
From: Lawrence Krauss [REDACTED]
Sent: Tuesday, February 27, 2018 8:55 PM
To: Cynthia Jewett; Adam Waldman; Naimah Saadiq; [REDACTED]
Cc: Lawrence Krauss
Subject: Fwd: Private and Confidential, in response to our meeting.

Dear Cynthia et al:

Adam forwarded me your note while on a plane. I wanted to let you know that you can feel free to cc me on all communication or email me and cc Adam, as you wish. . Adam is advising me on matters related to BuzzFeed, and so it is appropriate to communicate to both of us in this regard. I expect he will be writing to you. In any case, I wanted to assure you that I will continue to cooperate with all your offices, as I have done thus far. I value the collegial relationship I have with all of my colleagues at ASU. I do hope Naimah's group has taken all of our concerns about BuzzFeed under advisement, but I also understand the requirements on the University as well.

Thanks for your attention to this.

Best

Lawrence Krauss

Lawrence M. Krauss
Director, The Origins Project at ASU
Co-Director, Cosmology Initiative
Foundation Professor
School of Earth & Space Exploration and Physics Department Arizona State University, P.O. Box 871404, Tempe, AZ 85287-1404 Research Office [REDACTED] Assistant (Jessica): [REDACTED] Origins Office (Cynthia): [REDACTED]
[REDACTED]mailto:[REDACTED]
origins.asu.edu | twitter.com/lkrauss1 | krauss.faculty.asu.edu

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Begin forwarded message:

From: Adam Waldman [REDACTED]
Subject: FW: Private and Confidential, in response to our meeting.
Date: February 27, 2018 at 12:28:21 PM PST

To: =/b>Lawrence Krauss [REDACTED]

Fyi

Just got back on wifi and reading =ow

From: Cynthia Jewett [REDACTED] <mailto:[REDACTED]>

Date: Tuesday, February =7, 2018 at 3:21 PM

To: Adam Waldman [REDACTED]

Cc: Naimah Saadiq [REDACTED] =rin Ellison [REDACTED]

<mailto:[REDACTED]>

Subject: FW: Private and =onfidential, in response to our meeting.

Mr. Waldman,

Your client, Lawrence =rauss, copied me on his February 23rd email communication to the =ffice of Equity and Inclusion. I am writing to convey the =niversity's position on its responsibility to conduct =dministrative investigations into allegations of conduct that would =iolate institutional policy, if true. Because Dr. Krauss has =etained legal counsel, I am writing directly to you. You may =orward my communication on to your client. Without having first =ecured your permission, I did not think it was proper for me to copying =im on this reply.

Our=policy on the Prohibition Against Discrimination, Harassment, and =etaliation (ACD 401 <https://www.asu.edu/aad/manuals/acd/acd401.html>) and its =ccompanying procedures (P20 – link to the procedures is =mbedded in the policy document) directs the Office of Equity and =nclusion to conduct prompt and equitable investigations. Among =he points stated are that the Office accepts anonymous complaints as =ell as direct complaints. University employees are required to =ooperate with any investigation or allegations of violations of this =olicy. Providing false or misleading information or failing to =ooperate may result in disciplinary action. Individuals making a =omplaint or participating as a witness in an investigation cannot be =etaliated against. Any employee who engages in retaliation will =e disciplined. The Office of Equity and Inclusion does not make =ny findings until such time as it determines that it has completed its =act gathering.

Our=courts recognize that participants in an administrative investigation =ave a privilege against a defamation charge. In *Paros v. =oemako Hospital*, 140 Ariz. 335, 681 P.2d 918 =Ct. App. Div. 2 1984), the court recognized that the employer's =esponse to a notice of charge of discrimination filed with the Equal =mployment Opportunity Commission was absolutely privileged. =n *Miller =. Servicemaster by Rees*, 174 Ariz. at 520, 851 P.2d =40, 243 (Ct. App. Div. 1 1993), the court recognized the existence of a =onditional privilege for employees to report perceived acts of sexual =arassment as public policy dictated that employees must be protected =rom workplace sexual harassment. Cited approvingly, *Carey v. =aricopa County*, 2009 WL 750225 (D. Ariz. =009). Both *Paros* and *Miller* were cases concerning =iscrimination and harassment under Title VII. In addition to its =bligations under Title VII, the University must also operate its =ducational programs and activities to be free from gender =iscrimination under Title IX.

The=Office of Equity and Inclusion will proceed with its investigation as =outlined in ACD 401 and P20. The Office will not provide your client =ith its investigative file. We look forward to Dr. Krauss's=continuing cooperation. Regards,

Cynthia L. =ewett

Senior =ssociate General Counsel

Arizona State University

[REDACTED]
[REDACTED] <mailto:[REDACTED]>

From: Lawrence Krauss [mailto:[REDACTED]]
Sent: Friday, February 23, 2018 1:19 PM
To: Naimah Saadiq [REDACTED]; Cynthia Jewett [mailto:[REDACTED]]
Cc: Adam Waldman [REDACTED]; Lawrence Krauss [REDACTED]
Subject: Private and Confidential, in response to our meeting.

Dear Naimah et al:

Attached you will find a letter from my attorney, along with a letter he sent to BuzzFeed earlier in this week regarding the defamatory and false story they were planning on printing. The story was then published yesterday morning. I wanted to add to his letter, to reiterate our concern about how your office was planning to follow up on the false and defamatory third-party allegations from BuzzFeed. Because this was initiated by an online entertainment news outlet with a clear agenda and established record of propagating false allegations about me, rather than by any of the individuals they refer to as sources, this should not be considered a credible allegation worthy of investigation. I believe that our initial discussion was sufficient to settle this matter. Whether or not you agree with this, there are two things I think are important to establish.

Firstly, that the University should not propagate what can be false allegations from such a source by presenting them directly to current and/or former employees or to others. To do so would be to further their libelous agenda, as Mr Waldman has emphasized. In this regard, I would appreciate seeing copies of the correspondence you might send to current or former employees about this in the process of carrying out and concluding your investigation.

Secondly, I reiterate once again that the Origins Project environment is supportive, candid, frank, honest, and productive, with all employees being treated with respect, as well as being supported and mentored. I am proud of our team, and I believe they feel the same way.

Thanks for your attention to these letters.

Lawrence Krauss

Dear Ms. Saadiq:

My name is Adam Waldman, and I am Professor Lawrence Krauss' litigation counsel. Earlier this week, I sent the attached letter to BuzzFeed via one of their reporters named Peter Aldhous.

I am also in receipt of Mr. Aldhous' letter to ASU, which is a variation on defamation – both libel and slander – that Mr. Aldhous and his colleagues have been manufacturing for at least 6 months (notably without any reporting) in a campaign with a purpose known only to them. BuzzFeed's first method is to call or write third parties, posit a list of fake, anonymous, recklessly false and malicious allegations, and ask if the third party has anything to add. BuzzFeed's second method is to seek tortious interference with Professor Krauss' professional contracts, by writing third parties with whom Professor Krauss is in privity, present a similarly inflammatory series of anonymous, recklessly false and malicious accusations, and then question: how can the email's recipient allow such a person to serve on their board, or speak at their conference? The letter from BuzzFeed to the University falls into both categories. There will be appropriate legal consequences for BuzzFeed's actions.

It is my understanding that your office believes it is compelled by the above to investigate false, defamatory, anonymous accusations posited by the online tabloid BuzzFeed by contacting third parties and potentially rebroadcasting the tabloid BuzzFeed's accusations. To be clear, these accusations were not made to the University by actual human beings who are alleging they were victims. There is no evidence they were presented to BuzzFeed by actual human beings. Moreover, no present or former employees of ASU have made any such allegations to our office, or to any office at ASU, to our knowledge. They are simply alleged by a tabloid, and one that had yet published a "story" on the topic when they forwarded these to you. You may propose to rebroadcast this tabloid's libel to other third parties who have also made no accusation against Professor Krauss. I suggest that you consult with the University's counsel before taking so rash a step as re-broadcasting hearsay defamation that came to you via an online tabloid under these circumstances.

Professor Krauss and I both recognize the absolute need to investigate real allegations. Some of the women who have bravely come forward with personal harassment allegations against Harvey Weinstein are my clients and friends. Some of these victims have been advised by me. Those actual allegations are entirely distinct from a tabloid attempting to manufacture allegations to create harm.

Sincerely,
Adam Waldman
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Begin forwarded message:

From: Adam Waldman [REDACTED]
Date: Tuesday, February 20, 2018 at 5:42 PM
To: Peter Aldous [REDACTED]
Subject: Cease and Desist/Professor Lawrence Krauss

Dear Mr. Aldous:

I am writing as litigation counsel to Professor Lawrence Krauss. It has come to my attention that you and BuzzFeed have engaged in an outrageous and protracted defamation campaign against Professor Krauss, including both libel and slander. BuzzFeed's campaign has been malicious, undertaken with absolute reckless disregard for the truth, and despite repeated disproofs of the falsehoods you continue to harmfully disseminate. Your defamatory efforts have also been undertaken, for reasons known only to you and our colleagues, with the intention of tortiously interfering with the contracts of Professor Krauss, and BuzzFeed has unfortunately succeeded in this malignant purpose. We have both testimony and documents from a litany of well respected third parties that provide overwhelming evidence of your and BuzzFeed's malfeasant attacks on Professor Krauss. We are still tallying the damage.

You and BuzzFeed will immediately cease and desist from further defamatory statements regarding Professor Krauss, and you and BuzzFeed will immediately cease and desist from any further efforts to tortiously interfere with Professor Krauss' contracts. If you and BuzzFeed are wise enough to ignore this notice to cease and desist from the actions described above, the appropriate legal response will be swift. Notwithstanding the foregoing, all legal rights are reserved.

If you have more harassing emails or any prospective communication you wish to transmit to Professor Krauss, you are instructed to send them to me as he is now represented by counsel. If your or BuzzFeed's counsel, whomever they may be, wish to send me a letter in response to the above, be aware that I may, depending on its contents and because I would be obligated to forward it to my client, consider such letter to also constitute a trigger of the above and react accordingly. Professor Krauss has suffered enough abuse at your hands without commensurate consequences.

Sincerely,
Adam Waldman

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