

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----	X	
	:	
SARAH PALIN,	:	No. 17 Civ. 4853
	:	
Plaintiff,	:	
	:	
	:	Hon. Jed S. Rakoff
-against-	:	
	:	
	:	ECF Case
THE NEW YORK TIMES COMPANY,	:	
	:	
Defendant.	:	
	:	
-----	X	

**DECLARATION OF JAY WARD BROWN, ESQ.
IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS THE COMPLAINT**

Under penalty of perjury, I, Jay Ward Brown, hereby declare as follows:

1. I am a partner in the firm Levine Sullivan Koch & Schulz, LLP, and am counsel of record for defendant in the above-captioned matter. I submit this declaration in support of defendant's motion to dismiss the complaint to place before the Court certain documents of which it may take judicial notice. The facts stated below are true of my own personal knowledge and, if called to testify, I could and would testify competently thereto.

2. Attached hereto as Exhibit A is a true and correct copy of SarahPAC's 2009 Statement of Formation Amended as filed with and retrieved from the website of the Federal Election Commission at <http://docquery.fec.gov/pdf/077/29030031077/29030031077.pdf> (last visited July 13, 2017).

3. Attached hereto as Exhibit B is a true and correct copy of the correspondence from the Federal Election Commission to SarahPAC confirming SarahPAC's termination as of

December 31, 2016, as filed with and retrieved from the website of the Federal Election Commission at

<http://docquery.fec.gov/pdf/462/201701310300076462/201701310300076462.pdf> (last visited on July 13, 2017).

4. Attached hereto as Exhibit C is a true and correct copy of the lead news article by John Berman, titled “Sarah Palin’s ‘Crosshairs’ Ad Dominates Gabrielle Giffords Debate,” and an accompanying news article by Byron Wolf displayed immediately after the lead news article, titled “Lawmakers on Edge, Reassessing Security, After Gabrielle Giffords Shooting,” to which the Internet browser of a reader of the June 14, 2017 Editorial who clicked on the hyperlink embedded in the word “circulated” was directed, which can be found at

<http://abcnews.go.com/Politics/sarah-palins-crosshairs-ad-focus-gabrielle-giffords-debate/story?id=12576437> (last visited July 13, 2017). Because of the volume of such materials, I have omitted from this exhibit the related and linked articles, comments and advertisements that a reader also could have accessed from or in association with the two news articles reproduced in this exhibit.

5. Attached hereto as Exhibit D is a true and correct copy of a .jpg file (referred to in the motion papers as the “Crosshairs Map”) as found at <https://www.facebook.com/notes/sarah-palin/dont-get-demoralized-get-organized-take-back-the-20/373854973434> (last visited July 13, 2017). The ABC article attached hereto as Exhibit C linked to a now-inoperable photobucket webpage, http://media.photobucket.com/image/take%20back%20the%2020%20abc/josh_paintor/sarahpac-20-300.jpg, however the Facebook page referenced in the ABC article is still live, with the image of the Crosshairs Map included.

6. Attached hereto as Exhibit E is a true and correct copy of the relevant excerpts from the transcript of the Conference held in this action on July 7, 2017.

7. Attached hereto as Exhibit F is a true and correct copy of Plaintiff's First Request for Production of Documents to Defendant The New York Times Company as served on defendant in this action.

8. Attached hereto as Exhibit G is a true and correct copy of Plaintiff's First Set of Interrogatories to Defendant The New York Times Company as served on defendant in this action.

I declare under penalty of perjury and the laws of the United States of America that the foregoing is true and correct.

DATED: July 14, 2017

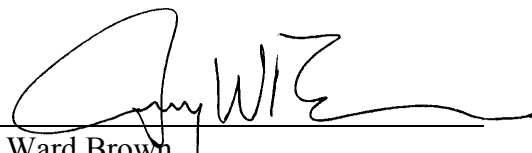

Jay Ward Brown

Exhibit A

Baker Hostetler

RECEIVED
FEC MAIL CENTER
2009 FEB 17 PM 2:42

February 17, 2009

Baker & Hostetler LLP

Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5304

T 202.861.1500
F 202.861.1783
www.bakerlaw.com

BY MESSENGER

E. Mark Braden
direct dial: 202.861.1504
mbraden@bakerlaw.com

Mr. Allen Norfleet
Campaign Finance Analyst
Reports Analysis Division
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: *SarahPAC Amended Filing*
COO458588

Dear Mr. Norfleet:

In response to your letter of February 11, 2009, please find the amended Statement of Organization for SarahPAC.

If you have any questions concerning this matter, please call me or email me. Thank you.

Sincerely,



E. Mark Braden

Enclosure

29030031077

RECEIVED
FEC MAIL CENTER

2009 FEB 17 PM 2:42

FEC
FORM 1STATEMENT OF
ORGANIZATION

Office Use Only

1. NAME OF
COMMITTEE (in full)(Check if name
is changed)Example: If typing, type
over the lines.

12FE4MS

SarahPAC

ADDRESS (number and street)

P.O. Box 7711

(Check if address
is changed)

Arlington, VA

VA

22207

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS

Info@sarahpac.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

www.sarahPac.com

COMMITTEE'S FAX NUMBER

2. DATE

02/17/2009

3. FEC IDENTIFICATION NUMBER

C00458588

4. IS THIS STATEMENT



NEW (N)

OR



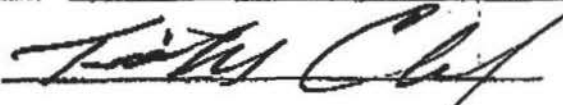
AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Timothy Crawford

Signature of Treasurer



Date

02/17/2009

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. 5497g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office
Use
OnlyFor further information contact:
Federal Election Commission
Toll Free 800-484-6630
Local 202-694-1100FEC FORM 1
(Revised 12/2007)

FEDNM2.PDF

290300031078

5. TYPE OF COMMITTEE

Candidate Committee:

- (a) ☐ This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) ☐ This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of
CandidateCandidate
Party AffiliationOffice
Sought:

House

Senate

President

State

District

- (c) ☐ This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of
Candidate**Party Committee:**

- (d) ☐ This committee is a ☐ (National, State or subordinate) committee of the ☐ (Democratic, Republican, etc.) Party.

Political Action Committee (PAC):

- (e) ☐ This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:



Corporation



Corporation w/o Capital Stock



Labor Organization



Membership Organization



Trade Association



Cooperative

- (f) ☒ This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)



In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

Joint Fundraising Representative:

- (g) ☐ This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.
- (h) ☐ This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

- | | | | |
|----|----------------------|---------------|----------------------|
| 1. | <input type="text"/> | FEC ID number | <input type="text"/> |
| 2. | <input type="text"/> | FEC ID number | <input type="text"/> |
| 3. | <input type="text"/> | FEC ID number | <input type="text"/> |
| 4. | <input type="text"/> | FEC ID number | <input type="text"/> |
| 5. | <input type="text"/> | FEC ID number | <input type="text"/> |

FEC Form 1 (Revised 12/2007)

Page 3

Write or Type Committee Name

6. Name of Any Connected Organization, Affiliated Committee, Leadership PAC Sponsor or Joint Fundraising Representative

NONE

Mailing Address

CITY

STATE

ZIP CODE

Relationship:



Connected Organization



Affiliated Committee



Leadership PAC Sponsor



Joint Fundraising Representative

7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name

Timothy Crawford

Mailing Address

P.O. Box 7711

Arlington

VA

22207

CITY

STATE

ZIP CODE

Title or Position

Treasurer

Telephone number

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name
of Treasurer

Timothy Crawford

Mailing Address

P.O. Box 7711

Arlington

VA

22207

CITY

STATE

ZIP CODE

Title or Position

Telephone number

29030031080

FEC Form 1 (Revised 12/2007)

Page 4

Full Name of
Designated
Agent

Mailing Address

CITY

STATE

ZIP CODE

Title or Position

Telephone number

9. **Banks or Other Depositories:** List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.
Name of Bank, Depository, etc.

Wachovia

Mailing Address

6260 Old Dominion Drive

Chesterbrook Plaza Financial Center

McLean

VA

22101

CITY

STATE

ZIP CODE

Name of Bank, Depository, etc.

Mailing Address

CITY

STATE

ZIP CODE

Federal Election Commission
ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS
 The FEC added this page to the end of this filing to indicate how it was received.

<input checked="" type="checkbox"/> Hand Delivered	Date of Receipt <i>2/17/07</i>
<input type="checkbox"/> USPS First Class Mail	Postmarked
<input type="checkbox"/> USPS Registered/Certified	Postmarked (R/C)
<input type="checkbox"/> USPS Priority Mail	Postmarked
Delivery Confirmation™ or Signature Confirmation™ Label <input type="checkbox"/>	
<input type="checkbox"/> USPS Express Mail	Postmarked
<input type="checkbox"/> Postmark Illegible	
<input type="checkbox"/> No Postmark	
<input type="checkbox"/> Overnight Delivery Service (Specify):	Shipping Date
Next Business Day Delivery <input type="checkbox"/>	
<input type="checkbox"/> Received from House Records & Registration Office	Date of Receipt
<input type="checkbox"/> Received from Senate Public Records Office	Date of Receipt
<input type="checkbox"/> Received from Electronic Filing Office	Date of Receipt
<input type="checkbox"/> Other (Specify):	Date of Receipt or Postmarked

Jr 10
 PREPARER
 (3/2005)

2/17/07
 DATE PREPARED

29030031082

Exhibit B



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MS-K

January 30, 2017

TIMOTHY CRAWFORD, TREASURER
SARAH PAC
PO BOX 7711
ARLINGTON, VA 22207

IDENTIFICATION NUMBER: C00458588

REFERENCE: TERMINATION REPORT (11/29/2016 - 12/31/2016)

Dear Treasurer:

Your committee's filing has been accepted as a valid termination as it meets the conditions set forth in 52 U.S.C. §30103(d) (formerly 2 U.S.C. §433(d)) and Section 102.3 of the Commission's Regulations. Your committee is no longer required to file reports on a periodic basis. However, 52 U.S.C. §30102(d) (formerly 2 U.S.C. §432(d)) and Sections 102.9(c) and 104.14(b)(3) of the Commission's Regulations require that you maintain your records and copies of reports for inspection for at least three (3) years. In addition, you may be required to respond to Commission requests for information regarding your committee's federal election activity and previously filed reports.

If your committee again becomes active in federal elections, it will be required to re-register with the Commission in accordance with the Federal Election Campaign Act and applicable Regulations. Your committee will be treated as a new entity by the Commission and should register as a new committee on FEC FORM 1, pursuant to 52 U.S.C. §§30102(g) and 30103(a) (formerly 2 U.S.C. §§432(g) and 433(a))

If you have any questions concerning your status and requirements, please contact the Reports Analysis Division on the toll-free number, (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division). My local number is (202) 694-1148.

Sincerely,

A handwritten signature in black ink, appearing to read "Quy Vuong", is written over a horizontal line.

Quy Vuong
Sr. Campaign Finance & Reviewing Analyst
Reports Analysis Division

Exhibit C

Sarah Palin's 'Crosshairs' Ad Dominates Gabrielle Giffords Debate

By JOHN BERMAN
Jan. 9, 2011

Share with Facebook

Share with Twitter



ABCNEWS.com

WATCH | Rep. Giffords Criticized Palin's Crosshairs



In the stunned aftermath of the Tucson massacre, Sarah Palin has found herself in the crosshairs of the ensuing political debate with opponents suggesting she may have fueled the gunman's rage and her supporters saying it is "grotesque" to blame her and to politicize the tragedy.



Crosshairs is a political phrase that emerged from Palin's political action committee SarahPac that targeted congressional districts for the Tea Party campaign in the last election, including the district of Rep. Gabrielle Giffords.

Although Palin later denied she meant the graphic over the districts to look like a gun sight, it is part of the hunting lexicon that critics say she prefers.

Comedian Frank Conniff tweeted: "Hey, Sarah Palin, hows that hatey, killy, reloady, crosshairsy thing working out for ya?"

Facebook executive Randi Zuckerberg said many people on the social networking site are asking whether Sarah Palin is to blame.

According to Zuckerberg that is the #1 question on the social network behemoth following the Tucson shooting.

Like so much with Palin, the roots are on Facebook. On her Facebook page last year when she posted the a map of 20 congressional districts targeted by SarahPac, the headline of the map: "It's time to take a stand."

At the time Giffords reacted to the map in an interview on a cable news program.

"When people do that, they've got to realize there are consequences to that action," Giffords said.

Follow John Berman on Facebook:

<http://www.facebook.com/johnbermanabc> and Twitter:

Palin's Now in 'Crosshairs' of Giffords Debate

+ Lawmakers on Edge After Shooting

+ Hero Intern: 'Congresswoman Was Alert'

Auschwitz Memorial condemns congressman's gas chamber video

N. Korean missile test leaves clues, doubts about its technology

Lawmaker says meditation may help him work better with Trump

Trump policy shifts contradict what most Americans want, polls reveal

Trump's 2nd foreign trip includes G-20, meeting with Putin

The Note: High stakes for Trump's 2nd foreign trip

Trump set for crucial diplomatic test in 1st face-to-face with Putin

How your state responded to Trump's voter data request

How Trump's stance on China has changed amid North Korea threat

Trump, Putin to hold meeting at G-20 summit

Trump targets North Korea in latest Twitter attack

No connection has been made between this graphic and the Arizona shooting, but it has put the Palin team somewhat on the defensive. Rebecca Mansour, a spokesperson for SarahPac, told conservative commentator Tammy Bruce, "We never imagined, it never occurred to us that anybody would consider it violent." Insisting she was speaking for herself, and not on behalf of Palin, Mansour added, "We never ever, ever intended it to be gun sights."

However, following the initial controversy over the "crosshairs" last year, Palin issued her now oft repeated rallying cry, "Don't retreat. RELOAD."

Politico's Jonathan Martin was the first to point out that Palin herself, in a tweet last November following the election, [referred to the crosshairs](#) as a "bull's eye."

Sarah Palin in Crosshairs of Tucson Massacre Debate

Anyone who has seen "Sarah Palin's Alaska" on the TLC channel and seen that Palin has a deep connection and love for hunting. She repeated the "reload" phrase on that show. Language surrounding gun-use and hunting is something she uses often, and often with no political overtones.

And the only reaction to the Arizona shooting from Palin came [on her Facebook page](#).

"My sincere condolences are offered to the family of Rep. Gabrielle Giffords and the other victims of today's tragic shooting in Arizona. On behalf of Todd and my family, we all pray for the victims and their families, and for peace and justice," the statement said.

This statement received more than 25,000 comments from Palin supporters on her page. Many criticized any links being made in the media between the Arizona shooting and Palin, particularly since some accounts from Arizona note that accused gunman Jared Loughner was involved at some point with "liberal" politics and his MySpace profile listed The Communist Manifesto as one of his favorite books.

An acquaintance of Loughner's, Caitie Parker, who said she was in school and in a band with him, [described him on Twitter](#) as "more libertarian & definitely socially liberal."

Conservative activists are lashing out against what they consider unfair treatment of Palin in this tragedy. On twitter, SarahPac spokesperson Mansour wrote, "Politicizing this is repulsive."

Conservative activist Andrew Breitbart, wrote, "Of those who're now using this tragedy 4 political purposes, what's your proof of this lunatic's motivation? Isn't that majorly relevant?"

And another tweeted, "Left blamed Palin b4 they knew 1st thing about shooter; unable to admit malice, they double down, co-ordinate narrative. Grotesque."

Another statement being retweeted by conservatives is this one, noting that even President Obama has used the language of armed conflict in politics. "The instigator for AZ massacre? Obama: 'If They Bring a Knife to the Fight, We Bring a Gun,'" and linking to [comments that then-Senator Obama made](#) during Democratic primaries.

One thing is clear, Palin, who has been at the center of so much of the political discourse and discussion the last two years, is right back in the center, you might even say the crosshairs, whether she wants to be there or not.

Trump tweets church choir's 'Make America Great Again' song

NYC officer shot, killed while sitting in police car

Judge tells 'Pharma Bro' Martin Shkreli to pipe down

Afghan girls robotics team denied US visas to compete

Florida family 'still shocked' by soldier's surprise Legoland homecoming

'Earlymoons' are the latest wedding trend

'Baby rhino sleep whisperer' serenades calf with his guitar

Dozens of rare white deer will be available for public viewing

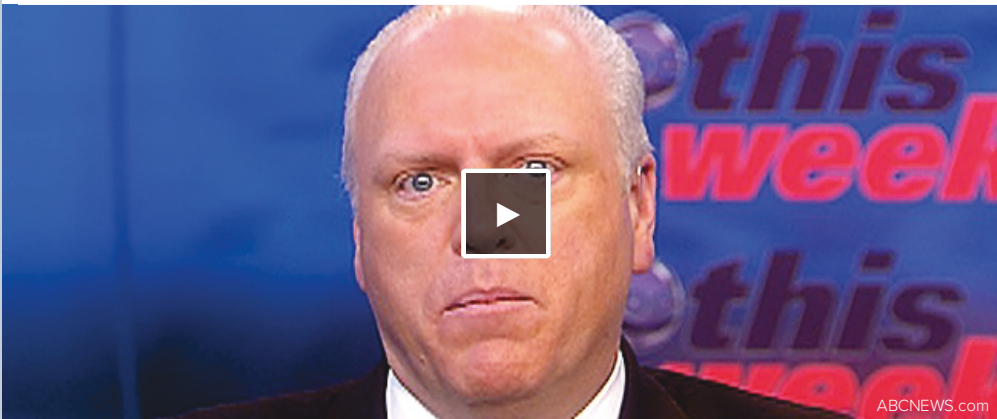
Wild monkeys charge family at Florida park

Lawmakers on Edge, Reassessing Security, After Gabrielle Giffords Shooting

By Z. BYRON WOLF
WASHINGTON, Jan. 9, 2011

f Share with Facebook

🐦 Share with Twitter



WATCH | Tragedy in Tucson: Congressmen Weigh In



The [shooting Saturday of Rep. Gabrielle Giffords](#) put Washington edge and had lawmakers, whose stock in trade is their ability to get out and interact with the people, reassessing their own security.



The ability of lawmakers to communicate and interact with their constituents is central to their job.



It was not lost on lawmakers that during a ceremonial reading of the Constitution Friday, Giffords read the first amendment, where the right of the people to peaceably assemble and seek redress from their government is enshrined.

This afternoon the House leadership, including Speaker John Boehner and Minority Leader Nancy Pelosi, held an extraordinary bi-partisan call to brief members on the Arizona shooting and the Congressional response.

"Yesterday was a grim day for our institution and our country," Boehner said. "Gabby was attacked while doing the most fundamental duty of a member of Congress -- listening to her constituents."

"As you've heard me say, an attack on one who serves is an attack on all who serve," the Ohio Republican said later in the call. "This is a time for the House to pull together as an institution -- one body, unified in our common purpose of serving the American people and fighting for the freedom and justice guaranteed to all by our Constitution."

Boehner announced there will be a bi-partisan security briefing on Capitol Hill on Wednesday by the Capitol Police, Sergeant at Arms and FBI.

"This is not simply an attack on Ms. Giffords," House Minority Whip Steny Hoyer said on CBS today. "This is an attack on democracy itself, on the ability as she said in that reading of the First Amendment, to

Lawmakers on Edge After Shooting

+ Exclusive: Jared Loughner Radically Changed Before Alleged Shooting

+ 'This Week' Transcript: Tragedy in Tucson

Auschwitz Memorial condemns congressman's gas chamber video

N. Korean missile test leaves clues, doubts about its technology

Lawmaker says meditation may help him work better with Trump

Trump policy shifts contradict what most Americans want, polls reveal

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The Note: High stakes for Trump's 2nd foreign trip

Trump set for crucial diplomatic test in 1st face-to-face with Putin

How your state responded to Trump's voter data request

How Trump's stance on China has changed amid North Korea threat

Trump, Putin to hold meeting at G-20 summit

Trump targets North Korea in

peaceably assemble, to confer with their constituents and trying to reflect their views."

The most immediate effect of the shooting on official Washington is that House Republicans decided to postpone their plan to vote Wednesday on repealing President Obama's controversial health care reform, even though there is no indication the law in any way motivated the suspected shooter.

Authorities in Arizona were pursuing a second person in connection with the shooting and trying to determine if the suspect, Jared Lee Loughner, acted alone or has ties to any radical group.

FBI Director Robert Mueller and federal authorities rushed to Arizona to lead the investigation and response to the shooting, in which six people died and Giffords and 13 others were wounded. U.S. Capitol Police also issued a warning to members of Congress to be on high alert.

"While the United States Capitol Police does not specifically discuss the security of Members of Congress including details on our protective measures, the United States Capitol Police has communicated with House Members of Congress advising them to take reasonable and prudent precautions regarding their personal safety and security," said Sgt. Kimberly Schneider of the U.S. Capitol Police in a written statement.

Leaders in both parties pledged not to let the events in Arizona bring Capitol Hill to a full halt.

House Minority Leader Nancy Pelosi went on with a planned constituent event in San Francisco Saturday.

Boehner held a special press conference this morning where he argued that lawmakers' duty is to carry on with their jobs despite the shooting.

"Public service is a high honor, but these tragic events remind us that all of us in our roles in service to our fellow citizens comes with a risk," Boehner said in Ohio. "This inhuman act should not and will not deter us from our calling to represent our constituents and to fulfill our oaths of office. No act, no matter how heinous, must be allowed to stop us from our duty."

Boehner and Pelosi, as leaders, both rate round-the-clock protection from the Capitol Police.

Most lawmakers, like Giffords, do not get special police protection.

Attacks on members of Congress are rare. The last federal lawmaker to die violently was Rep. Leo Ryan, D-Calif., who was shot and killed in Guyana in 1978 while on a trip investigating the Jonestown cult settlement there.

Rep. Jackie Speier, D-Calif., was with Ryan as an aide in 1978 and was shot five times. She survived and now represents the same Northern California district that Ryan did.

She told ABC News Saturday she's adamant, at least for her part, that security for members of congress not be increased at home.

"I certainly don't want to have to be required to have a police presence," she said. "If that's the case, then it's time for me to no longer be a congressman."

It is not clear what motivated the shooter in Arizona.

Trump targets North Korea in latest Twitter attack

Trump tweets church choir's 'Make America Great Again' song

NYC officer shot, killed while sitting in police car

Judge tells 'Pharma Bro' Martin Shkreli to pipe down

Laptop ban lifted on Emirates, Turkish Airlines flights

Florida family 'still shocked' by soldier's surprise Legoland homecoming

'Earlymoons' are the latest wedding trend

92-year-old flower girl in granddaughter's wedding

'Baby rhino sleep whisperer' serenades calf with his guitar

Dozens of rare white deer will be available for public viewing

Case 1:17-cv-04853-JSR Document 263 Filed 07/14/17 Page 7 of 7

Giffords Arizona district office was canceled after he voted for the health care bill in March 2010, but there are no references to that law in the rambling posts on the shooting suspect's Myspace and YouTube pages.

Her seat was one of the most competitive in the country and she barely defeated Tea Party favorite Jim Kelly last November.

Despite the lack of an apparent correlation between Giffords' shooting and any specific political vote or belief, some Democrats said they were taking special precautions after the shooting.

"We have taken appropriate steps in light of the tragedy today in Arizona," Justin Ohlemiller, district director for Rep. Andre Carson, D-Ind., told The Associated Press.

Lawmakers are left to their own devices for security at home. A staffer to Sen. Jim Webb, D-Virginia, was arrested in 2007 when he accidentally tried to take the senator's gun into a Capitol Hill Office building.

At the time, Webb said lawmakers have to be careful.

"I'm a strong supporter of the Second Amendment; I have had a permit to carry a weapon in Virginia for a long time; I believe that it's important; it's important to me personally and to a lot of people in the situation that I'm in to be able to defend myself and my family," he said.

Since the Sept. 11, 2001, attacks, he said, "it's a more dangerous time" for those serving in government.

"I'm not going to comment with great specificity about how I defend myself, but I do feel I have that right," he said. "We are required to defend ourselves."

[Comments](#)

Exhibit D

SARAH PAC

WWW.SARAH PAC.COM

20 House Democrats from districts we carried in
2008 voted for the health care bill...

IT'S TIME TO TAKE A STAND.



Vic Snyder — AR-2



Earl Pomeroy — ND-AL

Ann Kirkpatrick — AZ-1

Charlie Wilson — OH-6

Harry E. Mitchell — AZ-5

John Boccieri — OH-16

Gabrielle Giffords — AZ-8

Kathy Dahlkemper — PA-3

John Salazar — CO-3

Christopher Carney — PA-10

Betsy Markey — CO-4

John M. Spratt Jr. — SC-5

Allen Boyd — FL-2

Bart Gordon — TN-6



Suzanne M. Kosmas — FL-24

Tom Perriello — VA-5

Brad Ellsworth — IN-8



Alan B. Mollohan — WV-1

Baron P. Hill — IN-9

Nick J. Rahall II — WV-3



Already retiring at the end of their terms. 17 more to go!

Let's take back the 20, together!
JOINMETODAY

Exhibit E

H77HPALC

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 SARAH PALIN,

4 Plaintiff,

5 v.

17 Civ. 4853 (JSR)

6 THE NEW YORK TIMES COMPANY, a
7 NEW YORK corporation,

Conference

8 Defendant.

9 -----x

10 New York, N.Y.
11 July 7, 2017
11:09 p.m.

12 Before:

13 HON. JED S. RAKOFF,

14 District Judge

15 APPEARANCES

16 GOLENBOCK EISEMAN ASSOR BELL & PESKOE LLP

Attorneys for Plaintiff

17 BY: SHAWN PRESTON RICARDO

18 - and -

19 BAJO CUVA COHEN TURKEL

20 BY: KENNETH G. TURKEL

SHANE B. VOGT

21 LEVINE, SULLIVAN, KOCH & SCHULZ, LLP

Attorneys for Defendant

22 BY: DAVID A. SCHULZ

23 JEREMY A. KUTNER

H77HPALC

1 view, the statement was so out of whack with the facts
2 reported, as they report in their own news story, that no one
3 could make that kind of mistake by accident, something like
4 that?

5 MR. TURKEL: Yes, Judge, I think that's one way of
6 putting it.

7 THE COURT: Well, the reason I'm asking, I want to get
8 what you're -- it sounds like it's not a question of amending
9 the complaint. You don't have any additional facts of malice.
10 It's the facts that you've alleged in the complaint. Do I have
11 that right?

12 MR. TURKEL: Judge, yes, and I would say on top of
13 that we've alleged the elements of the tort comporting with the
14 cases that match up with those facts. So in that sense it's
15 not -- I don't think what they're saying is we haven't alleged
16 elements or we're missing the allegation. They're saying that
17 in toto, within the four corners, what we've alleged doesn't
18 give us a basis to survive a 12(b) motion.

19 THE COURT: Yes, that's what they're saying.

20 All right. So let me go back to defense counsel.
21 Since it doesn't sound like we'll have a problem with amending,
22 I would be willing to consider staying discovery if you can do
23 a lot better than two weeks. I'm not going to -- as you
24 already articulated, you know what your arguments are.
25 You've got the whole weekend. I don't see why you need two

Exhibit F

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.

Case No.:17cv4853 (JSR)(DCF)

**PLAINTIFF’S FIRST REQUEST FOR PRODUCTION
OF DOCUMENTS TO DEFENDANT THE NEW YORK TIMES COMPANY**

Plaintiff, Sarah Palin, by her undersigned attorneys, pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and Local Civil Rules 26.2 and 26.3, requests that Defendant, The New York Times Company (“*The Times*”), produce the following documents, in accordance with the instructions and definitions set forth below, at the offices of Golenbock Eiseman Assor Bell & Peskoe LLP, 711 Third Avenue, New York, New York 10017; within thirty (30) days of the date of service of this Request:

DEFINITIONS

The Uniform Definitions in Discovery Requests set forth in Rule 26.3 of the Local Rules of the United States District Court for the Southern District of New York are incorporated by reference in these Requests for Production of Documents (the “Requests”). In addition, as used in these Requests, the following terms shall be defined as follows:

1. “PLAINTIFF” means plaintiff Sarah Palin.
2. “THE TIMES” means defendant The New York Times Company and its attorneys, agents, staff, writers, editors, columnists, representatives, directors, officers, employees, and any other person acting or purporting to act on its behalf.

3. The “ARTICLE” means the June 14, 2017 online version and the June 15, 2017 print version of the column “*America’s Lethal Politics.*”

4. “LOUGHNER’S SHOOTING” means Jared Loughner’s January 8, 2011 shooting at a political event in Tucson, Arizona, in which United States Congresswoman Gabrielle Giffords was wounded and six people were killed.

5. FIRST CORRECTION means THE TIMES’ June 15, 2017 correction to the ARTICLE, including all edits and revisions thereto and the following statement:

Correction: June 15, 2017

An earlier version of this editorial incorrectly stated that a link existed between political incitement and the 2011 shooting of Representative Gabby Giffords. In fact, no such link was established.

6. “SECOND CORRECTION” means THE TIMES’ June 16, 2017 correction to the ARTICLE, including all edits and revisions thereto and the following statement:

Correction: June 16, 2017

An editorial on Thursday about the shooting of Representative Steve Scalise incorrectly stated that a link existed between political rhetoric and the 2011 shooting of Representative Gabby Giffords. In fact, no such link was established. The editorial also incorrectly described a map distributed by a political action committee before that shooting. It depicted electoral districts, not individual Democratic lawmakers, beneath stylized cross hairs.

7. EDITORIAL BOARD means the Editorial Board of THE TIMES as of June 14, 2017.

INSTRUCTIONS

The following instructions apply to each and every document request set forth herein:

1. These Requests apply to all documents and things, including without limitation emails, internal messages and text messages, in your possession, custody or control, regardless of

whether such documents or things are held by you or your agents, representatives, staff, writers, editors, columnists, attorneys or any other Person, and whether such documents are in hardcopy or electronic form, and regardless of where such documents or things are located.

2. Where any copy of any document, the production of which is requested, is not identical to any other copy thereof, by reason of any alterations, marginal notes, comments, or material contained therein or attached thereto, or otherwise, all such non-identical copies shall be produced separately.

3. All documents that respond, in whole or in part, to any of these requests shall be produced in their entirety, without abbreviation or redaction, including all attachments and enclosures.

4. These requests call for the production of all responsive documents whether maintained in paper form or on magnetic recording tape, microfilm, computer data base, camera, hard drive, mobile device, or other storage means, including, but not limited to, emails, internal messages and text messages, and whether or not responsive emails, internal messages and text messages are located in personal email accounts or business email accounts.

5. Electronically stored information (“ESI”) should be produced in the following format:

- Single Page TIFFs
- Document level text files (text-searchable)
- Native Files
- .DAT with standard Concordance delimiters (should contain the path to native files and text files)
- .OPT image load file (should contain the page count and volume path)

Such ESI includes, but is not limited to, electronic mail and messages, documents created with word processing software such as Microsoft Word, pictures, audio and video recordings, and documents in Portable Document Format (“PDF”).

6. Documents should be produced as they are kept in the usual course of business or organized and labeled to correspond with the categories in these requests. In producing documents, all documents that are physically attached to each other when located for production shall be left so attached. Documents that are segregated or separated from other documents, whether by inclusion of binders, files, subfiles, or by use of dividers, tabs or any other method, shall be left so segregated or separated.

7. If no documents exist that are responsive to a particular request, please so state in writing.

8. If any document or any portion of any document requested herein is withheld from production, describe the factual basis for withholding the document or portion thereof. Assertions of privilege (including work product) must comply with and provide the information required under Local Civil Rule 26.2(a) and (b) and such other information as may be required to permit the Court to adjudicate the validity of your withholding the document.

9. If a portion of an otherwise responsive document contains information subject to a claim of privilege, those portions of the document subject to the claim of privilege shall be deleted or redacted from the document, the deleted or redacted portions shall be clearly marked as such, and the rest of the document shall be produced.

10. More than one particular request may call for production of the same document. The presence of such duplication is not to be interpreted to narrow or limit, in any manner, the normal interpretation placed on each individual request.

11. The use of the singular form of any word shall be construed to include the plural and vice versa.

12. These Requests are to be deemed continuing in nature and you are obliged to produce responsive documents and to supplement your production whenever additional documents are located or their existence ascertained.

RELEVANT TIME PERIOD

Unless otherwise stated, you shall produce documents concerning the time period of January 8, 2011 through the present.

REQUEST FOR PRODUCTION

1. All drafts of the ARTICLE, and any part of it.
2. All handwritten, typed or electronic revisions, comments, edits or questions made on, to or about any draft of the ARTICLE.
3. All COMMUNICATIONS CONCERNING whether to publish the ARTICLE, and any part of it, and what the contents thereof would or should be.
4. All drafts of the FIRST CORRECTION, and any part of it.
5. All handwritten, typed or electronic revisions, comments, edits or questions made on, to or about any draft of the FIRST CORRECTION.
6. All COMMUNICATIONS CONCERNING whether to publish the FIRST CORRECTION, and any part of it, and what the contents thereof would or should be.
7. All drafts of the SECOND CORRECTION, and any part of it.
8. All handwritten, typed or electronic revisions, comments, edits or questions made on, to or about any draft of the SECOND CORRECTION.
9. All COMMUNICATIONS CONCERNING whether to publish the SECOND CORRECTION, and any part of it, and what the contents thereof would or should be.
10. Each and every version of the ARTICLE published by THE TIMES online and on any mobile platform.
11. Each and every version of any revision, edit and correction made to the ARTICLE, at any time after initial publication, whether online, in print or on any mobile platform.
12. All DOCUMENTS and COMMUNICATIONS CONCERNING any approval of the ARTICLE, and any part of it, for publication, by any or every member of the EDITORIAL BOARD before the ARTICLE was first published.

13. All DOCUMENTS and COMMUNICATIONS CONCERNING any disapproval of the publication of the ARTICLE, and any part of it, by any member of the EDITORIAL BOARD before the ARTICLE was first published.
14. All DOCUMENTS and COMMUNICATIONS CONCERNING consent to the publication of the ARTICLE, and any part of it, by any member of the EDITORIAL BOARD before the ARTICLE was first published.
15. All DOCUMENTS and COMMUNICATIONS CONCERNING THE TIMES' verification of any facts set forth in the ARTICLE, including by any member of the EDITORIAL BOARD or THE TIMES' Op-Ed Section or Opinion Department.
16. All COMMUNICATIONS between or among any EDITORIAL BOARD members CONCERNING the ARTICLE, FIRST CORRECTION and SECOND CORRECTION.
17. All COMMUNICATIONS between or among anyone employed by THE TIMES CONCERNING any or all of the ARTICLE, FIRST CORRECTION and SECOND CORRECTION.
18. An organizational chart for THE TIMES, including without limitation all individuals on the EDITORIAL BOARD, Op-Ed Section and Opinion Department.
19. All DOCUMENTS and COMMUNICATIONS CONCERNING THE TIMES' oversight and approval of columns published by the EDITORIAL BOARD in effect on June 14, 2017.
20. All Freedom of Information Act ("FOIA") and public records requests made by THE TIMES CONCERNING the LOUGHNER SHOOTING and any law enforcement investigations and legal proceedings related thereto.
21. All records provided to THE TIMES in response to any FOIA or public records requests CONCERNING the LOUGHNER SHOOTING and any law enforcement investigations and legal proceedings related thereto.
22. All DOCUMENTS and COMMUNICATIONS CONCERNING whether, prior to the publication of the ARTICLE, any member of the EDITORIAL BOARD or THE TIMES Op-Ed Section or Opinion Department had knowledge about the existence of any link between "Sarah Palin's political action committee circulat[ing] a map of targeted electoral districts" and LOUGHNER'S SHOOTING.
23. All DOCUMENTS and COMMUNICATIONS upon which the EDITORIAL BOARD based the following statements in the ARTICLE:

In 2011, when Jared Lee Loughner opened fire in a supermarket parking lot, grievously wounding Representative Gabby Giffords and killing six people, including a 9-year-old girl, the link to political incitement was clear. Before the shooting, Sarah Palin's political action committee

circulated a map of targeted electoral districts that put Ms. Giffords and 19 other Democrats under stylized cross hairs.

24. All DOCUMENTS and COMMUNICATIONS upon which the EDITORIAL BOARD based the following statements in the ARTICLE:

Conservatives and right-wing media were quick on Wednesday to demand forceful condemnation of hate speech and crimes by anti-Trump liberals. They're right. Though there's no sign of incitement as direct as in the Giffords attack, liberals should of course hold themselves to the same standard of decency that they ask of the right.

25. All articles, columns, editorials, stories, blogs, internet posts, social media posts, Tweets, comments and statements published or posted by THE TIMES CONCERNING the LOUGHNER SHOOTING.
26. All articles, columns, editorials, stories, blogs, internet posts, social media posts, Tweets, comments and statements published or posted by THE TIMES CONCERNING the role of political incitement, political rhetoric or politics in the LOUGHNER SHOOTING.
27. For the time period ranging from January 8, 2011 to the present, all articles, columns, editorials, stories, blogs, internet posts, social media posts, Tweets, comments and statements published or posted by THE TIMES that express, contain or concern any animosity, hatred, ill-will, mockery, intent to harm, hostility, dislike, malice or similar negative feelings or sentiments toward Sarah Palin.
28. All COMMUNICATIONS between or among any members of the EDITORIAL BOARD or any of THE TIMES' writers, columnists, editors, fact-checkers, directors, officers or board members, that express, contain or concern any criticism, animosity, hatred, ill-will, mockery, intent to harm, hostility, dislike, malice or similar negative feelings or sentiments toward Sarah Palin.
29. All DOCUMENTS and COMMUNICATIONS CONCERNING any efforts by THE TIMES and its EDITORIAL BOARD to investigate the truth or falsity of any facts contained in the ARTICLE.
30. All DOCUMENTS and COMMUNICATIONS CONCERNING any efforts by THE TIMES and its EDITORIAL BOARD to fact-check the ARTICLE, and any part of it.

31. All DOCUMENTS CONCERNING THE TIMES' policies, procedures, practices, manuals, handbooks, guidelines and similar directives in effect on June 14, 2017, CONCERNING any of the following:
 - a) Ethical Journalism
 - b) Truthful Reporting
 - c) Fairness
 - d) Integrity
 - e) Honesty
 - f) Accountability
 - g) Corrections
 - h) Retractions
 - i) Apologies
 - j) Fact-checking
32. All DOCUMENTS and COMMUNICATIONS CONCERNING the editing and fact-checking process that occurred prior to the publication of the ARTICLE.
33. All DOCUMENTS and COMMUNICATIONS CONCERNING the editing and fact-checking process that occurred prior to the publication of the FIRST CORRECTION.
34. All DOCUMENTS and COMMUNICATIONS CONCERNING the editing and fact-checking process that occurred prior to the publication of the SECOND CORRECTION.
35. All DOCUMENTS and COMMUNICATIONS CONCERNING the EDITORIAL BOARD'S practices, policies and procedures for writing, fact-checking, editing and publishing articles, editorials or columns, which were in effect on June 14, 2017.
36. All DOCUMENTS and COMMUNICATIONS CONCERNING whether the EDITORIAL BOARD followed any practices, policies and procedures for writing, fact-checking, editing and publishing articles, editorials or columns before and when publishing the ARTICLE.
37. All DOCUMENTS and COMMUNICATIONS CONCERNING the contention that the EDITORIAL BOARD made an "mistake" when it published the ARTICLE, as asserted in Court in this case on July 7, 2017.
38. All DOCUMENTS and COMMUNICATIONS CONCERNING James Bennet's assertion that: "While it is always agonizing to get something wrong we appreciate it when our readers call us out like this. We made an error of fact in the editorial and we've corrected it. But that error doesn't undercut or weaken the argument of the piece."
39. All DOCUMENTS and COMMUNICATIONS CONCERNING the decision to post and publish the ARTICLE.
40. All DOCUMENTS and COMMUNICATIONS CONCERNING the decision to post and publish the FIRST CORRECTION.
41. All DOCUMENTS and COMMUNICATIONS CONCERNING the decision to post and publish the SECOND CORRECTION.

42. All COMMUNICATIONS between Liz Spayd and anyone at THE TIMES CONCERNING the need to fact-check articles, editorials, columns and stories.
43. All articles, editorials, columns, stories and COMMUNICATIONS authored by any member of the EDITORIAL BOARD, and THE TIMES' Op-Ed Section, Opinion Department or Public Editor CONCERNING the need to fact-check editorials and opinion columns.
44. All DOCUMENTS and COMMUNICATIONS CONCERNING any changes to or new policies, procedures, practices, guidelines or directives, which were implemented or put in place by THE TIMES following the publication of "*To Our Readers, From the Publisher and Executive Editor*" on November 13, 2016.
45. All DOCUMENTS AND COMMUNICATIONS CONCERNING whether stories, articles, editorials or columns about Sarah Palin "inflamm passions," as stated in THE TIMES' December 3, 2010 column "*She Who Must Not Be Named*."
46. All DOCUMENTS AND COMMUNICATIONS CONCERNING whether stories, articles or columns about Sarah Palin "drive viewership and Web clicks," as stated in THE TIMES' December 3, 2010 column "*She Who Must Not Be Named*."
47. All DOCUMENTS and COMMUNICATIONS CONCERNING the number of page views of the ARTICLE on THE TIMES' website and mobile applications.
48. All DOCUMENTS and COMMUNICATIONS CONCERNING the number of newspapers printed by or on behalf of THE TIMES in which the ARTICLE appeared.
49. All DOCUMENTS and COMMUNICATIONS CONCERNING the number of paid subscribers to THE TIMES' printed newspaper and web and mobile platforms as of June 14, 2017 and June 15, 2017.
50. All DOCUMENTS and COMMUNICATIONS CONCERNING the number of THE TIMES' Twitter followers on June 14, 2017.
51. All DOCUMENTS and COMMUNICATIONS CONCERNING the number of THE TIMES' Op-Ed Twitter followers on June 14, 2017.
52. All DOCUMENTS and COMMUNICATIONS CONCERNING the number of THE TIMES' Facebook followers on June 14, 2017.
53. All DOCUMENTS and COMMUNICATIONS CONCERNING the number of THE TIMES' Op-Ed Facebook followers on June 14, 2017.
54. All DOCUMENTS and COMMUNICATIONS CONCERNING the number of unique visitors to THE TIMES' website and digital platforms on June 14, 2017.
55. All Tweets by THE TIMES of and CONCERNING the ARTICLE.

56. All Tweets by THE TIMES' Op-Ed of and CONCERNING the ARTICLE.
57. All Facebook posts by THE TIMES of and CONCERNING the ARTICLE.
58. All Facebook posts by THE TIMES Op-Ed of and CONCERNING the ARTICLE.
59. All Tweets, comments, posts, replies and responses posted on or to THE TIMES' Twitter feed or Facebook page CONCERNING the ARTICLE.
60. All Tweets, comments, posts, replies and responses posted on or to THE TIMES' Op-Ed Twitter feed or Facebook page CONCERNING the ARTICLE.
61. All DOCUMENTS CONCERNING revenue THE TIMES generated or received for advertisements that appeared with, on, in or around the ARTICLE from the time it was first posted on THE TIMES' website and mobile platforms to the present, as well as the method of calculation of such revenue.
62. All DOCUMENTS and COMMUNICATIONS CONCERNING the identity of each person who wrote, edited, fact-checked, reviewed and authorized or approved, in whole or in part, each of the following articles and columns and, as to each, what role he/she played in writing, editing, fact-checking, reviewing and authorizing or approving each article or column:
 - a) the ARTICLE
 - b) *"She Who Must Not Be Named"* (12/3/10)
 - c) *"Shooting Is Latest Eruption in a Grim Ritual of Rage and Blame"* (6/14/17)
 - d) *"The Indigenous American Berserk Strikes Again"* (6/15/17)
 - e) *"Rhetoric and Bullets"* (6/15/17)
 - f) *"The Tucson Witch Hunt"* (1/14/11)
 - g) *"Looking Behind the Mug-Shot Grin"* (1/15/11)
 - h) *"After Tucson, Blanket Accusations Leave Much to Interpretation"* (1/16/11)
 - i) *"Climate of Hate"* (1/9/11)
 - j) *"In Attack's Wake, Political Repercussions"* (1/8/11)
 - k) *"Bloodshed Puts New Focus on Vitriol in Politics"* (1/8/11)
 - l) *"Arizona Suspect's Recent Acts Offer Hints of Alienation"* (1/8/11)
 - m) *"The Arizona Shooting and What Led Up to It"* (1/9/11)

- n) *“Evidence Points to Methodical Planning”* (1/9/11)
 - o) *“After Attack, Focus in Washington on Civility and Security”* (1/9/11)
 - p) *“An American Tragedy”* (1/9/11)
 - q) *“Suspect’s Odd Behavior Caused Growing Alarm”* (1/9/11)
 - r) *“In the Shock of the Moment, the Politicking Stops... Until it Doesn’t”* (1/9/11)
 - s) *“United in Horror”* (1/9/11)
 - t) *“Talk Radio Hosts Reject Blame in Shooting”* (1/10/11)
 - u) *“Palin, Amid Criticism, Stays in Electronic Comfort Zone”* (1/10/11)
 - v) *“The Politicized Mind”* (1/10/11)
 - w) *“First Comes Fear”* (1/11/11)
 - x) *“Police Say They Visited Tucson Suspect’s Home Even Before Rampage”* (1/11/11)
 - y) *“Creepy, Very Hostile: A College Recorded Its Fears”* (1/12/11)
 - z) *“Subjects and Verbs as Evil Plot”* (1/13/11)
 - aa) *“Time, the Enemy”* (1/15/11)
 - bb) *“Suspect in Shooting of Giffords Ruled Unfit for Trial”* (5/25/11)
 - cc) *“No Trial for Arizona Shooting Suspect”* (5/27/11)
 - dd) *“Competence Was Linchpin for Both Sides in Tucson Case”* (8/5/12)
 - ee) *“Before Attack, Parents of Gunman Tried to Address Son’s Strange Behavior”* (3/27/13)
63. All handbooks, policies, procedures, manuals, guidelines, instructions, directives and similar DOCUMENTS or COMMUNICATIONS CONCERNING the promotion of articles, stories, editorials and columns on THE TIMES’ website, digital platforms and social media, including how to generate and/or maximize distribution, viewership and/or social media impressions.
 64. A complete copy of all insurance policies that cover, or might cover, the claims asserted by PLAINTIFF in this case.
 65. All DOCUMENTS upon which any of THE TIMES’ defenses are based.

66. All DOCUMENTS or COMMUNICATIONS CONCERNING any disciplinary action taken by THE TIMES against any employee or member of the EDITORIAL BOARD arising out of or relating to the publication of the ARTICLE.
67. All reader and viewer comments CONCERNING the ARTICLE.
68. All statements and press releases issued by or on behalf of THE TIMES concerning the ARTICLE.
69. All statements and press releases issued by or on behalf of THE TIMES concerning this lawsuit.
70. All Amazon SNS/SQS, Apache Kafka, SnapComms, SLACK and similar internal messaging system COMMUNICATIONS CONCERNING the ARTICLE.
71. All Amazon SNS/SQS, Apache Kafka, SnapComms, SLACK and similar internal messaging system COMMUNICATIONS CONCERNING PLAINTIFF.



Kenneth G. Turkel (admitted *pro hac vice*)

Email: kturkel@bajocuva.com

Shane B. Vogt (admitted *pro hac vice*)

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Facsimile: (212) 754-0330

Attorneys for Plaintiff Sarah Palin

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of July, 2017, I caused the foregoing PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT, THE NEW YORK TIMES COMPANY to be served via e-mail and First Class Mail to the following counsel of record:

David A. Schulz
E-mail: dschulz@lskslaw.com
Jay Ward Brown
E-mail: jbrown@lskslaw.com
Levine Sullivan Koch & Schulz, LLP
321 W. 44th Street, Suite 1000
New York, NY 10036
Attorneys for The New York Times Company

Lee Levine
E-mail: llevine@lskslaw.com
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Attorneys for The New York Times Company

Thomas S. Leatherbury
E-mail: tleatherbury@velaw.com
Vinson & Elkins L.L.P.
2001 Ross Avenue, Suite 3700
Dallas, TX 75201-2975
Attorneys for The New York Times Company

Attorney



Exhibit G

**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.

Case No.:17cv4853 (JSR)(DCF)

**PLAINTIFF’S FIRST SET OF INTERROGATORIES
TO DEFENDANT, THE NEW YORK TIMES COMPANY**

Plaintiff, Sarah Palin, by her undersigned counsel, propounds the following interrogatories, pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and Local Civil Rules 26.2, 26.3 and 33.3 of the United States District Court for the Southern District of New York, upon Defendant, The New York Times Company (the “THE TIMES”), and requests that they be answered separately, fully, in writing and under oath, within thirty (30) days of service of these Interrogatories, and in accordance with the instructions and definitions below.

DEFINITIONS

The Uniform Definitions in Discovery Requests set forth in Rule 26.3 of the Local Civil Rules of the United States District Court for the Southern District of New York are incorporated by reference in these Interrogatories. In addition, as used in these Interrogatories, the following terms shall be defined as follows:

- A. “PLAINTIFF” means Plaintiff Sarah Palin.
- B. “YOU” or “THE TIMES” means Defendant The New York Times Company and its attorneys, agents, staff, writers, editors, columnists, representatives, directors, officers, employees, and any other person acting or purporting to act on its behalf.

C. The “ARTICLE” means the June 14, 2017 online version and the June 15, 2017 print version of the column “*America’s Lethal Politics.*”

D. “LOUGHNER’S SHOOTING” means Jared Loughner’s January 8, 2011 shooting at a political event in Tucson, Arizona, in which United States Congresswoman Gabrielle Giffords was wounded and six people were killed.

E. “FIRST CORRECTION” means THE TIMES’ June 15, 2017 correction to the ARTICLE, including all edits and revisions thereto and the following statement:

Correction: June 15, 2017

An earlier version of this editorial incorrectly stated that a link existed between political incitement and the 2011 shooting of Representative Gabby Giffords. In fact, no such link was established.

F. “SECOND CORRECTION” means THE TIMES’ June 16, 2017 correction to the ARTICLE, including all edits and revisions thereto and the following statement:

Correction: June 16, 2017

An editorial on Thursday about the shooting of Representative Steve Scalise incorrectly stated that a link existed between political rhetoric and the 2011 shooting of Representative Gabby Giffords. In fact, no such link was established. The editorial also incorrectly described a map distributed by a political action committee before that shooting. It depicted electoral districts, not individual Democratic lawmakers, beneath stylized cross hairs.

G. “EDITORIAL BOARD” means the Editorial Board of THE TIMES as of June 14, 2017.

INSTRUCTIONS

The following instructions apply to each and every interrogatory set forth herein:

1. Each interrogatory calls for all information known by or available to you or from any source in your possession, custody or control, wherever situated, including, without limitation, information available to you through reasonable inquiry, including inquiry of your officers, employees, representatives and agents.

2. When knowledge or information in possession of an entity is requested, such interrogatory includes knowledge or information in the possession of the entity's officers, directors, agents, members, managers, representatives, predecessors in interest, successors, experts, and persons consulted concerning any factual matters or matters of opinion relating to any of the facts or issues involved in this case.

3. If you object to any interrogatory or part thereof on the basis of the attorney-client privilege, work-product immunity or any other privilege or protection, you shall provide the information required by Local Civil Rule 26.2(a).

4. Each interrogatory listed herein shall be answered separately and fully.

5. The answer to each of these interrogatories should be as responsive to each portion thereof as is reasonably possible. If you object to a portion of any interrogatory, you are instructed to answer the remainder to which you do not object.

6. If any information requested by an interrogatory or a portion thereof cannot with due diligence be obtained or ascertained, all steps taken to provide such information shall be specified in the answer.

7. When requested to identify any person or document, provide the information required by Local Civil Rule 26.3(c). If any of this information is not available, state any other available means of identifying such person or document.

8. These interrogatories are of a continuing nature, and if, subsequent to the responses called for herein, you or any of your attorneys, agents, employees or representatives, obtain or discover additional information responsive to any interrogatory herein after the time of your initial answer, you shall supplement promptly such responses.

9. Each paragraph herein shall be construed independently and without reference to any other paragraph for the purpose of limitation.

INTERROGATORIES

1. Identify all EDITORIAL BOARD members and any other directors, officers, board members, employees, staff, writers, editors, columnists or fact-checkers of THE TIMES who, in whole or in part, wrote, reviewed, commented upon, edited, fact-checked, and/or approved or authorized the publication of, the ARTICLE.

ANSWER:

2. Identify all EDITORIAL BOARD members and any other directors, officers, board members, employees, staff, writers, editors, columnists or fact-checkers of THE TIMES who, in whole or in part, wrote, reviewed, commented upon, edited, fact-checked, and/or approved or authorized the FIRST CORRECTION.

ANSWER:

3. Identify all EDITORIAL BOARD members and any other directors, officers, board members, employees, staff, writers, editors, columnists or fact-checkers of THE TIMES who, in whole or in part, wrote, reviewed, commented upon, edited, fact-checked, and/or approved or authorized the SECOND CORRECTION.

ANSWER:

4. Identify all persons who are believed or known by YOU, your agents, or your attorneys to have any knowledge concerning any of the following issues in this lawsuit and identify the subject matter about which the witness has knowledge:

- the writing, editing, fact-checking, decisions to publish and the approval of the publication of the ARTICLE;
- the writing, editing, fact-checking and decisions to publish and the approval of the publication of the FIRST CORRECTION;
- the writing, editing, fact-checking and decisions to publish and the approval of the publication of the SECOND CORRECTION;
- the LOUGHNER SHOOTING, including, without limitation, any reporting by THE TIMES CONCERNING that event;
- THE TIMES' policies, practices, procedures and standards CONCERNING ethical journalism, truthful reporting, fairness, integrity, honesty, accountability, corrections, retractions, apologies and fact-checking;
- revenue generated in connection with advertising on the ARTICLE; and
- any animosity, ill-will, hatred, mockery, intent to harm, hostility, dislike, malice or similar negative feelings or sentiments held by any members of the EDITORIAL BOARD toward Sarah Palin at the time of the publication of the ARTICLE.

ANSWER:

5. Identify all persons known to YOU, your agents, or your attorneys, who has knowledge about, or possession, custody or control of, any DOCUMENT or COMMUNICATION requested in PLAINTIFF'S First Request for Production, served contemporaneously herewith.

ANSWER:

6. Identify all internal messaging or chat room systems, programs or applications used (*e.g.*, Amazon SNS/SQS, Apache Kafka, SnapComms, SLACK) by THE TIMES during January 8, 2011 to the present, and the location of and records custodian for all messages on each system.

ANSWER:

7. Identify all DOCUMENTS, COMMUNICATIONS, public records, research files, source materials and similar materials CONCERNING LOUGHNER'S SHOOTING that were known to any member of the EDITORIAL BOARD prior to the publication of the ARTICLE; and identify the custodian, location, and general description of all such materials.

ANSWER:

8. Identify all members of the EDITORIAL BOARD and directors, officers, board members, employees, writers, columnists, editors or fact-checkers of THE TIMES who reviewed, edited, commented on and/or made decisions about or approved the ARTICLE prior to publication, who also had knowledge that no link had been established between political incitement and LOUGHNER'S SHOOTING.

ANSWER:

9. Identify all persons with whom each person identified in your Answer to Interrogatory No. 8 communicated, prior to publication of the ARTICLE, about whether a link had been established or may have existed between political incitement and LOUGHNER'S SHOOTING.

ANSWER:

10. Identify all persons identified in your Answer to Interrogatory No. 8 who, prior to the publication of the ARTICLE, had knowledge that no link had been established or existed between "Sarah Palin's political action committee circulat[ing] a map of targeted electoral districts" and LOUGHNER'S SHOOTING.

ANSWER:

11. Identify all persons with whom any person identified your Answer to Interrogatory No. 8 communicated, prior to publication of the ARTICLE, about whether a link had been established or may have existed between “Sarah Palin’s political action committee circulat[ing] a map of targeted electoral districts” and LOUGHNER’S SHOOTING.

ANSWER:

12. Identify all members of the EDITORIAL BOARD, Op-Ed Section, Opinion Division and any officer, director, board member, employee, writer, columnist, editor and fact-checker of THE TIMES who, prior to publication of the ARTICLE, had knowledge that “a map distributed by a political action committee before [LOUGHNER’S SHOOTING]... depicted electoral districts, not individual Democratic lawmakers, beneath stylized cross hairs.”

ANSWER:

13. Identify all persons with whom any member of the EDITORIAL BOARD communicated, prior to publication of the ARTICLE, about whether “a map distributed by a political action committee before [LOUGHNER’S SHOOTING]... depicted electoral districts, not individual Democratic lawmakers, beneath stylized cross hairs.”

ANSWER:

14. Identify all persons, if any, employed by THE TIMES who fact-checked the ARTICLE prior to its publication.

ANSWER:

15. Identify all persons with whom anyone identified in your Answer to Interrogatory No. 14 communicated about his/her determinations, results or conclusions CONCERNING any fact-checking of the ARTICLE prior to its publication.

ANSWER:

16. Identify every COMMUNICATION, article, column, editorial, story, internet post, blog, social media post, Tweet, comment and statement published, posted or communicated, internally or externally, by any members of the EDITORIAL BOARD from January 8, 2011 to the present (specifically including those published, posted or communicated prior to and during their employment by THE TIMES) that expresses or contains any animosity, mockery, hatred, ill-will, intent to harm, hostility, dislike, malice or similar negative feelings or sentiments toward or about Sarah Palin and, as to each, state the custodians, locations, and a general description of any such DOCUMENT OR COMMUNICATION.

ANSWER:

17. Identify all members of the EDITORIAL BOARD, Op-Ed Section, Opinion Division, and officer, director, employee, writer, columnist, editor and fact-checker of THE who, prior to the publication of the ARTICLE, had knowledge about the existence of any link between “Sarah Palin’s political action committee circulat[ing] a map of targeted electoral districts” and LOUGHNER’S SHOOTING.

ANSWER:

18. Identify all persons with knowledge or information CONCERNING whether THE TIMES made a “mistake” by publishing or when publishing the ARTICLE.

ANSWER:

19. Identify all persons employed by THE TIMES with knowledge or information about the advertising revenue earned by THE TIMES in connection with the online version of the ARTICLE.

ANSWER:

20. Identify all persons with knowledge or information CONCERNING whether THE TIMES complied with or followed its own policies, practices, procedures and standards and any other professional journalism standards CONCERNING truthful reporting, fact-checking, honesty, accountability, corrections, retractions and apologies before and when publishing the ARTICLE, FIRST CORRECTION and SECOND CORRECTION.

ANSWER:


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of July, 2017, I caused the foregoing PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT, THE NEW YORK TIMES COMPANY to be served via e-mail and First Class Mail to the following counsel of record:

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