

Bryan P. Tyson  
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July 9, 2020

*Via First Class U.S. Mail  
and email to lwood@linwoodlaw.com*

L. Lin Wood, Esq.  
L. Lin Wood, P.C.  
1180 West Peachtree Street  
Suite 2040  
Atlanta, GA 30309

*Re: July 8 letter on Georgia Congressional District 14 campaign*

Dear Mr. Wood:

This firm represents Dr. John Cowan and Cowan for Congress, Inc. (collectively, “Cowan for Congress”), which received your letter after the close of business on July 8, 2020.

Your letter demands that Cowan for Congress withdraw an advertisement related to Marjorie Taylor Greene, publish a retraction, and preserve documents. You have provided no legal reason for Cowan for Congress to withdraw its advertisement or publish a retraction and Cowan for Congress will not accede to either of your demands.

Your letter claims that an advertisement from Cowan for Congress makes a false statement about Ms. Greene and Taylor Commercial, Inc. But you conveniently avoid quoting the advertisement, for good reason. The actual language, in relevant part, is:

*While leading her construction company, Marjorie Greene refused to participate in the E-Verify program . . .*

YouTube, *Marjorie Greene’s grade on illegal immigration: FAIL*,  
<https://www.youtube.com/watch?v=uzQE9xG1uUU&feature=youtu.be> (July 8, 2020)  
(emphasis added).

Contrary to your assertions that the advertisement “falsely asserted that Taylor Commercial, Inc. was not found under the U.S. Department of Homeland Security’s E-Verify website,” the advertisement actually states—correctly—that Taylor Commercial did not use E-Verify *while Ms. Greene was involved in leading the company*. You concede this is correct, because your letter notes that Taylor Commercial began using E-Verify on August 4, 2010.

Ms. Greene says on her campaign website that she purchased Taylor Commercial in 2002. And as you agree in your letter, Taylor Commercial did not enroll in E-Verify until August 4, 2010 (the E-Verify website indicates another enrollment for Taylor Commercial in June 2013).

In its 2003, 2004, 2005, 2006, 2007, 2008, 2009, and 2010 annual registrations with the Secretary of State, Taylor Commercial listed Ms. Greene as its CFO—clearly a role of leadership within the company. But in its 2011 annual registration, it replaced Ms. Greene with William Ross Haynes. Ms. Greene is removed from all leadership roles within Taylor Commercial based on this 2011 filing and does not appear in subsequent annual registrations until 2019, when Taylor Commercial amended its annual registration to report Ms. Greene was now the Secretary as she began her Congressional campaign in another district.

As a result, the statement that Taylor Commercial did not use E-Verify while Ms. Greene was leading the company is factually correct based on filings by Taylor Commercial with the Secretary of State.<sup>1</sup> Your letter confirms the truthfulness of this statement, and, as you are aware, truth is an absolute defense to any charge of libel or slander. O.C.G.A. § 51-5-6.

In order to bring an action for libel, the communication being challenged must be both false and malicious. *Speedway Grading Corp. v. Gardner*, 206 Ga. App. 439, 441, 425 S.E.2d 676, 678 (1992). Further, Ms. Greene is a public figure as a candidate for office and thus must also prove “actual malice” in order to bring an action for libel. *New York Times Co. v. Sullivan*, 376 U.S. 254, 84 S. Ct. 710, 11 L. Ed. 2d 686 (1964); *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 94 S. Ct. 2997, 41 L. Ed. 2d 789 (1974). The First Amendment likewise provides protections for “imaginative expression” and “rhetorical hyperbole” as part of the public debate. *Milkovich v. Lorain Journal Co.*, 497 U.S. 1, 20, 110 S. Ct. 2695, 2706, 111 L. Ed. 2d 1 (1990).

The sole allegation in your letter is Taylor Construction did not use E-Verify until 2010—which is exactly the allegation made by Cowan for Congress and now confirmed by your letter. You have provided no other allegedly false statement that would constitute defamation. Thus, there is no basis for any finding of actual malice or any libelous communication by Cowan for Congress.

If you proceed with filing any litigation against Cowan for Congress regarding the complained-of advertising, please know that we will immediately seek to strike those pleadings under O.C.G.A. § 9-11-11.1 and seek all attorneys’ fees and expenses for our efforts. Any litigation you file based on the allegations contained in your letter could only be an effort to limit Cowan for Congress’s exercise of its constitutional rights in the context of an election.

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<sup>1</sup> In fact, the facts would reasonably support an inference that Ms. Greene left her executive role in the company *because* it began using E-Verify.

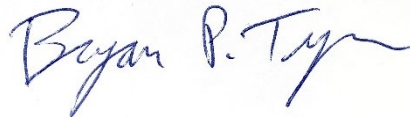
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Any resort to lawsuits would further show the desperation of Ms. Greene's campaign to avoid public scrutiny of her past conduct.

It has also been brought to our attention that Cowan for Congress campaign volunteers who have shared the advertisement at issue on various social media platforms have received harassing letters from Ms. Greene's campaign threatening future legal action against them personally. We demand that this behavior immediately cease and all attempts by Ms. Greene's campaign to restrict the right of free speech – a tactic typically used by members of the Democratic Party – come to an end.

We request that you immediately withdraw your demands and cease any further harassment of Cowan for Congress for its efforts to participate in the public discourse.

Sincerely,

A handwritten signature in blue ink that reads "Bryan P. Tyson". The signature is written in a cursive style with a horizontal line at the end.

Bryan P. Tyson  
For TAYLOR ENGLISH DUMA LLP