

October 30, 2026

VIA EMAIL

[REDACTED]

Re: False and Defamatory Claims about James Talarico

Dear Mr. Paglia:

We represent Texas State Representative James Talarico and Talarico for Texas, his authorized campaign committee, regarding a potential Townhall story (the “*Article*”) alleging that Mr. Talarico was associated with an account on the online dating website Fling.com. This “story” is nothing but a recycled set of defamatory allegations that have already been shopped to multiple publications, all of which have refused to publish them. As the campaign has made clear, **Mr. Talarico never created an account on Fling.com, and objective evidence confirms it. The account you are referencing was created using a hacked email address. It was also never used—it was active for a grand total of 54 seconds on Fling.com. You are formally on notice that any allegation that Mr. Talarico created or used such an account is false; if you publish it anyway, you will defame him and will be liable for the resulting legal damages.**

Townhall apparently intends to rely on a roughly 10-year-old hacked dataset showing that an email address once belonging to Mr. Talarico was used to create a Fling.com account. But that address had already been exposed in prior data breaches, and Mr. Talarico had stopped using it by the time the account was created. Moreover, when this false allegation was first brought to its attention, the campaign hired a cybersecurity expert to protect the personal security of Mr. Talarico online. That cybersecurity expert reviewed the dataset at issue and found that the account was active for just 54 seconds and was likely created by a bot.

The expert’s review of the full dataset established that the account had nothing to do with Mr. Talarico:

- **The account was never used.** Its creation and last activity are time-stamped just 54 seconds apart, indicating that it was created automatically by a bot.
- **The profile does not match Mr. Talarico.** The zip code and birth date are both wrong.
- **The IP address does not tie him to the account.** An IP address exposed in a prior breach can easily end up in a dataset like this regardless of whether it was used to create an account.

- **The dataset is full of bot accounts.** It contains a substantial amount of “activity” with identical configurations and fields—a hallmark of automated accounts, not human users—apparently generated to prop up the profitability of a failing website that has since gone out of business.

Contemporaneous reporting confirms this. When Vice examined a sample of the Fling.com breach data in 2016, it reported that it was impossible to determine “how many of the accounts belonged to legitimate users.”¹ **Why? Because it found that it was “possible to create an account on Fling without clicking a verification link sent to an email address”—in other words, anyone could have signed up using someone else’s email address.** As one security researcher put it about a similar breach of the dating website Ashley Madison: “I could have created an account at Ashley Madison with the address of barack.obama@whitehouse.gov, but it wouldn’t have meant that Obama was a user of the site.”²

Under Texas law, a plaintiff asserting defamation must show (1) the publication of a false statement of fact to a third party, (2) that was defamatory concerning the plaintiff, (3) made with the requisite degree of fault, and (4) in some cases, damages.³ A statement is defamatory if it tends to injure a person’s reputation or impeach his honesty, integrity, or virtue.⁴ Because Mr. Talarico is a public figure, he must also show actual malice—that the statement was published with knowledge of its falsity or with reckless disregard for its truth.⁵ Reckless disregard is established where the defendant “in fact entertained serious doubts as to the truth of his publication.”⁶

If Townhall publishes the allegation anyway, it will defame Mr. Talarico. Texas courts recognize that falsely connecting a person to conduct or communications that are not his is capable of defamatory meaning.⁷ And after this letter, any such publication will plainly be reckless. Recklessness may be found where there are “obvious reasons to doubt the veracity of the informant or the accuracy of his reports.”⁸ While a failure to investigate is not, standing alone, evidence of actual malice, a purposeful avoidance of the truth is.⁹

You now have those obvious reasons in hand: the campaign’s unequivocal denial; an email address that had been exposed in prior breaches and was no longer in use; unverifiable data from a site that let anyone register with anyone’s email address; and an expert’s findings—drawn from the very dataset you are relying on—that the account was never

¹ Joseph Cox, *Another Day, Another Hack: Passwords and Sexual Desires for Dating Site ‘Fling’*, Vice: Motherboard (May 6, 2016), <https://www.vice.com/en/article/another-day-another-hack-passwords-and-sexual-desires-for-dating-site-fling/>.

² Natasha Lomas, *Full Ashley Madison Hacked Data Apparently Dumped On Tor*, TechCrunch (Aug. 19, 2015), <https://techcrunch.com/2015/08/19/ashley-madison-data-dumped/>.

³ *In re Lipsky*, 460 S.W.3d 579, 593 (Tex. 2015).

⁴ Tex. Civ. Prac. & Rem. Code § 73.001.

⁵ *N.Y. Times Co. v. Sullivan*, 376 U.S. 254, 279–80 (1964); *Hearst Corp. v. Skeen*, 159 S.W.3d 633, 637 (Tex. 2005); *MediaOne, L.L.C. v. Henderson*, 592 S.W.3d 933, 942 (Tex. App. 2019).

⁶ *St. Amant v. Thompson*, 390 U.S. 727, 731 (1968); *Bentley v. Bunton*, 94 S.W.3d 561, 591 (Tex. 2002).

⁷ See *Houseman v. Publicaciones Paso del Norte, S.A. de C.V.*, 242 S.W.3d 518 (Tex. App.—El Paso 2007).

⁸ *St. Amant*, 390 U.S. at 732.

⁹ *Harte-Hanks Commc’ns, Inc. v. Connaughton*, 491 U.S. 657, 692 (1989); *Skeen*, 159 S.W.3d at 637.

used and was likely created by a bot. Publishing the allegation under these circumstances would be legally indefensible.

Nor can Townhall avoid liability by implication, by reporting that the email address once belonged to Mr. Talarico and that a hacked dataset shows a Fling.com account registered with it, and leaving readers to infer that he created or used the account. A publication can convey a false and defamatory meaning “by omitting or juxtaposing facts, even though all the story’s individual statements considered in isolation were literally true or non-defamatory.”¹⁰ Thus, even if every statement is true when read in isolation, a publication may “convey a substantially false and defamatory impression by omitting material facts or suggestively juxtaposing true facts.”¹¹ In *Turner*, the Texas Supreme Court held that a broadcast built on “misleading juxtapositions” was defamatory because it “cast more suspicion on Turner’s action than an accurate account would have warranted.”¹² The same would be true here.

Publishing this accusation would add Townhall to a disgusting chorus of lies online about Mr. Talarico. Just weeks ago, Republican outlets and commentators were dragged through the mud online for falsely claiming Mr. Talarico had checked into a mental health hospital in Ohio.¹³ This wild accusation is cut from the same cloth: it is a demonstrably false rumor that, if published, would defame our clients.

We therefore demand that Townhall cease and desist from publishing any statement stating or implying that Mr. Talarico created, owned, or used the Fling.com account or any other account on that website. If you publish anyway, our clients will be free to hold Townhall accountable in court for the resulting harm. At a certain point, enough is enough with these lies. We further demand that Townhall preserve all documents and communications, including electronically stored information, relating to Mr. Talarico, the Article, and its sources, pending resolution of this matter.

Please confirm in writing that Townhall will not publish the false and defamatory statements described above. Nothing in this letter waives any of our clients’ rights or remedies, all of which are expressly reserved.

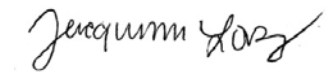
¹⁰ *Turner v. KTRK Television, Inc.*, 38 S.W.3d 103, 114 (Tex. 2000).

¹¹ *Id.* at 115.

¹² *Id.* at 119.

¹³ See, e.g., Melissa Goldin and Jesse Bedayn, *FACT FOCUS: Posts Falsely Claim Democratic Senate Candidate James Talarico Was at a Mental Facility*, AP News (Oct. 12, 2026), <https://apnews.com/article/fact-check-talarico-mental-health-lindner-634591c8818aeab31c52526032d0387c>; Nikki Ramirez, *The Right’s Desperate Conspiracy Theory About James Talarico Goes Up in Flames*, Rolling Stone (Oct. 12, 2026), <https://www.rollingstone.com/politics/politics-news/james-talarico-mental-health-hospital-ohio-conspiracy-1235641325/>; Bayless Wagner, *Republicans Promoted a False Rumor That James Talarico Was in Ohio*, N.Y. Times (Oct. 12, 2026), <https://www.nytimes.com/2026/10/12/us/politics/james-talarico-ohio-texas-senate-race.html>.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jacquelyn K. Lopez". The signature is fluid and cursive, with a prominent "J" and "L".

Jacquelyn K. Lopez
Sarah N. Mahmood

Counsel to State Representative James Talarico and Talarico for Texas