

## Fire, Fury, And Fox News

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### A new lawsuit starts with Fox News and may end with the Oval Office.



In May, Fox News host Sean Hannity extensively covered the murder of Democratic National Committee staffer Seth Rich, suggesting that Rich may have been responsible for providing stolen DNC emails to WikiLeaks — not Russia, as the U.S. Intelligence community has unanimously concluded. Hannity made the case a staple of his Fox News show, radio show, and [Twitter feed](#).

But now Hannity's gone silent about the Rich matter.

*Doug Wigdor (via [Wigdorlaw.com](#)) and Sean Hannity (by Gage Skidmore via [Wikimedia](#))*

Part of Hannity's distance from the story may stem from allegations in an explosive new lawsuit filed by trial attorney Douglas Wigdor. The [suit](#) alleges that the theories Fox News covered were fabricated and subsequently signed off on by the White House. Given the nature of the claims, the suit could have profound consequences for Fox News and the Trump administration.

For Wigdor, however, it's just another day at the office.

### A Politically Convenient Tragedy

The plaintiff in Wigdor's lawsuit is Rod Wheeler, a Washington, D.C. private investigator hired to look into Rich's 2016 murder. Rich's killing remains unsolved today, but is likely the result of a [botched robbery attempt](#).

The tinfoil-hat crowd smelled an opportunity. Rich was killed some 12 days before WikiLeaks released a swath of embarrassing DNC emails on the cusp of the Democratic National Convention. As they have since the days of Vince Foster, [fringe conspiracy theorists](#) saw a tragic death and almost reflexively looked to Hillary Clinton. Unfounded rumors began percolating online that Rich had been the one to leak the emails to WikiLeaks and had been killed by Clinton or the DNC for doing so.

According to the lawsuit, in February 2017, millionaire conservative activist and Fox News contributor Ed Butowsky allegedly approached Rod Wheeler and offered to bankroll an investigation into Rich's murder. Butowsky was working with controversial Fox News investigative journalist Malia Zimmerman. Wheeler says he later learned that Butowsky and Zimmerman weren't operating on their own.

The complaint alleges that the White House wanted the story published. "In the weeks and months leading up to the publication of Zimmerman's May 16, 2017 article," the complaint alleges, "Butowsky kept in regular contact with Trump Administration officials — including Mr. [Sean] Spicer, Mr. [Steve] Bannon and Director of Public Affairs at the Department of Justice, Sarah Flores — regarding his efforts relating to Seth Rich." Sean Spicer [confirmed to NPR](#) that he met with Butowsky and Wheeler but says the meeting was brief and simply a "favor" to Butowsky. The complaint paints a different picture, noting: "Upon information and belief, President Trump wanted Zimmerman's article published to help lift the cloud of the Russia

investigation.” The complaint even includes a screen shot of a text message from Butowsky to Wheeler, stating that “the president just read the article. He wants the article out immediately.”

When Zimmerman finally published her story on FoxNews.com, it was a bombshell. Wheeler was quoted as stating that his investigation had turned up emails between Rich and Wikileaks, and that someone within the DNC or Clinton team was blocking the continued investigation of Rich’s murder. Hannity embraced the conspiracy theory, and reported on his “investigation” into Rich’s murder multiple times over the following days to his audience of millions on TV and over the radio.

The problem, according to Wheeler, is that he never said what the article attributed to him. Fox News [retracted](#) Zimmerman’s article the following week. Now Wheeler has hired plaintiffs’ attorney Doug Wigdor to sue Fox News and Ed Butowsky for publishing the allegedly false statements.

## **The Lawyer Behind the Suit**

I spoke to Wigdor last week, two days after he filed Wheeler’s suit, and asked him if he felt any anxiety about leading a lawsuit of this magnitude. He demurred: “We treat this case, believe it or not, like every other case, in the sense that we’re going to litigate it the way we do, aggressively, fairly, and making sure that our client’s rights are vindicated.” From most lawyers, this would be false modesty, but Wigdor has the pedigree to say something like this and mean it.

Wigdor is known for taking on some of the most powerful people in the business and political worlds. He famously represented a hotel worker allegedly sexually assaulted by Dominique Strauss-Kahn, a heavyweight French politician on track to be nominated for president in France’s then-upcoming election. Wigdor filed suit, secured an undisclosed settlement for his client, and derailed Strauss-Kahn’s career in the process.

This isn’t the first time Wigdor has faced off against Fox News. He has represented over a dozen plaintiffs alleging sexual and racial discrimination against Fox News, including [suits](#) that likely contributed to the exit of Bill O’Reilly and the late Roger Ailes. At least one Fox News fan has sent Wigdor a death threat for his continued involvement in these cases, and Wigdor fully anticipates a deluge of negative media coverage from Fox and its affiliates.

“It seems that Fox is a fake-news factory,” Wigdor said. “It seems that they keep on putting out things to help the president, even if it’s not true.” A consummate lawyer, Wigdor also noted that he believes MSNBC does the same with the progressive viewpoint.

Even with Wigdor’s experience handling cases under the public spotlight, this case potentially presents something orders of magnitude more important. While no one in the White House is named as a defendant in the lawsuit, discovery on these allegations is necessarily going to require digging into whether the administration was interested in, and potentially demanded changes to, the planned article. If, as alleged, President Trump directed Fox News or others to run with the bogus story to lift the cloud of potential Russian collusion with his campaign, one has to imagine Bob Mueller or Congress taking notice.

## **Hannity and Wigdor: A Contrast in Characters**

Where is Hannity on all of this? Following the Fox News retraction, [Hannity said on TV](#) he will stop discussing the matter “out of respect for the family,” but [on his radio show added](#), “I retracted nothing.” He also [tweeted](#), “TO BE CLEAR, I am closer to the TRUTH than ever. Not only am I not stopping, I am

working harder.” When I reached out to Fox News for comment, its spokesperson emailed a statement in which Fox denies having “any evidence that Rod Wheeler was misquoted by Zimmerman,” and further denying any racial discrimination.

Is Wigdor really prepared to take on the combined might of one of the world’s largest media empires, and potentially the White House itself?

In his words: “Bring it on.”

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