

LAVELY & SINGER

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

SUITE 2400

2049 CENTURY PARK EAST

LOS ANGELES, CALIFORNIA 90067-2906

TELEPHONE (310) 556-3501

TELECOPIER (310) 556-3615

www.LAVELYSINGER.com

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CHARLES J. HARDER
ALLISON HART SIEVERS
OF COUNSEL

June 2, 2008

VIA TELECOPIER: [REDACTED]
& U.S. CERTIFIED MAIL/RRR

VIA TELECOPIER [REDACTED]
& U.S. CERTIFIED MAIL/RRR

Mr. Graydon Carter
Editor in Chief
VANITY FAIR
4 Times Square
New York, New York 10036-6526

Condé Nast Publications, Inc.
d/b/a Advance Magazine Publishers Inc.
4 Times Square
New York, New York 10036

VIA TELECOPIER: [REDACTED]
& U.S. CERTIFIED MAIL/RRR

Mr. Todd S. Purdum
VANITY FAIR
4 Times Square
New York, New York 10036-6526

Re: Gina Gershon / Vanity Fair, Condé Nast Publications, Inc.,
Todd Purdum, et al.
Our File No: 1757-4

Gentlemen:

We are litigation counsel to Gina Gershon. We are writing with respect to Todd S. Purdum's article entitled "*The Comeback Id*" published in the July 2008 print issue of *Vanity Fair* as well as on the *Vanity Fair* website (the "Article"). Through the innuendo-laden assertion that Ms. Gershon has been "visiting" with President Clinton in California, the Article outrageously insinuates that Ms. Gershon has had an inappropriate sexual relationship with President Clinton. This is absolutely false. My client has the utmost admiration and respect for both President and Senator Clinton, and she is extremely offended by the false and defamatory inference that she engaged in an adulterous relationship with the President. The fact that neither Mr. Purdum nor any fact-checker for *Vanity Fair* contacted Ms. Gershon about this specious lie before the Article's publication was irresponsible at best, and reckless and malicious at worst. We demand publication of a retraction and correction.

The Article refers to "recent high-end Hollywood dinner-party gossip that Clinton has been seen visiting with the actress Gina Gershon in California," insinuating that Ms. Gershon has an inappropriate relationship with President Clinton. The truth, however, is that Ms. Gershon has only been in the same room as President Clinton on three occasions, during which she was always in the presence of anywhere from approximately a dozen people to several

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hundred or more. Specifically, Ms. Gershon was once one of several hundred or perhaps a thousand guests at a charity event at the White House while President Clinton was in office, which she attended as a guest of the Shrivvers. On another occasion, Ms. Gershon attended a dinner in New York honoring Bono, where President Clinton was among the several hundred or more in attendance. On a third occasion, Ms. Gershon was a last-minute addition by one of the other guests who attended a dinner at the California home of Ron Burkle, with 10-15 people in attendance, including President Clinton.

These are the true facts. Mr. Purdum and *Vanity Fair* would have been informed of those facts had they checked with Ms. Gershon or her representatives. It is clear, however, that *Vanity Fair* was not interested in learning the truth. Rumor-mongering was substituted for fact-checking.

It is apparent that *Vanity Fair* was intent upon publishing unsubstantiated rumors, and that it avoided learning the true facts so that the truth would not get in the way. Such conduct is reckless and malicious, giving rise to substantial liability for defamation.

The Article's defamatory insinuation about Ms. Gershon gives rise to liability since a defendant in a libel case is accountable and liable "for what is insinuated as well as for what is stated explicitly." Kapellas v. Kofman, 1 Cal.3d 20, 33, 81 Cal.Rptr. 360 (1969). Indeed, it is well established that "defamation by implication stems not from what is literally stated, but what is implied." White v. Fraternal Order of Police, 909 F.2d 512, 518 (D.C. Cir. 1990).

Labeling a lie a "rumor" will not enable *Vanity Fair* to evade liability. "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." Ray v. Citizen-News Co., 14 Cal.App.2d 6, 9, 57 P.2d 527, 528-529 (1936). This long-standing principle remains good law today. *See, e.g., Jackson v. Paramount Pictures Corp.*, 68 Cal.App.4th 10, 27, 80 Cal.Rptr.2d 1, 9 (1998). Even if a publisher "was merely parroting what she had heard from 'sources' . . . , under common law, it is no defense to an action for defamation to say that one is merely accurately repeating rumor or a statement made by a third party." Id. at 31, 80 Cal.Rptr.2d at 12.

"Moreover, when a party repeats a slanderous charge, he is equally guilty of defamation, even though he states the source of the charge and indicates that he is merely repeating a rumor." Id. at 27, 80 Cal.Rptr.2d at 9. Here, the Article does not even bother to name a source for its libelous statement about Ms. Gershon, instead merely ascribing it to "high-end Hollywood dinner-party gossip."

Vanity Fair's despicable lie about Ms. Gershon is spreading rapidly, and it is being repeated by print and electronic media all over the world. Of course, *Vanity Fair* will be held responsible for the harm to my client's reputation caused by the media's repetition of *Vanity Fair's* libelous statement. Smolla, *Law of Defamation* (2nd Ed. 2004) Vol. 1, §4:91 ("the

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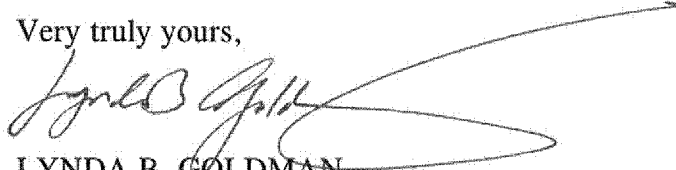
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originator of the statements is liable for any secondary publication that is the natural and probable consequence of his or her act"). It would therefore be in *Vanity Fair's* best interests to publish a retraction immediately.

It is extremely offensive that my client has been defamed in this reckless and disrespectful manner. On behalf of Ms. Gershon, we demand the publication of a retraction and sincere apology. The immediate removal of the offensive false statement about Ms. Gershon from the *Vanity Fair* website is also demanded.¹

This letter does not constitute a complete or exhaustive statement of all of my client's rights or claims. Nothing stated herein is intended as, nor should it be deemed to constitute, a waiver or relinquishment of any of my client's rights or remedies, whether legal or equitable, all of which are hereby expressly reserved.

Very truly yours,



LYNDA B. GOLDMAN

Of
LAVELY & SINGER
PROFESSIONAL CORPORATION

LBG:lg

cc: Ms. Gina Gershon (via email)
Ms. Mara Buxbaum (via email)

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¹The Article's defamatory statement about Ms. Gershon appears on the *Vanity Fair* website at the following addresses, among others:
< <http://www.vanityfair.com/politics/features/2008/07/clinton200807?printable=true¤tPage=all> > and
< <http://www.vanityfair.com/politics/features/2008/07/clinton200807?currentPage=3> > .

