

For Immediate Release

March 23, 2023

Contact: Eddie Vale, eddie@npagency.com

Tucker Carlson and Fox News Hit with Cease & Desist Letter for Continuing Their Lies About Ray Epps

The legal team representing Ray and Robyn Epps today sent a cease-and-desist letter to Tucker Carlson and Fox News, demanding that they stop making up lies about Ray Epps and that they offer an on-air retraction.

Michael Teter, the Epps' attorney, issued the following statement:

“For years, Tucker Carlson and Fox News have targeted Ray Epps with malicious lies about his involvement in the events of January 6th. Fox News has chosen to promote fantasy over fact, exposing Ray and Robyn Epps to harassment, intimidation, and abuse. It is clear that Mr. Carlson and Fox News are uninterested in speaking the truth to their viewers. A truth-teller does not create and amplify wild conspiracy theories. A truth-teller does not willfully close their eyes to the evidence that disproves their assertions. And a truth-teller certainly does not feel the need to selectively edit videos to portray events differently than how they actually occurred.

“But even that does not capture the absurdity that now envelops Mr. Carlson and Fox News in their reporting on Ray Epps. After all, Mr. Carlson now peddles the view that the January 6th insurrection was really nothing more than a parade of peaceful tourists making their way through the Capitol. If that is the case, what does Mr. Carlson accuse Ray Epps of inciting?

“Recent revelations from the *Dominion Voting* lawsuit make clear that Fox News has zero qualms about lying to its viewers. The fictional story that Mr. Carlson and Fox News have told, and continue to tell, about Ray Epps is just one more example of this. It is time for Mr. Carlson and Fox News to stop the lies and to make amends.”

A copy of the cease-and-desist letter and litigation notice follows.



March 23, 2023

VIA FIRST CLASS MAIL AND EMAIL

Mr. Tucker Carlson
FOX NEWS NETWORK, LLC
1211 Avenue of the Americas
New York, NY. 10036
tucker.carlson@foxnews.com

Mr. Bernard Gugar
FOX NEWS NETWORK, LLC
1211 Avenue of the Americas
New York, NY. 10036
bernard.gugar@foxnews.com

Dear Mr. Carlson and Mr. Gugar:

I represent Ray and Robyn Epps in connection with the false and defamatory statements made by Mr. Carlson and others on the Fox News Network (“Fox News”) about Mr. Epps. The fanciful notions that Mr. Carlson advances on his show regarding Mr. Epps’s involvement in the January 6th insurrection are demonstrably (and already proven to be) false. And yet, Mr. Carlson persists with his assault on the truth. Furthermore, Fox News encourages, consents to, ratifies, and amplifies Mr. Carlson’s actions by continuing to allow commentators and guests to spread the knowing lies about Mr. Epps.

Mr. Carlson and Fox News have repeatedly peddled claims about Mr. Epps that lack any foundation in fact. Mr. Carlson and Fox News guests and contributors have incorrectly called Mr. Epps a federal agent, accusing him of acting as a provocateur of the riots. Oddly, Mr. Carlson now also espouses the view that those rioters were akin to peaceful tourists.¹ This leads to the obvious question: is Mr. Carlson now accusing Mr. Epps of provoking peaceful protests?

Of course, Mr. Carlson’s statements about Mr. Epps – as well as those made by other hosts, contributors, and guests on Fox News – have always been nonsensical fantasies disproven by videos and accounts by those attending the January 6th events. Selective and creative editing cannot overcome facts. When presented with proof that refutes his lies, Mr. Carlson and Fox News pivot to a new unfounded allegation. This “or well” approach appears to be standard operating procedure for Mr. Carlson and others affiliated with Fox News. Just hours after Donald Trump’s supporters (among whom Mr. and Mrs. Epps once counted themselves) attacked the United States Capitol, Fox News was promoting the view that it was really Antifa responsible for the day’s events. Or well, it was just the natural result of a distrust in government. Or well, it was a false flag operation by the deep state. Or well, it was Nancy Pelosi’s fault for not better

¹ Tourists who, in Speaker Kevin McCarthy’s own words, “scaled walls” and “brought ropes” and who were “well planned” for kidnapping elected officials with straps they left behind.

securing the Capitol. And now, as noted above, we have arrived at the most Orwellian command: to “reject the evidence of [our] eyes and ears” and believe that the attack on the Capitol was a peaceful gathering of tourists.

The consequences of your lies cannot be minimized. Mr. and Mrs. Epps have been subjected to threats, intimidation, and harassment, resulting in significant economic and emotional damages. Each time Mr. Carlson and Fox News spreads more misinformation about Mr. Epps, the harm redoubles.

The Epps have even received a message purportedly from you CEO, seeking to hound and bully them:

Rocking R Farms
has received a new message.

Name
Suzanne Scott, CEO Fox News

Email
newsmanager@foxnews.com

Message
Come on Ray!..... nobody wants to ruin you and your wife's livelihood or life; people just want truthful answers directly from the source. The people of the United States, whether on the right or left simply want to hear your open and honest story about what happened out there on Jan 5-6th, despite your Lawyers advise. Afterall, the Jan 6th Committee just cleared you in a press release and it appears that the FBI has essentially cleared you as well having removed you from the Capitol's "most wanted list". If you are not an asset of a government agency, law enforcement or otherwise, and you have been cleared or any wrongdoing then I'm sure we will see you at the rally this Weekend in Florence, AZ right? Afterall, it's literally in your backyard this time. If you don't attend the rally, then I think we will have our answer and Trump & the Republicans will at least be partially vindicated for the January 6th mess. Do the right thing my friend, God Bless.....

Phone
(888) 369-4762

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Reply to this email to respond.

I realize that you are becoming quite familiar with the elements of defamation, but as a refresher: under Arizona law, a defamation claim comprises the following: (1) defendant made a false defamatory statement about plaintiff, (2) defendant published the statement to a third party, and (3) defendant knew the statement was false, acted in reckless disregard of whether the statement was true or false, or negligently failed to ascertain the truth or falsity of the statement. *See, e.g., Peagler v. Phoenix Newspapers, Inc.*, 114 Ariz. 309, 315, 560 P.2d 1216, 1222 (1977).

Relatedly, and not mutually exclusive, Arizona also recognizes claims for false light. Thus, under Arizona law, “One who gives publicity to a matter concerning another that places the other before the public in a false light is subject to liability to the other for invasion of his privacy, if (a) the false light in which the other was placed would be highly offensive to a reasonable person, and (b) the actor had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed.” *Longoria v. Kodiak Concepts LLC*, 527 F. Supp. 3d 1085, 1101 (D. Ariz. 2021). “[T]o qualify as a false light invasion of privacy, the publication must involve ‘a major misrepresentation of [the plaintiff’s] character, history, activities or beliefs,’ not merely minor or unimportant inaccuracies.” *Godbehere*, 783 P.2d at 787 (quoting Restatement (Second) of Torts § 652E cmt. c.).

Mr. Carlson and Fox News have defamed Mr. Epps and painted him in a false light. Recent revelations from the Dominion Voting lawsuit may help explain why Fox News has allowed the falsehoods about Mr. Epps to continue to spread, and be amplified, through its network. But fear of losing viewers by telling them the truth is not a defense to defamation and false light, nor will it absolve you of liability related to claims for infliction of emotional distress.

We demand, therefore, that Mr. Carlson and Fox News retract the claim that Mr. Epps was working for the FBI or any governmental entity when he attended the January 6th events and the claim that Mr. Epps acted as an instigator or provocateur of the insurrection. We expect that you will give the same airtime in retracting these falsehoods as you spent amplifying them. Further, Mr. Carlson and Fox News must issue a formal on-air apology for the lies you have spread about Mr. Epps.

You have been on notice of potential litigation involving your defamatory conduct for over a year, and your obligations to maintain all relevant materials attached at that time. This letter also constitutes formal notice of potential litigation, thereby requiring you, if you have not already, to place an immediate hold in effect to preserve and retain all records and documents related to Mr. Epps. This notice supersedes the provisions of any prior records retention policy currently in effect or any otherwise applicable records management policies and procedures that would permit the destruction of affected documents,² records, and/or data.

² For purposes of this Notice, “documents” is broadly defined and includes: any and all writings and records, whether in paper or electronic form, including without limitation any correspondence, memoranda, e-mails, photographs, contracts, invoices, spreadsheets, slideshow presentations, purchase orders, notes, meeting minutes, summaries, work papers, calendars, journals, ledgers and reports. This would include paper or electronic versions of final versions or drafts, and all data of any kind, including e-mail files, text messages, voicemails, instant messages (including messages on Signal, Telegram, WhatsApp, or any other messaging application), calendars, meeting invites, recordings, disks, hard-drives, CD-ROMs, flash and USB drives, tapes, databases, spreadsheets, network servers, cloud-based content or social media, cell phones, PDAs, computer tablets, other mobile devices and any other type of hardcopy or electronic document or record that relates to these inquiries, including, but not limited to, the subjects described in this hold letter.

As part of this process, you are instructed to preserve and safeguard, and must not alter, delete, destroy, or discard, any documents, physical items, or electronically stored information (“ESI”)³ and data you have relating to or concerning Mr. Epps, as more fully described below. Further, this notice applies to records currently in existence and those that may be created in the future if they are covered by the topics listed below or may be relevant to the obligations imposed herein.

To that end, effective immediately, this notice hereby requires you keep and preserve all documents, whether in written form or electronically stored, that are relevant or potentially relevant to the obligations described below for the period between **January 6, 2021 and the present**. This notice applies to all documents (hard copy or electronic) located within your home, place of business, storage facilities, or any other location, and applies to records located on any personal computers, laptops, tablets, smartphones, mobile devices, hard drives, flash and USB drives, computer discs, servers, back-up tape systems, or databases.⁴

The relevant categories include:

1. All documents, communications, and ESI relating to, or concerning, Ray Epps and/or Robyn Epps;
2. All documents, communications, and ESI relating to, or concerning, Darren Beattie;
3. All documents, communications, and ESI relating to, or concerning, Tucker Carlson;
4. All documents, communications, and ESI relating to, or concerning, Fox News ratings;
5. All documents, communications, and ESI relating to, or concerning, claims that federal officials, federal agents, or other governmental entities were responsible for instigating the events at the Capitol on January 6, 2021;
6. All documents, communications, and ESI relating to, or concerning, reviewing or editing videos depicting events on January 6, 2021;
7. All documents, communications, and ESI relating to, or concerning, arrangements made with Speaker Kevin McCarthy’s office to review videos depicting events on January 6, 2021; and
8. All documents, communications, and ESI relating to, or concerning, videos that depict events on January 6, 2021.

³ For purposes of this Notice, “electronically stored information” is broadly defined and includes: e-mail as well as any other information that exists in an electronic or digital form, including without limitation any electronic files with the following extensions: .pst, .doc, .exe, .xls, .pdf, .txt, .ppt, .wb2, .shw, .wpd, .tif, .gif and .jpeg; and regardless of the medium on which such data is stored, including floppy disks, CDs, DVDs, voicemail boxes, tapes, memory sticks, hard drives and external memory devices.

⁴ Relevant data and information includes all documents (both hardcopy and electronic), all copies or drafts, and all data of any kind, including e-mail files, text messages, voicemails, instant messages (including messages on Signal, Telegram, WhatsApp, or any other messaging application), calendars, meeting invites, recordings, disks, hard-drives, CD-ROMs, flash and USB drives, tapes, databases, spreadsheets, network servers, cloud-based content or social media, cell phones, PDAs, computer tablets, other mobile devices and any other type of hardcopy or electronic document or record that relates to these inquiries, including, but not limited to, the subjects below.

Please provide written confirmation by March 31, 2023, that Mr. Carlson and Fox News will comply with these demands. If we do not receive that response, we will take all steps necessary to protect Mr. and Mrs. Epps' rights.

Sincerely,

A handwritten signature in cursive script that reads "Michael Teter".

Michael Teter