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**BY CERTIFIED MAIL**

Mehmet C. Oz, M.D.

Oz Media LLC

ZoCo Productions, LLC

Re: Peter Nygard

Dear Dr. Oz:

We have been retained by Peter Nygard in connection with your publication of various accusations against him. These accusations were made during the course of a recent episode of your show, *Oz: True Crime*, which is available for streaming on your website, doctoroz.com, and YouTube. The accusations, only some of which are described below, constitute defamation and wrongly accuse Mr. Nygard of the most heinous crimes. Despite evidence directly undermining the credibility of some of Mr. Nygard's self-described "victims," including April Telek whom you interviewed, you presented accusations from Ms. Telek 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.

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 being made against Mr. Nygard. 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.

Moreover, you interviewed Ms. Telek and allowed her to present her version of events without any mention that Ms. Telek's story has been directly contradicted by others with personal knowledge. That is, Ms. Telek claims to have been assaulted by Mr. Nygard during a visit she made to Winnipeg in November of 1993 and that she was met by Mr. Nygard's niece, Angela Dyborn, during that visit. 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.

Similarly, although Ms. Telek claims that Mr. Nygard's nephew, Kris Nichol, met her at Mr. Nygard's factory after the alleged assault occurred, and that she told Mr. Nichol of the alleged assault, Mr. Nichol has completely contradicted Ms. Telek's account in a sworn declaration. That is although Mr. Nichol confirms that he met Ms. Telek at Mr. Nygard's factory, he has sworn that she did not appear in any type of distress, and most importantly, did not claim that Mr. Nygard assaulted her. Similarly, Mr. Nichol has stated that he did not tell Ms. Telek that Mr. Nygard "owns" the Winnipeg police as Ms. Telek claimed during your show.

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 was held captive for 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 that you reported. 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.

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 credulity. 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.

In addition to the accusations by Ms. Telek, you also gave a platform to Greg Gutzler, one of the attorneys representing Mr. Nygard's accusers in both the civil class action and individually brought lawsuits. Without correcting Mr. Gutzler, you allowed him to falsely state that the class action lawsuit against Mr. Nygard involves "hundreds" of plaintiffs – and then you published his exaggerated and false claim that the number of purported victims has "got to be" more than one-thousand – a claim that should have been to you, self-evidently preposterous. In making these false and exaggerated claims of hundreds and thousands of plaintiffs, Mr. Gutzler's real audience is the media, not a court. In fact, the only lawsuits he has brought involve the stayed class action and a few individual suits.

You also deliberately failed to report facts about Gutzler necessary to reasonably inform viewers of essential information that undermined Gutzler's claims. For example, you did not report that Gutzler's lawsuits fail to identify purported victims, referring to all of them as "Jane Doe." You did not report that Gutzler advertised for more people to join his lawsuit, working with a person, Louis Bacon, who has since been revealed as the person who paid plaintiffs to make claims against Mr. Nygard – some of which have already recanted their allegations.

In publishing these allegations, you recklessly failed to report on Gutzler's apparent relationship with Louis Bacon, and how Bacon – who has paid many women to accuse Mr. Nygard (some of whom have recanted) – was instrumental in creating the narrative that Gutzler's class action lawsuit tells.

Making matters still worse, you permitted Gutzler to state that Mr. Nygard deliberately impregnated women and had them obtain abortions so that he could harvest stem cells for use in stem cell therapy. This highly inflammatory and defamatory allegation is not only completely false, - and not contained in the court pleadings - but is 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 published statements distorting Mr. Nygard's statements regarding stem cell research and therapy to fit the narrative of Mr. Nygard as a sexual predator who manipulates and preys on women. Adding to the obvious red flags, which you chose to ignore, Gutzler simultaneously claimed that women agreed to become pregnant for the purpose of harvesting aborted fetuses while inconsistently asserting, without explanation or foundation, that the resulting abortions were forced.

Moreover, the assembling of the class action lawsuit and individual, anonymous lawsuits by Mr. Gutzler and his colleague, Lisa Haba, the subject of your reporting, has been perpetrated in a fashion that gives rise to serious questions that should not be ignored by you in any of your future reporting. For example, the process by which anonymous "Jane Doe" plaintiffs have been sought has involved solicitation that has included both threats and unrealistic promises. For example, based on our investigation, one person known to us received a communication from Gutzler threatening her with the prospect that she would be "implicated along with Nygard" if she did not agree to work with Gutzler against Mr. Nygard. After making this threat, Mr. Gutzler messaged her over and over again, in one instance representing that she could be "protected" in "the process" by working with Gutzler, implicitly threatening her to gain her cooperation.

In the same vein, this past summer, a person representing herself as an agent of Gutzler and Haba called the former CFO of Nygard International Partnership, telling him that he could be "hurt" by the FBI and suggested that speaking to Mr. Gutzler would alleviate that risk.

In yet another example, a person who has worked with Mr. Nygard for over ten years has received repeated messages from Gutzler and Haba on Facebook, the thrust of which was to attempt to intimidate her. In one of these messages, Gutzler threatened this person with the prospect of her criminal prosecution, if she did not join his crusade. He went so far as to suggest she could be “holding the bag like Ghislaine Maxwell,” if she did not cooperate with Gutzler. If this threat were not clear enough, Gutzler followed up with another Facebook message, stating “minimum sentence will be 15 years for you. Hope it has been worth it.”

In light of the above, all of which we can document, and all of which you are now on notice of, your affording of any future platform to Mr. Gutzler, without reporting the demonstrably questionable, unprofessional and misleading tactics he has used to assemble his lawsuit, would itself be irresponsible and reckless. The allegations you have already made, broadcast and republished about Mr. Nygard are *utterly false*. These allegations are very serious and have severely harmed Mr. Nygard. 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.

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

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

All rights reserved.

Sincerely,

Alan S. Lewis

ASL: