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December 16, 2021

Re: *Project Veritas v. The New York Times Company, Maggie
Astor, Tiffany Hsu, and John Does 1-5* (Index No.
63921/2020)

Dear Justice Wood:

We write in response to Project Veritas's December 15, 2021 letter [Dkt. 198], which argues that a *New York Times* article¹ constitutes a party admission that *all* of Project Veritas's newsgathering methods are at issue in this case, rather than just the content of its reporting about an alleged link between Congresswoman Ilhan Omar and voter fraud.

That argument is clearly wrong. Even if a news organization could make party admissions through news reporters — a proposition for which Project Veritas provides no support — Project Veritas misconstrues the sentence on which it relies. The article states that Project Veritas's defamation claim stems from The Times's "description of the group's reporting practices." Dkt. 199, at 1-2. The phrase "reporting practices" is simply a brief way of describing the reporting at issue in this case: whether Project Veritas made a deceptive report about alleged voter fraud in connection with Congresswoman Omar's campaign. See Definition of "report," Oxford University Press (2021), available at <https://www.lexico.com/en/definition/report> (last accessed Dec. 16, 2021) (defining "reporting" as "giv[ing] a spoken or written account of something that one has observed, heard, done, or investigated"). The phrase is not contrary to any of The Times's legal arguments, and in any event, the legal memoranda have no bearing on any matter that may be adjudicated here for the simple reason that The Times has agreed not to use them in this litigation.

The Times respectfully urges the Court to promptly rule on the Order to Show Cause, as the interim order subjects The Times to irreparable harm with each day that it remains in effect.

¹ Michael Grynbaum & Marc Tracy, *Judge Clarifies Order on New York Times Coverage of Project Veritas*, N.Y. Times (Dec. 14, 2021), <https://www.nytimes.com/2021/12/14/business/media/new-york-times-project-veritas.html>, [Dkt. 199].

New York Times Co. v. United States, 403 U.S. 713, 715 (1971) (Black, J., concurring) (“[E]very moment’s continuance of the injunctions against these newspapers amounts to a flagrant, indefensible, and continuing violation of the First Amendment.”).

Respectfully submitted,

/s/ Joel Kurtzberg
Joel Kurtzberg

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VIA NYSCEF

Cc: All counsel of record (*via NYSCEF*)