

Fox Presses for Arbitration or Dismissal in Suit Over Seth Rich Article

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Fox News and its parent company, 21st Century Fox, have filed a motion to move the [defamation and racial discrimination lawsuit](#) involving a Fox News article about the death of a young Democratic aide from a New York federal court to arbitration.

In the alternative, Fox said that the lawsuit should be dismissed, calling the claims “without merit and legally insufficient” and saying that the “defamation claim is itself founded on a falsehood.”

The lawsuit was filed in August by Rod Wheeler, a private detective who was hired by the family of the aide, Seth Rich, to look into his death. Mr. Wheeler said in the suit that the network fabricated quotations from him in [an article about Mr. Rich](#) on FoxNews.com. The [article was retracted](#) after it was published, with the network saying it did not meet its standards.

Mr. Wheeler, who is a Fox News contributor, claimed in the suit that the network was aware that he had not said the statements yet it published them “with reckless disregard for their truth.” Mr. Wheeler also asserted that he was a pawn in a broader scheme by the White House, a Trump supporter named Ed Butowsky and Fox News to “shift the blame from Russia and help put to bed speculation that President Trump colluded with Russia in an attempt to influence the outcome of the presidential election.”

The lawsuit, charging defamation and racial discrimination, was filed Aug. 1 in the United States District Court in the Southern District of New York. It named Fox News, 21st Century Fox, Mr. Butowsky and the author of the article, Malia Zimmerman, as defendants.

In the court filing, made on Monday, Fox said that the lawsuit should be submitted for arbitration, given that Mr. Wheeler’s contract with the network “requires that he submit to arbitration any claims ‘arising out of or related to’ his agreement.”

Douglas Wigdor, a lawyer for Mr. Wheeler, said that the company was trying to force the case out of the public spotlight. “Fox’s effort to compel this legal proceeding into a confidential arbitration process is an attempt at keeping people in the dark on what now is a matter of serious public concern,” Mr. Wigdor said in a statement.

In its filing, Fox said that if the court failed to move the lawsuit to arbitration, it should be dismissed. The company asserted that Mr. Wheeler was neither misquoted nor defamed, stating he “confirmed in writing that he was reviewing a draft containing those quotes before he provided additional quotes for the article.”

Fox also said that Mr. Wheeler made similar statements in on-camera interviews before and after the Fox News article was published and “even stated publicly that the article he now challenges as false ‘was essentially correct and worthy of further investigation.’”

On Mr. Wheeler’s claim of racial discrimination, Fox said that Mr. Wheeler, who is black, “fails to plead the facts necessary to support such a charge, because there are no such facts.”

Mr. Butowsky also filed a motion to dismiss the lawsuit on Monday, saying it was “overloaded with sensationalist allegations” and “fails to plausibly allege even the most basic elements of defamation.”