

EXHIBIT U

WRITER'S DIRECT DIAL NO.
(202) 538-8120

WRITER'S INTERNET ADDRESS
williamburck@quinnemanuel.com

December 28, 2015

VIA E-MAIL AND FEDEX

Robert Corn-Revere
Davis Wright Tremaine LLP
Suite 800
1919 Pennsylvania avenue NW
Washington, D.C. 20006-3401

Re: Al Jazeera

Dear Mr. Corn-Revere:

We write on behalf of our client Ryan Howard concerning a documentary film entitled *The Dark Side*, which your clients Al Jazeera and Deborah Davies published yesterday despite our clear warnings in prior correspondence that it contained defamatory falsehoods about Mr. Howard that had been recanted in writing by their sole source. This letter constitutes a formal demand for retraction by your clients of all defamatory statements in *The Dark Side* that concern Mr. Howard **by 5:30 p.m. on December 30, 2015**.

As you recall, our December 18 and 23 correspondence with you put Al Jazeera and Ms. Davies on notice that their publication of assertions that Mr. Howard had used any performance enhancing drug, including the so-called Delta 2, would constitute actionable defamation against Mr. Howard. Three days later, on December 26, we wrote to you concerning the fact that your clients' lone source for these outrageous falsehoods had advised both you and Ms. Davies in writing that these statements were false and the information he provided to Liam Collins (which Mr. Collins surreptitiously recorded) was unreliable. We did not receive any response from you. That same day, Huffington Post reporter Ryan Grim posted a video to YouTube in which Mr. Sly publicly recanted all of the statements Mr. Collins surreptitiously recorded, and stated clearly that "any recordings or communications that Al Jazeera plans to air are **absolutely false** and incorrect . . . and **there is no truth to any statement of mine** that Al Jazeera plans to air."

Al Jazeera then released *The Dark Side* to the public on the world wide web and by televised broadcast, choosing to ignore our multiple warnings that *The Dark Side* contained false and defamatory statements about Mr. Howard, that Mr. Sly was an unreliable and untrustworthy source, and indeed, choosing to ignore Mr. Sly's own unequivocal statements that nothing he said about Mr. Howard in *The Dark Side* was true.

As we made clear prior to Al Jazeera's publication of *The Dark Side*, the documentary indeed contained ludicrous falsehoods about Mr. Howard. Portraying Mr. Sly as a "doctor of pharmacy" who claimed to have dispensed a drug named "Delta 2" to several "football players . . . and a bunch of baseball players," *The Dark Side* characterizes Delta 2 as a "steroid" that MLB had recently banned and which had "already [been] banned in baseball and football." The narration states: "Back in Texas, the pharmacist Charlie Sly named more sportsmen he claims are linked to Delta 2 in baseball and football. He says he coached them on what to take and how to avoid testing positive. In a series of conversations crisscrossing Texas, we primed Liam with questions to dig into the claims." Depicting a photograph of Mr. Howard with his name displayed across it, *The Dark Side* then included the following exchange between Messrs. Sly and Collins, which asserted that Mr. Howard used Delta 2:

Collins: So with the likes of Howard, once you set him off, is there like a maintenance thing?

Sly: He is somebody that you cannot overwhelm with stuff. You just make sure you have everything in bags. He knows to take stuff twice a day. Usually I just have him like teach it back to me.

Collins: What did he notice in his hitting?

Sly: With the D2?

Collins: Yeah.

Sly: I think maybe just some more explosiveness. He had a couple years where he had a ton of home runs.

These statements (the "Defamatory Statements") are unquestionably defamatory. Not only do these statements assert that Mr. Howard used a banned performance enhancing drug, but the Defamatory Statements also assert that some of his hard-earned athletic accomplishments resulted from his purported use of the drug. Mr. Howard denies these accusations in their entirety – as does Al Jazeera's sole source for the information.

We demand on Mr. Howard's behalf that not later than 5:30 p.m. on December 30, 2015, Al Jazeera and Ms. Davies publish a full and fair retraction in as equally a conspicuous manner as the Defamatory Statements themselves were published. The retraction must include an unequivocal statement that the Defamatory Statements were false and without basis, as well as an apology to Mr. Howard for publishing them. Additionally, Al Jazeera must remove all

references to Mr. Howard from *The Dark Side*, including the entirety of the clips in which Mr. Sly discusses Mr. Howard's alleged use of Delta 2.

Mr. Howard expressly reserves and does not waive all rights and remedies.

Sincerely,

/s/ William Burck

William A. Burck
Robert L. Raskopf
Kevin S. Reed