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VIA ECF

Honorable Edgardo Ramos
United States District Court
for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Restis v. Am. Coalition Against Nuclear Iran*, No. 13-cv-5032(ER)(KNF)

Dear Judge Ramos:

Defendants' October 1, 2014 letter goes well beyond the issue to which the Court invited their submission, but it perfectly illustrates the consequences if this case is dismissed, with UANI being able to continue their conduct with impunity. When the Court asked the Government and Defendants to respond to Plaintiffs' letter concerning the state secrets privilege, Defendants saw it as yet another opportunity to abuse court process to make additional wild charges. If the Court simply dismisses this case with no consequences or impact, Defendants – whose self-proclaimed mission is to engage in "reputation destruction" campaigns based on unverified information – will get blanket immunity to engage in defamation and other torts against Plaintiffs and anyone else who Defendants choose to target. Defendants seek to use the Government's purported state secrets both as a sword in making their defamatory allegations and as a shield to avoid facing the consequences of their tortious behavior. Dismissal of this case would only embolden Defendants, for whom there would be no repercussions for defamatory statements.

Throughout this litigation, in defense of their original false allegations (which they soon abandoned after they realized they were wrong), Defendants have worked assiduously to shift gears to find new ways to smear Plaintiffs' reputations based on misleading or outright false information. Defendants' latest filing provides two further examples of their inability (or refusal) to get their facts right. First, they falsely claim that Mr. Restis "continues to refuse to appear for deposition" in New York. Dkt. 268 at 1. Defendants' *ad nauseum* repetition of this statement does not somehow make it true. *See Parhat v. Gates*, 532 F.3d 834, 848-49 (D.C. Cir. 2008) ("Lewis Carroll notwithstanding, the fact that the [defendant] has 'said it thrice' does not make an allegation true.") (quoting Lewis Carroll, *The Hunting of the Snark* 3 (1876) ("I have said it thrice: What I tell you three times is true.")). As Defendants know, Mr. Restis remains under travel restrictions based on court proceedings in Greece – period. Mr. Restis fought these travel restrictions when they were imposed and continues to do so, but they remain despite two

separate requests to have them lifted (one of which is currently pending). Defendants' unsupported claim that Greek authorities would routinely grant Mr. Restis permission to travel to the United States is frankly bizarre, as is their suggestion that Plaintiffs do not dispute this claim (which they obviously do). It is unclear where Defendants' counsel gained their expertise in Greek law and procedure, since they cite nothing in support of their claim, which flies in the face of filings Plaintiffs have made demonstrating the restrictions.

Second, Defendants falsely claim Plaintiffs "have steadfastly refused to produce evidence and other discoverable materials" from four different email accounts. Dkt. 268 at 2. Plaintiffs have never refused to produce such information. Plaintiffs informed Defendants that documents had been collected from one of these accounts and would be produced. Defendants raised questions about two additional email accounts during the ongoing stay on party discovery (which Defendants supported and Plaintiffs opposed), so Plaintiffs have had no opportunity to produce such information. And Defendants have now identified a fourth email account to Plaintiffs for the very first time in their latest filing. This has not stopped Defendants from falsely claiming that Plaintiffs had somehow "refused" to produce such information. It is Defendants who blocked even third-party discovery requests from Plaintiffs during the stay on party discovery, and now they would have the Court dismiss the case because Plaintiffs obeyed the stay.

This entire case revolves around Defendants' inability to tell the truth. When a target of their defamation had the nerve to call them on their conduct, Defendants, rather than defend themselves, changed their allegations as if no one would notice the shift and then ran to hide behind the skirts of the Government's interest in the case. None of Defendants' claims in their latest filing provide any reason for this Court to dismiss this case, even if they had been properly raised in a motion to dismiss. Instead, they only provide further evidence of Defendants' practice of smearing their opponents with false allegations. This Court should not effectively grant them blanket immunity to do so in the future by dismissing this case.

Respectfully submitted,

/s/ Abbe David Lowell

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