

Admitted in:
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October 14, 2010

Jill Clark
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2005 Aquila Avenue
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RE: *Jerry Moore / City Pages: Demand for Retraction*

Dear Ms. Clark:

I represent Village Voice Media and its affiliate, City Pages. This responds to your letter dated September 27, 2010.

City Pages has published three articles regarding Mr. Moore (the "Articles"):

<http://www.citypages.com/2010-08-18/news/jerry-moore-has-a-controversial-past/>

http://blogs.citypages.com/blotter/2010/08/jerry_moore_the.php

http://blogs.citypages.com/blotter/2010/08/jerry_moore_no.php

The sources relied upon for the statements of fact set forth in the Articles were disclosed therein, including police reports, audit documents, interviews and court documents. In addition, the Articles contained comment and opinion by staff writer, Andy Mannix, as well as others. As I am sure you are aware, City Pages enjoys a legal privilege to report allegations contained in official documents and statements of opinion are not actionable. Of course, plaintiffs have the burden to prove falsity, in most circumstances, by clear and convincing evidence.

Your letter complained that the Articles stated Mr. Moore was "involved" in the fraudulent purchase of real property located at 1564 Hillside Avenue in Minneapolis. Yet, as a matter of fact, the seller, Keith Reitman, confirms that Mr. Moore was paid \$5,000 in that transaction as a fee for Moore introducing him to Ms. Snoddy. Snoddy, of course, has been indicted as part of the fraud and, according to Reitman, she was Moore's girlfriend. City Pages dutifully published Moore's sworn denial of having ever engaged in any business transactions with Reitman. However, the victims of the fraud have sued Moore to further explore his involvement in this case. In our view, based upon these facts that were disclosed in the Articles, the characterization of Moore having been "involved" was fair and accurate.

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Similarly, City Pages' report of "allegations of misspending" while Moore held the public job of executive director for JACC was based upon an audit and discussions at a public meeting. Readers can judge for themselves whether late night expenditures at a bar and snack expenses at a Perkins really constituted "prostate screening." Certainly you do not contend that use of phrase "wild spending" in this context is actionable?

The police report regarding the fight at the church clearly states that Moore punched Hubbard "in the head with a closed fist." Unlike Mr. Wagner, Mr. Hubbard was, indeed, a board member.

Further, while you are correct that when the neighborhood association's office was burglarized a few days later the police found the door to be locked (the Articles have been corrected in this respect), Moore was listed in the police report as the "suspect" in this incident. City Pages was legally justified in reporting that fact to its readers.

Finally, the "agenda" you posit regarding City Pages' alleged conspiratorial machinations to fabricate defenses in litigation you are prosecuting against a local blogger are just plain fanciful. And be further advised that the reason City Pages sought to obtain Mr. Moore's comment at his place of employment before publication of the Articles was to give him the opportunity to explain his conduct in these controversial issues that were clearly of legitimate public concern. He chose not to speak with Mr. Mannix as was his right.

Accordingly, your demand for a retraction of the Articles is, respectfully, declined.

Please do not hesitate to contact me if you wish to discuss this matter further.

Best regards,


Steven P. Suskin

SPS/

Via email and U.S. Mail