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July 27, 2021

**VIA OVERNIGHT & ELECTRONIC MAIL**

Texan News Service  
Box T-0230  
Stephenville, Texas 76402  
[editor@texannews.net](mailto:editor@texannews.net)

**Re: Michael Landis; Defamatory Publication**

To Whom It May Concern:

The undersigned has been retained as litigation counsel by Michael Landis in connection with the above-referenced matter.

As you are aware, on February 28, 2018, you published an article (the “February Article”) on your website, [texannews.net](http://texannews.net) (“TSN” or the “Website”), which contained highly defamatory statements about Dr. Landis. A month later, on March 29, 2018, you published a second article (the “March Article”), which again contained highly defamatory statements about Dr. Landis. Less than two weeks later, on April 10, 2018, you published a third article (the “April Article”), and yet another article several weeks later, on May 3, 2018, (the “May Article”) collectively the “Articles”), both of which contained highly defamatory statements about Dr. Landis.

The Articles contained unfounded and false content about our client, repeating baseless claims that Dr. Landis engaged in sexual harassment and created a hostile educational environment (the “Statements”). The Statements were authored by Quanecia Fraser and are located at the following URLs:

<http://texannews.net/former-tarleton-student-accuses-professor-of-inappropriate-behavior/>

<http://texannews.net/breaking-news-university-administrator-recommends-termination-for-professor-accused-of-inappropriate-behavior/>

NEW YORK | 363 Seventh Avenue | 5th Floor | New York, NY 10001 | T: 212.736.4500  
BOSTON | 101 Federal Street | 19th Floor | Boston, MA 02110 | T: 617.209.2188

<http://texannews.net/were-finally-being-heard-professor-faces-more-accusations/>

<http://texannews.net/professor-accused-of-inappropriate-behavior-still-getting-paid/>

Furthermore, you published a video report regarding false accusation against our client on March 7, 2018 (the “Video”), located at the following URL:

<http://texannews.net/texan-tv-video-tarleton-student-accuses-professor-of-inappropriate-behavior/>

The Statements disseminate false accusations of sexual harassment against our client. Despite the fact that Tarleton State University (the “University”) determined Dr. Landis had *not* sexually harassed his accusers and did *not* create a hostile educational environment, you intentionally buried that information in the last several paragraphs of the March Article, wherein you write:

However, the investigation also concluded that reported behavior did not “create a hostile education environment.”

“Based on the preponderance of the evidence (i.e., more likely than not), I conclude that [Respondent] did not sexually harass [Complainant] or the other two anonymous complainants,” Snider wrote. “There were no witnesses to the comments of a sexual nature attributed to him, and he denied making them.”

In the memo, Snider also said: “the comments of a sexual nature attributed to [Respondent] were not sufficiently severe, persistent, or pervasive so as to unreasonably interfere with a student’s educational environment or performance.”

Despite the fact that our client was cleared of sexual harassment by the University, your March Article is titled Breaking News: University administrator recommends termination for professor accused of inappropriate behavior.

Such a headline led readers to believe that the University found Dr. Landis responsible for sexual harassment, as your previous Articles and Video had informed the public that Dr. Landis was being investigated for sexual harassment. And yet that information was instead buried deep into the article. Although the recommended termination was based on the fact that three women filed allegations, and not because those allegations were substantiated, this information is not stated until halfway through the March Article. A review of your website indicates that there was not a single article published that made clear to the public that Dr. Landis was exonerated of sexual harassment and the claims were concluded as unsubstantiated.

Further, despite our client being cleared of sexual harassment and hostile environment claims, you dedicated two additional articles to our client in the following five weeks, one of which focused on the status of his salary. Thereafter, in a September 4, 2018, article titled “Student-faculty relationships now prohibited at Tarleton,” published almost six months after it was determined that our client did *not* commit acts of sexual harassment and that his accusers’ claims were unsubstantiated, you refer to him once again. It is perplexing and disappointing that your publication has perpetuated false allegations against our client even after the university determined that those allegations were unsubstantiated. Upon information and belief, you acted maliciously in an effort to sensationalize the situation and maintain a presumption in the community that our client committed the acts alleged by his accusers.

You published these Statements and the entire Articles without any due diligence as to the truthfulness of the claims. Had you conducted even the bare minimum of due diligence, you would have discovered and reported the fact that there existed no evidence or support for the claims alleged against Dr. Landis.

Furthermore, nowhere in the Articles did the author remind readers that allegations are not findings; that there is an official process for determining potential violations; or that University policy requires that the accused are afforded a presumption of innocence. As a result, the author has contributed to, amplified, and further spread these extremely damaging and defamatory statements. Due to the recklessness of the Articles, it is clear that the author lacked reasonable grounds to believe that the Statements were true. As such, TNS has defamed our client, causing him to suffer irreparable damage.

The Statements will continue to adversely affect our client the longer Twitter refrains from removing them from the Internet. There has been ongoing campaign of defamation and cyber harassment against our client, perpetuated by the online presence of the defamatory Articles, which are causing our client to suffer reputational, emotional, and financial damages, as well as risk of physical harm.

**BASED ON THE FOREGOING, DEMAND IS HEREBY MADE** that you remove the Statements *in their entirety* on or before August 6, 2021, in order to prevent further damage, harassment, and threats against our client. While we hope to be able to resolve this matter swiftly, our client is prepared to take any and all legal action necessary to lessen and reverse the damage caused by the publishing and dissemination of the Statements on your website and recoup any losses suffered.

In any event, please be mindful of the following preservation notice. *See, e.g., Zubulake v. UBS Warburg LLC*, 217 F.R.D. 309 (S.D.N.Y. 2003). As part of the requirements therein, we insist that you and your client preserve every document and communication that is currently in your possession concerning this matter. You must preserve all future communications and documents created that concern this matter. In particular, you must preserve all browser and network data, including browser cache, emails and instant message

transcripts concerning this matter. You must also create and preserve a Preservation Compliance Log as hereinafter detailed. We intend to request the foregoing documents in discovery and will expect that they be made available.

Please be advised that this communication is without prejudice to any facts, whether stated herein, or absent herefrom. Please further be advised that this communication is without prejudice to and shall not affect, in any manner, the rights, claims, remedies, actions or causes of action which our client has, or may have, at law, in equity or otherwise.

**NESENOFF & MILTENBERG, LLP**

By: *Diana R. Warshow*  
**Diana R. Warshow, Esq**