

# Wigdor LLP Files Defamation Lawsuit Against Fox News Involving Fox, The White House, And Seth Rich's Murder

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Wigdor LLP represented Rod Wheeler, a paid contributor at Fox News, against 21<sup>st</sup> Century Fox, the Fox News Network, reporter Malia Zimmerman, and contributor Ed Butowsky. The Complaint alleged that Zimmerman, Butowsky and Fox had colluded with the Trump Administration to disseminate fake news in order to divert attention away from Russia's alleged attempts to influence the United States Presidential election.

The Complaint alleged that Mr. Wheeler, a former Washington D.C. homicide detective who now works as a private investigation consultant, was subjected to defamation when Fox, Zimmerman and Butowsky published a May 16, 2017 article that included two fabricated quotations, both of which were falsely attributed to Mr. Wheeler. The article, written by Zimmerman, reported that a murdered Democratic National Committee ("DNC") staffer, Seth Rich, was the source of the DNC emails leaked by Wikileaks during the 2016 Presidential primaries. Fox retracted the article on May 23, 2017.

According to the Complaint, the motivation behind the article was to establish that Seth Rich provided Wikileaks with the DNC emails in order to shift the blame from Russia and to help dispel speculation that President Trump colluded with Russia in an attempt to influence the outcome of the Presidential election. The two quotes, falsely attributed to Mr. Wheeler, stated:

- "My investigation up to this point shows there was some degree of email exchange between Seth Rich and Wikileaks,' said Wheeler."
- "My investigation shows someone within the DC government, Democratic National Committee or Clinton team is blocking the murder investigation from going forward,' Wheeler said. 'That is unfortunate. Seth Rich's murder is unsolved as a result of that.'"

As set forth in the Complaint, according to Butowsky, the statements were falsely attributed to Wheeler because ***that is the way the President wanted the article***. The Complaint alleged that Trump's press secretary Sean Spicer met with Wheeler and Butowsky at the White House to review the Rich story a month before it was published. Butowsky also texted Wheeler: "Not to add any more pressure but the president just read the article. He wants the article out immediately. It's now all up to you." Moreover, he left a voicemail telling Wheeler "the White House is onto this now."

Interestingly, according to the Complaint, at the same time that Fox was helping the Trump Administration divert public attention from the Russian hacking scandal, 21<sup>st</sup> Century Fox's General Counsel, Gerson Zweifach, was meeting with UK regulators in an attempt to convince them that Fox was "fit and proper" to purchase Sky, the British media conglomerate, despite the attenuating power to influence the news agenda and the political process. In addition, according to the British regulator Ofcom's report, on May 15, 2017, the day before the article in question was published, Fox promulgated

a new compliance arrangement to meet the Broadcasting Code.

Plaintiff was represented by Wigdor LLP Partners Douglas H. Wigdor and Jeanne M. Christensen, and Senior Associate Michael J. Willemin. Douglas Wigdor said of the filing:

**“Rod Wheeler unfortunately was used as a pawn by Ed Butowsky, Fox News and the Trump administration to try and steer away the attention that was being given about the Russian hacking of the DNC e-mails.”**

[Read Full Complaint](#)

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August 1, 2017

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*“Behind Fox News’ Baseless Seth Rich Story: The Untold Tale”*

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*"White House Pushed Fox News to Publish Seth Rich Story, Lawsuit Claims"*

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**New York Law Journal**

*"Lawyer in Seth Rich Suit Insists Politics Played No Part in Fox, Trump Claims"*

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**The Guardian**

*"The strange case of Fox News, Trump, and the death of young Democrat Seth Rich"*

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**NY Times**

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**NY Business Journal**

*"Fox refuses to pay \$60 million in settlements"*

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**Business Insider**

*"A law firm leading several cases against Fox News is trying to torpedo the \$15 billion Fox-Sky merger"*

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**Variety**

*"Fox News Headlines Muddy 21st Century's Bid for Sky"*

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**New York Times**

*"Fox Presses for Arbitration or Dismissal in Suit Over Seth Rich Article"*

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*"Lawsuit Claims Fox News, Trump Conspired on DNC Staffer Murder Story"*

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**New York Post**

*"Fox News accused of making up quotes in DNC murder story"*

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**Above the Law**

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**USA Today**

*"Suit: Fox News, White House collaborated on fake news story in Seth Rich death"*

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*"Lawsuit Alleges the White House Helped Fox News Push the Seth Rich Conspiracy Theory"*

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*"Lawsuit says Fox knowingly faked Seth Rich story"*

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**Newsweek**

*"Seth Rich suit lawyer wants Trump and Sean Spicer to give evidence in case against Fox News"*

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*"Rod Wheeler, Fox News, Donald Trump, And The Ghost Of Seth Rich"*

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*"Fox News' handling of Seth Rich story could snag British review of Sky deal"*

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*"Fox News story sparks calls for further scrutiny of Murdoch's Sky bid"*

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