



## EPISODE 39: 'Premium - COJ 39 - Don't Be a Karen Mississippi Court Sends Message toTrolls + Russell Laffitte's Prison Country Club Awaits

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[00:00:04] **Mandy Matney:** Hello and happy Tuesday! This summer has been going by so fast, but it's been a really good one so far. Right on the heels of the Bucharest settlement with Parker's kitchen, we got word that a federal judge in Mississippi had issued a half a million dollar judgment against a woman in Michigan known online as the Critical K for the online harassment and defamation of a mother who was simply trying to find answers about her son's suspicious death. I was so happy to hear the dollar amount on that because of the message it sends and because of the battle we have ahead of us, holding trolls like the Critical K accountable for the lies that get told about victims and those trying to bring truth into the light. Also, on today's episode, we talk about good 'ol Russell Luffy, who will finally be sentenced soon in federal court for his role in Alex Murdoch's financial crimes. Neither Liz nor I could believe our ears when Eric told us what he suspects Russell's prison experience will look like. It is yet another part of the justice system that shows just how different the experience can be when you have money and access to power. So let's unpack it.

[00:01:27] **Liz Farrell:** Cups up guys.

[00:01:29] **Mandy Matney:** Cups up.

[00:01:30] **Liz Farrell:** Happy Saturday.

[00:01:31] **Eric Bland:** Cups up. Happy Saturday. Okay,

[00:01:32] **Liz Farrell:** You okay, Eric?

[00:01:33] **Eric Bland:** I am okay, good.

[00:01:35] **Liz Farrell:** Good. Mandy, you doing alright?

[00:01:37] **Mandy Matney:** I'm good.

[00:01:38] **Eric Bland:** We have Greg, Greg Leone's funeral on Monday. Sunday nights' the viewing, and so Monday I have the, I'm making the eulogy. And I think I'm gonna offend some of the Catholics there because I'm going to say that I believe that Greg Leone, notwithstanding what he's done his last two acts on this earth, I think he's gone to heaven. So it'll be interesting. That's how I'm going to kind of open it up. Let me just address this once and for all: Greg Leone's in heaven.



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[00:02:03] **Liz Farrell:** I don't think you're gonna, speaking as to Catholics, I don't think you're gonna offend people, because I feel like that's sort of an antiquated, yes, it's, we're not supposed to take our own lives, but it's not, I don't know, I find Catholics to be very forgiving, especially of themselves. So...

[00:02:20] **Eric Bland:** Sure. Yeah, Jews and Catholics are very much alike with...

[00:02:23] **Liz Farrell:** Very much alike, yeah.

[00:02:24] **Eric Bland:** Forgiveness, and guilt.

[00:02:27] **Liz Farrell:** Yeah. So, guys, we have a lot to talk about today. And I want to start with an update to a story that we talked about on *True Sunlight* podcast and a little bit on this show, about a woman named Karen Yax, who goes by the Critical Kay, that's her online nickname. And a judgement was passed down, and a federal judge ordered her to pay more than half a million dollars to Rae Andreacchio, who is the mother of a 21-year-old man whose death was ruled a suicide, but remains under investigation because of some evidence that just doesn't point to suicide. So the Critical Kay on her show in 2021, accused the Andreacchios, specifically Rae, of bribing kids, supplying them with alcohol, getting them to change, asking them to change their story, that kind of thing. And then the worst part was she insinuated that Rae was responsible for her own son's suicide, as well as the suicide of a man that the Critical Kay said was a patient of Rae's. And what ensued after that show was listeners of the Critical Kay called the nursing board in Mississippi to report Rae, she's a psychiatric nurse, accused her of over prescribing opioids, which is not a drug that she can prescribe so it just shows you like the level of deceit that is involved here, and just overall, harassed her in that way. There's a lot of examples of that harassment, but it was a good day for justice, as you say, Eric, when we heard that the Critical Kay had been ordered to pay that money. Now, our listeners have a lot of questions about this, and one of them is, obviously, and I think we all know the answer, is Critical Kay going to pay that money? Eric.

[00:04:13] **Eric Bland:** The answer has a number of facets to it, but first, you know, this shows that internet terrorism is real, and that fortunately, people who want to bring these cases may have a receptive audience and not only judges, but juries. Judges who won't dismiss these cases and say that somebody has a First Amendment right



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to terrorize somebody on the internet. You know, Daniel Patrick Moynihan, former US senator from New York said, "You're entitled to your own opinions, but not your own set of facts." So when you start to delve into facts, and they're false, and you're using those facts to destroy somebody's reputation or harm them, the court will not give you First Amendment license. So the answer to that is this is a good thing. This is a good day for people like her. Critical Kay has come after, she came after me, she's coming after Mandy, and she's a true Karen. In the truest sense of the word today, she is a Karen. And so the question becomes how do you collect on that type of judgment? We don't have debtors prison in our country. Some say we should, we fought the Revolutionary War not to have debtors prisons, so just because you have a judgment against you, doesn't mean you have to pay it. It's up to the judgment creditor, the plaintiff, to go collect it. And so what you do is you file that judgment of record, and then you would have to transcribe that judgment and transfer it to Michigan, where she has property or in any state where she has property. For instance, in South Carolina judgment lasts only 10 years. Some other states, you can renew a judgment after 10 years, and it keeps alive every 10 years, keeps alive. In South Carolina, if you don't collect on that judgment in 10 years, it is expired. Now, so what are her options?

[00:06:03] **Liz Farrell:**

Wait, Eric, does that mean that you as the plaintiff can file a judgment in South Carolina against a South Carolina resident or somebody who owns property in South Carolina? You're saying that expires after 10 years? Or are you saying that the plaintiff

[00:06:19] **Eric Bland:** Didn't re-up it. It expires.

[00:06:21] **Liz Farrell:** I guess, yeah, so you're saying that if somebody just, if somebody just waits that out they can just...

[00:06:25] **Eric Bland:** No, let me explain. So you have to execute that on property of the defendant. And first, you have to get the sheriff to go out there and try to find property that's non-encumbered, and under our statute, there's certain exemptions that you have for your homestead. You have a certain jewelry exemption, you have a car exemption, and a certain amount of money exemption. Otherwise, if there's unencumbered property, it can be attached – same way the IRS would attach some of your property. The problem is most property that people own is leaned. A house is leaned in favor of a bank. So, the bank has first priority. Your car oftentimes has a loan



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attached to it where the creditor, whether it's a bank, or JMAC directly, the auto company, they would have a lien. So you have to find unencumbered property, and it's not easy. Now Critical Kay may have insurance, because if she is this internet person and has a show, maybe she took out a defamation policy or comprehensive liability policy. She may have a business, an ancillary business, that has what's called an advertising injury section in her insurance policy, and that would cover defamation. The problem is, if you don't have that then there's no insurance and you have to look at her personally. Now, how long was she on notice this lawsuit? I assume that the plaintiff in this lawsuit wrote her a letter early, early on, through a lawyer that said cease and desist. Stop. Stop this internet harassment and terrorism that you're doing. It's false. If she then took property out of her name because she was on notice of being sued, like Alex has taken property out of his name and puts it in somebody else's name, that doesn't immunize that property. What a court will do is bring that property back into the judgment proceeding called Supplemental Proceedings and say, "You fraudulently conveyed that property out. You were on notice that somebody was going to sue you." So what somebody will do, is if you have to give it to the sheriff, the sheriff never finds any property, he comes back with a Latin term stamped by the sheriff called Nulla Bona.

[00:08:40] **Mandy Matney:** Hold on.

[00:08:40] **Eric Bland:** Yes, Mandy?

[00:08:41] **Mandy Matney:** Question. So, you're saying like the Sheriff of the county?

[00:08:45] **Eric Bland:** Yes. Where the property where he was...

[00:08:47] **Mandy Matney:** Okay, he's responsible for this.

[00:08:49] **Eric Bland:** He has to, it's a prerequisite for you to go forward. It's an antiquated thing and no Sheriff ever comes back with property. The problem is, sometimes the sheriff office sits on that request to get that Nulla Bona. You want the Nulla Bona, because you need the Nulla Bona to then bring her into court to examine her under oath about all of her assets. She has to bring her bank account, she has to bring her property deed, she has to bring her car, she has to tell you how much jewelry she has, art collection, stamp collection, whatever. And it's, as you can see, my answer has been five minutes, it takes a long time to make somebody pay



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and sometimes people don't want to pay. You can't garnish wages in connection with a judgment. So if she has a job, let's say at Amazon, we could not garnish her wages. You can only garnish wages in South Carolina for child support, not for a judgment. So as you could see, it's very difficult to collect unless somebody wants to pay look, you and I and Liz want to have good credit Mandy. So if somebody gets a judgment against us by accident or default we don't answer it, or you know, there's a judgment, we're going to pay it off, because you can never get a loan. Now, what's the downside of her not paying it off? It's attached to her property, she'll never be able to refinance, she'll never be able to get a new loan, because it's on her credit report. So if she wanted to get a car loan, or she went and bought a condominium, no bank will loan her that money, no automobile finance company will loan or that money, not even a consumer – maybe a consumer, you know that you buy a couch, and they want to charge a 35% interest on the couch over time – but she has to take care of that judgment. Now, here's the beautiful part, that judgment clicks off interest at a very high post judgment interest rate. So it's usually prime plus a couple points. It used to be in South Carolina over 10%, so, for every year that \$500,000 judgment goes on and is not paid, there's an additional \$50,000 on top of that. Then it compounds. And then you also get your attorneys fees. So if Critical K screws around, Critical Kay is going to find herself in critical care with that judgment.

[00:11:08] **Mandy Matney:** So, is, sorry. Is it the same in that this was a federal lawsuit in the state of Mississippi and she lives in Michigan, what laws apply there like is the federal way of collecting money?

[00:11:22] **Eric Bland:** They applied the law of defamation in Mississippi

[00:11:26] **Mandy Matney:** Okay.

[00:11:27] **Eric Bland:** Because it was on the internet, it traveled over the internet, and so Mississippi applied Mississippi procedural law, the federal court, and Mississippi substantive law on defamation. So now, they'll ask the clerk of court to domesticate that judgment in Michigan where she lives, and then it's off to the races. The problem is, it costs money. And so now she hired a Mississippi lawyer to sue Critical Kay, Critical Karen, in Mississippi. Now she's got to go hire a Michigan lawyer in Michigan to domesticate that judgment that she got, and this poor plaintiff is spending money, and Karen's probably a deadbeat. Cause she didn't even show up, by the way, if you read the order, she didn't even show up to defend herself. So that



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tells me she didn't, she doesn't care. And look what you did! You were sued Mandy, you showed up guns blazing. You had to hire a lawyer to get yourself out of it. She didn't care.

[00:12:25] **Mandy Matney:** Well. But a couple of things...

[00:12:26] **Eric Bland:** And quite frankly I thought the judgment was low, by the way. Just so you know.

[00:12:30] **Mandy Matney:** That's interesting.

[00:12:31] **Eric Bland:** Yeah. Yeah, I do. Yeah. If this is a nurse, you're talking about her career where you're telling the world that this nurse prescribes opioids. It impugns her professional reputation. It accuses her of causing a death of her child, and another.

[00:12:47] **Liz Farrell:** That was the main thrust of it was the causing the death of her child and another. Critical Kay from what I, from what I understand, was not accusing her of prescribing opioids. It was one of her listeners, but again, you know, that was caused by the Critical cave. And (inaudible)..

[00:13:01] **Eric Bland:** Well that's the design that you wanted. You spread that lie out and you enlist an army of followers, and then they go do dirty, they do the devil's dirty work.

[00:13:10] **Mandy Matney:** Right. Well, like, with Critical Kay one thing I noticed, somebody, a couple people were sending me screenshots yesterday, she, of course, was still tweeting after this judgment, which is just so stupid. But one of the things that she said that stuck with me was that no lawyer in Mississippi would help me. Liz, what did you think about that statement?

[00:13:31] **Liz Farrell:** So there's two things: One, that was only part of the reason. I think one of the reasons that she had cited to the court was that she couldn't afford an attorney and that she did not have any money, anyway. But in talking to, I mean, we talked about this I think last week or the week before, and if you can't afford an attorney, what should you do? And what Critical Kay could have done is brought up the Bar Association list for Mississippi and called recent graduates, like you said, Eric,





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who would be willing to take the case, because it's probably true. She probably called around and people were like, "yeah, we're gonna need a \$25,000 retainer for that." I completely understand why that would be a lot of money, but that's not everybody, Kay. Like, that's not everybody in Mississippi wasn't getting together, and they're like, "oh, that lady carrying Yaks from Michigan, we're not going to represent her." It's that you didn't probably work hard enough to find an attorney, so that's my opinion.

[00:14:23] **Eric Bland:** Yeah, also that. But don't forget, don't forget, as an attorney in Mississippi, you're a little leery of taking on the representation in federal court of an out-of-state defendant who you don't know who tells you that she doesn't really have the money. And once you're in for a penny, you're in for a pound on these cases. Once you enter your appearance as an attorney, this federal court judge is not going to let that attorney out. And Federal Court is a very serious court. You saw the difference, kind of, of how the federal court acted in the Russell Laffitte case versus the state court cases. It's, you know, your back stiffens in federal court. Remember when we worked in the Judge Gergel's courtroom? I mean it is intense, mahogany walls and you know, the federal court system, and I don't blame a lawyer. The other thing is, this is what troubles me when you have an irritant flea tick like Critical Kay, who says, "I don't have any money. I don't care. I don't show up," she becomes the most dangerous kind of person in our society, because she feels like she could say anything she wants because there's no repercussions. She'll have a judgment against her, she doesn't care. She doesn't have insurance, she doesn't have the money, she'll shelter her money, somehow it will get to somebody else, and that's the person who talks with impunity behind these microphones and destroys people. People like us, they can't afford that. We have a professional reputation. We have mortgages. We have to go get a car loan every once in a while. We do care about a judgment. She's the one that we should have debtors prison for.

[00:15:57] **Mandy Matney:** Yeah. And the other thing... no no no. Yeah, I'm with you, Eric. And the other thing, because in my case, I was very annoyed that the plaintiff's civil attorney took on that case, because I'm a big believer, you're a civil attorney, you don't have to take on every case, like you can pick and choose who you want to represent, and you can pick and choose what side that you're on. There is something to be said about defensive criminal defense attorneys, and that's a different thing, but this is civil court. And with the civil attorney, with her saying nobody would take my case, it's like man. I mean, could you imagine being her and calling around and



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being like, "Hi, I am, I'm in trouble for terrorizing a mother of a child who might have been murdered, and I made up a bunch of lies about her, and..."

[00:16:54] **Eric Bland:**

And I go, "I can't hear you. The connections' so bad. I'm sorry. I'm sorry. Click."

[00:16:59] **Mandy Matney:** Right. Like, if I was a lawyer, I wouldn't want to touch that case with a 10 foot pole. No, lady. You made that mess, you should figure it out. I don't want to deal with that. But...

[00:17:12] **Eric Bland:** Unless you're a first amendment attorney, hold on. If you're a first amendment attorney, maybe this is something that you want clarity on because you represent a lot of media companies or journalists, like you guys, or television people, and you want to see how far can you go with statements and come and still stay within the ambit of the First Amendment? So maybe there is somebody like a J. Bender out there that would want to defend her, because in Mississippi that J. Bender needs clarity for their other clients to see how far you can take this terrorism?

[00:17:46] **Mandy Matney:** Well, this is interesting that you said that because yesterday, I had a conversation with Emily D. Baker. And she is like an original law-tuber. She was a former DA in California, she's a big fan of our show, she has like 700,000 followers on YouTube, but she started off her show as educational like we did. And we were talking back and forth about what's happening with like Tiktokers and the Critical Kays of the world, and the difference of those people being able to spread information and actual journalists who are in, who have worked for a newspaper and work for a company, that has lawyers and there's a whole process for when you have to when you share information. Especially information that could potentially get you in a lawsuit. And it was funny because she mentioned one thing that was so interesting in the difference between the two, and that was: they view every lie that they spread, every little piece of rumor, nugget information as complete. As a piece of content that can get them from one place to another, that can help them with their business. They are viewing these lies and the hate that they spread and all of that as nothing more than a piece of content. Whereas journalists, it's the truth that we are after. It is the full story. It is continuing that trust, but with this rise of the – these people are very dangerous. The Critical Kays, and I guess there's another one named Katie Joy that I need to get more information on, but she's just like Critical Kay. There's a rise of these people in the true crime community





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who will say and do pretty much anything just to get attention clicks, views, and maybe more money in a more nefarious part of that, which we don't know.

[00:19:46] **Liz Farrell:**

Well, let's talk about that, because I think if we were to ask Critical Kay, she would say that her mission is to tell the other side, right? It's to represent the accused or represent the viewpoint of the people being accused, or wrongfully accused, what have you. And that's fine, like, that's a mission. You can have that mission. Anyone can have that mission. It's not about that. I think it's twisted and completely converted into this other thing where people like Critical Kay and this other person you're talking about, perhaps, where they're saying they have this noble mission, this noble thing that they're doing, but they're hiding under it. And you can still do the thing that you think is noble, you just can't spread lies about people. You can have opinions that are counter to what, you know, you can say, "I don't agree with what so and so says about this case. I think that they need to look into this." But you still have to adhere to what we would call journalistic standards, journalistic ethics.

[00:20:42] **Eric Bland:** How about just the truth.

[00:20:43] **Liz Farrell:** If you don't know what those are, buy a book. Go to the library. Google it. It's really easy. It's not hard to do that stuff. So, over and over and over again, we get accused of saying something about Buster Murdaugh that we never said. The people commenting on these things online have said this stuff, right? The documentaries have, like, heavily suggested things, but we ourselves have never said everything we've done has been according to standards. And you know how we know that what I'm saying right now is true is, one, please put the clip up of where we've ever said anything of the sort. And two, we would be sued so fast if that were the case, because it would be an easy, an easy case. Right, Eric? So I think what happens is these people get a little bit of attention in this genre, or this world that they live in, in this audience that they've created, and they sort of get cocky, and they start to think like I can say anything. The more attention I get, I can say this. Oh, look at, look at all this. Hahaha. Now let's vilify the person that's telling me I'm off base and I don't have this right. So, I think that was always the worry for us in the 90s when newspapers started talking about the internet, and like, "Oh, we're gonna get taken over by the Internet." Well, the worry was always that citizens – citizens would see themselves all as suddenly just journalists. Anyone could put anything up, and then they're doing the same thing that somebody at the Washington Post is doing. And



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they're doing the same thing that the little newspaper down the street is doing, but they're not. They're doing something, it's not that. So, Critical Kay might see herself as a reporter, she might see herself as an online personality, whatever it might be, but when you say you're presenting something that's factual, it has to be factual. That's it.

[00:22:22] **Eric Bland:** Yeah, you don't get a do-over, and you don't get to cross the line and only say, "Well, I was only a little bit pregnant." No, you crossed the line from truth to falsehood, you have exposure. I sent you guys earlier this week, I was criticized by this online person named WYK, who said, "How dare I show sympathy for Greg Leone and his family, but not Buster Murdaugh, and how dare..." All of us have said we view Buster Murdaugh as a victim. That's what we said. We criticize some of his out of court behavior, but nobody has said that he had any other hand in killing his mother or his brother. Nobody has said anything that he caused the boating accident, other than he probably shouldn't have given his driver's license to his brother Paul, because he knew that Paul, you know, may be dragged to access.

[00:23:15] **Liz Farrell:** Which he denies, by the way, so. He denies that. I just want to add that.

[00:23:19] **Eric Bland:** But these people just run off with the fact that you and I, or me, mainly, have criticized Buster. Never done it. I've said he's a victim over and over again.

[00:23:43] **Mandy Matney:** Yeah, and I, I got to the point, I think it was in March or April, where I really had to take a step back from Twitter. Especially because of the amount of times I was just getting baselessly accused of accusing Buster of murdering Stephen. And it seemed like everything I said, there would be a new random troll would pop up and say, "How dare you. You did this to Buster's life." And it was really weird, because I was like, where is this coming from? Where's this coming from all of a sudden? I've been reporting on Stephen's case for years, and if you listen to any of the episodes, there is never once a point where I even say I think he might have did it. I don't say anything along those lines. I say the Murdaugh name came up a suspicious amount of times and they did a terrible job investigating the case. That's it. And kids who were interviewed talked about Buster, and we played those interviews, but again, very cautiously and abiding by the rules of journalism as we were doing it. And then all of a sudden, I think, I think with the recent Netflix



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documentary that rise of flame, Buster came out, and I don't know but there was something very, very strange going on with the amount of people who were constantly just blaming us.

[00:25:04] **Liz Farrell:** Well, it felt like a post-murder conviction, reputation, reparation kind of thing, right? It's like, okay, well, Alex was found guilty of murder, so now we know the conclusion to that. Now we have to talk about Buster and his future and the family and their future, and what that needs to look like. So, who are the people that we need to shut up? Who are the people that we need to attack so that they stop speaking? And that's kind of what felt like what was going on, right?

Mandy Matney 25:30

Right. And I mean, circling back to what we were saying about Tiktokers and content creators, a couple of weeks ago – I think we told you this, Eric, it's been a long few weeks – I think it was a month ago, I'm not sure. There was a Tiktok going around about the Steven Smith case. We did talk about it on *True Sunlight*, but long story short, this girl made a Tiktok saying, "Hey. I was at dinner with a random guy, and anyways, and she said that she heard that there was an arrest being made, and she made specific references to that arrest. And so, we had pesky Beth Braden look into it, and Beth called the Tiktoker. She found her at work and she called the Tiktoker, which is totally fair. And I guess this Tiktoker was just blown away and freaked out the Beth called her, and she was like, "Girl, you're spilling tea about a murder investigation, like this isn't, you can't just go on TikTok and spread rumors and not expect people, like, we need to know what's going on here, and this is super serious. And immediately after Beth called her it seemed like it fizzled, like she took it off Tiktok. But it's like people just don't realize that this isn't a game that we're all playing and that you get to get likes off of and clicks and blah, blah, blah and funnies. This is a murder investigation. And...

[00:26:57] **Eric Bland:** Yeah, and you can interfere with it. You can chill whatever SLED is doing. And again, just being a keyboard warrior doesn't give you first amendment rights to do this stuff. And good for Beth, good for you, Mandy, for confronting these people. That's what we have to do. And if you notice, I'm starting to name people.

[00:27:16] **Liz Farrell:** But that's a problem too, Eric, because we're giving people attention, so they want you to name them. They want to hear their name come out of Eric Bland's mouth, you know? And so to a certain extent, it's like you have to



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strike this balance of, I confront these bullies and I don't put up with it, but also I don't give them what they actually want it, which is attention, which is recognition and...

[00:27:43] **Eric Bland:** Oxygen.

[00:27:43] **Liz Farrell:** Yeah. So, you know, we elevate them in a way when we bring them up. Sometimes you have to say their name because, A, they're a part of the federal lawsuit where they end up getting a judgment for more than half a million dollars against them, or you have to mention their name because it's somebody who has terrorized us for two years or a year and a half, and their account was named in a deposition as the fake accounts by a party in a lawsuit. That kind of thing. I wanted to ask this question about this case, because there were 325,000. So, the judge awarded Rae Andreacchio \$325,000 in compensatory damages. The judge also awarded her \$165,000 in punitive damages, and then the rest was \$11,000 in attorneys fees. So what is the difference between compensatory and punitive damages? Because I've spoken with the lawyer in the Andreacchio case, and he explained it to me and it was, it was a good explanation, but I just think that people out there need to understand the difference in how the money has been designated.

[00:28:45] **Eric Bland:** Okay, and I'm a little troubled by the judge awarding attorneys fees because that usually, in South Carolina, has to be if there's a written contract that provides for an attorney fee recovery or you're suing under a statute. In South Carolina, if you just sue for defamation, you can get those compensatory damages and punitive damages, but never attorneys fees. So, it may be different in this.

[00:29:07] **Liz Farrell:** I think it might be different, yeah.

[00:29:09] **Eric Bland:** Let's go back to compensatory damages. They compensate you for your actual loss. In this case, she would have reputational damage. So, when you, there's four types of defamation there, that's called per se, where you don't have to prove damage. If you accuse somebody of a crime. If you impugn somebody's professional reputation or their occupation. If you accuse somebody of a loathsome disease, or you accuse somebody of being unchaste. Traditionally, those are four different things. If you're defamed in those four categories, you don't have to prove damages. Any other basis you would have to prove reputational damages. So, she probably put up and said, "I didn't get these promotions, or you know, I have a side



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business, and because of this, the business shut down.” Some type of economic damage, then you deal with the harm. That is embarrassment, humiliation, and anxiety. Those can be quantified not to a mathematical certainty by a jury because it's impossible. So, those form the actual harm. Punitive damages are exactly what they mean to punish – P-U-N-I – punish. Punish the defendant to let them know, not only can you not do this again to the plaintiff, but we don't want you to do this again, ever again. And so the jury, which was the judge in this case because it was by default, said, “I'm going to put another \$125,000 on there.” If Critical Kay gets on the microphone and criticizes this verdict, and criticizes this judge, when this thing gets domesticated to Michigan. Boom. Don't kid yourself. If she does this again, she's going to get sued again. And now, whether it's a judge or jury, they're going to get the say, “\$125,000 wasn't enough to shut this lady up and teach her a lesson.” So, punitive damages are to punish, compensatory damages are to compensate.

[00:31:08] **Mandy Matney:** That's fascinating.

[00:31:10] **Eric Bland:** Well, you can get this too by the way, Mandy. Whoa, whoa, whoa. If you decide to do a frivolous proceeding sanctions motion in your case, you're definitely going to get your attorneys fees and your costs. If you do actionable claims of abuse of process and malicious prosecution, then you get your compensation damages, and then it opens the door to this lady and this USC professor, that you could get punitive damages. Let's teach them a lesson. They can't screw around with the Mandy Matneys of the world ever again.

[00:31:41] **Mandy Matney:** Yeah. And I think, you know, I really, after the Critical Kay ruling, because you know, I live in a logical world, and I hope a lot of times that the internet is logical, and it hardly ever is, but I was like, “Man, if I was a troll, if I was one of these people making up complete lies about me, about Liz, about Eric, about Sandy Smith, this lawsuit would scare the living crap out of me. Thinking of staring down a \$500,000 payment and debt and all of that, that would scare – maybe we shouldn't be doing this, and interest on top of that. Maybe we shouldn't be doing, maybe I just need to hold off. Maybe just because I'm behind a fake name means that I can still be punished for these things. And...

[00:32:30] **Eric Bland:** Its the modern day equivalent of yelling fire in a movie theater. That's what these people are doing. And courts are saying you can't do it, you can't start this fire, because it hurts a lot of people, and we're gonna punish you.



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[00:32:43] **Liz Farrell:** So, with this case there's a couple of things I want to talk about. One is that it was, I believe it ended up in a default judgment. So, even though they had done some discovery in the case, it ended up with Critical Kay not participating. So, they didn't really get to go through the proceedings in the sense of like a jury got to hear this, and this is the decision that was made. It was basically a judge got to hear from Rae Andreacchio about what she went through. Critical Kay did not show up for the hearing even though the court had very strongly suggested that she do so. The other thing, Eric, I'm not sure about the garnishing wages that you had mentioned earlier. I do think that there is something that they can do, and I don't know if that's because it's Mississippi, or maybe even it's Michigan, I'm not sure. I know that the Andreacchios are going to pursue this to the fullest, according to their attorney. So, this is not just a symbolic lawsuit. This isn't just something to say, you know, good, we prove that you are problematic and what you did was wrong. They want this to stop. They don't want other people to go through what they've had to go through. And then, the third thing, so and then Critical Kay has a Patreon account. I mean, there's other things out there that I think how it's explained to me is that...

[00:32:51] **Eric Bland:** They can attach

[00:32:52] **Liz Farrell:** Right, and your money in your bank account is not your money. You have loaned it to the bank in order for them to do whatever with, so there's also ways that they can get that money. So this woman, I think we just want to summarize this really quickly here, she's in trouble. She's in financial trouble, and she can laugh it off all she wants, but this is problematic. But the last thing I want to say, when we're accused online of things, for instance, stealing or – those are crimes that people are accusing us of, right? Would that count as defamation, per se, meaning we wouldn't have to prove what the harm was, right? We, it just by nature of it being...

[00:34:32] **Eric Bland:** Theft is a crime. You wouldn't have to prove it. So again, if I accuse you of having venereal diseases, Liz, that would be a problem for me. If I accused you of being a cheating journalist, that would be a problem for me. If I accused you of criminal activity, that would be a problem. And if I accused you of being a prostitute, all those don't have to prove damages. Society says those are so heinous you don't have to prove damages. In a weird kind of way, Critical Kay got off easy here, because if this was in front of a jury, I would have put on an economic





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expert, a damages expert, who would have showed her life expectancy is 77 to 78 years under the mortality tables. And this is going to be the loss of income that she is going to suffer over the course of her lifetime because of this. Because a lie travels around the world before the truth can lace up its shoes. It's on the internet. It can't come off. I can't go out there and remove lies off the internet. The other thing is if it went before a jury, a jury would have knocked her so much harder on punitive damages than a federal judge would. Remember, these federal judges are very serious, conservative, they want to be measured, they don't want to be reversed on appeal. Juries on the other hand, they get incensed. They're, they get a collective pissed off. Remember, twelve people getting collectively pissed off. I think the punitive damages award in this case should have been \$2 million, \$3 million, to shut her up and shut up the world.

[00:36:02] **Mandy Matney:** I just hope that I mean, after I tweeted that I had no idea how many different cases that Critical Kay has terrorized. And just lots of different people saying, "She came after me for this, she came after me for this. Remember when she... These people should sue her. These people should sue her." Sandy Smith included. She accused Sandy Smith a long time ago of taking hush money from the Murdaughs, and was horrible to her. The amount of times that Sandy would call me crying about Critical Kay years ago. I hope that this, I hope that a lot more people file lawsuits against her. I hope that this war is not over against her and anyone else, because like you said, Eric, this needs to be a chilling effect for anybody even considering dabbling in the atrocious world that she is – of going after victims and accusing them of crimes. And, but a question that I had for you, the things that I've been accused of online, what about... I can have like a long list that I could roll out. Which I'm honestly starting on because I'm just ready to go after all these people, and I'm ready to get these companies to identify names of these people. Because companies like Twitter and Reddit, like the more that I think about it, why is it that I can't know the name of the person who is in charge of a hate group that constantly spreads lies and misinformation about me? Shouldn't that be my right to know that?

[00:37:37] **Eric Bland:** You would get that right in a lawsuit. Remember, that's why I filed the Satterfield lawsuit to get discovery. That word discovery is a beautiful thing. When you file your lawsuit, you have subpoena power, and you can subpoena these media organizations. You can make Critical Kay sit for a deposition under oath and be forced to answer those questions of, "Who is your partner? Who is the production company behind this?" You send in (inaudible), and document requests. The same



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things that your lawyers did. It's a beautiful process. Yes, a lawsuit can be very emotionally draining and financially draining, but it can be very informational, rewarding, and you will find out who is behind this. But that's the beauty of the legal system, so, while the legal system is daunting, is costly, is emotionally draining, but it does get you the right to get answers. If you don't file that lawsuit, nobody has to answer you, Mandy. You can ask them, but nobody will answer you.

[00:38:42] **Mandy Matney:**

Right, yeah. And we're in the process of all those things. Second question. The person who sued me is a University of South Carolina professor and a story came out in the state newspaper who, David Voros, the professor, is also suing the state newspaper for the same thing that they sued me for, but the state newspaper had an investigative story that came out a couple weeks ago about how the University of South Carolina basically cut corners for David Voros. And so many students protested that they did not want this man on campus because he's been accused of harassment by so many different women and students were simply uncomfortable being around him. And they protest and protest, and finally he retired, but he was not at the age of retirement. So the University of South Carolina, an alumni group of something, basically was able to cut corners for him and pay out his retirement. Could I go after this man's retirement?

[00:39:43] **Eric Bland:** The answer is no. Retirement money is protected from judgment in South Carolina. If he takes the money out of his retirement account and puts it into a car, or a house, or he takes it out and puts it in a bank account or buys securities, stocks, then you would be able to attach against it. But as long as it's in a 401K or an IRA, it's beyond being attached by a judgment.

[00:40:09] **Liz Farrell:** And that's why, Mandy, with Alex with his 401k, they made that deal to liquidate it and say, "Okay, we're gonna give you this much of it if you don't try to get all of it. And we need this much for our case." And then they came back around and said, "Psych. Actually, we need all of it. We need more of that. Less for you more for us." So yeah, there's a way. I think the more there's a will there's a way for everything.

[00:40:33] **Mandy Matney:** Yeah. And I'm just to the point where, I mean we talk about striking that balance and the double edged sword, and I've figured out that ignoring the issue does not make these people go away. However, giving them too



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much attention makes it worse. But I'm at the point of like, stop them, where it matters.

[00:40:52] **Eric Bland:**

It's like they get more, more clicks out of victim shaming the victim than spending it on the culpable party or the perpetrator. So they, we take the position to justice. That's who we are. We take the position, we think, right versus wrong, the system is failing, this person is bad, should be held accountable. They've immediately jumped to the other side of the position of, well, let's say it's the victims fault. Forget the culpable party, let's blame the victim. And that seems to get more gasoline, adds gasoline to a fire, than the truth does.

[00:41:29] **Liz Farrell:** Well, it's gross. But I want to mention this, like I think what is really rich about situations like this is, one, and I say this as a former columnist, I share my opinion that Buster shouldn't get money from, you know, shouldn't be exempt from the receivership, let's say, that he should have his assets frozen. I expressed that opinion. That's an opinion. Let's just underscore it, opinion. That's not the same thing. So, what these people who are doing the victim shaming or what have you, what they're saying is we're just sharing our opinion. That can be true for most of it. But what they're actually doing, and the things that we're not, no one is again, objecting to their opinion. What we're objecting to is the lies, that you are defaming people with the things you're saying. It's not, you don't just say, "I don't think that Buster should have his, he should have his assets unfrozen. I think he's frozen, you know, his assets should be frozen." It's not the same thing as saying, "I think this person is a murderer, or I think this person did something wrong." And that's where it really bothers me that when I see that kind of criticism about us online, where they're like, "Oh, well, Liz said this, and so why, you know, why can she possibly have a problem with what we're saying?" They're so different. They're apples and oranges, and that's what I think, maybe, that's what it just comes down to. I'm just gonna say, this is what my solution to everything is. I say things under my name. Everything I do is under my name. I honestly think, as somebody who loves the First Amendment in the way some people love the Second Amendment, I think that everyone, we have to when we buy things online you have to do things under your name. Everything is under your name. Why are we allowed to have these anonymous accounts or these accounts with these other names? I just feel like we are now,, when we're getting into this era of like, AI and all sorts of weird things that you can do with videos and voices and such, I think there has to be some sort of online



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authentication so that you know who you're dealing with. And I know that would change. That would just be such a cultural shift across the board, but I think that your name has to be attached to the things you're doing, because all you're going to have moving forward as a society, each of us is our name. And everything that, you know, if we're all our own brand, well, then let's do it. Let's all be our own brand. Let's all have our own name. And our own name is the thing that we use throughout. And you would just see things, you would see online reviews change, you would just see, I mean, so many things would be different, and better, honestly.

[00:43:46] **Mandy Matney:** Well, I just think about this: every time I tweet, I tweet under my name and my name only. And I think about, my mom sees my Twitter. My mom probably is the best keeper of Mandy being unhinged, because I know that woman would call me if I did anything out of order. But that's how you're placed in society, right? You go under your name and you know that your future employers can see that, you know that your coworkers can see that, you know that, I mean, we're all in business, our future clients can see that. Things like that. In my case, my advertisers. But it becomes just so dangerous and reckless and hateful and horrible when you don't have that to please your mind of, "No one will know who this is." These people all think that no one will ever find out, that they go online under this other hateful persona and they don't believe their kids will ever find out, they don't believe that their families, their spouses – and that is a huge problem. And I think too, Liz, I was talking to Emily about this yesterday, but like, if there was a login to Reddit, that like you had to sign something that says, "Everything is attached to. You will be under this screen name. It will go to this name." Just to make people understand that the internet is not just a lawless playground. We all have to have rules, and I think like you said, identifying people and everybody just going by their name would cut down on 98% of this.

[00:45:21] **Eric Bland:** I give seminars to my corporate clients on Title Seven sexual harassment, workplace harassment, and I'll always get the question, "Well, what can I say? Can I say this? Can I say that? Can I hang this on my desk? Can I hang this in my locker?" And what I say is, "Look, I can't give you specifics. Kind of like pornography, like Liz said, last week, you know, when you see it. "I use this standard," is what I tell them, "If you're willing to say it in front of your spouse, your mother, your grandmother, or your 12-year-old daughter, it's probably okay. But if you aren't willing to say that in front of your 12-year-old daughter, your spouse, your mother, your grandmother, it's probably not okay." And an example would be, it was perfectly fine



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when the GoFundMe was raising money for Sandy Smith, for people to say, "I think it's wrong. I think it's wrong for people to give money to Sandy Smith, it's, you know, more than \$100,000 is too much." Those are opinions. We disagree with them, but those are opinions. But when they crossed the line and said, "Sandy is taking money from that GoFundMe," now you've impugned her character, and you've libeled her. That's the difference. What you don't want is, like you said, this playground of lawlessness – beautiful, beautiful description – where people think, well, because I'm behind the keyboard, and I'm using the name, you know, cabinet thread, I'm free to say whatever I want. You're not. And I love that idea that you should have to authenticate with your driver's license or something to open these accounts, and even if you use your nickname, crow head, or whatever, it comes back to you as Eric Bland.

[00:47:03] **Liz Farrell:** Yeah, 100%, and I think that's the only solution. And I think it has such implications beyond just, you know, what we're doing and what people do online. It affects everything. You see, I mean, I know from a friend of mine who has a marketing company, her clients are small business owners, and a single review on Google or Yelp or something could change the course of their business. And these are often retribution type comments, you know? I have a friend who's a veterinarian, and somebody commented on his because he fired her as a client, because she was canceling appointments too much and wasn't able to pay in full. So, you know, he wouldn't allow her to make an appointment, so she went on. Now we should all be able to express our opinions online, but you need to do it as yourself and be held accountable to that so people can ask questions of you, not some anonymous account that then you feel like, "Oh, my gosh, I have this cloak on that nobody can see me, so I'm going to do all this mischief." That's why you want the cloak. You want to do the mischief. I think that, you know, in the case, going back to Critical Kay, it didn't matter. I mean everyone knows her name. Her name's Karen Yaks. Like, it's not that per se, it's that I think we have these people that just get too big for their britches in the sense that they think, "Oh I have this big audience so that must mean I'm doing this right." And then they start to branch out a little and start saying things not realizing that there's an entire discipline to this, like, journalists just don't get out there and just – I mean some do and they get in trouble for it – but you don't just get out there and just publish what's on your mind or what you heard as a rumor. I mean, that's absurd to me. The number of people that get mad at us for not publishing something or saying something and they think, "Oh, you're protecting that person, or you're hiding that fact from the public." And you're like, "I can't verify



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that fact. I can't find out whether that's true or not, so I'm not going to put that out there under my name. You're crazy." So yeah, that's my rant.

[00:49:01] **Liz Farrell:** The next thing I want to talk about is Russell Laffitte, because we have something very special coming up, which is his sentencing hearing in Charleston on August 1st. And I say special because it's been a long time. This man has been able to celebrate Christmas, the New Year, Memorial Day, July 4th, I mean, he's had all the holidays up until now to be home with his family. Eric, again, we talked about this before, but one of the things that Mandy and I were sort of like, Russell's not going to be taken away in handcuffs on August 1st, right?

[00:49:33] **Eric Bland:** Yeah, he's going to, well, they're going to tell me him he has to report. So the sentence is going to be announced and they're going to say, you basically, you know, he leaves the courtroom and then the Bureau of Prisons will tell him where he will need to report to, and they'll give him a reporting time. So I would think it's probably within four days, three days, which is so much different than state court, you know. A couple of weeks ago, Greg Leone, the minute that they announced the jury came back and said guilty of murder, they took his coat off, they put the cuffs on his hands, they put the cuffs on his feet, and we had to argue what the sentence should be, and he was taken to Broad River Road to a prison. And then he was supposed to be evaluated for 30 to 45 days to determine what institution is best for him. Whether it's because there may be some gang issues because of his background, or, you know, he had testified against Sheriff Metts, and there were too many Metts people in the prisons. So, they want to make sure they place you right. In federal court, they don't do that with you in prison. They do that in a pre-sentence report that takes about four or five months. So, the Bureau of Prisons has done an analysis of Russell, they've looked at him, his lawyers have asked can you please place them as close to Hilton Head or Charleston as possible, because we want to be able to visit him. Ordinarily, a judge would do that. If he was a cooperative witness, if he was truthful and he had not lied, and Emily Limehouse and said he lied on his 302s and on the proffer – on a lot of different things. Plus, he didn't plead guilty. Plus, he showed no contrition. Plus, he fired his sets of lawyers. A lot of strikes against him. I think the Bureau of Prisons will be sending Russell Laffitte a long way away. To make it uncomfortable for him, to make it uncomfortable for his family to come visit him, that they almost have to fly to visit. He could end up in Minnesota. He could end up in Pennsylvania, New York, whatever. In South Carolina, if you're imprisoned for a state crime, you serve your time in South Carolina. So, there's a big difference





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between the state system and the federal system. Plus, there's a big difference, Russell's going to serve his time in a minimum security prison because there weren't drugs involved, there was no violence involved, it's a financial crime. So, he will serve it in, probably, an Air Force base prison where there isn't the high wires with razor wire and high fences, there's just a yellow line and a red line. And it's a pretty good, comfortable way to live if you're going to be incarcerated. Sure, you have your liberty infringed upon, but his time is going to be drastically different than Greg Leone did for those nine days in Broad River Road in maximum security prison when you're confined to your cell for 24 hours a day. Russell's going to be able to be on a softball team, there'll be a track at that prison, he'll be able to get in shape, he can work in the wherever he wants, whether it's in teaching people, whether it's in the cafeteria, or outside doing grounds or repair work. More importantly, he's going to make a ton of contacts in there, because most of the people in that federal prison are going to be Wall Streeters, hedge fund people, big-time businessman, it's disgusting. He will come out (inaudible).

[00:53:04] **Liz Farrell:** I can't believe you just said that. Oh my god.

[00:53:07] **Eric Bland:** If he does, if it's an 8 year sentence or a 10 year sentence, he'll come out with a new business idea and he'll have met partners, potential partners, in prison. I swear to goodness, it's really ridiculous.

[00:53:20] **Liz Farrell:** Eric, like, could this be any more like, okay, so you get evaluated as if you're applying to college, to which prison you go to, and then you get your acceptance letter on August 1st from the judge, and you find out which which one you get into, and then you get time to go to Bed Bath and Beyond, and get your sheets and your towels and your, you know, pack up the car.

[00:53:47] **Eric Bland:** And your mother puts your tag on your underwear. I used to have my underwear tagged by my mother when I went away to summer camp. We would do label, you know, the little labels that would say Eric Bland, you put it on the clothes. No, you can't bring anything to prison. You're not allowed to bring anything to prison.

[00:54:02] **Liz Farrell:** I'm joking. I'm just saying it's like college, like, and then you get there and you're networking, you're networking. That is so ridiculous. What bothers me is, you know, we could go out to lunch – we are going to go out to lunch after –



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but this man could be at the same restaurant that we're at after getting federally sentenced for his crimes. Like, that's amazing to me, and you can just go chill.

[00:54:28] **Eric Bland:** The federal government works it differently. No question about it.

[00:54:31] **Liz Farrell:** And that's for everyone. You're saying that that's for everyone, no one, no one's treated differently. I find that so strange.

[00:54:37] **Eric Bland:** State court is, once you're branded as a convicted criminal, we're going to treat you like a convicted criminal. Russell Laffitte...

[00:54:45] **Liz Farrell:**

Why is that, because they don't trust you're going to show up? And that's what I don't understand is how do you trust that Russell's going to show up?

[00:54:52] **Eric Bland:**

Yeah. How do you trust that the guy, the hedge fund guy in New York City who's a gazillionaire, a billionaire, that he isn't going to figure work-around and fly off to Belize and change his identity, put a patch on, tattoo his head, and do a nose job? I mean, Russell, like you said, has lived a crazy life since November, and he's a convicted felon.

[00:55:13] **Mandy Matney:** Right. And I would love to look up statistics of how many have within the federal system run off, or I think that that would be (inaudible) or killed themselves? Or I mean, the...

[00:55:28] **Eric Bland:** You can't outrun the federal government. There's FBI, there's Border Patrol, there's too much.

[00:55:33] **Mandy Matney:** Right, but Price was missing for like, a couple of months, and the FBI was looking for him, and then he ended up being in the place that he was born in the Bronx. So, I don't know if, I don't know, it just seems very not logical to me that they allow all this time to pass and they just allow, the amount of trust that they put in federal inmates to show up to continue the process. I mean, if I was Russell, I feel like I would take my chance on Belize, to be honest with you.



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[00:56:08] **Eric Bland:** Well, it's almost like the federal government is saying, "You're a higher graded criminal than the ones in state court. You're more, even though you're a bad person and a convicted felon and an embezzler and a money launderer and a fraudster and a conspirator, he did it in a very genteel kind of way, so we're going to treat you in a genteel kind of way. Whereas the state court guy? Oh, man, you're a blue collar criminal. You don't deserve that same country club treatment that we're giving you in the federal level."

[00:56:37] **Liz Farrell:** Sort of flooring, I just picture Russell handing out his business card or something in prison, and maybe, "I'll be in charge of the canteen."

[00:56:48] **Mandy Matney:** I'll be the bank. I'll be the bank. Yeah, it's just crazy.

[00:56:55] **Eric Bland:** He'll loan money. He'll loan interest. Yeah, you're right, he's going to open up a bank.

[00:56:59] **Mandy Matney:** It just seems like a bad boys club division of the "good old boys," that's like, this is their little fraternity they go off to and pretend that it's prison, but it's not. It's just, they're just making...

[00:57:12] **Eric Bland:**

Well, this is going to be interesting, because it's the first sentence about victims. We're going to hear a lot about the judge saying, this isn't Alex stealing money from his clients. You know, Judge Newman, that sentence was about murder, and it was, you know, scary, and we all, you know, held our breath when he talked about, you know, sitting alone in his cell. This is going to be different. This is going to be about you were supposed to be a man of trust, a man of society. You had privilege and wealth. You were born on third base. You were supposed to do good and society, and these people came to you who are in a vulnerable state. And so, we're going to hear for the first time, is this judge going to split him down the head about his exploitation of vulnerable people? It's going to be very, very interesting, I think. This soliloquy that Judge Gurgel is going to give, I think it's going to be one for the ages.

[00:58:10] **Liz Farrell:** I think you're right.



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[00:58:11] **Mandy Matney:** And it's, you contributed to this monster of Alex Murdaugh, and you could have stopped him many times before he did what he did, and you didn't. So, I'm very interested, and I just think it's fascinating.

[00:58:27] **Eric Bland:** It's interesting that you say that, because you're right, if Russell had outed him, if Russell went to authorities or the law firm, maybe it would have all been different.

[00:58:37] **Mandy Matney:** Right. And I mean, I think that that's the core of the story. It's not just Alex Murdoch, being an evil person, it is all of the people that could have stopped him. And I think that that's why the last couple years have been so incredibly frustrating. Peeling back all the layers, the three of us doing that, and just time and time we're realizing, well, he should have known that this was wrong, and he should have stopped it, and he didn't. So, I don't wish anybody, I just, I hope that Russell understands what he did. I hope that he stops playing the victim. I hope that he can get to a point where he looks his kids in the eyes and says, "Don't do what I did. You need to stop evil people when you see them. You do not go along with them." And I don't know if he's ever going to get to that point, but I hope that he does.

[00:59:27] **Eric Bland:** Well, I'm going to speak at his sentence, so, you guys feel free as you know, part of my better half and in my you know in podcast world and my opinions on Russell, you can certainly contribute and I'll tell you what I'm going to say and you can help me out, because I'm going to say from the rafters. I can tell you that.

[00:59:46] **Liz Farrell:** I would say that he needs to stop protecting people. That's the number one thing, and then the number two thing, I would just say that the only good thing about all of this is that Alex will be jealous of Russell getting this sentence. So, you know, as much as I do think that Alec Murdaugh is enjoying prison right now, based on the photos I've seen...

[01:00:25] **Eric Bland:** Do you believe that he's enjoying prison?

[01:00:07] **Liz Farrell:**

Yeah I believe that. You're a criminal. What better place than going to, that's like a five year old going to Disneyland, like he's among his people. These are his people. So



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I think yeah, I think he's probably having a great old time. He probably misses his freedom, of course, but I would say it's as good of a time as you can have in prison where you've, you know, that's a puzzle for Alex, right? But you know, I think with Russell, I do think he will be jealous of that sort of, just the same way that I think Alex was jealous of his brother-in-law, you know, the wealthier guy with the big boat. That's what Russell is going to be to him.

[01:00:57] **Liz Farrell:** All right, Eric, we have a courtroom question for you today, of course. And the question is this: if someone receives a demand letter, what could they do to avoid a lawsuit or prepare for a lawsuit, so actions you believe not to be actionable are defensible?

[01:01:15] **Eric Bland:** Don't ignore it. Ignoring it only incenses the person that sends it. So don't ignore it, get legal advice. From a person that you know, you can go to the person directly and you can say I am sorry, unless the letter says, "I'm writing this letter on behalf of Liz, you're supposed to, you are no longer allowed to call her and contact her. All future communication should come through me." So, if it's a demand letter where you have insurance coverage, whether it's under an automobile policy, or under your homeowner's policy, or you have a renters policy, or business policy, you have an obligation to timely turn that over to your insurance carrier. So you call your insurance agent and you say, look, I received this demand letter, they're asking for money, they're threatening to sue me. So you turn it over. If you don't have insurance, you should go get legal advice, and in response, you can write your position on the matter by saying, look, the information you're getting from your client is wrong. We did not have a contract, or we had a contract and it was terminated. But what you want to do is write on the letter, Rule 408 Privileged Communication, because then they can never use that letter against you in the lawsuit or in court. My advice is: don't delay, respond timely, if an apology can help, don't be afraid to apologize, but if somebody went to the trouble to get a lawyer, that means they're lawyered up and they want something from you. Don't think you can solve your own problems. You will only entrap yourself, because everything you say is an admission that can be used against you. When your attorney talks, that's not an admission. So, I wouldn't respond directly to the attorney unless you go get attorney advice first, or if you're going to respond, make sure you put that bold disclaimer on top of that letter that says, Rule 408 Protected Communication, and you'll be fine. But what I find is that people push it off on the other corner of their desk, they delay it, they avoid it, they're afraid to go spend money on a lawyer to get consultation



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advice, and they also delay in providing notice to their insurance company because they're afraid that their premiums are going to go up.

[01:03:38] **Liz Farrell:** It's interesting that you said apologize, because I feel like lawyers are always the first to say an apology is an admission of guilt, so don't do that. Is that...

[01:03:47] **Eric Bland:** No. We actually enacted a statute for doctors. It's under the new medical malpractice statute that a doctor can apologize to a patient's family for doing something that may have caused the patient to die or, you know, a problem that happened during surgery, and that apology cannot be used against them. Apologies go a long way. What I have found is that patients families have said, "The doctor never came in to apologize for cutting the bladder," and the law wants to encourage people to be able to apologize.

[01:04:19] **Liz Farrell:** Is that to minimize legal actions, or what do you think that's just...

[01:04:23] **Eric Bland:** Yeah. Yeah, and also just it's a human thing to do. People are still gonna sue, but I'll think much more of a doctor that came in and said, "Look, man I screwed up. I am sorry, I was detached." That can't be used against that doctor.

[01:04:36] **Liz Farrell:** The second question I had is how do you know? Does it say demand letter at the top, like how do you know that something is a demand letter? What does it look like?

[01:04:44] **Eric Bland:** Because there's, it'll say, dear so and so, I have been retained by Mandy Matney who has told me that you have said these following things on the internet on these days. I am hereby demanding that you retract this or I am hereby demanding that you turn this over to your insurance carrier. Failure to do so may result in you being denied insurance coverage, which would require you to personally have your assets answer this. There'll be the word demand or require in that letter.

[01:05:14] **Liz Farrell:** Excellent. Thank you. Now we have our newsroom question. Mandy, before the Murdaugh saga, what were some of your most proud moments as a journalist?





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[01:05:24] **Mandy Matney:** Oh, wow. I think a big moment for me was when I was in a tiny paper in Illinois, and this is trying to condense this story, it was called the Danville commercial news, and it was a, like, a very sad newspaper. The building was just horrible. The air conditioning actually shut off in the newsroom. The advertising people had air conditioning and the newsroom did not, and all the reporters in there just thought that that's the way that life was. So I was, like, constantly feeling like I was trying to fight this, I don't know. Anyways, this town, they were most known for the home of Dick Van Dyke, and that was everywhere. As soon as you go on Main Street, there's a big picture of Dick Van Dyke. It's on the water towers. It's everywhere. And I go into work one day, and I ran the Twitter account for work, and Dick Van Dyke had tweeted our newsroom account and said, "Hey. I heard my child at home is being condemned by the city of Danville. Can you guys help me?" And I go around to the sad newsroom. And I'm like, "Dick Van Dyke tweeted us! This is Salt Lake, let's find out what happened to his house." And most of the reporters are like, not really excited about it, but I have one other reporter (inaudible), so me and Carol got into it. Anyways, long story short, I got to interview him about his memories of his childhood home, and he was fantastic. I think he was like 93, 94 at the time. Just an amazing human being and had all the time in the world to talk about Danville and his hometown, and after that story was written, the city of Danville was like, "Oh, I guess we should condemn this building." And because it was just, you know, a typical government mistake that they don't look anything up or nobody cares. And then after I left, or as I was leaving Danville, Dick Van Dyke bought his childhood home and he turned it into a charity for kids in that area to get into music and theater. So that was just a really cool, that was like journalism matters. And...

[01:07:44] **Eric Bland:** So where did you, were you prepared to go anywhere when you got out of college to be a journalist? That you were going, that's what you wanted to do and you weren't afraid to go?

[01:07:53] **Mandy Matney:** Yeah, and I was just kind of at the point where throughout journalism school, they were just like, you would be lucky if you had a job at all, so if you have any job, the money it pays, doesn't matter where it is, you have a job in journalism, then you're doing great, and that's kind of the mindset that I was in. And I liked local journalism more. I've never wanted to go to New York and work for a big magazine or anything like that. I just like local journalism, and anyways, working on that story just really made me realize the local impact that you have, and you don't even, that didn't even require that much effort, honestly, to just dig a little bit, and I



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was a little pesky with annoying demand ex wife to get him on the phone, but she was very nice. We figured it out. So that kind of gave me a lot of momentum to keep doing things and later on investigate the Murdaughh story with Liz.

[01:08:48] **Eric Bland:** What about you, Liz? Where was your first job? Did you go to a far outpost like that, you know, for your first job?

[01:08:54] **Liz Farrell:** I was in Gettysburg Times in Pennsylvania, and I started as a proofreader for \$5 an hour, and I went on to be a copy editor for \$7 an hour. And then I went on to the Frederick news post in Frederick, Maryland, and I worked there for a few years.

[01:09:10] **Eric Bland:** So, did they tell you in journalism school, "You guys aren't going to get a job? It's really hard. You know, don't be upset."

[01:09:18] **Liz Farrell:** I didn't go to journalism school, so...

[01:09:20] **Eric Bland:** You did not.

[01:09:21] **Liz Farrell:** No, and I think that's important to know. You don't have to. No, I wanted to be an FBI, so I was a poli-sci major, pre-law actually, and I thought that I was going to go on and get my law degree and then work for the FBI, and I did not do that.

[01:09:38] **Mandy Matney:** What was your proudest moment?

[01:09:39] **Liz Farrell:** I was good at writing, so, before the Murdaugh, well, there's a lot. I'm going to start at the beginning, just like the beginning of my career, because I was a copy editor at the Frederick News post and the Frederick Fair. I was really good at writing and I just was shy. I was very, like, shy about that skill and didn't think, I thought because you had to go to journalism school to be a writer for a newspaper, so I went into, you know, the copy editor route, which is much more like a stickler for the rules and just knows publishing inside and out. And I read a lot of books, I caught up, I went all over the place, I paid for my own conferences, I was just constantly studying outside of work, and I was a lot of times the last one to stay and watch the newspaper run because I wanted to prove that I belong there. But Frederick County had this fair every year, and it was the county fair. And I was only, I had only lived in



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Frederick for probably a few months at that point, and I had never been to a county fair. I grew up in a city, we don't, we don't do those things. So, none of the reporters wanted to cover the fair, because all these reporters had done it before 100 times. And as we end up knowing in life and throughout our career, you end up covering the same things over and over again. So, what we did is we created a map to put on the wall and each of us threw a dart, and they allowed the copy editors to participate. So, you threw a dart and that section of the fair was where you had to go on the day you were signed and find a story. So, it was so much fun, and so I picked the freak show section. I guess I was make (inaudible), I don't know, it was one part of the map where the freak show was, and this isn't a time when I don't even know if they have freak shows anymore. But I spent the day immersed in freak show culture, and just wrote a story based on my day and it was not first person or anything like that. It was really hard to coordinate the photographer and everything, and I just remember like this feeling of, and it's so like obnoxious for me to say this, but it's like when you're copied or if you ever saw the movie *Never Been Kissed*, Drew Barrymore is a copy editor in that, and she gets this big chance to be an undercover high school student. And so in a way, like what I was doing was kind of like that where I'm at my little desk, and I'm not thinking like, "I'm gonna blow these people away or anything," but I'm just like, nervous, and I blew them away. And then, so people that never talked to me, were like, "I didn't know you could write like this," and then we started getting letters to the editor or letters to my editor anyway, saying you know, "I'm a journalism student, and I've always wanted to write..." It was my first fan mail, it was my first. I was 24, I think, or 25.

[01:12:18] **Eric Bland:** It was your coming out party.

[01:12:19] **Liz Farrell:** You know, like I had worked for newspapers for two or three years at that point, and so it just, it felt like I just had this knife under my jacket this entire time, and I was like, and here it is. It just, it was just an amazing feeling, and I had to overcome just the shyness of – I am not a shy person when it comes to like, if I saw, you know, one time I was in New York City with my sisters and a car backed over and was about to hit people, and so I started hitting the window of the car and yelling at the person, like that kind of stuff, I'm not shy about like, if you're going to hurt somebody in my presence, you're going to say something that's wrong about somebody in my presence, I will fight for that person – but when it comes to my own abilities, I'm very like, just inward, and so that was my first moment of, that was half a lifetime ago, actually. So, it's very strange to think about that.



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[01:13:06] **Eric Bland:** Did they tell you in journalism school that you're not going to get a job like that? It's going to be real hard if you get one job, you're okay.

[01:13:12] **Mandy Matney:** Yeah. Oh, yeah, it was very...

[01:13:15] **Eric Bland:** So why do you do it?

[01:13:16] **Mandy Matney:** I just loved it. I don't know. Kind of like Liz said, I always just, I was always similar, or I was very shy about my skills, and was very self-conscious. Yeah, I just didn't, I was constantly over analyzing everything that I did and was constantly thinking, I'm not a good writer. I'm not a good reporter. I'm not good enough to do this. And then I graduated journalism school in 2012, so it was really a time of we have no idea where any of this is going. There was no direct path to any future of journalism at that time. And so yeah, I was just grateful to go anywhere and grateful to cover, it was a grease pig, have you ever seen the grease pig chase at a county fair? Children chase around a grease pig and their parents scream at them because whoever gets the pig, like actually gets the pig and they get all the meat and everything. It's a culture shock.

[01:14:19] **Eric Bland:** Alex Murtaugh look at your trajectory.

[01:14:21] **Mandy Matney:** Yeah, it's a good time. But I mean, I think I feel like you have to have that attitude in journalism of just like, well, it's a county fair, but let's make it fun. And let's just do something wacky and different, and that's the kind of stuff journalism needs. Not let's just do the exact same thing we've been doing for seven years.

[01:14:42] **Liz Farrell:** I'm the exact same way.

[01:14:44] **Mandy Matney:** Nobody wants to read that.

[01:14:45] **Liz Farrell:** No, you have to like, make it immersive.

[01:14:47] **Eric Bland:** You made the story come away. That's the cake.



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[01:14:51] **Liz Farrell:** Right, right. Okay, before we go guys, we have something that we wanted to tell you about. Mandy sat down this week with Emily D. Baker, who is a badass lawyer, prior Los Angeles Deputy District Attorney, and host of a top five entertainment news podcast *The Emily Show*. We'll share that full interview with LUNASHARK premium numbers and talk about some of the concepts in next week's episode.

[01:15:14] **Mandy Matney:** Stay tuned.

[01:15:15] **Liz Farrell:** With that, guys, I say cups down.

[01:15:18] **Eric Bland:** Cups down.

[01:15:18] **Mandy Matney:** Great work everybody.

[01:15:25] **Mandy Matney:** This cup of justice episode is created and hosted by me. Mandy Matney with co host Liz Farrell, our executive editor and Eric bland Attorney at Law aka the jackhammer of justice from Luna shark Productions.