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RE: *Response to Threat to Sue Letter and Litigation Hold*

Mr. Burns,

I write this letter in response to a letter received from you on December 24, 2021 where you make various threats to sue our online podcast show, the Stew Peters Show, in the State of Missouri for alleged defamation to your client, Mr. Jim Hoft. After your letter was received, you and I attempted to negotiate a peaceful resolution, however, these negotiations ended after your December 27, 2021 email where you said that I "was cooked" and that you are going to "sue for damages." After having a chance to confer with legal counsel, I write the following in response to your demand letters.

Concerns of Burns Practicing Law Without a License

First and foremost, I take notice that you are not a licensed member of the bar in the State of Minnesota where our organization is located and has its primary place of operation. This office does not support or aid you in the engagement of the unauthorized practice of law. However, I also take notice that you make claims of harm caused within the State of Missouri, presumably where Mr. Hoft resides, indicating that you intend to file a lawsuit in that forum. Please understand that our organization has no ties to the State of Missouri whatsoever and we in no way consent to the personal jurisdiction of the Missouri courts.

Surely you know that merely having a podcast which is accessible to the entire Nation does not confer personal jurisdiction within a particular state merely because a person who lives within the jurisdiction is offended by the content. In fact, **you personally** should know this, as in 2016 you filed a cause of action asserting allegations identical to what you are alleging here, and the United States District Court for the Eastern District of Missouri ***dismissed your lawsuit for lack of personal jurisdiction!*** See *Johnson v. Gawker Media, LLC*, No. 4:15-CV-1137 CAS, 2016 U.S. Dist. LEXIS 5088 (E.D. Mo. Jan. 15, 2016). Because there is no personal jurisdiction over our organization in the State of Missouri, I will treat any further threat to sue as an intention to represent a client in the State of Minnesota; a jurisdiction for which you are

not an attorney. Although you are technically *not* a lawyer, I will nevertheless address the remainder of your arguments herein.

Mr. Hoft, A Public Figure, Was Not Defamed

Second, I will address the merits of your alleged claim of defamation "with actual malice." As a preliminary matter, Mr. Hoft is a public figure as that term has been defined by the United States Supreme Court and the Supreme Court of Minnesota. Public figures are classified into three categories: (1) rare involuntary public figures; (2) celebrities and persons assuming prominent roles in the affairs of society; and (3) limited purpose public figures who thrust themselves to the forefront of particular public controversies in order to influence the resolution of the issues involved and who invite attention and comment. *Stepnes v. Ritschel*, 771 F. Supp. 2d 1019, 1043 (D. Minn. 2011). Individuals falling within in these public figure categories are required to show a higher level of fault than purely private plaintiffs because: (1) public figures usually enjoy significantly greater access to the channels of effective communication and are thus better able to counter false statements and protect themselves from the harm caused by defamatory speech; and (2) public figures have voluntarily exposed themselves to increased risk of injury from defamatory falsehood concerning them. *Id.* Once it is shown that the complainant is a public figure, the complainant must prove actual malice to prevail on his defamation claim. *Id.* at 1047. The actual malice standard requires a plaintiff to prove by clear and convincing evidence that a challenged statement was made "with knowledge that it was false or with reckless disregard of whether it was false or not." *Id.* (quoting *New York Times Co. v. Sullivan*, 376 U.S. 254, 280, 84 S. Ct. 710, 11 L. Ed. 2d 686 (1964)). To show "reckless disregard," a plaintiff must prove the defendant made the statement "while subjectively believing that the statement [was] probably false." *Id.* (internal citation omitted). The evidence must be sufficient "to permit the conclusion that the defendant in fact entertained serious doubts as to the truth of [the] publication." *Id.* (quoting *St. Amant v. Thompson*, 390 U.S. 727, 731, 88 S. Ct. 1323, 20 L. Ed. 2d 262 (1968)). As such, "[m]alice is more than mere negligence and probably even more than highly unreasonable conduct." *Id.* (internal citation omitted).

In this case, it is obvious that Mr. Hoft is the *paradigm* of a public figure. Mr. Hoft, the face of his own news network named The Gateway Pundit, satisfies the criteria of a public figure under each of the three categories set

forth in *Stepnes*. Reading about Gateway Pundit and Mr. Hoft's work through the organization, the evidence is overwhelming that Mr. Hoft is someone who is constantly thrusting himself to the forefront of some of ***the most contentious and controversial public controversies of our lifetime***. Because Mr. Hoft is a public figure, Mr. Hoft must show that a false statement was made "with knowledge that it was false or with reckless disregard of whether it was false or not." Here, The clip subject to this dispute can be found here: <https://rumble.com/vrb0wm-baked-alaska-accused-of-being-a-fed-exclusive-goionet-responds-to-jim-hoft.html>. The clip is a news interview done on the Stew Peters show where Stew Peters states that there have been rumors that Mr. Hoft flies to other countries to engage in wild sex parties/orgies where he obtains sexual favors from other men. During this same interview, Peters states that the person Mr. Hoft is married to is a "young boy" and an authentic photograph was shown depicting his husband's youthful appearance. The photograph depicts Mr. Hoft and his young husband, Jezreel Morano, who is approximately twenty-nine (29) years of age. Mr. Hoft is approximately sixty (60) years old. Nowhere is the word "pedophile" mentioned in the broadcast nor was there any statement that Mr. Morano or the other sexual partners Mr. Hofthas had are underage. Merely referencing a "rumor"—clearly disclosed as such—and referencing Mr. Hoft's husband—thirty-one (31) years Mr. Hoft's junior—as a "young boy" fails to suffice the high bar needed to show that Peters made a false and defamatory statement with knowledge that it was false or with reckless disregard of whether it was false or not. The legal definition of "pedophile" is as follows:

An adult attracted to children as objects of sexual gratification.

A pedophile is an adult with a persistent attraction to children as a source of sexual gratification, whether or not the adult acts on the attraction.

See Pedophile (Pedophilia), *The Wolters Kluwer Bouvier Law Dictionary Desk Edition* (2012). Nowhere, in any publication made by Stew Peters, his organization, or his affiliates, has there been any allegation that Mr. Hoft is "is an adult with a persistent attraction to children as a source of sexual gratification." Nor, for that matter, has anyone ever contended that Mr. Hoft has engaged in sexual activity with someone below the age of eighteen years. All that was said was that there was a rumor going around that

Mr. Hoft likes to travel to other countries to engage in sex orgies and that Mr. Hoft is married to someone thirty-one years his junior. For these reasons, no defamation took place in the way you describe and any complaint filed in any state or federal court will be vexatious and knowingly filed in direct violation of FRCP Rule 11. Should you proceed to file a frivolous lawsuit, because you have been notified in advance that your claim is patently frivolous, you will **waive** any argument that your conduct does not violate Rule 11.

Stew Peters Plans to Pursue A Claim Against Burns

On December 24, 2021 when you first contacted me with this quarrelsome exploit, falsely accusing myself and the Stew Peters Show of defaming your client "with malice" by supposedly calling him a pedophile, you made the decision to turn around and blast these false allegations to Red Voice Media—the Stew Peters Show's main affiliate—and you did so with the bad faith motive of sabotaging the business relationship between these organizations. Your tactic worked; Red Voice Media has officially cut all ties with myself and the Stew Peters Show based on the false allegations you made to them. The sabotaging of this relationship is going to cost me significant financial harm. You knew the allegations were false when you made them to my affiliates because a simple listen to the ten minute long video in question would have shown that your allegations were blatantly false, and there was no objective reason for you to have contacted a third party with no involvement in the conduct you falsely accused me of.

I am enlisting the services of a seasoned trial attorney and we are going to sue you for tortious interference with contractual relations in the State of Minnesota. Unlike the frivolous lawsuit you were about to file, the complaint I file *will* be sufficient for the exercise of personal jurisdiction under Minnesota's long arm statute because you have intentionally directed conduct into the state with the intent of committing an intentional tort in Minnesota and causing harm to a resident of the forum. I am going to have my attorney file a claim with your malpractice carrier this week.

CONCLUSION

You are to CEASE AND DESIST your harassing conduct towards Peters, his organization, and his affiliates. Furthermore, you are to CEASE AND DESIST the unauthorized practice of law in the State of Minnesota until such time that you sit for the Minnesota Bar Exam and become licensed. Moreover, you

are to inform your malpractice carrier that we will be filing a claim as a result of your actions described herein.

Respectfully Submitted,

Stew Peters

DATE: December 28, 2021

CC: L. Lin Wood, Esquire