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A Professional Corporation
Of Counsel

August 12, 2013

GABRIELA NEUFELD, Legal Assistant

VIA E-MAIL AND OVERNIGHT MAIL

Paul Myers a.k.a. PZ Myers
University of Minnesota, Morris
Biology Faculty, Science 2135
600 E. 4th St.
Morris, Minnesota 56267-2132

Re: **Michael Shermer**
Demand to Cease and Desist and for Retraction

Dear Mr. Myers:

This firm represents Michael Shermer. It recently has come to our attention that you have made, published, broadcasted, and are continuing to publish and broadcast on your blog at <http://freethoughtblogs.com/pharyngula/> (the "Blog") numerous false, defamatory, libelous, inaccurate and/or misleading statements about Mr. Shermer.

We are informed that on or about August 8, 2013, you authored and posted an entry on your blog entitled "What do you do when someone pulls the pin and hands you a grenade?" (The August 8, 2013 entry entitled "What do you do when someone pulls the pin and hands you a grenade?," along with all updates and comments shall hereinafter be referred to as the "Entry.") The Entry contains numerous false and defamatory statements about Mr. Shermer based on certain unsubstantiated allegations purportedly made by an unidentified woman against Mr. Shermer. Specifically, you quoted information received from this unidentified woman as follows:

"At a conference, Mr. Shermer coerced me into a position where I could not consent, and then had sex with me. I can't give more details that that, as it would reveal my identity, and I am very scared that he will come after me in some way. But I wanted to share this story in case it helps anyone else ward off a similar situation from happening. I reached out to one organization that was involved in the event at which I was raped, and they refused to take my concerns seriously.

August 12, 2013

Page 2

Ever since, I've heard stories about him doing things (5 different people have directly told me they did the same to them) and wanted to just say something and warn people, and I didn't know how. I hope this protects someone."

These statements are completely false, inaccurate and intentionally misleading in that they are intended to suggest that Mr. Shermer had forced this unidentified woman into sexual intercourse without her consent, and that he somehow "raped" her or is a sexual predator who would coerce women into nonconsensual sexual intercourse. As to these very serious unsubstantiated allegations and claims, Mr. Shermer denies any and all allegations in the Entry, as he has never coerced any woman into sexual intercourse, at a conference or anywhere else. No claim of rape, forced sexual intercourse, nonconsensual sexual intercourse, or sexual misconduct was ever made against Mr. Shermer, and Mr. Shermer was certainly never charged, investigated, nor made aware of any such claim. Indeed, the allegations in your Entry come as a total shock to Mr. Shermer. Mr. Shermer has no idea why he is being accused of such repulsive and criminal conduct as he has never conducted himself in the manner as described in the Entry.

We also find your other statements in the Entry, including original statements, updates, and comments to the Entry, to be false, inaccurate, intentionally misleading, libelous, and these statements were designed to seriously damage Mr. Shermer's name, reputation, and character in the science community and elsewhere, and to humiliate Mr. Shermer.

First, you state that the unidentified woman had reported the alleged incident involving Mr. Shermer to an organization at the time, and that the organization had "swept under the rug" her claims by dismissing them. These statements, however, are entirely unsubstantiated, even though you state them as truth. Just as you did not reveal the identity of Mr. Shermer's alleged accuser, you also failed to identify the organization this woman allegedly reported to, leaving Mr. Shermer in total darkness to defend blindly against these highly serious charges of rape and sexual misconduct. The fact of the matter is, you have no evidence whatsoever to support your statements that the alleged victim had reported her claim to an organization, let alone that this organization had dismissed her claims by "sweeping them under the rug." As stated above, Mr. Shermer was never charged or investigated for rape or any kind of sexual misconduct, and he is not aware of that any such claim was ever made against him.

Secondly, you state in the Entry that you received this "explosive" information about Mr. Shermer "straight from the victim's mouth," and you also state in the comments to the Entry that this alleged account against Mr. Shermer is a "first hand" account. Despite these statements that you received information "first hand," however, we are informed that these unsubstantiated claims and accusations came to you by way of third party accounts, and that you have misrepresented the truth about the source of your information in order to bolster the credibility of your statements and the attack on Mr. Shermer, and to drive traffic to your Blog at Mr. Shermer's expense. Where your Entry was updated with a "further corroboration" to the

August 12, 2013

Page 3

alleged victim's story, we note that you have edited the update to the Entry, which was originally posted as follows:

“The anonymous woman who wrote to you *through Carrie* is known to me, and in fact I was in her presence immediately after said incident (she was extremely distraught), and when she told the management of the conference (some time later).”

The Entry was thereafter quickly edited, and it now reads:

“The anonymous woman who wrote to you is known to me, and in fact I was in her presence immediately after said incident (she was extremely distraught), and when she told the management of the conference (some time later).”

Attached hereto is a screen shot of the original updated Entry with the reference to an individual named “Carrie,” whom we are informed and believed is Carrie Poppie, an active member of the Free Thought Blog community and an associate of yours. Because you have since edited the update, the update no longer appears in its original form on your Blog with the reference to “Carrie.”

In addition, while you expressly state in the Entry that you have “no personal, direct evidence that the [alleged] event occurred,” you continue to publish and broadcast misleading, libelous, and defamatory statements about Mr. Shermer. In your latest update to the Entry whereby you state that women are still writing to you with “their personal stories” about Mr. Shermer, you quoted a third set of allegations about Mr. Shermer from yet another unidentified woman regarding an alleged incident in the Fall of 2006, where Mr. Shermer was allegedly behaving inappropriately towards her by being flirtatious and keeping her wine glass full. These allegations, all of which are again unsubstantiated, misleading, and defamatory towards Mr. Shermer, were all published on your Blog without any evidentiary support or any regard for the truth.

As you are the author of one of the most popular science blogs in the World Wide Web, we find your self-proclaimed intentions to “do the right thing” by publishing unproven and unsubstantiated allegations of forced or nonconsensual sexual intercourse against Mr. Shermer to be outrageous and inexcusable. It is no accident that the Entry containing these extremely inflammatory and defamatory statements about Mr. Shermer has garnered your Blog the highest number of comments of any entry in the history of your entire Blog, and you clearly stand to benefit substantially from the posting of these unsubstantiated allegations against Mr. Shermer, all the while under the appearance that you have some higher ethical purpose for doing so. Clearly, no matter how reasonably foreseeable it is that your actions would result in serious harm to Mr. Shermer's name, reputation, and character in the science community, you have chosen to

August 12, 2013

Page 4

injure and humiliate Mr. Shermer by publishing and posting defamatory statements and comments about him.

We are informed that the Entry, including all updates and comments, remains posted on your blog at <http://freethoughtblogs.com/pharyngula/> to date, and the Entry has now been published and broadcasted for days on the World Wide Web to numerous individuals and entities in the science community, including friends and colleagues of Mr. Shermer, those who work with Mr. Shermer, and those who support Mr. Shermer. It is self-evident that the false, defamatory, misleading and inaccurate statements made in the Entry were intended to mislead and discourage those individuals and entities from continuing to work with Mr. Shermer, as well as to alienate Mr. Shermer's friends, colleagues, and supporters from him. Mr. Shermer is a published science writer, professor, and a professional speaker who is held in high regard in the science community, and these false statements in the Entry have therefore caused and are continuing to cause substantial damage to Mr. Shermer's name, reputation, character, and livelihood.

Your actions, at a minimum, give rise to claims including but not limited to Defamation and Libel under California law. Mr. Shermer will not permit such egregious and wrongful actions to continue unabated. **Accordingly, Mr. Shermer hereby demands that you (including any and all of your employees, agents, and affiliates):**

- (1) **Immediately retract the Entry.** Mr. Shermer demands that you issue a retraction of the Entry on your Blog at <http://freethoughtblogs.com/pharyngula/> as follows:

“I hereby retract the entry posted on August 8, 2013, entitled “What do you do when someone pulls the pin and hands you a grenade?” (the “Entry”). Specifically, I hereby retract all statements, quotations, and comments therein made with respect to Mr. Shermer.

I extend my apologies to Mr. Shermer and to any other party affected by the statements, quotations, and comments contained in the Entry.”

- (2) **Immediately remove the Entry and all comments thereto from your Blog,** and from any other website or blog where the Entry is posted.
- (3) Immediately cease and desist from posting, publishing, or broadcasting the Entry or any statements, quotations, or comments therein, and from making any false statements about Mr. Shermer in any manner whatsoever.
- (4) Provide written assurances by no later than **2:00 p.m. PST on Wednesday, August 14, 2013,** that you are in receipt of this letter, that you have issued a retraction of the Entry in accordance with the language as provided above, that

August 12, 2013


Page 5

you have removed the Entry and all comments thereto from your blog at <http://freethoughtblogs.com/pharyngula/>, and that you will cease and desist from publishing, posting, and broadcasting the Entry and from making any false statements about Mr. Shermer in any manner whatsoever.

The applicable state statutes and California law provide Mr. Shermer with all necessary legal remedies, including injunctive relief, and monetary and punitive damages necessary to compel you to cease and desist. At this time, Mr. Shermer is continuing to assess his damages and his investigation into the matter is ongoing. If you continue to engage in unlawful activities, Mr. Shermer will have no alternative but to take any and all immediate legal actions necessary against all responsible parties to obtain injunctive relief and to recover the damages he has incurred and stands to incur as a result of the foregoing unlawful and wrongful actions.

Nothing in this letter constitutes a waiver of any of our client's rights in law or in equity, all of which are expressly reserved.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Timothy L. Neufeld', written over a horizontal line.

Timothy L. Neufeld

TLN:ew
Enclosure

cc: Michael Shermer
Ed Brayton

186884.1

also been vouched for by one other person I trust. The author is not threatening her putative assailant with any action, but is solely concerned that other women be aware of his behavior. The only reason she has given me this information is that she has no other way to act.

With that, I cast this grenade away from me...

At a conference, Mr. Shermer coerced me into a position where I could not consent, and then had sex with me. I can't give more details than that, as it would reveal my identity, and I am very scared that he will come after me in some way. But I wanted to share this story in case it helps anyone else ward off a similar situation from happening. I reached out to one organization that was involved in the event at which I was raped, and they refused to take my concerns seriously. Ever since, I've heard stories about him doing things (5 different people have directly told me they did the same to them) and wanted to just say something and warn people, and I didn't know how. I hope this protects someone.

Boom.

Further corroboration: a witness has come forward. This person has asked to remain anonymous too, but I will say they're someone who doesn't particularly like me — so no accusations of fannishness, OK?

The anonymous woman who wrote to you through Carrie is known to me, and in fact I was in her presence immediately after said incident (she was extremely distraught), and when she told the management of the conference (some time later).

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