

Ryan D. Nelson, ISB #8357  
Michael L. LaClare, ISB #7924  
MELALEUCA, INC.  
4609 West 65<sup>th</sup> South  
Idaho Falls, ID 83402  
Telephone: (208) 522-0700  
Facsimile: (208) 534-2063

Thomas A. Clare (D.C. Bar. No. 461964) (*pro hac vice*)  
Elizabeth M. Locke (D.C. Bar. No. 976552) (*pro hac vice*)  
Megan L. Meier (D.C. Bar. No. 985553) (*pro hac vice*)  
Andrew C. Phillips (D.C. Bar No. 998353) (*pro hac vice*)  
Joseph R. Oliveri (D.C. Bar. No. 994029) (*pro hac vice*)  
CLARE LOCKE LLP  
902 Prince Street  
Alexandria, VA 22314  
Telephone: (202) 628-7400  
Email: [tom@clarelocke.com](mailto:tom@clarelocke.com)  
Email: [libby@clarelocke.com](mailto:libby@clarelocke.com)  
Email: [megan@clarelocke.com](mailto:megan@clarelocke.com)  
Email: [andy@clarelocke.com](mailto:andy@clarelocke.com)  
Email: [joe@clarelocke.com](mailto:joe@clarelocke.com)

*Attorneys for Plaintiffs*

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

FRANK L. VANDERSLOOT, individual, and  
MELALEUCA, INC., an Idaho corporation,

Plaintiffs,

— vs. —

THE FOUNDATION FOR NATIONAL  
PROGRESS d/b/a *Mother Jones*, a California  
incorporated nonprofit, and MONIKA  
BAUERLEIN and STEPHANIE MENCIMER,  
individuals,

Defendants.

Consolidated Case No. CV-2013-532

**Stipulation of Voluntary Dismissal**

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FRANK L. VANDERSLOOT, individual,	
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Plaintiff,	
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— vs. —	
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PETER ZUCKERMAN, individual,	
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Defendant.	
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In light of the fact that Frank L. VanderSloot and Peter Zuckerman have entered into a confidential settlement agreement whereby, among other things, Mr. Zuckerman has admitted that statements he made on the May 4, 2012 broadcast of *The Rachel Maddow Show* were not true, (*see* Affidavit of Peter Zuckerman, attached as Exhibit A), Mr. VanderSloot stipulates to the voluntary dismissal of his defamation claim against Mr. Zuckerman with prejudice pursuant to Idaho Rule of Civil Procedure 41(a)(2).

Dated: October 19, 2015

Respectfully submitted,



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Idaho Falls, ID 83402  
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Email: [libby@clarelocke.com](mailto:libby@clarelocke.com)  
Email: [megan@clarelocke.com](mailto:megan@clarelocke.com)  
Email: [andy@clarelocke.com](mailto:andy@clarelocke.com)  
Email: [joe@clarelocke.com](mailto:joe@clarelocke.com)

*Attorneys for Plaintiff*

## CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of October, 2015, I caused a true and correct copy of the foregoing document to be served upon the following persons via email.

James M. Chadwick  
Tenaya Rodewald  
Sheppard Mullin  
379 Lytton Avenue  
Palo Alto, CA 94301

David E. Snyder  
Sheppard Mullin  
Four Embarcadero Center  
San Francisco, CA 94111

Marvin M. Smith  
Hawley Troxell  
2010 Jennie Lee Drive  
Idaho Falls, ID 83404

*Attorneys for Defendants*

Gary Bostwick  
Bostwick Law  
12400 Wilshire Blvd., Suite 400  
Los Angeles, CA 90025

Matthew C. Parks  
Elam & Burke, P.A.  
251 East Front Street, Suite 300  
P.O. Box 1539  
Boise, ID 83701

Charles A. Brown  
P.O. Box 1225  
324 Main St.  
Lewiston, ID 83501



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Megan L. Meier  
*Attorney for Plaintiff*

## **EXHIBIT A**

## **AFFIDAVIT OF PETER ZUCKERMAN**

PETER ZUCKERMAN, after bring first duly sworn, deposes and states as follows:

1. My name is Peter Zuckerman. From December 2003 until July 2005, I was a reporter for the *Post Register* newspaper in Idaho Falls, Idaho.

2. In 2005, I wrote a series of articles for the *Post Register* that were critical of how the Boy Scouts of America had dealt with child molestation in the local Grand Teton Council.

3. A radio talk show in Idaho Falls criticized my reporting because of the articles and spent more than 12 hours over a period of two weeks talking about my sexual orientation, accusing me of attacking the Boy Scouts because I am gay, and suggesting that my reporting was biased because the Boy Scouts do not allow gay men to be Scout leaders.

4. Later, in June 2005, Melaleuca's Chief Executive Officer, Frank VanderSloot, wrote an ad in the *Post Register* called the "Community Page" that also criticized my reporting. Other ads followed. The first ad said, in part:

"Much has been said on a local radio station and throughout the community, speculating that the Boy Scout's position of not letting gay men be Scout Leaders, and the LDS Church's position that marriage should be between a man and woman may have caused Zuckerman to attack the scouts and the LDS Church through his journalism. It would be very unfair for anyone to conclude that is what is behind Zuckerman's motives."

5. I agree with Mr. VanderSloot that there was no evidence that my sexual orientation had anything to do with my approach to the story. It would be unfair for anyone to conclude that it did.

6. I already had spoken and written about my sexual orientation and the radio show in Idaho Falls had discussed the topic long before Melaleuca published the Community Page ads. Clearly, locally, many people knew that I was and am gay before the first Community Page ad came out. But others who had not previously known I was gay learned about my sexual orientation because it was mentioned in the Community Page ads. As a result, some in the

community claimed that Melaleuca and Mr. VanderSloot had “outed” me in the Community Page ads.

7. Many years later, when Mr. VanderSloot made a large donation supporting Mitt Romney’s run for President, Mr. VanderSloot’s record, including what Melaleuca had said in the Community Page ad, came under national scrutiny.

8. In May 2012, Rachel Maddow asked me to come on her show and tell my side of the story. During that program, I stated that when I came home one evening after the ads ran, my boyfriend told me he had lost his job because of the Community Page ad and that he and I did not know how we were going to pay the bills. That was what I believed to be true when I said it, but it was not true.

9. My boyfriend at the time did tell me he was fired because of the ads. I believed him. He later posted about it on Facebook. However, those statements turned out to be untrue. My boyfriend had previously been fired from different jobs in Idaho after his employers learned he is gay, but those events occurred before the Community Page ads were published. They involved different employers and had nothing to do with Mr. VanderSloot or Melaleuca. I am sorry that anyone interpreted my comments to mean that Mr. VanderSloot had anything to do with my boyfriend losing his job. He did not.

10. Shortly after the series of articles I wrote in the *Post Register* ran in February 2005, and prior to the Community Page ad, I received several threats because of my reporting and because of my sexual orientation. Those threats and harassment continued and intensified after the Idaho Falls radio talk show accused me of skewing my reporting on the Boy Scouts because of my sexual orientation.

11. On the Rachel Maddow show, which was taped live, I was asked whether the threats of harassment occurred only after the Community Page ad. My answer could have been clearer. Although attacks I had related to Maddow occurred after the first Community Page ad, many attacks actually started long before the Community Page ad was published. I should have made clear that there had been many attacks before the Community Page ad that criticized my article and that not all of the attacks happened after the ad. I regret that my answer on the Rachel Maddow Show could be seen in an inaccurate way and may have been interpreted to mean that I believed Mr. VanderSloot wanted people to harass me because of the articles. I did not mean to suggest that and I regret the harm caused to Mr. VanderSloot that occurred because of those statements.

12. I did not intend to damage Mr. VanderSloot by giving an answer that could have been seen in an inaccurate way and regret harm that my statements may have caused him and his family.

13. I have heard that some people have described Mr. VanderSloot as a “gay basher,” in part, because of the publication of the Community Page ad. Taking out ads critical of someone’s reporting is not gay bashing in my mind.

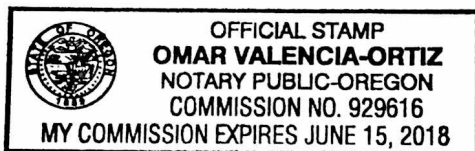
14. I have recently learned that Mr. VanderSloot has publicly supported the “add the words” legislative campaign that would give gay, lesbian, bisexual and transgender people in Idaho some basic human rights protections so, for example, we cannot legally be fired from our jobs or kicked out of our homes because of who we are and whom we love. A “gay basher” would not be a strong supporter of such a campaign. I hope Mr. VanderSloot and his companies further their support for this human rights movement.




15. Mr. VanderSloot sent the following statement to the Rachel Maddow Show and it was read to me before I was interviewed: "We came to Mr. Zuckerman's defense and chastised the talk show for bringing his sexual orientation into the debate. I apologize for any personal pain that he suffered because of our involvement. That was not our intent."


16. I apologize to Mr. VanderSloot in the same spirit and am glad we can now put this behind us.

I declare under penalty of perjury that the foregoing is true and correct, and that this Affidavit was executed this 19 day of October 2015 at Portland OR.



  
Peter Zuckerman

SUBSCRIBED AND SWORN TO BEFORE ME THIS 19<sup>TH</sup> day of October 2015

  
Notary Public For State of OR / County of Multnomah