

From: Paul Levy
Sent: Friday, September 4, 2020 12:28 PM
To: 'Daniel Watkins'
Cc: 'Tom Clare'
Subject: RE: Ridgeback Biotherapeutics

I have two more questions: Given that you disclaim having threatened James Love with being sued if he did not comply with your “demand for retraction under Florida Statute § 770.02,” are you planning to tell Love that the prospect of litigation should not be a reason for him to honor your “demand that [he] set the record straight by immediately retracting [his allegedly] defamatory remarks,” and that he should only take action assuming that he is persuaded by your arguments and evidence? (And might you acknowledge, in all candor, that despite the absence of a sentence explicitly threatening to sue, a reasonable reader of the letter might take it that way?)

Second, I am curious about your use of the word “agreed” in describing the Post’s clarifications and editor’s note: do you have an “agreement” with the Washington Post concerning the clarification and note, with a commitment not to sue them for what remains? Or would it be more fair to characterize the Post’s actions as unilateral in response to your “confronting” it, but without any “agreement” between the two sides?

From: Paul Levy
Sent: Thursday, September 3, 2020 5:19 PM
To: 'Daniel Watkins' <daniel@clarelocke.com>
Cc: Tom Clare <tom@clarelocke.com>
Subject: RE: Ridgeback Biotherapeutics

Thanks. I will look forward to seeing your letter to James Love along with the documents that he requested. When you say “later this week,” I assume you mean by tomorrow? Certainly I can hold off publishing until then. Will you be bcc’ing me on the letter?

Given that you go to some length to describe “confronting” the Washington Post -- I take it that this means you acknowledge threatening to sue the Post even though you say that you did not threaten to sue Love – I would like to take a look at the letter you sent to the Post, in addition to the documents I requested in my previous email..

From: Daniel Watkins <daniel@clarelocke.com>
Sent: Thursday, September 3, 2020 9:32 AM
To: Paul Levy <plevy@citizen.org>
Cc: Tom Clare <tom@clarelocke.com>
Subject: Re: Ridgeback Biotherapeutics

Dear Paul:

Please see the attached, sent on behalf of Ridgeback Biotherapeutics.

Regards,

Daniel

Daniel P. Watkins | Associate
CLARE LOCKE LLP
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From: Paul Levy <plevy@citizen.org>
Sent: Friday, August 21, 2020 6:35 PM
To: Tom Clare
Subject: Ridgeback Biotherapeutics

I am working on an article about Ridgeback Biotherapeutics, and about the ways in which some companies use tendentious threats of libel litigation to try to clean up their reputations by suppressing adverse opinions.

In that regard, I have read the July 14, 2020 demand letter that you sent to James Love, as well as his August 17, 2020 response to you.

Has any response been sent to the questions and document requests posed in James Love's email? If not, would you or your client care to respond now?

I am also wondering why your client would have standing to complain about statements that you say are unfair to Africa and "China / Hong Kong"; why your client took the statement to BE about Africa and/or China and Hong Kong; and, indeed why the word "backwater," as applied to a continent, a country or a city – or, indeed, to a disease – would not merely be an opinion. I would also appreciate your comment on how your client could bring a proper libel claim against someone who has been quoted in a newspaper article based on the fact that, apparently, your client does not like the context in which the reporter placed the quotation. Given the phrasing of the prefatory note in the Post, I take it that your demand letter to the Post resulted in changes that satisfied your client, even though the headline still contains the word "flip." Or, are you still threatening litigation against the Post?

I am also wondering about the facts (1) that your demand letter took particular umbrage at the analogy between Ridgeback's activities and the flipping of real estate, but (2) that, so far as I can understand, no demand letter was sent to Aaron Kesselheim, who was quoted in the very same Post article as making an express comparison between Ridgeback and flipping houses. So I am wondering why just

to James Love, and not to the Harvard professor? Might it have had anything to do with the assumption that a Harvard professor would be better able to defend himself against a libel suit than the head of a small nonprofit?

Although I am a lawyer, I do not represent anybody in this matter. However, I am being cautious by writing to your client's counsel. If I should be directing my questions to your client instead, please let me know.

And please note that I do intend to publish, and attribute, some or all of the language your letter. Please let me know if the "Not for Publication or Attribution" legend is a common feature of your demand letters..

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