from other sources and write articles based on those sources. He is paid by OAN—not the Russian government—for the content he creates for OAN. Every article he writes goes through OAN's editorial process. Mr. Rouz has never had decision-making authority with respect to the content that is aired on OAN. His outside work for other media outlets has no relation to—or bearing on—his work for OAN.

The falsehoods portrayed by the article are even more problematic considering that it was authored by Kevin Poulsen, also known as “Dark Dante”—the first computer hacker ever to be charged with espionage against the United States government. Rather than face the charges against him, Poulsen spent 17 months as a fugitive from the law before being arrested in 1991.

In 1995, Mr. Poulsen pleaded guilty to seven counts of conspiracy, fraud, and intercepting wire communications. He received the longest sentence ever doled out to a computer hacker at that time. United States law enforcement has referred to him as “the Hannibal Lecter of computer crime.” Before the Daily Beast casts shade on the personnel choices of other news organizations, it should take a close look at its own.

In his zeal, we think Mr. Poulsen singled out Mr. Rouz because of his nationality and sought to malign him because he thought Mr. Rouz is from Russia; in fact, he was born in the Ukraine. If he had taken a minute to check Mr. Rouz out, he would have found that contrary to his false and discriminatory accusation, he is a hard-working, honest journalist trying to earn a living and support himself. In that regard, I attach for your information a statement signed by Mr. Rouz and request that you instruct Mr. Poulsen to check people out before he seeks to destroy their livelihood.

The Daily Beast's insinuation that OAN is a paid Russian propaganda operation is utterly false and defamatory. Our client will not stand by and allow these lies to be disseminated.

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We hereby demand that you:

1. Immediately cease and desist in publishing defamatory statements about our client, whether the statements are made by you or by third parties;
2. Issue a public retraction of the defamatory statements, making clear that OAN is not paid Russian propaganda;

This letter puts you on notice that should you refuse to comply with our demands by August 15, 2019, we will recommend that our client pursue all legal avenues to protect its interests, including damages and attorneys' fees and costs incurred as a result of your actions. We reserve all our rights and remedies.

Sincerely,

A handwritten signature in blue ink, appearing to read "Skip", followed by a long horizontal flourish.

Louis R. Miller

LRM

cc: Neil Rosenhouse

Statement on My Writing for Sputnik News

I am not a staff employee of Sputnik News, and have never been;

I have been writing articles for Sputnik about global economics and international finance;

I was free to choose the topics and angles for my articles according to my own views;

I have never written propaganda, disinformation, or unverified information;

I could write whenever I want, as many articles I want – but not exceeding 25 articles per month;

I had approximately 1300 articles over the past 4.5 years at roughly \$40 per article, totaling at some \$11,500 per year;

I wrote these articles to make ends meet and survive – as I had no family or friends in the U.S., and I was unemployed in this country for roughly 2 years.

Kristian Rouz, 7/23/2019


