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November 20, 2015

**VIA E-MAIL**

Mr. David Vigilante  
Senior Associate General Counsel  
Turner Broadcasting System, Inc.  
10 Columbus Circle  
New York, New York 10019  
david.vigilante@turner.com

Mr. Jeff Zucker  
CNN  
One CNN Center  
Atlanta, Georgia 30303  
jeff.zucker@turner.com

Re: Jameis Winston and The Hunting Ground

Dear Mr. Vigilante and Mr. Zucker:

This law firm represents Mr. Jameis Winston. We are writing to formally caution CNN that the portions of the film "The Hunting Ground" pertaining to Mr. Winston are false and defamatory to Mr. Winston.<sup>1</sup> We urge CNN to reconsider the reckless decision to proceed with the broadcast of this deeply-flawed documentary in the face of the overwhelming evidence that the film's producers consciously and intentionally failed to adhere to any accepted journalistic standards. The filmmakers' complete disregard for journalistic standards of fairness, objectivity and accuracy has, predictably, resulted in a film that, at least with respect to Mr. Winston, is inaccurate, false, misleading and defamatory. While we understand the seriousness of the issue that this film seeks to illuminate, that worthy goal provides no excuse, legally or morally, for CNN to falsely and maliciously destroy Mr. Winston's reputation in the service of some larger objective.

We believe that CNN has actual knowledge that the film is replete with factual errors and factual assertions that have been deliberately presented in a way that is designed to mislead viewers and to paint Mr. Winston in a false, negative and defamatory light. The film manipulates, misstates or simply omits facts to present a false narrative. The glaring inconsistencies between Ms. Kinsman's allegations in the film and the extensive forensic evidence developed by law enforcement are readily apparent to anyone who bothers to review the publicly-available investigative files. The filmmakers' decision to omit *any* reference to *any* of this abundant exculpatory evidence from this documentary – i.e., the toxicology tests refuting Ms. Kinsman's claims of being drugged or drunk; the medical examinations refuting Ms.

<sup>1</sup> The version we viewed is currently available on iTunes, Amazon and Google Play.

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Kinsman's claim to her friends that she suffered a violent blow to the head that rendered her unconscious; the multiple independent eyewitnesses refuting Ms. Kinsman's assertion that she was incapacitated and incapable of giving consent, and much, much more – demonstrates a profound bias and a conscious disregard for the truth. We further believe that CNN has in its possession documents clearly demonstrating actual malice on the part of the producers toward Mr. Winston and a conscious disregard for the truth with respect to the allegations made against Mr. Winston by Ms. Kinsman. Our firm has recently come into possession of correspondence written by Amy Herdy, one of the film's producers, to Patricia Crowell, an attorney representing Ms. Kinsman. CNN is undoubtedly aware of this correspondence as it has received considerable national media attention since coming to light earlier this week. (See, e.g., <http://www.nationalreview.com/article/427166/hunting-ground-smoking-gun-e-mail-exposes-filmmaker-bias-against-accused>). Copies of those emails are attached.

In one email, dated December 21, 2013, Ms. Herdy candidly admits that “We don't operate the same way as journalists – this film project is very much in the corner of advocacy for victims, so *there would be no need to get the perpetrator's side.*” Frankly, it is difficult to imagine a more damning example of a conscious disregard for the truth than that statement. Indeed, without knowing any of the relevant facts, the film's producers had clearly pre-determined their narrative; referring to Mr. Winston as a “perpetrator” whose side of the story was not even worthy of consideration. Another email from Ms. Herdy to Ms. Kinsman's lawyer shows Ms. Herdy coordinating with Ms. Kinsman's legal representative in an effort to unfairly confront Mr. Winston by surprise: “I'm sure he will say no (to an interview) and then I want him to have a gap of a couple of weeks to get complacent because then we will ambush him.”

We believe that these two documents are representative of a much larger body of evidence demonstrating the producers' conscious disregard of the truth. The fact that Mr. Winston is the only accused individual identified by name is telling. CNN may have persuaded itself that Mr. Winston's status as a public figure insulates your company from a libel judgment. If CNN decides to proceed with this broadcast, we will perhaps have the opportunity to test that legal proposition in a court of law. However, one would hope that a network that claims and aspires to be “the most trusted name in news” would insist on journalistic standards – not to mention standards of common decency and fairness – somewhat higher than the absolute floor established by the law of defamation.

Very truly yours,



John A. Boudet

JAB/ct

Print :: Workspace Webmail

## Academy award nominated film team seeking interview

A Herdy [alherdy@hotmail.com]

Sent: 11/21/2013 1:44 PM

To: carroll\_jaw@hotmail.com

8/18/15 2:08 PM

Hello, Patricia,

I'm an investigative producer working for Chain Camera Pictures, the filmmakers behind the groundbreaking documentary "The Invisible War," which has spurred legislation in Congress about the way sexual assaults are handled in the U.S. military:

[http://www.upi.com/Top\\_News/US/2013/11/20/Reid-backs-Gillibrand-on-military-sex-assault-bill/UPI-57611384932600/](http://www.upi.com/Top_News/US/2013/11/20/Reid-backs-Gillibrand-on-military-sex-assault-bill/UPI-57611384932600/)

The documentary was the most awarded and critically acclaimed film of 2012, winning the audience award at Sundance and receiving nomination this year for an Academy award. Here is the website for the film:

<http://invisiblewarmovie.com/>

It was screened at campuses all over the country, and many advocates approached the filmmakers and suggested they look into the issue of sexual assault on college campuses. So that's exactly what they're doing.

This new film will examine in nuanced and empathetic ways the devastating toll these crimes take on students and their families, and explore practical measures that can be taken to stem their occurrence and better support survivors. One of the issues we have discovered is that college athletes are not held to the same standards of justice as others. And one of the schools we are looking at is FSU. So as you can imagine, the Jameis Winston case pretty much typifies what we have been hearing from advocates all over the country: That school administrations focus on protecting their reputations, and their players, at the expense of the victim in the case.

CARROLL 00153

We have interviewed many survivors at schools around the country who attempted to report and were rebuffed, or found the process to be excruciating. So we understand how appalling the process is.

I'm sure you and the young woman in the FSU case in question are being besieged right now with interview requests. When the dust settles, we hope you will consider ours. We do not operate the same way as journalists--this is a film project that is very much in the corner of advocacy for victims, so there would be no insensitive questions or the need to get the perpetrator's side.

We would very much like to interview you on camera, if that would be possible. We would like to talk to your client as well, whose privacy would of course be respected. She could talk to us in complete confidentiality, and would be welcome to have an advocate present (or anyone else, for that matter). Whatever works for her comfort level is fine with us, as her emotional health is the first priority.

Our goal is not to sensationalize this case, but rather to explore it so that those who watch the film are motivated to push for reform of the unfair systems currently in place at colleges and universities around the country, similar to how "The Invisible War" has spurred legislation and change.

Please let me know what you think. And please know that the filmmakers, director Kirby Dick and producer Amy Ziering, are available if you have any questions.

Regards,

Amy Herdy

## Jameis Winston interview request

From: A Herdy (alherdy@hotmail.com) This sender is in your safe list.

Sent: Wed 2/12/14 10:47 PM

To: carroll\_law@hotmail.com (carroll\_law@hotmail.com)

Hi, Pat,

I need to make the Jameis Winston request as soon as possible, as we are coming back to Florida next month. I'm sure he will say no (although who knows, stranger things have happened) and then I want him to have a gap of a couple of weeks to get complacent because then we will ambush him.

So please let me know if you're ok with us sending him the official request this week.

Thanks,

Amy

ps Watch the film yet? :)

CARROLL 000...