October 2022

THE FOLLOWING COMMUNICATION IS PRIVILEGED AND CONFIDENTIAL PURSUANT TO SECTIONS 1152 AND 1154 OF THE CALIFORNIA EVIDENCE CODE AND RULE 408 OF THE FEDERAL RULES OF EVIDENCE

Via Certified Mail – Return Receipt
& U.S. Mail

San Diego Education Association
10393 San Diego Mission Road, Suite 100
San Diego, CA 92108

Re: Demand for Retraction of Defamatory Publications and to Cease & Desist Publishing Further Statements about Rebecca Williams

Dear San Diego Education Association,

Our office has been retained by Mrs. Rebecca Williams to address various mailers you have distributed about her. Please direct any communication about this subject to our offices. Two examples of such mailers are attached hereto as Exhibit A.

Within those mailers, there are numerous falsehoods. These include:

- That Mrs. Williams opposed vaccine protections and put children and teachers in harm’s way during the height of COVID;
- That Mrs. Williams joined radical COVID deniers to oppose masks, and vaccines during the pandemic;
- That Mrs. Williams is part of California’s Republican Party’s ‘revolt’ campaign of more than 100 candidates trying to take over schools across the state;
That Mrs. Williams’ home state is Texas; and
That Mrs. Williams moved from Texas to San Diego in 2019

Under California law, it is illegal to publish a false statement “which exposes any person to hatred, contempt, ridicule, or obloquy, or which causes him to be shunned or avoided, or which has a tendency to injure him in his occupation.” Cal. Civ. Code § 45. “[E]very person has, subject to the qualifications and restrictions provided by law, the right of protection … from defamation” in the form of “libel,” or written defamation. Cal. Civ. Code §§ 43, 44.

As you surely know, liability for defamation regarding a political candidate requires establishing malice, i.e., that the speaker had knowledge of the falsity of his statement or acted with reckless disregard of whether it was false or not. New York Times Co. v. Sullivan 376 U.S. 254, 279-80 (1964). But malice is easily shown when a defendant acts with as much carelessness as the San Diego Education Association has. See, e.g., Walker v. Kioussis, 93 Cal. App. 4th 1432, 1446 (2001) (malice shown through failure to investigate); Coastal Abstract Serv., Inc. v. First Am. Title Ins. Co., 173 F.3d 725, 736 (9th Cir. 1999) (same); Nguyen v. Do, No. H035772, 2011 WL 2295054, at *11 (Cal. Ct. App. June 9, 2011) (malice shown through “evidence of motive and failure to adhere to professional standards.”).

One does not need to search far in order to prove the plain falsity that Mrs. Williams’ home state is Texas and that she never “moved from Texas to San Diego in 2019.” You published that statements with the awareness that they were not true. Mrs. Williams has made abundantly clear in many public statements that she is a Wisconsin native, including statements published in the San Diego Union-Tribune, La Jolla Light, and the Point Loma-OB Monthly. Mrs. Williams did move into California in 2019, but from Washington D.C.—not Texas. The recklessness you have demonstrated by circulating these demonstratively false statements is nothing short of astounding.

Furthermore, your characterization of Mrs. Williams as an individual who “strenuously” and actively exposed children and teachers to harm from COVID-19 is also demonstratively false. In this respect, you either were aware of the falsity of these statements when you made them, or you have purposely avoided the truth. That truth is that the only action Mrs. Williams has taken was to hold a press conference to discuss protection measures for the same group you falsely claim that she put at risk.

Lastly, Mrs. Williams is in no way connected to or associated with the group “Revolt.” This is again simply another lie drawn from nothing. How you could have possibly come to this
misimpression is not clear—but when combined with the above falsehoods, it appears that your habit is simply to invent falsehoods left and right.

Based on the foregoing, you face significant civil liability for the harm that you have caused Mrs. Williams. Accordingly, Mrs. Williams is prepared to immediately file a lawsuit against you to protect her rights and to recover all of her damages, including punitive damages, for the malicious and false statements that you have made against her. However, in a good faith effort to avoid costly litigation and to amicably resolve this dispute, Mrs. Williams demands the following:

• That you immediately withdraw all of your false, defamatory, and malicious statements about Mrs. Williams, including specifically but not limited to, the two attached mailers and any similar mailers containing similar false statements;

• That you immediately cease and desist from publishing any further false statements about Mrs. Williams; and

• That you publish an apology on your website to Mrs. Williams, explaining that you have taken down the mailers concerning her in light of the false statements contained therein.

Please confirm in writing by Friday, October 28, 2022, that you will agree to this demand. If we do not hear back from you by that date, Mrs. Williams will have no choice but to move forward with litigation against you for making the above outrageous, false, defamatory, and malicious statements about her on your website. If forced to proceed to litigation, we have no intention of settling but will push the case to final judgment to obtain a court order establishing that you have defamed Mrs. Williams. This is your only chance to settle this case without significant monetary exposure.

Sincerely,

LiMANDRI & JONNA LLP

Paul M. Jonna
Counsel for Mrs. Becca Williams

PMJ/jm