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December 9, 2016

VIA ELECTRONIC AND REGULAR MAIL

Mr. Daniel Sieradski
The Self Agency, L.L.C.
4464 East Genesee Street, #112
Albany, New York 13214

Re: Request for cessation of distribution and further development of “B.S. Detector” browser extension; immediate and permanent removal of Naked Capitalism from list of targeted sites; for public apology and opportunity to respond; Document and ESI Preservation Notice.

Dear Mr. Sieradski:

I write on behalf of my client, Aurora Advisors Incorporated (“Aurora”), publisher of the finance and economics website Naked Capitalism [www.nakedcapitalism.com] to request that you immediately cease distribution and development of your “B.S. Detector” browser extension (“BS”) and remove Naked Capitalism permanently from any list or software code developed by you and individuals working in collaboration with you or under your direction that calls into question Naked Capitalism’s integrity and accuracy as a source of news and commentary. BS contains extremely damaging false allegations constituting defamation.

Furthermore, Aurora asks for a prominent public apology for the false and defamatory accusations made in BS, that you withdraw BS from consideration for producthunt.com’s Best Chrome Extension of the Year, that you contact all publishers and websites known to have promoted BS, including but not limited to CBS News and producthunt.com and provide them with a copy of this letter, and that you make a public apology and provide a prominent opportunity to respond on any websites and webpages under your control (including but not limited your Twitter accounts, your self.agency site, and your pages on Github and SyracuseWorks). You and the individuals working in collaboration with you or under your

direction must not release your code to the open source community or use other means of distribution.

Naked Capitalism is one of the sites that receives a prominent red “Not a reliable news site” warning when a user of BS visits it. Such a label and warning is defamatory. Moreover you have persisted maliciously in damaging Naked Capitalism by not correcting this characterization after acknowledging it to be false. As reported by Kevin Gosztola of ShadowProof, you continued to harm Naked Capitalism, along with ShadowProof and other reputable sites by failing to correct the “Not a reliable website” warning after acknowledging that they should not be so smeared. You additionally said they would be removed in the next update when they were in fact not removed.¹ You have stated that you repeatedly admitted that there was no methodology whatsoever behind the “not reliable” designation.² You have been unwilling to correct false and defamatory inclusions and publish a list of errors.³ Thus you are perpetuating the false “propagandist” designation and underlying false charges, damaging Naked Capitalism’s reputation and deliberately doing commercial harm by discouraging the acquisition of new readers, new content, and visits by past readers.

¹ Kevin Gosztola, “B.S. Detector and the Rise of ‘Fake News’ Detection Software, ShadowProof, December 6, 2016 (available at <https://shadowproof.com/2016/12/06/the-rise-of-fake-news-detector-software/>)

² From selfagency on Github (available at <https://github.com/bs-detector/bs-detector/issues/53>): “As I have repeatedly stated in the press, on our repo, and on our homepage, the dataset was somewhat indiscriminately compiled and we are slowly making our way through it.”

³ From Kevin Gosztola, “B.S. Detector and the Rise of ‘Fake News’ Detection Software, ShadowProof, December 6, 2016 (available at <https://shadowproof.com/2016/12/06/the-rise-of-fake-news-detector-software/>):

Sieradski “scraped some data together” that included sites, which are not “fake news” websites....

...there is the issue of whether Sieradski is ready to take responsibility for the slapdash nature of the initial rollout....

He seems reluctant to own the mistakes made and publish a list of the websites that were wrongly included in the initial launch in order to exonerate them.

Your identification and continued listing of Naked Capitalism as a “fake news site” and your ongoing promotion of BS have caused and will continue to cause great harm to Naked Capitalism, including but not limited to impaired growth and new content, damage to policy impact and reputation, diversion of scarce reporting and managerial resources to respond to concerned inquires and debunk your defamatory attacks, loss of readers, and damage to the site’s profitability. Moreover, writers and editors associated with Naked Capitalism face ridicule, emotional distress, loss of reputation, and risk to future career advancement, including for example, difficulty passing background and security checks.

You did not provide even a single example of “fake news” allegedly distributed or promoted by Naked Capitalism. You did not provide any discussion or analysis of the methodology, protocol or algorithms your “volunteers” may or may not have followed. Nor did you make any effort to contact Naked Capitalism to give it the opportunity to correct its inclusion in the B.S. blacklist even though you had ample time.

It is also troubling to discern from your comments at GitHub that you have no intention of contacting publishers who are flagged as unreliable to enable them to review the reasons for inclusion and dispute the accuracy prior to inclusion. This is particularly disturbing given the apparent plan to rely on anonymous supposed experts who may have commercial interests that conflict with those of the targeted websites.

Finally, we note that your list of “not reliable” sites appears to overlap substantially with the now widely debunked list of “Russian propaganda” sites published by PropOrNot.⁴ If you or any of your volunteers are also one of the approximately 40 PropOrNot “volunteers,” and you or they have received compensation from the Department of State or BBG, you may be separately subject to action for propagandizing a domestic audience. Please be advised that Naked Capitalism, as a falsely targeted website, has standing to pursue such an action.

Please immediately cease the distribution of BS, take the stated measures to reduce the commercial, reputational, and career damage done to date and provide an equivalent opportunity to respond. Please see the attached concerning your and your volunteers’ obligation to retain documents and electronically stored information relating to BS. I look forward to hearing from you within three business days. Please contact me if I can provide further information.

⁴ “Why Are Media Outlets Still Citing Discredited ‘Fake News’ Blacklist?” FAIR, December 1, 2016 (available at <http://fair.org/home/why-are-media-outlets-still-citing-discredited-fake-news-blacklist/>) and “The Propaganda About Russia Propaganda,” Adrien Chen, The New Yorker, December 1, 2016 (available at <http://www.newyorker.com/news/news-desk/the-propaganda-about-russian-propaganda>)

Sincerely,

/s/ James A. Moody

James A. Moody
Counsel to Aurora Advisors Incorporated