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Re: Demand to Cease and Desist Publication of False, Defamatory Statements Regarding Pregnant People Diagnosed with Fatal Fetal Conditions

Dear Ms. Rose and Ms. Flanders,

We represent thirteen individuals throughout the United States who were defamed by your organization, Live Action (by and through Live Action News, the self-described “news arm of Live Action”) after seeking abortion care in the face of medically doomed pregnancies. Each of our clients has described the decision to end their wanted pregnancy as the most compassionate choice for their own health, future fertility, and family’s wellbeing. Live Action News, however, has repeatedly written about our clients intentionally “killing” their babies.

Live Action News’s pervasive pattern of publishing false and defamatory statements condemning our clients is made clear in hundreds of articles, YouTube videos, and social media posts. One client alone, Kate Cox, has been defamed by Live Action News several dozen times. The result of such defamation is devastating. Megan Kling, whose story is described in detail below, has feared for her life and the lives of her husband and children as a result of Live Action News’s and Ms. Flanders’s actions. Other clients have received death threats as a direct result of Live Action News’s conduct.

We write to demand that Live Action News and Ms. Flanders immediately cease and desist from publishing these false and defamatory statements about our clients and correct the libelous matter detailed below.

We request a response to this letter **by July 29, 2026 at 5pm ET**, after which we will explore all available legal actions to protect our clients from further defamation by Live Action News.

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I. BACKGROUND

A. Abortion Bans Force Patients with Fatal Fetal Diagnoses to Travel.

Since *Roe v. Wade* was overturned in 2022, abortion bans have gone into effect in thirteen states. Most of these abortion bans do not have exceptions for pregnancies that result in fatal fetal diagnoses, sometimes called “medically futile” pregnancies or those that are “incompatible with life.” Fatal diagnoses—as distinguished from “life limiting” conditions that cause disabilities, like Trisomy 21 (Down Syndrome)—are known to have virtually zero survival rates. These conditions also carry higher health risks for the pregnant person, including mirror syndrome and preeclampsia. Thanks to modern technology, these diagnoses are generally detected early in pregnancy: between 10 and 20 weeks.

Our clients are a small subset of the hundreds or thousands of patients in states with abortion bans who received fatal fetal diagnoses during pregnancy and were forced to travel out-of-state for abortion care. This letter details Live Action News’s and Ms. Flanders’s false and defamatory statements about Megan Kling, of Wisconsin. Hers is a representative example of the harms done to each of our thirteen clients named in this letter by Live Action News.

B. Megan Kling Was Carrying a Pregnancy with No Chance of Survival.

Megan Kling is a Wisconsin resident and mother of two. In 2023, she and her husband were eagerly awaiting the birth of their third child, a boy they named Nolan. At around 20 weeks’ gestation,¹ however, they learned that the amount of amniotic fluid surrounding the baby was dangerously low.² In the days that followed, Ms. Kling received additional testing and a specialized ultrasound that confirmed her and her husband’s worst fears: their baby had bilateral renal agenesis—commonly known as Potter Syndrome—meaning he had developed with no kidneys. Theirs was a severe case: The baby lacked other critical internal organs, including his bladder, and his brain and heart were not developing as expected. In addition, without kidneys, the baby had little to no amniotic fluid, meaning his lungs could not develop and Ms. Kling’s body would begin to crush his bones as the pregnancy progressed. Doctors informed Ms. Kling that the baby had no chance of survival.

Ms. Kling and her husband discussed their options with their doctors and each other, and decided that abortion via induction of labor was the compassionate choice for them. “I knew my baby would not survive,” Ms. Kling says. “To me, continuing to carry the pregnancy would have meant prolonged suffering, not only for my baby who would have been crushed by the time I gave birth, but for myself. The cruelty of carrying a baby who could not survive felt like pure torture.”

¹ Consistent with standard medical practice, gestational ages as used herein are dated from the first day of the patient’s last menstrual period (“LMP”), which is typically approximately two weeks before the estimated date of fertilization of a pregnancy.

² This letter describes pregnancy using medical terminology, unless describing a particular patient’s pregnancy, in which case, consistent with principles of medical ethics, it adopts the terminology preferred by the individual.

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At the time, abortion was not available in Wisconsin. After *Roe* was overturned, an 1849 Wisconsin law operated as a near-total ban on abortion.³ Ms. Kling and her husband were forced to travel to the Mayo Clinic in Rochester, Minnesota to receive the care they sought. There, physicians confirmed for a third time that there was no chance their baby would survive, and induced labor at Ms. Kling's request. "The diagnosis was correct," Ms. Kling said to a local Wisconsin reporter. "There was no question about it."⁴ An autopsy later confirmed her diagnosis, making it certain her baby could not have survived.

Months later, Ms. Kling decided to tell her story, which was reported accurately in Wisconsin news outlets, including the Milwaukee Journal Sentinel,⁵ the Wisconsin Independent,⁶ and News 8 Now.⁷ Said Ms. Kling, "I believe every woman has a story and every woman needs to have health care options with their doctors."⁸

II. THE FALSE, DEFAMATORY STATEMENTS ABOUT MS. KLING

Rather than publish the verifiable facts reported about Ms. Kling, Live Action News and Ms. Flanders chose to exacerbate Ms. Kling's pain, trauma, and grief. In April and July 2025, Ms. Flanders authored and Live Action News published two articles filled with false, defamatory statements about Ms. Kling—including that she was "angry" she could not have her baby "killed in her own home state."⁹ While Live Action News and Ms. Flanders cited media sources that accurately reported the facts of her situation, they deliberately discarded those facts to cast Ms. Kling as cruel and morally culpable. Worse, they made no effort to verify their twisted and false account of Ms. Kling's lived experience; at no point did anyone from Live Action News—including Ms. Flanders herself—contact Ms. Kling or her medical providers for comment or confirmation, which she and her doctor readily provided to other media outlets.

³ Wis. Stat. § 940.04, *ruled unconstitutional by Kaul v. Urmanski*, No. 2023AP2362 (Wis. July 2, 2025).

⁴ Jessica Van Egeren, *Wisconsin mom decided ending pregnancy was safest, most humane option. Then she had to leave state*, MILWAUKEE JOURNAL SENTINEL (March 13, 2024), <https://www.jsonline.com/story/news/health/2024/03/13/pregnant-wisconsin-mom-went-to-minnesota-for-an-abortion-why/72629749007/>.

⁵ *Id.*

⁶ Rebekah Sager, *Sharing stories: A wanted pregnancy and a difficult decision*, THE WISCONSIN INDEPENDENT (February 25, 2025), <https://wisconsinindependent.com/health-care/wanted-pregnancy-abortion-bans-potter-syndrome-fetal-anomalies-termination/>.

⁷ Allyson Fergot, *Wisconsin mother shares abortion story, calls current 20-week ban 'cruel'*, NEWS 8 NOW (July 17, 2025), https://www.news8000.com/news/wisconsin-news/wisconsin-mother-shares-abortion-story-calls-current-20-week-ban-cruel/article_b3a56959-de97-4c29-b464-67aacedce5f8.html.

⁸ Van Egeren, *supra* note 4.

⁹ Nancy Flanders, *Mom encouraged to abort baby, even as doctors worked to save others like him*, LIVE ACTION NEWS (April 15, 2025).

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Far from any credible form of “reporting,” Live Action News’s and Ms. Flanders’s reckless disregard for the truth was a purposeful distortion of a medical tragedy to villainize a grieving mother because her story challenges Live Action News’s anti-abortion agenda.

The false and defamatory statements fall into four categories, addressed below.

A. False Statements About Ms. Kling’s Diagnosis and That Life-Saving Treatment Was Available.

The first Live Action News piece, published April 15, 2025 by Nancy Flanders, is titled “*Mom encouraged to abort baby, even as **doctors worked to save others like him.***”¹⁰ The assertion that doctors were working to or could save other babies “*like*” Ms. Kling’s (*i.e.*, those with the same diagnosis) is patently false. Ms. Flanders’s second article targeting Ms. Kling, published by Live Action News on July 21, 2025—titled “*Is it ‘cruel’ to protect a child from being killed for having a **life-limiting** diagnosis?*”¹¹—similarly states: “Although there is a small chance of survival with Nolan’s diagnosis, **other children have been able to beat the odds.**” Also false is the characterization of Ms. Kling’s diagnoses as mere “**health challenges.**” The very title and opening paragraph of the July 21 article likewise grossly understates the severity of Ms. Kling’s diagnoses—calling them “**life-limiting**” and characterizing them as “**a health condition.**”

Ms. Flanders also falsely states that the Mayo Clinic was currently involved in an amnioinfusion study. The April 15 article states: “[T]he Mayo Clinic in Rochester, Minnesota—the same hospital that committed Kling’s abortion—is **actually currently carrying out a study on amnioinfusion**; it began in 2018 and is set to conclude this December” and “**while Mayo Clinic staff were helping to save preborn children with Potter’s [sic] syndrome in one part of the hospital, doctors in another were ending Nolan’s life prematurely.**” Ms. Flanders asks: “Did any doctor at the Mayo Clinic inform Kling that **at the same facility, doctors were working to try to save babies with Potter syndrome?** Did anyone give her the option of amnioinfusion?” The plain implication is that life-saving treatment was available to Ms. Kling when it was not.

The true facts are as follows:

First, Ms. Kling’s diagnosis was not a mere “life-limiting” “health condition” or “challenge”—it was incompatible with survival—and no doctors were working to save babies like hers. As Live Action News and Ms. Flanders knew at the time of publication, Ms. Kling’s baby did not have a mild form of Potter Syndrome, and it was not the only reason the diagnosis was fatal. The baby also had no bladder and his brain and heart were not developing. This combination is incompatible with survival outside the womb. Three separate physicians confirmed the diagnosis, and a subsequent autopsy confirmed it once more. Despite acknowledging these additional

¹⁰ *Id.*

¹¹ Nancy Flanders, *Is it ‘cruel’ to protect a child from being killed for having a life-limiting diagnosis?*, LIVE ACTION NEWS (July 21, 2025).

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diagnoses elsewhere,¹² Ms. Flanders still falsely stated that the baby could have survived. This was not just misleading, but knowingly untrue and deeply harmful. None of the children who “beat the odds” with Potter Syndrome were comparable to the diagnoses involved here.

Second, the Mayo Clinic was not simultaneously doing a study that could have saved Ms. Kling’s baby, because all publicly available information indicates it had exited the relevant trial prior to Ms. Kling’s visit.¹³ Even if the clinic was still participating in the clinical trial, the baby’s absence of a bladder and poor brain and heart development would have prevented Ms. Kling from participating. Indeed, Ms. Kling inquired about the trial herself, and was told her additional diagnoses would have excluded her from eligibility. Live Action News either knew or should have known this. Notably, the very source that Live Action News cited listed “[a]ssociated fetal anomaly unrelated to LUTO or renal agenesis” as the first exclusion criteria for this study.¹⁴ Once again, Live Action News and Ms. Flanders ignored easily reportable facts to push the twisted lie that Ms. Kling’s loss was both preventable and purposeful.

B. False Statement That the Fatal Fetal Diagnosis Created No Additional Health Risk to Ms. Kling.

The April 15 article states: “[N]either Kling’s health nor her life were any more at risk than any woman experiencing a pregnancy without a fetal diagnosis—otherwise, Cunningham would not have sent Kling out of state for the abortion.” This statement is false and defamatory.

The truth is that diagnoses of the type Ms. Kling received are associated with a range of serious maternal health complications, including infection (sepsis), mirror syndrome, preeclampsia, and other life-threatening conditions.¹⁵ These risks are distinct from and greater than those presented by an ordinary pregnancy. Live Action News knew or should have known Ms. Kling’s pregnancy posed greater health risks. In fact, the Milwaukee Journal Sentinel article that Ms. Flanders cited in her April 15 article reported that Cunningham’s medical assessment was confirmed by a second, “more specialized, ultrasound for *high-risk pregnancies*...” and noted that Ms. Kling’s “own mental health” was at stake.¹⁶

The second half of Ms. Flanders’s statement, that “*otherwise*, Cunningham would not have sent Kling out of state for the abortion,” falsely implies that Cunningham’s conduct proves Ms.

¹² *Id.* (“When the specialized ultrasound confirmed the diagnosis, they were also told that the baby did not have a bladder and also had abnormalities in his brain and heart.”).

¹³ Jena L. Miller et al, *Neonatal Survival After Serial Amniotomies for Bilateral Renal Agenesis: The Renal Anhydramnios Fetal Therapy Trial*, 330 JAMA (2023) (“The trial was stopped early based on an interim analysis of 18 maternal-fetal pairs given concern about neonatal morbidity and mortality.”).

¹⁴ CTV, *Serial Amniotomies as Regenerative Therapy for Pulmonary Hypoplasia* (last visited June 16, 2026), <https://ctv.veeva.com/study/serial-amniotomies-as-regenerative-therapy-for-pulmonary-hypoplasia>.

¹⁵ See Anjali Nambiar et al, *Maternal Morbidity With Expectant Management of Life-Limiting Fetal Conditions*, JAMA Netw. Open (2025).

¹⁶ Van Egeren, *supra* note 4.

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Kling's health was not at risk. But the reason Ms. Kling had to leave Wisconsin for treatment was the state's near-total abortion ban then in effect—not because there was no medical basis to end the pregnancy.

C. False Statements Characterizing Ms. Kling's Medical Decision as Intentionally "Killing."

Ms. Flanders's April 15 article states that "Kling was angry that she couldn't *have Nolan killed* in her own home state" and characterizes Ms. Kling's decision as one of "*killing*" a child when "faced with *health challenges*." It further states that an induced abortion "always carries the *intent to kill the baby*." The title of her July 21 article similarly asks whether it is "cruel" to protect a child "from *being killed* for having a *life-limiting diagnosis*." Each of these statements and the plain implication that Ms. Kling intended to kill her child due to mere "health challenges" are false and defamatory.

The true facts are as follows:

First, Ms. Flanders maliciously distorted Ms. Kling's quoted words about being angry. Ms. Kling did not express anger at being unable to "kill" her baby. As her quoted statement shows, she expressed grief, trauma, and frustration with Wisconsin's restrictive abortion law, which forced her to travel out-of-state for the medical care she and her physicians determined was appropriate for a non-viable pregnancy.

Second, as discussed above, Ms. Kling was faced with diagnoses incompatible with life—not "health challenges" that would be "life-limiting." By using these phrases and then condemning Ms. Kling for choosing to "kill" her baby, Ms. Flanders falsely implies that the diagnoses were survivable and Ms. Kling made the morally culpable decision to end her baby's life anyway.

Third, Ms. Kling sought an induction of labor because the pregnancy was non-viable and carrying a pregnancy with such severe diagnoses to term would have subjected both the baby and herself to prolonged suffering, including the progressive crushing of the baby's bones due to the near absence of amniotic fluid. Ms. Kling's intent was not to "kill the baby," but rather to end a pregnancy that had no chance of survival in the most compassionate manner available to her.

D. False Statements that Ms. Kling Was Encouraged to Have an Abortion.

Ms. Flanders's April 15 article falsely states that Ms. Kling was "*encouraged* to abort [her] baby." It further states that "Kling had options other than aborting her child, but *she chose abortion on the advice of her doctor*."

Again, these statements are demonstrably wrong and defamatory.

The truth is that no doctor ever encouraged Ms. Kling to have an abortion. Ms. Kling initiated the option of ending the non-viable pregnancy and she and her family made that decision after doctors provided unbiased information regarding her diagnosis. These statements defamatorily erase the difficult decision Ms. Kling and her family faced while carefully weighing

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medical options, what they felt was the most compassionate choice, and their own health and wellbeing.

III. THE DEVASTATING RESULTS OF THE FALSE STATEMENTS

The results of these publications were predictable and devastating. Live Action News's and Ms. Flanders's false statements have caused Ms. Kling and her family severe emotional distress and fear for their safety. For example, Ms. Kling underwent numerous therapy sessions due to the heartbreak and re-traumatization she experienced. In Ms. Kling's own words:

“Using the word “kill” and describing me as someone who murdered my baby brings out the stigma about abortion. It is heartbreaking to have someone distort my experience in such a villainized way about the son we had hoped for and grieved, and truly loved, all because the medical care we needed was abortion. And for those lies to be out on the internet for the whole world to read opens up the heartbreak and brings out the strongest feelings and insecurities that make sharing an experience like this so difficult and vulnerable.”

The timing of Live Action News's publications also heightened dangers to Ms. Kling and her family. At the very same time Live Action News and Ms. Flanders were publishing defamatory pieces about Ms. Kling, news was surfacing that a man with deeply held anti-abortion beliefs was accused of fatally shooting Minnesota state lawmakers, and had a hit list that included several Wisconsin lawmakers and abortion rights advocates.¹⁷ Because of her geographic proximity to the shootings, and because of Live Action News's and Ms. Flanders's decision to single her out with false and incendiary rhetoric, Ms. Kling feared she could be next. In fact, Ms. Kling was scheduled to speak at an event outside of the Wisconsin state capital around that time; several Wisconsin politicians also scheduled to speak cancelled due to security concerns. Says Ms. Kling “This was a time in which abortion advocates in my exact geographic area were being targeted with violence, and my name was being advertised exactly to the perpetrators. What if they send something to my house? I felt a target on my back. I was scared for my safety.”

Live Action News and Ms. Flanders did not merely mischaracterize a medical tragedy—they falsified and exploited it, twisting the facts to generate outrage and clicks, further harming an already grieving parent.

¹⁷ See Steve Karnowski et al, *State Capitol sees enhanced security after suspected Minnesota shooter listed 11 Wisconsin lawmakers as targets*, WISCONSIN PUBLIC RADIO (June 16, 2025), <https://www.wpr.org/news/state-capitol-enhanced-security-suspected-minnesota-shooter-11-wisconsin-lawmakers-targets>; Jim Mustian and Michael Biesecker, *Friends say Minnesota shooting suspect was deeply religious and conservative*, AP NEWS (June 16, 2025), <https://apnews.com/article/minnesota-shootings-lawmakers-suspect-21b2165404bc66f77dd5e0e36efeb065>.

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IV. LIVE ACTION NEWS AND MS. FLANDERS'S EXTENSIVE HISTORY OF PUBLISHING THE SAME BASELESS, DEFAMATORY STATEMENTS ABOUT OTHER FAMILIES

Ms. Kling is not alone as a target. Live Action News has built an entire business around exploiting stories like Ms. Kling's and churning out the same lies about pregnant people who sought abortion after receiving a fatal fetal diagnosis. We also represent twelve other individuals targeted by Live Action News after losing pregnancies under tragic circumstances, specifically: Jennifer Adkins, John Adkins, Ashley Brandt, Samantha Casiano, Kate Cox, Dr. Austin Dennard, Jessica Djukanovic, Taylor Edwards, Travis Edwards, Kayla Smith, and Jillaine St.Michel. The articles about them—many also written by Nancy Flanders—recycle the same two defamatory lies with reckless disregard for the specific and easily obtainable facts in each case: (1) that fetuses with fatal diagnoses could have survived, and (2) that the lives of the pregnant individuals were never in danger. For each of our clients, the implications of these false statements are as heinous and insulting as they are reputationally damning. Several of the people we represent have expressed relationships being negatively affected because of family members, neighbors, and friends who read Live Action News.

While Live Action News labeled many of these articles as “fact checks,” *not once* did it contact any of our clients for comment, clarification, or factual correction before publication. This is not an oversight—it is a clear indicator of Live Action News's willful disregard for the truth. The pattern is unmistakable: ignore easily verifiable facts, distort our clients' documented and lived experiences, refuse to verify, and publish sensationalized lies that cause lasting harm.

- **Jennifer Adkins** (Idaho) was 12 weeks pregnant when she and her husband, **John Adkins**, learned that their baby had a fatal form of Monosomy X—or Turner Syndrome—a condition where one of the X chromosomes is deleted early in development. Doctors advised Ms. Adkins that she was at high risk for developing mirror syndrome, a life-threatening condition that causes edema and preeclampsia. Live Action News acknowledged the scope and severity of her diagnosis yet still falsely represented that she and her husband were merely told that “their daughter *might* have a non-terminal condition.” Live Action News based the repeated falsehood that Ms. Adkin's diagnosis was both uncertain and “non-fatal” to conclude that “[t]here was no immediate medical need for [Ms.] Adkins's pregnancy to end”¹⁸ and so she and her

¹⁸ Nancy Flanders, *Hillary Clinton advocates death for preborn baby girl with disability*, LIVE ACTION NEWS (May 18, 2023). See also Nancy Flanders, *They left Idaho to abort babies diagnosed with disabilities. Now they're suing the state.*, LIVE ACTION NEWS (November 15, 2024) (“[H]er baby was alive and her own health was not in danger”); Cassy Cooke, *Idaho AG claims partial victory as judge issues ruling on abortion law exceptions*, LIVE ACTION NEWS (April 15, 2025) (“Her daughter was alive, and Adkins was healthy”).

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husband simply had “eugenic motives”¹⁹ to “kill [their] living baby.”²⁰ The Adkins family now live in Utah.

- **Ashley Brandt** (Texas) was 12 weeks pregnant with identical twins, one of whom was diagnosed with acrania, a fatal condition where the fetus does not develop a skull. The best chance of survival for the other twin was an abortion for the twin with acrania, a procedure that Ms. Brandt was forced to seek out-of-state. Live Action News knew these facts, yet still published patently false statements that her “abortion was not medically necessary” and the “aborted twin was denied her humanity, unnecessarily labeled a threat to her sibling, and killed by abortion.”²¹ As Ms. Brandt has stated, without her out-of-state abortion, her surviving twin daughter most likely would not be here today. Yet, because of Live Action News’s defamatory publications, Ms. Brandt now lives in fear that her daughter will be exposed to the hurtful lies that paint both Ms. Brandt and her daughter as having “killed” her twin.

Ms. Brandt was so distressed by these malicious lies that she emailed Nancy Flanders to let her know the article contained errors and conclusions with no basis in medical fact. *See Exhibit A*. Though Ms. Brandt offered to help correct the record and clarify her complex medical history, *see id.*, neither Ms. Flanders nor anyone at Live Action News made any effort to respond or to contact her.

- **Samantha Casiano** (Texas) was 20 weeks pregnant when she was told that her baby would not survive due to anencephaly—a severe diagnosis where a baby is born without part of the brain or skull. Unable to obtain an abortion in Texas, and without the resources necessary to travel out-of-state to receive care, Ms. Casiano was forced to carry the pregnancy to term and witness her daughter—whom she named Halo—struggle in pain for the few short hours of her life. Live Action News acknowledged Ms. Casiano’s diagnosis,²² yet still asserted that “intentional killing by induced abortion is not necessary for anencephaly, as the condition it [sic] is not dangerous in

¹⁹ Nancy Flanders, *Couple sues over Idaho’s pro-life law after aborting baby with non-fatal condition*, LIVE ACTION NEWS (February 25, 2024).

²⁰ Nancy Flanders, *They left Idaho to abort babies diagnosed with disabilities. Now they’re suing the state.*, LIVE ACTION NEWS (November 15, 2024). *See also* Amanda Vicinanza, *Lawsuit seeks fewer restrictions on abortion during medical emergencies in three states*, LIVE ACTION NEWS (September 10, 2023).

²¹ Nancy Flanders, *One of her twins was deemed too sick to live, so she was told to abort. Was it necessary?*, LIVE ACTION NEWS (September 19, 2024).

²² Nancy Flanders, *Mother angry that daughter died naturally instead of being aborted: ‘She shouldn’t have had to wait’*, LIVE ACTION NEWS (July 16, 2024) (describing Ms. Casiano’s diagnosis as a “condition in which the brain, skull, and scalp are missing, exposing the brain to amniotic fluid.”).

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any way to the mother.”²³ It further asserted that Ms. Casiano was “angry that she could not abort Halo,”²⁴ and that abortion was “not necessary.”²⁵

- **Kate Cox** (Texas) learned at around 20 weeks that her baby had a fatal form of Trisomy 18 and had no chance of survival. Doctors informed Ms. Cox that carrying the pregnancy placed her own health and future fertility at risk. Live Action News knew that Ms. Cox’s diagnosis was fatal, yet it still asserted that “Cox’s daughter, Chloe, wasn’t necessarily doomed to die.”²⁶ Live Action has in fact maliciously and repeatedly asserted that Ms. Cox’s diagnosis was not fatal in at least twenty five different articles, videos, and social media posts about her.²⁷ Not only do these posts falsely state that Ms. Cox’s baby “was alive and safe in her mother’s womb,”²⁸ but Live Action News has in turn based these patent falsehoods to paint Ms. Cox as a callous, cruel murderer who “eugenically killed”²⁹ “her disabled preborn baby.”³⁰

A reputable fact checking website, FactCheck.org, has flagged Live Action News for spreading misinformation about Ms. Cox. Instead of issuing corrections, Live Action News doubled down, insisting there was “[n]o imminent risk to Cox’s life.”³¹

²³ Cassy Cooke, *Dating app Bumble funds promotion of pro-abortion propaganda film*, LIVE ACTION NEWS (October 3, 2024).

²⁴ Nancy Flanders, *Mother angry that daughter died naturally instead of being aborted: ‘She shouldn’t have had to wait’*, LIVE ACTION NEWS (July 16, 2024).

²⁵ Nancy Flanders, *Hillary and Chelsea Clinton team up to produce propaganda against Texas’ abortion law*, LIVE ACTION NEWS (September 11, 2024).

²⁶ Cassy Cooke, *ProPublica slams Texas Medical Board’s attempts to clarify pro-life law*, LIVE ACTION NEWS (February 12, 2026. See also Nancy Flanders, *Killing second-trimester preborn babies to be presented as ‘inspiring’ at State of the Union*, LIVE ACTION NEWS (March 6, 2024) (calling Ms. Cox’s diagnosis “‘life-limiting’ but not fatal”).

²⁷ A list of articles about Ms. Cox is included in **Exhibit C**.

²⁸ Nancy Flanders, *Kate Cox’s abortion fundraising email lies about her pregnancy and dehumanizes her aborted baby*, LIVE ACTION NEWS (January 3, 2025).

²⁹ Live Action, “Kate Cox eugenically killed her daughter and is being hailed as a hero at the DNC. Her daughter deserved to be loved and celebrated the way Kate’s current baby is. Instead, she was targeted to death with abortion because of her disability.” X (August 27, 2024, 11:44am), <https://x.com/LiveAction/status/1828458543495721358>. See also Nancy Flanders, *‘I’m bathing my baby:’ Perinatal hospice shows how every baby should be treated*, LIVE ACTION NEWS (August 29, 2024) (claiming Ms. Cox “treated” her baby as “disposable, as unworthy.”).

³⁰ Nancy Flanders, *Jill Biden invites woman who aborted disabled baby to State of the Union*, LIVE ACTION NEWS (February 1, 2024). See also Nancy Flanders, *Families of individuals with Trisomy 18 fire back at calls for baby’s death*, LIVE ACTION NEWS (December 14, 2023) (saying Ms. Cox “kill[ed] her preborn daughter due to her disability”); Nancy Flanders, *How the Biden State of the Union mocked the legacy of a pro-life disability rights hero*, LIVE ACTION NEWS (March 8, 2024) (calling Ms. Cox “the mother who sued Texas for the right to kill her disabled preborn child”) (emphasis in original).

³¹ Nancy Flanders, *Fact checking the fact checkers regarding Lila Rose’s Trisomy 18 social media post*, LIVE ACTION NEWS (December 22, 2023) (internal citations omitted).

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- **Dr. Austin Dennard** (Texas) was 11 weeks pregnant when her baby was diagnosed with anencephaly. Though Live Action News quoted Dr. Dennard affirmatively stating “there was absolutely no chance of survival,” it then claimed Dr. Dennard’s abortion “was *desired and elective*,” “[t]he claim that her health was somehow at risk due to her son’s diagnosis is *false*,”³² and she just wanted to “hurry up and kill a child.”³³
- **Jessica Djukanovic** (Iowa) was around 10 weeks pregnant when her baby was diagnosed with a fatal form of Trisomy 18 and she developed mirror syndrome, a life-threatening condition that caused her chest pain, swelling, fatigue, and emerging kidney dysfunction. Without verifying any facts or reviewing her records, Live Action News stated that Ms. Djukanovic’s diagnoses had “absolutely no medical support,” and “the situation was not an emergency.”³⁴ Live Action News characterized Ms. Djukanovic as an “elitist” who wanted to “kill” her baby.³⁵
- **Taylor Edwards and Travis Edwards** (Texas) learned at their 17-week ultrasound that their baby had encephalocele, which causes brain matter to herniate out of the skull. Their doctors told them that no fetal surgery could correct their specific case and that their baby would not survive. Live Action News linked to articles confirming the severity of the diagnosis,³⁶ yet asserted that they “dismembered” their baby, and callously referred to their son—whose initials spell out ROE—as “[a] child named in honor of the procedure that killed his sister.”³⁷ Live Action’s post about Mr. and Ms. Edwards generated almost two million views on X, *See Exhibit B*, and resulted in hundreds of hateful comments, including ones calling for them to “be hanged for murder.”³⁸ The negative attention generated by Live Action caused Ms. Edwards to

³² Kelli Keane, *4 things to know about the letter 111 OB/GYNs wrote to condemn Texas’ pro-life law*, LIVE ACTION NEWS (November 5, 2024). *See also* Cassy Cooke, *Dating app Bumble funds promotion of pro-abortion propaganda film*, LIVE ACTION NEWS (October 3, 2024).

³³ Cassy Cooke, *Did this mom in a Biden campaign ad ‘need’ to deliberately kill her preborn baby? Does any mom?*, LIVE ACTION NEWS (January 23, 2024) (emphasis in original). *See also* Nancy Flanders, *Hillary and Chelsea Clinton team up to produce propaganda against Texas’ abortion law*, LIVE ACTION NEWS (September 11, 2024) (calling Dr. Dennard’s abortion “not necessary”).

³⁴ Nancy Flanders, *Fact Check: Woman says she was denied treatment as baby ‘poisoned her from inside out’*, LIVE ACTION NEWS (December 31, 2025).

³⁵ *Id.*

³⁶ Cassy Cooke, *Texas woman credits abortion for her son, giving him the initials ‘R.O.E.’*, LIVE ACTION NEWS (October 24, 2025).

³⁷ Live Action, “Travis and Taylor learned their first child, a little girl, was diagnosed with a neural tube defect. Not wanting to carry a sick child, they traveled out of state for a late-term abortion. Shortly after, they got pregnant again. They named him Reid Owen Edwards... ‘ROE’ A child named in honor of the procedure that killed his sister.” X (October 24, 2025, 2:24pm), <https://x.com/LiveAction/status/1981788987896607170>.

³⁸ xGregDX, “They should have their son taken away and should both be hanged for murder.” X (October 25, 2025), 3:36pm, <https://x.com/xTheGregDx/status/1982169436824957409>.

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fear for her reputation and employment; she took down her LinkedIn page and notified her employer out of concern that they would receive hateful messages directed towards her.

- **Lauren Miller** (Texas) learned she was pregnant with twins when she was diagnosed in the emergency room with hyperemesis gravidarum, a severe form of nausea that carries significant risks for pregnant people and their babies. A few weeks later, Ms. Miller was told that one of the twins had a severe form of Trisomy 18, as well as several other diagnoses, including: cystic hygromas where much of the brain should have been developing, a single artery umbilical cord, incomplete abdominal wall, an abnormal heart, and abnormal nuchal translucency. Live Action News acknowledged Ms. Miller’s fatal diagnosis but nonetheless stated that because other babies with far less severe forms of Trisomy 18 have survived, Ms. Miller’s could have as well, and she simply chose to “kill” her “unhealthy” baby.³⁹
- **Kayla Smith** (Idaho) has a history of preeclampsia and was 19 weeks into an already high-risk pregnancy when an ultrasound revealed that her baby had fetal critical aortic stenosis and hypoplastic left heart syndrome, where a fetus’ left ventricle does not develop as it should. Doctors said that her condition—the worst they had ever seen—was not operable, and the pregnancy now put her at an even higher risk of preeclampsia. Citing a news article that accurately confirmed the seriousness of Ms. Smith’s diagnosis, Live Action News nonetheless insisted that her baby’s conditions were “operable,” and abortion was “not medically necessary.”⁴⁰ It then claimed that a “feticide” was injected into Ms. Smith’s baby, using that fabrication to declare he died “by lethal injection in the name of pro-abortion propaganda.”⁴¹ Live Action News presented no evidence for this statement because none exists: No feticide was ever administered to Ms. Smith at any time. Live Action News knew or should have known this claim was baseless yet still concluded that Ms. Smith decided “the risk of possibly developing preeclampsia was not worth her son’s life.”⁴² Ms. Smith and her family now live in Washington State.
- **Jillaine St.Michel** (Idaho) was told at 20 weeks that her baby had several fatal genetic and developmental conditions impacting multiple organ systems, including the heart,

³⁹ Nancy Flanders, *They refused to abort a twin with Trisomy 18. Now, they fight for his medical care.*, LIVE ACTION NEWS (March 18, 2023).

⁴⁰ Nancy Flanders, *Killing second-trimester preborn babies to be presented as ‘inspiring’ at State of the Union*, LIVE ACTION NEWS (March 6, 2024).

⁴¹ *Id.*

⁴² *Id.* See also Nancy Flanders, *They left Idaho to abort babies diagnosed with disabilities. Now they’re suing the state.*, LIVE ACTION NEWS (November 15, 2024) (“But she did not need an induced abortion (which involves intentional killing)”); Nancy Flanders, *The inaccurate, fear-mongering Atlantic article that makes killing babies sound like health care*, LIVE ACTION NEWS (September 17, 2024) (“She *did not need* an induced abortion, and her decision to have one raises concern that she only chose abortion because of her son’s diagnosis.”).

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spine, bones, lungs, and ureter. Yet when describing her diagnosis Live Action News still put sarcastic scare quotes around “fatal” and asserted that “dismembering” Ms. St.Michel’s baby was “not necessary.”⁴³ Ms. St.Michel and her family now live in Minnesota.

As with Live Action News’s false statements about Ms. Kling, its statements about Ms. Adkins, Mr. Adkins, Ms. Brandt, Ms. Casiano, Ms. Cox, Dr. Dennard, Ms. Djukanovic, Ms. Edwards, Mr. Edwards, Ms. Miller, Ms. Smith, and Ms. St.Michel are equally unlawful and reckless, and must cease immediately.

V. LEGAL VIOLATIONS

The First Amendment protects fair debate, not bad faith and defamatory lies. As the U.S. Supreme Court has made clear, “there is no constitutional value in false statements of fact. Neither the intentional lie nor the careless error materially advances society’s interest in ‘uninhibited, robust, and wide-open’ debate on public issues.” *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 340, (1974) (citing *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964)). States therefore enjoy broad authority to impose legal remedies for defamatory falsehoods. *Id.* at 345-46. Many states, including Wisconsin—where Ms. Kling resides and was denied abortion care, and where the news outlets from which Live Action News obtained her story are located—have strong legal protections for individuals defamed by organizations like Live Action News.

Here, Live Action News and Ms. Flanders disseminated (1) unprivileged statements, (2) to a large public audience, (3) that expressly assert and aggressively insinuate multiple provably false factual claims, which (4) are the very type of fabricated assertions—*e.g.*, that a mother killed her baby—that any reasonable person would understand as inflicting serious and predictable reputational harm. This conduct satisfies every element of defamation under Wisconsin law. *See Hart v. Bennet*, 2003 WI App 231, ¶ 21, 267 Wis.2d 919, 672 N.W.2d 306.

Live Action News knew and/or maliciously or recklessly disregarded the falsity of its statements about Ms. Kling, as well as those about Ms. Adkins, Mr. Adkins, Ms. Brandt, Ms. Casiano, Ms. Cox, Dr. Dennard, Ms. Djukanovic, Ms. Edwards, Mr. Edwards, Ms. Miller, Ms. Smith, and Ms. St.Michel. *New York Times Co. v. Sullivan*, 376 U.S. 254, 279–80, 84 S.Ct. 710, 725–26, 11 L.Ed.2d 686 (1964). Yet it barreled ahead with publishing these cruel distortions, often willfully contradicting the very facts in the sources it cited and granting none of the affected people any opportunity to correct the record. Live Action News did this for the sole purpose of villainizing these families and weaponizing their stories to advance its own anti-abortion agenda.

VI. REQUIRED ACTIONS

For the foregoing reasons, we hereby demand that Live Action News and Ms. Flanders:

⁴³ Nancy Flanders, *They left Idaho to abort babies diagnosed with disabilities. Now they’re suing the state.*, LIVE ACTION NEWS (November 15, 2024).

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- a. Immediately cease and desist from publishing, republishing, or otherwise disseminating further false statements about Ms. Kling.
- b. Immediately cease and desist from publishing, republishing, or otherwise disseminating further false statements about other pregnant individuals who sought, obtained, or were denied abortion care, including Ms. Adkins, Mr. Adkins, Ms. Brandt, Ms. Casiano, Ms. Cox, Dr. Dennard, Ms. Djukanovic, Ms. Edwards, Mr. Edwards, Ms. Miller, Ms. Smith, and Ms. St.Michel.
- c. Delete all posts and communications containing the aforementioned false statements about Ms. Kling, Ms. Adkins, Mr. Adkins, Ms. Brandt, Ms. Casiano, Ms. Cox, Dr. Dennard, Ms. Djukanovic, Ms. Edwards, Mr. Edwards, Ms. Miller, Ms. Smith, and Ms. St.Michel.
- d. Within fourteen days of the date of this letter, or **by July 29, 2026**, post a full and unequivocal retraction online, stating that your claims about Ms. Kling were false, and clarifying that (1) Ms. Kling's baby had no chance of survival, (2) the Mayo Clinic where Ms. Kling received abortion care had already exited the clinical trial prior to her treatment, and (3) Ms. Kling did not have her baby "killed."
- e. Within fourteen days of the date of this letter, or **by July 29, 2026**, post a full and unequivocal retraction online, stating that your claims about Ms. Adkins, Mr. Adkins, Ms. Brandt, Ms. Casiano, Ms. Cox, Dr. Dennard, Ms. Djukanovic, Ms. Edwards, Mr. Edwards, Ms. Miller, Ms. Smith, and Ms. St.Michel were false, and clarifying that none of these individuals "killed" their babies as either: (1) their babies could not have survived, and/or (2) their lives were in danger.
- f. Provide written communication to the address listed above, by the fourteen-day deadline, confirming that you have complied with these demands and identifying all URLs where the deletions and retractions have been made.

Please be advised that upon continued failure to comply with the above demands, Ms. Kling, Ms. Adkins, Mr. Adkins, Ms. Brandt, Ms. Casiano, Ms. Cox, Dr. Dennard, Ms. Djukanovic, Ms. Edwards, Mr. Edwards, Ms. Miller, Ms. Smith, and Ms. St.Michel may be entitled to additional legal remedies, including injunctive relief, damages, and recovery of attorneys' costs and fees.

We reserve all rights.

Sincerely,



Molly Duane
Maria Victoria Abut

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EXHIBIT A

From: Ashley Brandt [REDACTED]
Date: September 24, 2024 at 7:09:07 AM CDT
To: editor@liveaction.org
Subject: ATTN Nancy Flanders

Hi Nancy!

I read the article that you published about my abortion experience. Nice touch publishing on my birthday.

I've got to say, it was very poorly researched. Also confused as to how you can write an article on my medical decision while knowing absolutely nothing about my personal medical health and why I CHOSE, not was forced or encouraged by any medical professional whatsoever, but CHOSE to abort Isla.

I made the best decision for myself and my family after carefully weighing all risks and options.

Your article is full of skewed information that I can only assume is worded to push your moral opinion and agenda, not to relay the facts of my actual situation. Shame on you.

If you are actually genuinely interested in trying to understand the complexities of situations like mine and why I made the choice I did you are more than welcome to reach out and discuss.

If your only interest as a journalist is to take experiences that don't belong to you and frame them in order to push your personal agenda, then I urge you to please get a life of your own and stop worrying about my twin A's.

Best,
Ashley Brandt

EXHIBIT B



Live Action, “Travis and Taylor learned their first child, a little girl, was diagnosed with a neural tube defect. Not wanting to carry a sick child, they traveled out of state for a late-term abortion. Shortly after, they got pregnant again. They named him Reid Owen Edwards... “ROE” A child named in honor of the procedure that killed his sister.” X (October 24, 2025, 2:24pm), <https://x.com/LiveAction/status/1981788987896607170>.

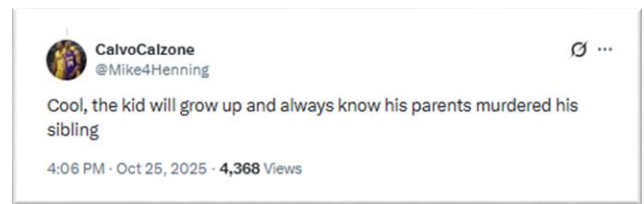


EXHIBIT C

Articles, Videos, and Social Media Posts About Kate Cox

1. Isabella Childs and Nancy Flanders, *Texas Supreme Court freezes lower court ruling that approved 20-week baby's dismemberment*, LIVE ACTION NEWS (December 9, 2023).
2. Cassy Cooke, *3 key facts about the case of the Texas woman aborting her baby with a disability*, LIVE ACTION NEWS (December 12, 2023).
3. Bridget Sielicki, *Trisomy 18 is not an automatic death sentence. These children are proof.*, LIVE ACTION NEWS (December 13, 2023).
4. Nancy Flanders, *Families of individuals with Trisomy 18 fire back at calls for baby's death*, LIVE ACTION NEWS (December 14, 2023).
5. Nancy Flanders, *Her pregnancy mirrored Kate Cox's – but instead of abortion, doctors fought to save her baby*, LIVE ACTION NEWS (December 19, 2023).
6. Poppy Daniels, *Can we help society embrace a mother and a patient in the womb at the same time?*, LIVE ACTION NEWS (December 19, 2023).
7. Live Action, *What You Need To Know About The Katie Cox Case*, YOUTUBE (December 19, 2023), https://www.youtube.com/watch?v=OVhyiQfhv_g.
8. Nancy Flanders, *Every human being, including those with Trisomy 18, has an inherent right to life*, LIVE ACTION NEWS (December 20, 2023).
9. Nancy Flanders, *Fact checking the fact checkers regarding Lila Rose's Trisomy 18 social media post*, LIVE ACTION NEWS (December 22, 2023).
10. Cassy Cooke, *Parents of children with Trisomy 18 outraged over media's false reporting*, LIVE ACTION NEWS (December 30, 2023).
11. Jennifer Thenhaus, *My daughter has Trisomy 18 and her life is beautiful*, LIVE ACTION NEWS (January 16, 2024).
12. Nancy Flanders, *Jill Biden invites woman who aborted disabled baby to State of the Union*, LIVE ACTION NEWS (February 1, 2024).
13. Jesi Smith, *Outright discrimination against children with disabilities is the 'state of the union' under Biden*, LIVE ACTION NEWS (March 7, 2024).
14. Nancy Flanders, *Killing second-trimester preborn babies to be presented as 'inspiring' at State of the Union*, LIVE ACTION NEWS (March 6, 2024).
15. Nancy Flanders, *How the Biden State of the Union mocked the legacy of a pro-life disability rights hero*, LIVE ACTION NEWS (March 8, 2024).

16. Nancy Flanders, *The media is still lying about Kate Cox, who is pregnant again after fighting to abort a baby with Trisomy 18*, LIVE ACTION NEWS (June 27, 2024).
17. Cassy Cooke, *Four women slammed pro-life laws at the DNC. Each one distorted the facts.*, LIVE ACTION NEWS (August 21, 2024).
18. Live Action, "At the DNC, Kate Cox claimed: "When I got pregnant, doctors told us our baby would never survive, and if I didn't [receive] an abortion, it would put a future pregnancy at risk." **Fact Check** Kate has repeatedly claimed her abortion was "life-saving" because her pregnancy was dangerous. But carrying a child with Trisomy 18 is no more dangerous than carrying a child without a disability. Kate is pregnant again with a healthy baby, whom she does not plan to abort - showing Kate is willing to risk uterine rupture for a *healthy* baby, but not for a baby with a disability." X (August 22, 2024, 12:25pm), <https://x.com/LiveAction/status/1826656973896499484>
19. Live Action, "Kate Cox eugenically killed her daughter and is being hailed as a hero at the DNC. Her daughter deserved to be loved and celebrated the way Kate's current baby is. Instead, she was targeted to death with abortion because of her disability." X (August 27, 2024, 11:44am), <https://x.com/LiveAction/status/1828458543495721358>.
20. Nancy Flanders, *'I'm bathing my baby.'* Perinatal hospice shows how every baby should be treated, LIVE ACTION NEWS (August 29, 2024).
21. Nancy Flanders, *Kate Cox's abortion fundraising email lies about her pregnancy and dehumanizes her aborted baby*, LIVE ACTION NEWS (January 3, 2025).
22. Live Action, "Kate Cox killed her daughter after learning she had a disability. She is now using her daughter's death to solicit donations to support abortions of other innocent children." X (January 3, 2025, 9:30am), <https://x.com/LiveAction/status/1875188100953149710>.
23. Nancy Flanders, *First female Archbishop of Canterbury criticized for being pro-abortion*, LIVE ACTION NEWS (October 13, 2025).
24. Nancy Flanders, *Pro-abortion 'story-telling' organization launches litigation arm*, LIVE ACTION NEWS (November 10, 2025).
25. Cassy Cooke, *ProPublica slams Texas Medical Board's attempts to clarify pro-life law*, LIVE ACTION NEWS (February 12, 2026).