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Via Email: bryan.wade@huschblackwell.com

Bryan O. Wade, Esq.
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3810 E. Sunshine St., Suite 300
Springfield, MO 65809

Re: Kanakuk Ministries – Demand for Retraction

Dear Mr. Wade:

This office represents Vigilance Elite LLC and Shawn Ryan (collectively, "Mr. Ryan") in connection with your January 21, 2026 demand letter on behalf of Kanakuk Ministries ("Kanakuk"). We write to inform you that your client's demand for retraction and apology is rejected in its entirety as legally and factually baseless.

I. The Statement Is Substantially True Under Tennessee Law

Your letter concedes the core facts underlying Mr. Ryan's statement: Pete Newman, a senior Kanakuk employee and camp director, sexually abused children at Kanakuk for multiple years in the early 2000s; Newman was prosecuted and is serving life sentences; 20-30 civil lawsuits were filed against Kanakuk; and an untold number of confidential settlement agreements were executed with victims that prevented them from publicly discussing the abuse. These admissions establish the substantial truth of Mr. Ryan's statement as a matter of Tennessee law.

Under Tennessee's "sting of the libel" doctrine, "the defense of truth applies so long as the 'sting' (or injurious part) of the statement is true" even if the statement contains other inaccuracies. *Stones River Motors, Inc. v. Mid-South Publ'g Co.*, 651 S.W.2d 713, 720 (Tenn. Ct. App. 1983). "The damaging words must be factually false. If they are true, or essentially true, they are not actionable, even though the published statement contains other inaccuracies which are not damaging." *Id.* at 719-20. The test is whether "the libel as published would have a different effect on the mind of the reader from that which the pleaded truth would have produced." *SmileDirectClub, Inc. v. NBCUniversal Media, LLC*, No. M2021-01491-COA-R3-CV, slip op. at 21 (Tenn. Ct. App. Sept. 19, 2024).

The "sting" of Mr. Ryan's statement is that Kanakuk employees engaged in systematic child sexual abuse over multiple years and that victims were silenced by confidentiality

agreements. Your letter admits both elements. Whether the precise number of victims is "thousands" or some lesser number does not change the defamatory thrust: institutional child sexual abuse with systematic suppression of victim testimony. Under Tennessee law, this is not actionable.

II. The Number of Victims May Well Be "Thousands"

Your letter does not—and cannot—prove that the number of child victims is less than "thousands." To the contrary, the evidence suggests Mr. Ryan's statement may be literally accurate:

- Kanakuk has operated for over 100 years and has served more than 500,000 children during that time.
- Pete Newman was not merely a counselor but the director of K Country camp and, according to victim accounts, "the heir apparent" to Kanakuk's founder. He had unsupervised access to thousands of children over multiple years.
- Your letter admits that "some have recently come forward to discuss the things that occurred" and that "others, like Ms. Carlock, have accused Kanakuk of withholding information or hiding information about these victims." This admission of a cover-up makes the true number of victims unknowable.
- Only 20-30 victims have filed lawsuits—but your letter admits these victims were bound by confidentiality agreements that prevented them from speaking publicly. How many additional victims exist but have never come forward due to shame, trauma, or fear of violating confidentiality provisions?
- Your letter references only Pete Newman. It does not address whether other Kanakuk employees engaged in similar conduct, nor does it account for the institutional failures that allowed Newman's abuse to continue for years.
- Kanakuk continues to operate a camp at the very location where countless children suffered horrific abuse—a crime scene where institutional failures enabled systematic victimization.

Given Kanakuk's own admissions of withholding information and the systematic use of confidentiality agreements to silence victims, your client cannot meet its burden of proving the statement false. The burden is on Kanakuk to prove falsity, and it has not done so.

III. Even If "Thousands" Were Inaccurate, It Would Constitute Non-Actionable Rhetorical Hyperbole

Only if Kanakuk can prove—through full discovery and disclosure of all abuse allegations, settlements, and internal investigations—that the number of victims is definitively less than "thousands" would the statement even arguably be subject to a hyperbole analysis. Under Tennessee law, "mere hyperbole or exaggeration intended to make a point are not actionable defamatory statements." *Pamela Moses v. Terry Roland*, No. W2019-00902-COA-R3-CV, slip op. at 14 (Tenn. Ct. App. Mar. 25, 2021).

Mr. Ryan's statement was made in the context of a podcast discussion about institutional abuse and government accountability. It was emphatic commentary on a matter of urgent public

concern, not a precise actuarial claim. A reasonable listener would understand "thousands" as emphasis on the severity and systemic nature of the abuse, not as a literal headcount. This is particularly true given the documented cover-up and the unknowable number of victims who have never come forward.

IV. The Characterization of Confidentiality Agreements Is Accurate

Your letter disputes Mr. Ryan's characterization that Kanakuk "put them under NDA," claiming instead that victims "requested" confidentiality. This distinction is immaterial under Tennessee law and, in any event, is contradicted by your own admissions.

First, the existence of confidentiality agreements that prevented child victims from speaking publicly is undisputed. Whether those agreements were "requested" by traumatized children and their families or "imposed" by Kanakuk as a condition of settlement is a characterization, not a material fact. The legal effect is identical: victims were silenced.

Second, your claim that victims "requested" confidentiality is self-serving and implausible. These were children who had been sexually abused by a trusted authority figure at a religious camp. The power imbalance between Kanakuk—a well-funded institution represented by sophisticated counsel—and traumatized child victims is obvious. To suggest that children or their families initiated demands for secrecy strains credulity, particularly given your admission that victims are now accusing Kanakuk of "withholding information or hiding information."

Third, even accepting your characterization, the fact remains that Kanakuk agreed to and enforced confidentiality provisions that prevented victims from speaking. Kanakuk had the power to refuse such provisions or to unilaterally release victims from confidentiality. It chose not to do so for years, until recently when public pressure mounted.

Under Tennessee law, "truth is available as an absolute defense only when the defamatory meaning conveyed by the words is true." *Preston Garner v. Southern Baptist Convention*, No. E2024-00100-COA-R3-CV, slip op. at 20 (Tenn. Ct. App. Jan. 8, 2025). The defamatory meaning here—that victims were silenced by confidentiality agreements—is indisputably true.

V. The Statement Concerns a Matter of Public Concern and Is Protected by the First Amendment

"Sexual assault is clearly an issue related to 'health or safety'" and therefore a matter of public concern under Tennessee law. *Id.* at 19. Child sexual abuse at a prominent religious youth camp that serves thousands of children annually is unquestionably a matter of public concern. Mr. Ryan's reporting on this issue is protected by the First Amendment and the Tennessee Public Participation Act.

Should Kanakuk choose to file suit, it will bear the burden of proving actual malice by clear and convincing evidence—that is, that Mr. Ryan "entertained serious doubts" about the truth of his statement or acted with "purposeful avoidance of the truth." *Charles v. McQueen*, 693 S.W.3d 262, 281 (Tenn. 2024). Kanakuk cannot meet this burden.

Mr. Ryan's statement was based on his interview with Elizabeth Carlock Phillips, whose brother was a victim of abuse at Kanakuk, as well as public court records, media coverage, and widespread knowledge of the Newman prosecution. Reliance on a victim's family member's account and public records is entirely reasonable and does not constitute reckless disregard for the truth. "A speaker's failure to thoroughly investigate a claim, without more, does not establish actual malice." *Id.*

VI. Tennessee's Retraction Statute Does Not Apply

Your demand letter assumes that Tennessee's retraction statute, Tenn. Code Ann. § 29-24-103, applies to Mr. Ryan's podcast. This assumption is incorrect. The statute applies to "newspaper[s] or periodical[s]"—terms that do not encompass podcasts or digital media. No Tennessee court has extended the statute to podcasts, and doing so would raise serious First Amendment concerns.

Moreover, even if the statute applied, your demand letter fails to comply with its requirements. The statute requires that the demand "specify the statements claimed to be libelous." Your letter vaguely references "that portion of the interview" without identifying the specific statements requiring retraction with the particularity Tennessee law demands.

VII. Kanakuk's Threat of Litigation Is an Attempt to Silence Reporting on Child Sexual Abuse

Your letter accuses Mr. Ryan of "callous and malicious disregard of the truth" and demands that he "stop" perpetuating a "false narrative." This rhetoric reveals the true purpose of your demand: to silence reporting on Kanakuk's institutional failures and to intimidate victims and their advocates from speaking publicly.

Mr. Ryan will not be silenced. If Kanakuk chooses to file suit, it will face vigorous defense, including:

- Full discovery into Kanakuk's history of abuse allegations, internal investigations, and settlements with victims;
- Depositions of Kanakuk leadership regarding what they knew about abuse, when they knew it, and what steps they took (or failed to take) to protect children;
- Public disclosure of all victims, perpetrators, and institutional failures; and
- Counterclaims under the Tennessee Public Participation Act for filing a strategic lawsuit against public participation (SLAPP) designed to chill speech on a matter of public concern.

Moreover, under Tennessee law, Kanakuk will be required to prove actual damages—including lost donations, decreased enrollment, and quantifiable reputational harm—with documentary evidence. *Myers v. Pickering Firm, Inc.*, 959 S.W.2d 152, 164 (Tenn. Ct. App. 1997); *Handley v. May*, 588 S.W.2d 772, 776 (Tenn. Ct. App. 1979). This will require Kanakuk to produce its financial records, including tax returns, donation records, enrollment figures, revenue

statements, and communications with donors and prospective campers. If Kanakuk cannot prove actual financial harm—or if discovery reveals that donations and enrollment have remained stable or even increased despite the alleged defamation—it will become clear that this lawsuit is not about reputational harm but about silencing reporting on institutional abuse. We welcome that discovery.

Kanakuk's attempt to use litigation threats to suppress speech about child sexual abuse is itself newsworthy and will be reported accordingly.

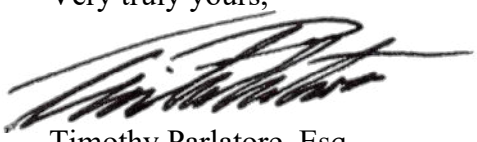
VIII. Conclusion

Your client's demand for retraction and apology is rejected. Mr. Ryan's statement is substantially true, concerns a matter of urgent public concern, and is protected by the First Amendment and Tennessee law. Mr. Ryan stands by his reporting and will not retract or apologize.

Should Kanakuk choose to file suit, we will defend vigorously and look forward to full discovery into the scope of abuse at Kanakuk, the institutional failures that enabled it, and the systematic use of confidentiality agreements to silence victims. We are confident that such discovery will vindicate Mr. Ryan's reporting and further expose the truth that Kanakuk seeks to suppress.

Please govern yourself accordingly.

Very truly yours,



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