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December 21, 2023

DELIVERED VIA EMAIL TO: tthagard@maynardnexsen.com

Mr. Thomas W. Thagard, III
MaynardNexsen
1901 Sixth Avenue North
Suite 1700
Birmingham, Alabama 35203

Re: Your December 20, 2023, “Cease and Desist” Letter on Behalf of Alabama A&M University, et al.

Dear Mr. Thagard,

I am in receipt of your **“Cease and Desist”** letter, dated December 20, 2023. This letter constitutes my preliminary response.

I understand from your letter that your law firm represents Alabama A&M University, a public institution, and President Daniel K. Wims. You also claim to be representing other Alabama A&M Parties, but you did not specify who these parties are.

Does your law firm represent President Wims in his **official capacity only**, or do you also represent Dr. Wims in his personal capacity for the purpose of filing a state law tort claim for alleged defamation?

Also, please identify the other Alabama A&M Parties your firm represents and provide me with each person’s job title. If these individuals are “managing or general agents” of Alabama A&M (within the Federal/Alabama Rules of Civil Procedure and Evidence), please specify this status, as well.

With respect to any “managing or general agent” among the Alabama A&M Parties, please tell me whether your firm represents this individual in his/her **official capacity only**, or whether you represents these individuals for the purpose of filing tort claims for alleged defamation?

Your letter claims that my published editorial opinions regarding the Alabama A&M Parties are false and defamatory. You have demanded that I retract

all of my editorial opinions about the Alabama A&M Parties and cease publishing future article about the university and its public officials.

So that you know, I have posted more than two dozen editorial opinions on matters of significant public interest about Alabama A&M University since September 19, 2023. Your letter treats these editorial opinions as a group of articles, as opposed to separate and distinct publications. To this extent, your “Demand for a Retraction” is defective.

I am requesting that you cure this defect by provide me with the following information so that I may properly evaluate your purported defamation claims, as well as your demand for a retraction:

1. Please identify each statement the Alabama A&M Parties claim was defamatory and provide: (a) the exact statement referenced, (b) the title of the article in which the statement appears, (c) the date of the article’s publication, (d) the name and title of the Alabama A&M Party who claims he/she was defamed by this statement.
2. With respect to purported defamation claims relating to President Wims, please provide: (a) the exact statement referenced, (b) the title of the article in which the statement appears, and (c) the date of the article’s publication.

With respect to your claim that my editorial opinions are interfering with the business interests of a public university, “including the contractional relations of Alabama A&M,” I flatly reject this contention. This specious claim, together with the alleged defamation claims, attempts to chill my First Amendment free speech rights. In essence, your clients are using the “Cease and Desist” letter to stifle my free speech rights.

I am a freelance professional journalist with more than 900 copyrighted news articles and editorial opinions published. My published articles regarding the conduct of public entities and public officials conform to the legal principles enunciated in **New York Times v. Sullivan** and its progeny.

Notice to Preserve Evidence

In the event your client(s) move forward with litigation, I plan to file a counterclaim against Alabama A&M University for infringing upon my First Amendment rights and avail myself of other legal rights afforded to me under California law.

This letter places the Alabama A&M Parties on notice to affirmatively preserve, and not delete, any and all physical and electronic documents, materials,

information, and data, including all emails, text messages, instant messages, Facebook posts or comments, Internet postings, letters (including communications with the Alabama A&M Parties in your letter), press releases and drafts of press releases, memoranda, handwritten notes, typewritten notes, cards, charts, summaries, financial information, audio and/or video recordings and footage, still images, photographs, investigative files, witness statements, incident reports, electronically stored communications, and other forms of communications related in any way to (a) the defamation claims referenced in your letter and (b) the entire articles you claim contain the defamatory statements. I collectively refer to this body of information as the “Documents.”

All sources of the Documents should be preserved, including, without limitation, physical files, electronic and digital files, computer servers, email servers, backup tapes, cloud storage, personal computers, hard drives, smart phones, tablets, and other types of storage devices including external drives, thumb drives, zip drives, disks, and DVDs.

I specially request your client(s) to preserve all such Documents that have been created and maintained by the Alabama A&M Parties, from the time Dr. Daniel Wims was hired by Alabama A&M University as Provost until the trial on the disputed defamation claims in this case:

1. All Alabama A&M University background check Documents relating to Dr. Daniel Wims when he was hired as Provost and when he was promoted to President.
2. All Documents between President Wims and his previous university employers.
3. All Alabama A&M University Documents relating to Professor Larry McDaniel and his interactions with Provost Daniel K. Wims.
4. All Alabama A&M University Documents relating to Dr. Edward L. Jones.
5. All Documents between Trustee Elizabeth B. Richardson and President Daniel K. Wims.
6. All Alabama A&M University background check Documents relating to Shannon F. Reeves when he was hired as Associate Vice President for Government Affairs and when he was promoted to Vice President of Government Affairs.
7. All Alabama A&M University’s background check Documents relating to Dr. John D. Jones when he was hired as Provost.
8. All Alabama A&M University background check Documents relating to Norman F. Jones when he was hired as Assistant Vice President for Finance and all Documents relating to his departure from the University.
9. All Documents relating to the Alabama A&M Parties and their interaction with Kenneth Boswell, Steve Flowers, Josh Moon, Bill Britt, Yellowhammer News, Alabama Power Company, Gov. Kay Ivey, U.S. Senator Tommy

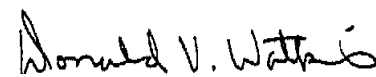
Tuberville, State Senator Sam Givhan, Congresswomen Terri Sewell, State Representative Anthony Daniels, State Senator Bobby Singleton, Birmingham Mayor Randall Woodfin, and Trustees Ralph Williams, Kevin Ball, Tiffany Johnson Cole, and Roderick D. Watts.

10. All Documents related to Alabama A&M's business relationship with Skipper Group and Trip Skipper.
11. All Documents between President Wims, Shannon F. Reeves, and the Alabama Policy Institute.
12. All Documents between President Wims, Shannon Reeves, the Alabama Republican Party, the 2025 Presidential Transition Project, and the Heritage Foundation.
13. All Documents relating to sexual harassment complaints filed against Daniel K. Wims in his capacity as Provost at Alabama A&M and as an employee at any other college or university.
14. All Documents pertaining to free housing arrangements in university-owned housing units for Shannon Reeves, Jackie Robinson, campus police chiefs, and other Alabama A&M executives.
15. All Documents between the University and members of its board of trustees relating to conflicts-of-interest.
16. All Documents related to the September 18, 2023, letter from the U.S. Departments of Education and Agriculture to Gov. Ivey about the \$527,280,064 debt owed to Alabama A&M by the state of Alabama.

Your “**Cease and Desist**” seeks to remove posted articles and stop the publication of future articles regarding the Alabama A&M Parties. I have found no federal or state case or statute that supports the proposition that a public university can sue for defamation for itself and for its public officials/managing agents. Furthermore, I stand by the truth of the statements contained in the cache of editorial opinions referenced in your letter, as well as my First Amendment right to express such opinions.

I look forward to receiving the information requested in this letter. It will assist me in determining: (a) whether the unspecified Alabama A&M Parties are due a correction and/or retraction, and (b) whether a proper demand for a retraction has been made by the appropriate counsel for public officials/managing agents who seek to bring personal defamation claims in a First Amendment case involving their principal/public employer.

Sincerely,


Donald V. Watkins

Cc: Carlos Soltero, Esq., via email
S. Reeves Jordan, Esq., via email