

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SARAH PALIN, an individual,

Plaintiff,

– against –

THE NEW YORK TIMES COMPANY,
a New York corporation,

Defendant.

No. 17 Civ. 4853

Hon. Jed S. Rakoff

ECF Case

DECLARATION OF SHANE B. VOGT

SHANE B. VOGT, pursuant to 28 U.S.C. § 1746, hereby declares and says:

1. I am an attorney licensed to practice law in the State of Florida, specially admitted to practice in this Court [Doc. 13] and a partner in the law firm of Bajo Cuva Cohen Turkel, P.A., counsel of record for plaintiff in the above-captioned matter, Sarah Palin.

2. I submit this Declaration in support of Plaintiff's Memorandum of Law on Context, Inferences and Plausibility.

3. Attached hereto as **Exhibit 1** is a true and correct copy of the ABC News article "*Sarah Palin's 'Crosshairs' Ad Dominates Gabrielle Giffords Debate*," which can be found at <http://abcnews.go.com/Politics/sarah-palins-crosshairs-ad-focus-gabrielle-giffords-debate/story?id=12576437>.

4. Attached hereto as **Exhibit 2** is a true and correct copy of *The Times'* article "*Talk to The Times: Editorial Page Editor Andrew Rosenthal*," which can be found at <http://www.nytimes.com/2009/04/13/business/media/13askthetimes.html>.

5. Attached hereto as **Exhibit 3** is a true and correct copy of a .jpg file (referred to in Plaintiff's Memorandum of Law on Context, Inferences and Plausibility as the "Palin Map").

6. Attached hereto as **Exhibit 4** is a true and correct copy of *The Telegraph's* article "Arizona shooting: Colorado man 'threatened to shoot Senator's staff' two days before Giffords shooting," which can be found at <http://www.telegraph.co.uk/news/worldnews/us-politics/8253533/Arizona-shooting-Colorado-man-threatened-to-shoot-Senators-staff-two-days-before-Giffords-shooting.html>.

7. Attached hereto as **Exhibit 5** is a true and correct copy of *The Atlantic's* article "Arrest Made in Threat on Sen. Bennet's Office," which can be found at <https://www.theatlantic.com/politics/archive/2011/01/arrest-made-in-threat-on-sen-bennets-office/69270/>.

8. Attached hereto as **Exhibit 6** is a true and correct copy of *The Colorado Independent's* article "Watch Colorado U.S. Sen. Michael Bennet's floor speech on guns," which can be found at <http://www.coloradoindependent.com/159774/michael-bennet-guns>.

9. Attached hereto as **Exhibit 7** is a true and correct copy of *The Denver Post's* article "Sarah Palin endorses Darryl Glenn in Colorado's U.S. Senate primary," which can be found at <http://www.denverpost.com/2016/06/07/sarah-palin-endorses-darryl-glenn-in-colorado-us-senate-primary/>.

10. Attached hereto as **Exhibit 8** is a true and correct copy of *Huffington Post's* article "Sen. Michael Bennet Bests Tea Party Rival in Colorado," which can be found at http://www.huffingtonpost.com/entry/michael-bennet-colorado-senate_us_5804f778e4b0162c043d2430.

11. Attached hereto as **Exhibit 9** is a true and correct copy of *Americans for Responsible Solutions'* article "ARS PAC Endorses Michael Bennet for the United States

Senate,” which can be found at <http://americansforresponsiblesolutions.org/2016/08/24/michaelbennet/>.

12. Attached hereto as **Exhibit 10** is a true and correct copy of *USA Today*'s article “*Gabby Giffords’ PAC endorses GOP Sens. Mark Kirk, Pat Toomey*,” which can be found at <https://www.usatoday.com/story/news/politics/onpolitics/2016/08/22/gabby-giffords-pac-endorses-gop-sens-mark-kirk-pat-toomey/89112316/>.

13. Attached hereto as **Exhibit 11** is a true and correct copy of *The Atlantic*'s article “*An Assassination?*,” which can be found at <https://www.theatlantic.com/daily-dish/archive/2011/01/an-assassination/177553/>.

14. Attached hereto as **Exhibit 12** is a true and correct copy of *The Atlantic*'s article “*Was Shooting of Rep. Gabrielle Giffords Political?*,” which can be found at <https://www.theatlantic.com/politics/archive/2011/01/was-shooting-of-rep-gabrielle-giffords-political/342719/>.

15. Attached hereto as **Exhibit 13** is a true and correct copy of *The Atlantic*'s article “*Did Sarah Palin’s Target Map Play Role in Giffords Shooting?*,” which can be found at <https://www.theatlantic.com/politics/archive/2011/01/did-sarah-palin-s-target-map-play-role-in-giffords-shooting/342714/>.

16. Attached hereto as **Exhibit 14** is a true and correct copy of *The Atlantic*'s article “*What We Know About Jared Lee Loughner*,” which can be found at <https://www.theatlantic.com/politics/archive/2011/01/what-we-know-about-jared-lee-loughner/342711/>.

17. Attached hereto as **Exhibit 15** is a true and correct copy of a portion of *The Atlantic*'s article “*What We Know About Jared Lee Loughner*” (Exhibit 14), which can be found

at <https://www.theatlantic.com/politics/archive/2011/01/what-we-know-about-jared-lee-loughner/342711/> showing the hyperlink to *The Times*' article "*Suspect's Odd Behavior Caused Growing Alarm.*"

18. Attached hereto as **Exhibit 16** is a true and correct copy of *The Times*' article "*Suspect's Odd Behavior Caused Growing Alarm,*" which can be found at <https://mobile.nytimes.com/2011/01/10/us/10shooter.html?hp&referrer=https://www.theatlantic.com/politics/archive/2011/01/what-we-know-about-jared-lee-loughner/342711/>.

19. Attached hereto as **Exhibit 17** is a true and correct copy of *The Atlantic's* article "*Stop the Blame Game,*" which can be found at <https://www.theatlantic.com/politics/archive/2011/01/stop-the-blame-game/69294/>.

20. Attached hereto as **Exhibit 18** is a true and correct copy of *The Atlantic's* article "*Caldwell's Unfairness,*" which can be found at <https://www.theatlantic.com/amp/article/177212/>.

21. Attached hereto as **Exhibit 19** is a true and correct copy of *The Atlantic's* article "*The More We Know,*" which can be found at <https://www.theatlantic.com/daily-dish/archive/2011/01/the-more-we-know/177149/>.

22. Attached hereto as **Exhibit 20** is a true and correct copy of a portion of *National Review's* article "*Dupnik's Confession,*" which can be found at <http://www.nationalreview.com/corner/257277/dupniks-confession-rich-lowry> that shows the hyperlink to *The Times*' article "*Looking Behind the Mug-Shot Grin.*"

23. Attached hereto as **Exhibit 21** is a true and correct copy of *National Review's* article "*Dupnik's Confession,*" which can be found at <http://www.nationalreview.com/corner/257277/dupniks-confession-rich-lowry>.

24. Attached hereto as **Exhibit 22** is a true and correct copy of *The Atlantic's* article "Ten Days That Defined 2011," which can be found at <https://www.theatlantic.com/international/archive/2011/12/ten-days-defined-2011/333741/>.

25. Attached hereto as **Exhibit 23** is a true and correct copy of *Politico's* Fact Check titled "No evidence Sarah Palin's PAC incited shooting of Rep. Gabby Giffords" which can be found at <http://www.politifact.com/punditfact/statements/2017/jun/15/new-york-times-editorial-board/no-evidence-sarah-palins-pac-incited-shooting-rep-/>.

26. Attached hereto as **Exhibit 24** is a true and correct copy of Thomas Friedman's August 9, 2016 Op-Ed column "*Trump's Wink Wink to 'Second Amendment People'*" which can be found at <https://www.nytimes.com/2016/08/10/opinion/trumps-ambiguous-wink-wink-to-second-amendment-people.html>.

27. Attached hereto as **Exhibit 25** is a true and correct copy of *PJ Media's* article "*Our Long National Nightmare is Over: Andrew Sullivan Tries to Back Off His Trig Trutherism*" which can be found at <https://pjmedia.com/blog/our-long-national-nightmare-is-over-andrew-sullivan-tries-to-back-off-his-trig-trutherism/>.

28. Attached hereto as **Exhibit 26** is a true and correct copy of *Ad Week's* article "*Sullivan Leaves Time for The Atlantic*" which can be found at <http://www.adweek.com/digital/sullivan-leaves-time-for-the-atlantic/?red=dc>.

29. Attached hereto as **Exhibit 27** is a true and correct copy of *The Times* Editorial "6,000 Bullets" which *The Times* produced on August 17, 2017.

30. Attached hereto as **Exhibit 28** is a true and correct copy of *The Times* Editorial "As We Mourn" which *The Times* produced on August 17, 2017.

31. Attached hereto as **Exhibit 29** is a true and correct copy of *The Times* Editorial “*Bloodshed and Invective in Arizona*” which *The Times* produced on August 17, 2017.

32. Attached hereto as **Exhibit 30** is a true and correct copy of *The Times* Editorial “*Democrats Find Their Voice on Gun Control*” which *The Times* produced on August 17, 2017.

33. Attached hereto as **Exhibit 31** is a true and correct copy of *The Times* Editorial “*Gabby Giffords’s Farewell*” which *The Times* produced on August 17, 2017.

34. Attached hereto as **Exhibit 32** is a true and correct copy of *The Times* Editorial “*Myths About Gun Regulations*” which *The Times* produced on August 17, 2017.

35. Attached hereto as **Exhibit 33** is a true and correct copy of *The Times* Op-Ed Column “*No One Listened to Gabrielle Giffords*” which *The Times* produced on August 17, 2017.

36. Attached hereto as **Exhibit 34** is a true and correct copy of the transcript of the hearing held in this matter on August 16, 2017.

EXECUTED on August 21, 2017.



Shane B. Vogt