

BERG & ANDROPHY
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Via Email and Certified Mail – Return Receipt Requested

John C. McKeon
Executive Vice President, Hearst Newspapers
President, Texas Newspaper
300 W. 57th Street
New York, NY 10019

Nancy Barnes
Executive Editor, Hearst Texas Newspapers
Executive Editor, *Houston Chronicle*

Michael Hixenbaugh
Reporter, *Houston Chronicle*
4747 Southwest Freeway
Houston, TX 77027

Stephen Engelberg
Editor-in-Chief, *ProPublica*

Richard Tofel
President, *ProPublica*

Robin Fields
Managing Editor, *ProPublica*

Eric Umansky
Deputy Managing Editor, *ProPublica*

Charles Ornstein
Reporter, *ProPublica*
155 Avenue of the Americas, 13th Floor
New York, NY 10013

Dear All:

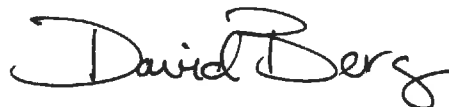
Berg & Androphy represents Dr. O.H. “Bud” Frazier. This letter is a demand that the *Houston Chronicle* and *ProPublica* retract their May 24, 2018 article about Dr. Frazier, which ran under the vicious headline, “A Pioneering Surgeon’s Secret History of Research Violations, Conflicts of Interest and Poor Results” (the “2018 Article”).¹ To be clear, you must run the retraction with corrections and an apology, and, as Texas law requires, in the same space that the 2018 Article ran in both *ProPublica* and the *Houston Chronicle*.

I have also attached the lawsuit Dr. Frazier filed today in Harris County District Court, naming as defendants the *Houston Chronicle*, *ProPublica*, Charles Ornstein and Michael Hixenbaugh. I hope you read it carefully and take it seriously: it chronicles in great detail Hixenbaugh’s and Ornstein’s extraordinarily feckless reporting, especially its many inaccuracies.

¹ *ProPublica* ran the article on May 24, 2018. The *Houston Chronicle* provided a link to the story on the same day. The May 27, 2018, the *Houston Chronicle* published the story on the front page, above the fold.

If after reading this lawsuit you are seriously interested in discussing a retraction, I would welcome that call. However, having read your June 29 article defending the 2018 Article, where you self-effacingly admit to no errors, I hold out little hope for that. Nonetheless, I would welcome a call to sit down and hammer out a retraction. If not, I do not think it an exaggeration to say, this is your *Rolling Stone* moment.

Sincerely,

A handwritten signature in black ink that reads "David Berg". The signature is written in a cursive, slightly slanted style.

David Berg

Note: Dr. Frazier reserves all rights, actions, and remedies, and nothing in this letter limits, restricts, or waives any of Dr. Frazier's rights, actions, or remedies.