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## LEGAL DEMAND NOTICE

January 24, 2008

### By Hand Delivery and Facsimile

Sarah Ivens  
Editor-in-Chief  
OK! Magazine  
475 Fifth Avenue  
New York, NY 10017

Re: Jessica Simpson / Tony Romo Article in OK!

Dear Ms. Ivens:

We are litigation counsel to Jessica Simpson. I am writing to you in that capacity to address OK! Magazine's defamatory and gratuitously mean-spirited article in its February 4, 2008 issue, entitled "Jessica Dumped!" (the "Article"). Not only is the "substance" of the Article utterly false, it is based on nothing more than rumor, gossip and innuendo spread by supposed, albeit unnamed, "sources" who, even if they actually exist, obviously lack sufficient confidence in their accusations to risk public attribution. Unlike its purported "sources," OK! apparently has no qualms about public gossip-mongering, and I write on behalf of Ms. Simpson to demand that it cease and desist its scurrilous attacks on her.

As I am disinclined to dignify OK!'s unfounded accusations through repetition, I will not respond to each of the Article's baseless assertions, although my failure to do so should not be construed as acquiescence in the same, which it most assuredly is not. To avoid any lingering misapprehension on the issue, however, I hereby confirm, on behalf of Ms. Simpson, that the contents of the Article are entirely without basis. In that regard, albeit without limitation, (1) Mr. Romo and Ms. Simpson have not broken off their romantic relationship; and (2) Ashlee Simpson has made no effort to "distance herself" from her sister, Jessica, with whom she remains extremely close.

Your publication's effort to damage Ms. Simpson's romantic and familial relationships and erode her public standing through the dissemination of un-attributed and false rumor is not only unseemly, it is actionable as defamation *per se*, as it tends to "expose [Ms. Simpson] to public contempt, ridicule, aversion or disgrace." Pub. Relations Soc'y of Am., Inc. v. Road Runner Hi-Speed Online, 2005 WL 1364381, at \*2 (N.Y. Sup. May 27, 2005). Indeed, it is apparent that the specific intent of the Article, which reflects a one-sided "smear campaign" rather than any form of responsible journalism, was the baseless ridiculing and shaming of my

client. Ms. Simpson is a celebrity and public figure, whose public perception and reputation are among her most valuable professional assets. As such, the Article's targeting and disparaging of Ms. Simpson's professional stature is also defamatory as a matter of law. See, e.g., Yesner v. Spinner, 765 F. Supp. 48, 52 (E.D.N.Y. 1991).

Lest you suffer from the misimpression that your publication of rank speculation about Ms. Simpson is protected by the First Amendment, please be advised that OK! cannot escape liability for its defamatory screed through its practice of couching its "stories" in terms of rumor, gossip and the repetition of unattributed accusations of others. It is well settled that "statements are not protected . . . simply because they appeared in a gossip column," Condit v. Dunne, 317 F. Supp. 2d 344, 367 (S.D.N.Y. 2004), as "the issue for purposes of assessing truth is whether the substance of the allegation was true, not whether defendants heard the pertinent information from someone else." Lopez v. Univision Communications, Inc., 45 F. Supp. 2d 348, 359 (S.D.N.Y. 1999). As such, "a false statement is not less libelous because it is the repetition of rumor or gossip or of statements or allegations that others have made concerning the matter." Jackson v. Paramount Pictures Corp., 68 Cal. App. 4th 10, 27, 80 Cal. Rptr. 2d 1, 9 (Ct. App. 2d Dist. 1998) (citations omitted). More succinctly stated, perhaps, the sort of "hit and run journalism" exemplified by the Article "is no more protected under the First Amendment, than speeding on a crowded sidewalk is permitted under a valid driver's license." Greenberg v. CBS, Inc., 69 A.D.2d 693, 700 (2d Dep't 1979).

For the foregoing reasons, I hereby demand on behalf of Ms. Simpson that OK! immediately publish a prominent and unambiguous retraction of the Article and that it cease and desist from publishing any further false and misleading attacks on Ms. Simpson or her family. Moreover, recognizing that OK!'s defamatory Article has already been picked-up and republished in wide circulation by other media outlets, OK! is hereby placed on formal notice that Ms. Simpson will no longer tolerate this sort of personal attack masquerading as journalism, and that she will pursue all avenues of redress against OK! and all other responsible parties for any cognizable damages that she sustains as a result of this defamatory broadside.

As such, and for reasons that should be quite self-evident, I am constrained to note in closing that this letter and the demand made herein are proffered without waiver of or prejudice to any of Ms. Simpson's rights and remedies against all responsible parties, the same being expressly reserved. I do suggest that you govern yourself accordingly.

Very truly yours,

  
John J. Rosenberg

cc: Matthew H. Giger, Esq.