

TYLER SMITH & ASSOCIATES, P.C.
ATTORNEYS AT LAW

April 23, 2014

Via First Class U.S. Mail

Oregonian Media Group
1320 S.W. Broadway
Portland, OR 97201
Yuxing Zheng
yzheng@oregonian.com

RE: DEMAND FOR IMMEDIATE RETRACTION AND CORRECTION OF
FALSE STATEMENTS IN WEB ARTICLE

Dear Ms. Zheng:

On April 22, 2014 you wrote an article about Mr. David Darnell that contains a number of false statements. False and defamatory statements can subject even the press to liability when they are made with reckless disregard for the truth. *New York Times Co. v. Sullivan*, 376 US 254. You have acted with reckless disregard for the truth in that article, we demand an immediate correction. In addition you have placed Mr. Darnell in a false light, comparing ownership of a small business to a lie, is absurd and reckless. Your own documents show he has been a business owner multiple times over. There are tens, if not hundreds, of thousands of small businesses in Oregon that are not registered with the Secretary of State. Registration is not required for most sole proprietors or for most partnerships. You could have found this out easily on the Secretary of State's public website <http://sos.oregon.gov/business/Pages/select-business-name-structure.aspx>. These kinds of businesses are often family run businesses that are the backbone of local communities, or even provide a little extra family income to make ends meet. In Oregon many people work two or three such small businesses to get by. Worse, you wrongly state twice that he failed to renew his "license". A registration with the Secretary of State is not the same as a "license". Moreover, the Secretary of State's website does not list the "owners" of most businesses such as most corporation's shareholders or LLC members. Even more egregious is the fact you didn't notice that Electrical and Lighting Services was only an assumed business name and is unnecessary if it is not being used.

It is negligent for you or anyone else to re-publish, repeat or refuse to correct the obviously false statements. *Kraemer v. Harding*, 159 Or App 90, 103, 976 P2d 1160 (1999). Therefore, we also demand that the newspaper or website remove or correct your article immediately and if any version of this has gone to print, that a retraction be printed as well.

Best wishes,

Tyler Smith

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