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BY FEDERAL EXPRESS

Savalle C. Sims, Esq.
Executive Vice President and General Counsel
Discovery, Inc.
8403 Colesville Road
Silver Spring, MD 20910

Re: False Accusations Regarding Peter Nygard

Dear Ms. Sims:

We have been retained by Peter Nygard in connection with your publication of various accusations against him. The accusations are in a documentary you have recently published by broadcasting it on your streaming platform. That program is titled *Unseamly: The Investigation of Peter Nygard* (“Unseamly”)—a broadcast that you have advertised extensively. The accusations, only some of which are described below, constitute defamation and wrongly accuse Mr. Nygard of the most heinous crimes. Despite Mr. Nygard’s emphatic denials and the known evidence directly undermining the credibility of some of Mr. Nygard’s self-described “victims,” Unseamly presented accusations from Mr. Nygard’s accusers and others as fact. We demand that you immediately and permanently cease and desist from communicating false allegations about Mr. Nygard and retract and correct the false, defamatory, and disparaging accusations you have made against Mr. Nygard.

Through Unseamly, you have participated in an orchestrated plot to knowingly, recklessly and irresponsibly destroy Mr. Nygard’s reputation. For example, you have described Mr. Nygard as a man who has engaged in rape on a routine basis for decades, and who has engaged in a variety of other crimes in order to facilitate such acts, including bribery and blackmail. You have alleged a vast conspiracy of unprecedented scale.

Despite the fact that the accusations against Mr. Nygard consist of unproven allegations, you have presented them as fact. Troublingly, you barely acknowledge Mr. Nygard’s denials or the evidence undermining the credibility of Mr. Nygard’s accusers and do so in a way that suggests to the viewer that these denials and credibility problems should be ignored. Indeed, and as you were aware, the New York Times itself reported some of these specific reasons to be skeptical of the accusations that you published. At least two accusers have “recanted, saying they had been promised money and coached to fabricate their stories,” and the Times also noted

that an unknown number of Mr. Nygard's accusers received payments funded by Mr. Nygard's nemesis, Louis Bacon. In light of that known evidence of corrupt payoffs, you acted negligently and recklessly by treating as fact claims which have their source in a corrupt endeavor.

One example of the allegations recklessly presented as fact by Discovery despite evidence to the contrary are the allegations by April Telek. Many of the statements made by Ms. Telek in *Unseamly* are demonstrably false or contradicted by sworn statements. For example, Ms. Telek describes the events she alleges as occurring during a visit she made to Winnipeg in November of 1993—a visit during which she claims to have been met by Mr. Nygard's niece, Angela Dyborn. However, at that time, as made clear in Ms. Dyborn's sworn Declaration, she was living in Los Angeles and did not leave the United States at any time until February 1994, due to a pending immigration application. Had you bothered to afford Mr. Nygard with any advance notice of your defamatory allegation, he could have supplied you with the Dyborn Declaration, demonstrating serious doubts about the credibility of the allegations you went on to publish.

Additional evidence of the falsity of Ms. Telek's claims is supplied by the Declaration of Mr. Nygard's nephew, Kris Nichol, which Mr. Nygard could have also provided to you, had you given him any notice of intention to publish Ms. Telek's allegations. Mr. Nichol's Declaration agrees with Ms. Telek's description of her trip to Winnipeg only insofar as he confirms that he picked Ms. Telek up at the Nygard company warehouse. But as the Nichol Declaration further lays out in ways that challenge every other aspect of Ms. Telek's story, Ms. Telek did not appear in any type of distress, and most importantly, she did not claim that Mr. Nygard assaulted her.

Moreover, as Mr. Nichol has further sworn, Ms. Telek spent about four days with him in his apartment, making impossible her contradictory claim that she spent several nights in Mr. Nygard's warehouse during her Winnipeg visit.

Additionally, the contact that Ms. Telek had with the police, while she was in Winnipeg, further undermines her claims. The origin of that police contact involved Ms. Telek's mother, who, not having heard from her daughter, reported her as a missing to the Winnipeg police. Ms. Telek's mother, aware of the fact that Ms. Telek and Mr. Nichol had had a close and intimate relationship when they were both in British Columbia, evidently suggested to the police that they start with Kris Nichol when looking for Ms. Telek—which is exactly where the police located Ms. Telek.

Thus, the police then interviewed Ms. Telek at Mr. Nichol's apartment, where they found her to be safe, unharmed and unconcerned. Soon thereafter, Kris Nichol drove her to the airport.

Notably, when Ms. Telek was speaking to the Winnipeg police, close in time to the purported misconduct by Mr. Nygard that she alleges now, years later, she failed to claim that Mr. Nygard had harmed her—or even to mention him. Although Ms. Telek now rationalizes that failure as resulting from Mr. Nichol purportedly telling her that Mr. Nygard controlled the Winnipeg police, Mr. Nichol denies ever making such a statement, as his Declaration reflects,

and the idea that a single individual can control the *entire* police force of one of Canada's largest cities strains credibility. Instead, the fact that Ms. Telek spoke with police officers shortly after the alleged events with Mr. Nygard and failed to mention the heinous allegations she makes in Unseamly strongly suggests that her allegations are not true.

We highlight Ms. Telek's statements only to show the lack of care you have taken in publishing the accusations against Mr. Nygard and as an example of how the allegations presented in Unseamly are demonstrably false. Mr. Nygard vehemently denies all of the allegations made against him and will vigorously defend himself against all of these allegations.

Finally, Unseamly includes the shocking allegation that Mr. Nygard deliberately impregnated women and then forced them to have abortions so that he could gather stem cells from his own embryos. This highly inflammatory and defamatory allegation is not only completely false, but also incompatible with the easily verifiable facts about the nature of stem cell research. Although Mr. Nygard is a proponent of stem cell research and has, at times, claimed to have grown his "own embryonic cells," he has done this through the use of somatic-cell nuclear transfer ("SCNT"). Although SCNT, like most stem cell research, is not free from controversy, it is notable for *not requiring* a pregnancy to harvest cells. That is, SCNT uses an *unfertilized egg*. Thus, you have taken Mr. Nygard's statements regarding stem cell research and therapy, and distorted them in a defamatory manner to fit your preconceived narrative of Mr. Nygard as a sexual predator who manipulates and preys on women.

The allegations you have made about Mr. Nygard are utterly false, are of undeniable seriousness and have severely harmed Mr. Nygard's reputation. Despite Mr. Nygard's denials, and the presumption of innocence that is a cornerstone of American society, you have presented the unproven allegations against Mr. Nygard as fact. Moreover, you have made several unsupported and highly inflammatory allegations that are not made against Mr. Nygard in any court proceedings, such as the heinous allegation that he deliberately impregnated women to harvest their embryos and the reprehensible comparison to Hitler.

On behalf of Mr. Nygard, we demand that you immediately cease such conduct, remove the program from all Discovery outlets, undertake to withdraw from future publication including by licensees anywhere in the world, and publish on your website and TV channels a retraction and correction satisfactory to our client.

Mr. Nygard is prepared to pursue all remedies in law and equity.

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Sincerely,



Alan S. Lewis

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