



ATTORNEY GENERAL OF MISSOURI

ANDREW BAILEY

December 11, 2023

Angelo Carusone
President and CEO
Media Matters for America
PO Box 44811
Washington, DC 20026
Via email to: action@medimatters.org

Re: Notice of Pending Investigation

Dear Mr. Carusone,

This letter serves as a formal document hold notice under federal and Missouri law. The Missouri Attorney General's Office has opened an investigation into Media Matters for America ("Media Matters") regarding your firm's potentially unlawful business practices.

As you are no doubt aware, a federal lawsuit has been filed against Media Matters, raising serious allegations that your firm falsely and deceptively manipulated the algorithm on X (formerly known as Twitter) through coordinated, inauthentic behavior and that you did so in an attempt to defame the organization and cause advertisers to pull their support from the platform, thus harming free speech. The lawsuit alleges that you lied to the public, falsely suggesting that fringe, extremist content regularly appears next to content from corporate advertisers when in fact the opposite is true. At the same time, you appear to have used this coordinated, inauthentic activity to solicit charitable donations from consumers across the country.

I have reason to believe that your firm's alleged actions may have violated Missouri consumer protection laws, including laws that prohibit nonprofit entities from soliciting funds under false pretenses. *E.g.*, Mo. Rev. Stat. § 407.020.1. I am especially concerned that Media Matters' actions, if proven true, have hampered free speech by targeting an expressly pro free speech social media platform in an attempt

to cause it financial harm while defrauding Missourians in the process.

You are thus hereby instructed to preserve all records that may relate to your alleged effort to engage in coordinated, inauthentic behavior on social media platforms in order to generate false statements that were used to solicit charitable contributions under false pretenses. You are instructed in particular to preserve all records that may relate to your webpage, which expressly solicits funds, at the following URL: <https://www.mediamatters.org/twitter/musk-endorses-antisemitic-conspiracy-theory-x-has-been-placing-ads-apple-bravo-ibm-oracle>. Records you must preserve include but are not limited to:

- Internal communications regarding your strategy to target advertisers on X, formerly known as Twitter, and your efforts to manipulate those advertisers into pulling their ads from the platform.
- Communications with third parties regarding your strategy to target advertisers on X, formerly known as Twitter, and your efforts to manipulate those advertisers into pulling their ads from the platform.
- Communications with IBM, Lions Gate Entertainment, Apple, Disney, Warner Brothers Discovery, Paramount Gold, NBCUniversal, Comcast, Sony, Ubisoft and Wal-Mart regarding your strategy to target advertisers on X, formerly known as Twitter, and your efforts to manipulate those advertisers into pulling their ads from the platform.
- Internal communications regarding your policies, strategies or operations related to generating stories or content intended to “cancel,” “deplatform,” “demonetize,” or otherwise interfere with businesses or organizations located in Missouri, or utilized by Missouri residents.
- Communications and documents related to soliciting charitable funds from residents of Missouri in relation to the webpage at the URL stated above.

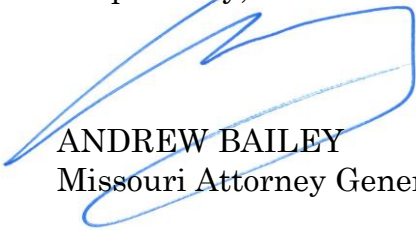
Your obligation to preserve evidence extends to documents kept in any form, both physical and electronic. This includes letters, emails, instant messages, text messages, drafts, informal files, desk files, handwritten notes, faxes, memoranda, forms, calendar entries, address book entries, and voicemails. Your obligation applies to both hardcopy documents and electronic ones, including those kept on computers, laptops, tablets, smartphones, and any other electronic device, including both work and personal devices, personal email accounts and personal computers and tablets. Please ensure that all employees and contractors of Media Matters are aware of their obligations to preserve evidence in this case.

You and your staff are further instructed to cease any protocol for the automatic deletion of emails or backup files on your computer systems. Please forward a copy of this letter to Media Matters IT managers and instruct them to suspend any such protocols.

Be advised that any failure to preserve documents of probative value to this case, even if inadvertent, will constitute spoliation of evidence and may result in a finding of contempt from the court or in sanctions.

Your cooperation in this matter is appreciated. Please feel free to contact me with any questions or concerns.

Respectfully,

A handwritten signature in blue ink, appearing to read "Andrew Bailey", is written over the typed name and title.

ANDREW BAILEY
Missouri Attorney General