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December 29, 2025

Via Email

Brian Stanley
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Re: *Fountain Autism Center LLC's December 23, 2025 Demand Letter*

Dear Mr. Stanley:

We are in receipt of your December 23, 2025 letter to Alpha News, Anthony Gockowski, Editor in Chief of Alpha News, and Jenna Gloeb.

Please be advised that we represent Alpha News and its employees with respect to this matter. Please direct all further communication through my law firm.

I. THE FACTS

In your letter, you first allege that Alpha News¹ “juxtapose[d] facts in a misleading way to falsely accuse [your] client of fraud and being connected with an overseas [sic] terrorist group.”² You then note that your “client received Approximately [sic] \$2,000,000 in government funding since October 2023.”³

This fact was reported in the Alpha News story at issue.⁴ Specifically, the story stated: “Alpha News continues to receive a flood of tips from residents who say something in their community doesn’t look right. One of those tips arrived over the summer about a taxpayer-funded autism therapy center in Burnsville that has billed the state nearly \$2 million since October 2023.”

¹ Although your letter is addressed to Alpha News, Mr. Gockowski, and Ms. Gloeb, because you do not distinguish any claim specific to any (or each) such person, I refer to “Alpha News” herein.

² Letter from Brian Stanley to Alpha News, et al. at 1 (Dec. 23, 2025) (hereinafter “Stanley Ltr.”).

³ *Id.*

⁴ Jenna Gloeb & Liz Collin, *EXCLUSIVE: Autism center with little on-site activity received \$2 million in taxpayer funds*, ALPHA NEWS (Nov. 24, 2025), <https://alphanews.org/exclusive-autism-center-with-little-on-site-activity-received-2-million-in-taxpayer-funds/> (hereinafter “Autism Story”).

You then provide Alpha News with some math about how your client earned that money, including that your “client receives the standard \$20.17 for every fifteen minutes of individual treatment.”⁵ While we do not quarrel with your arithmetic for the present purposes,⁶ you appear to misunderstand the gravamen of the Autism Story: in order to treat autism, one must actually *meet* with persons suffering from autism, and Fountain Autism Center LLC (“Fountain Autism Center”) does not appear to be providing actual autism services to actual children to support the \$2 million it has received from the State of Minnesota. It appears your client has unabashedly inflated the number of autism clients it has allegedly served.

Although Fountain Autism Center posts nine (9) hours of operation on weekdays and seven (7) on weekends, Alpha News reported that a neighboring business reported that Fountain Autism Center “rarely appears open.”⁷ Alpha News conducted an on-site visit of your client. During that visit, your client’s employee told Alpha News’ reporters that the reason no children were present is because they were at school. Alpha News then reviewed weeks of surveillance-video footage, and as it reported in the Autism Story, the “surveillance footage reviewed by Alpha News from multiple weekdays after school hours did not show an influx of children or staff entering the facility.”⁸ A nearby business owner told Alpha News, “No one is ever there.”⁹ Other similarly situated tenants “have long joked that it’s a ‘fake business’ because of the lack of visible activity.”¹⁰

Faced with these allegations, Alpha News reached out to your client for comment. A co-owner of your client, Sacdiyo Huruse Abdi Ali (“Ali”) told Alpha News that your client’s business (1) “operates at ‘near full capacity’ during summer months and provides both in-clinic and in-home services”; and (2) the apparent lack of activity at the Burnsville site is because most clients receive therapy at home, particularly during the school year when the majority of enrolled children are in school during daytime hours.¹¹

The story then states:

⁵ Stanley Ltr. at 1.

⁶ Your arithmetic appears highly convenient given the lack of any evidence Fountain Autism Center has actually treated, or provided services to, any autistic person.

⁷ Autism Story.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

Inside the building

Alpha News visited Fountain Autism Center during posted business hours and found only one employee present. She offered a brief tour of the facility, which included multiple therapy rooms and a kitchen, but there were no children or additional staff on site.

Asked why the building looked empty, she replied, "Most of them come after school."

Ms. Ali's statements do not align with the facts. For example, business neighbors noted that your client's business "appeared vacant even during the period [your client] describes as its busiest."¹² "In a follow-up phone call, the same employee said the center currently serves 'four' children in person."¹³ But surveillance-video footage reveals no children coming "after school."¹⁴

All these facts support Alpha News in raising the question of whether Fountain Autism Center is providing actual autism services to actual children to support the \$2 million it has received from the State of Minnesota. And your statement that autism is a "rare condition"¹⁵ is contradicted by other Minnesota news organizations, which have reported empirical evidence that 1 in 16 Somali children have been diagnosed with autism—3 times Minnesota's state average.¹⁶ Under these circumstances, it strains credulity to claim defamation, which requires some statement of falsity.¹⁷

Nevertheless, you press on. You next claim that "Unfortunately, your article omitted information about my client passing audits and the publicly available rates for Minnesota EIDB treatment.... Your article is a false, targeted attack based off of my client's ethnicity. Your front page is littered with extreme headlines targeting Somalian individuals. See provided screengrab with highlights."¹⁸

Three responses are germane.

¹²

Id.

¹³

Id.

¹⁴

Autism Story.

¹⁵

Stanley Ltr. at 2.

¹⁶

See, e.g., Cathy Wurzer & Gretchen Brown, *Research finds 1 in 16 Somali children diagnosed with autism, 3 times more than state average*, MINNESOTA PUBLIC RADIO (Oct. 10, 2024), <https://www.mprnews.org/episode/2024/10/10/research-finds-1-in-16-somali-children-diagnosed-with-autism-three-times-more-than-state>.

¹⁷

See infra (citing Minnesota law regarding substantial-truth test).

¹⁸

Stanley Ltr. at 2.

First, Alpha News did report that your client passed an audit. The Autism Story reported the following:

Ali said Fountain Autism Center underwent a DHS audit in 2024 and was found to be in “full compliance and in good standing.”

DHS confirmed to Alpha News that it conducted one site visit — in October 2024 — but said it cannot comment on whether any complaints were filed or whether any investigations are currently open.

Strike one.¹⁹

Second, you provided no “screengrab with highlights.” Strike two.

Third, it is always impressive when someone so confidently alleges racism while not quite knowing what the people they are defending are actually called—*Somalis*, not “*Somali*ans.” But I concede that there is a certain poetry to accusing people of supposed bigotry while simultaneously demonstrating a middle-school-level understanding of basic ethnic terminology. Strike three.

II. UPEPA & DEFAMATION BY IMPLICATION

Minnesota’s Uniform Public Expression Protection Act (UPEPA)²⁰ also bars your client’s putative defamation claim. UPEPA applies to civil actions, i.e., not just those grounded in defamation, based on an “exercise of the right of freedom of speech or of the press, the right to assemble or petition, or the right of association, guaranteed by the United States Constitution or the Minnesota Constitution on a matter of public concern.”²¹

Minnesota’s UPEPA embodies a four-step process: (1) this Court must first determine whether the alleged offending speech involves a matter of public concern;²² (2) the non-moving party must then fail to establish UPEPA does not apply;²³ (3) the non-moving party must then establish a *prima facie* case for every essential element

¹⁹ Moreover, and despite the statement in your letter that your client passed “audits,” Stanley Ltr. at 2, the Department of Human Services (DHS) stated that it only conducted one site visit of your client. Autism Story at 2. Consequently, it is false to state that your clients passed “audits” (plural).

²⁰ Minn. Stat. §§ 554.07-.20.

²¹ Minn. Stat. § 554.08(b)(3).

²² Minn. Stat. § 554.13(a)(1).

²³ Minn. Stat. § 554.13(a)(2).

subject to the motion;²⁴ and then (4) the court must determine whether the moving party established that the plaintiff failed to state a cause of action upon which relief may be granted or that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.²⁵ If the moving party is successful, the court must grant its/her attorneys' fees and costs.²⁶

As noted *supra*, the threshold issue in a UPEPA motion is whether the movant establishes that the plaintiff's claims are "based on" defendants' "exercise of the right of freedom of speech...on a matter of public concern."²⁷ "Speech deals with matters of public concern' when the speech relates to 'a subject of legitimate news interest.'"²⁸ In *Jacobson v. Rochester Commc'ns Corp.*,²⁹ the Minnesota Supreme Court held that even though the petitioner was not a public figure, a news report describing his felony-arson trial and his "activities" were "matters of 'undoubted public concern.'"³⁰ And in *Johnson v. Freborg*,³¹ the court held that a woman's post on Facebook regarding her dance instructors' alleged sexual assault was a "matter of public concern" made in the context of the #MeToo movement.³²

Applying this law, fraud in Minnesota is clearly a matter of public concern. It has received extensive, national—and even international³³—media coverage. It involves taxpayer dollars, public programs, and the integrity of Minnesota state government itself. When millions of public dollars are stolen or misused, that is not a private dispute—it is a public issue affecting every Minnesota taxpayer. Additionally, systemic fraud in publicly funded programs, particularly those at issue in Minnesota, goes to the heart of government accountability and public trust, making it inherently a matter of public concern; when one adds the scale, repetition, and taxpayer-funded nature of fraud in Minnesota, it elevates the issue well beyond individual wrongdoing and squarely into the public arena.

Please note that Alpha News is uniquely informed regarding UPEPA. Indeed, you should consult [this article](#) regarding the same. In that case, a plaintiff sued Alpha News for defamation. We moved the district court pursuant to UPEPA, and we not only

²⁴ Minn. Stat. § 554.13(a)(3)(i).

²⁵ Minn. Stat. § 554.13(3)(ii)(A) & (B).

²⁶ See Minn. Stat. § 554.16 ("shall").

²⁷ Minn. Stat. § 554.08(b)(3); Minn. Stat. § 554.13(a)(1).

²⁸ *Maethner v. Someplace Safe, Inc.*, 929 N.W.2d 868, 881 (Minn. 2019) (quoting *Snyder v. Phelps*, 562 U.S. 443, 453 (2011)) (cleaned up).

²⁹ 410 N.W.2d 830, 836 n.7 (Minn. 1987).

³⁰ *Id.* (citing *Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.*, 472 U.S. 749, 756 (1985)).

³¹ 995 N.W.2d 374, 379 (Minn. 2023), *cert. denied*, 144 S. Ct. 819 (2024).

³² *Id.* at 385.

³³ See, e.g., Sam Cabral, *A \$120,000 jury bribe disrupts US charity fraud trial* (BBC June 3, 2024) (available at <https://www.bbc.com/news/articles/c4nn657qq9vo>).

persuaded the district court to dismiss the plaintiff's complaint with prejudice, but the plaintiff later paid \$75,000 in attorneys' fees and costs to Alpha News' counsel (i.e., me).

A. Fountain Autism Center Cannot Show The Autism Story Was Not "Substantially True"

Here, again, you claim defamation by implication.³⁴ To establish such a defamation claim, your client must prove the falsity of a statement or implication.³⁵ A "plaintiff cannot succeed in meeting the burden of proving falsity by showing only that the statement is not literally true in every detail. If the statement is true in substance, inaccuracies of expression or detail are immaterial."³⁶ "Minor inaccuracies do not amount to falsity so long as 'the substance, the gist, the sting, of the libelous charge [is] justified.'"³⁷ "A statement is substantially true if it would have the same effect on the mind of the reader or listener as that which the pleaded truth would have produced."³⁸ The substantial-truth test is "broad": "if any 'reasonable person' could find the statements to be 'supportable interpretations' of their subjects, the statements are incapable of carrying a defamatory meaning, even if 'a reasonable jury' could find that the statements were mischaracterizations."³⁹

Your client's co-owner's statements are contradicted by verifiable facts, including, *inter alia*, that (1) neighbors have not seen children, or for that matter, anyone, visiting Fountain Autism Center; (2) neighbors have joked that it is not a legitimate business; (3) your client's employee told Alpha News that they served "four" children, yet surveillance footage shows not one child entering the business in weeks; (4) your client's co-owner's statements that it is "busiest" in the summer is belied by neighbor's statements and video evidence. These facts, and many more, support the story. And, as discussed above, your

³⁴ Stanley Ltr. at *passim*.

³⁵ *McKee*, 825 N.W.2d at 730.

³⁶ *Jadwin v. Minneapolis Star & Tribune Co.*, 390 N.W.2d 437, 441 (Minn. App. 1986); *accord Gibson v. Special Sch. Dist. #1*, 2020 WL 1129871, 2020 Minn. App. Unpub. LEXIS 191, at *20 (Minn. App. Mar. 9, 2020); *see also* RESTATEMENT (SECOND) OF TORTS § 581A at cmt. f (1977) ("Slight inaccuracies of expression are immaterial provided that the defamatory charge is true in substance.").

³⁷ *McKee v. Laurion*, 825 N.W.2d 725, 730 (Minn. 2013) (quoting *Masson v. New Yorker Magazine, Inc.* 501 U.S. 496, 517 (1991)).

³⁸ *McKee*, 825 N.W.2d at 730.

³⁹ *See Hunter v. Hartman*, 545 N.W.2d 699, 707 (Minn. App. 1996), *rev. denied* (Minn. June 19, 1996); *see also id.* at 703, 707-08 (affirming summary judgment against doctor who claimed sports commentator Sid Hartman defamed him by stating "hardly any" of 12 players came back to play after he operated on them, that others came back at "about half their ability," and that Gophers football coach fired him for "a good reason."); *see also Alexander v. Ball*, 2021 WL 2201491, 2021 Minn. App. Unpub. LEXIS 519, at *7 (Minn. App. June 1, 2021) (affirming summary judgment of defamation claim; quoting *Hunter*); *Stevenson v. Stevenson*, 2023 Minn. Dist. LEXIS 5301, at *34 (Otter Tail Cnty. Dist. Ct. June 16, 2023) (granting summary judgment on defamation claim; quoting *Hunter*).

statement that autism is a “rare condition”⁴⁰ is contradicted by other Minnesota news organizations, which have reported empirical evidence that 1 in 16 Somali children have been diagnosed with autism.⁴¹ It strains credulity, therefore, to claim defamation, which obviously requires some statement of falsity.⁴²

B. Fountain Autism Center Cannot Show Any Constitutional Actual Malice, Let Alone By Clear and Convincing Evidence

In addition to proving falsity, a defamation plaintiff must prove constitutional actual malice if the challenged speech involves a matter of public concern.⁴³ Constitutional actual malice “does not mean that the defendant acted with ill will or spite.”⁴⁴ Instead, it requires the defendant made statements either knowing that they were false or with reckless disregard for whether they were true.⁴⁵ This must be shown by clear and convincing evidence.⁴⁶ “Actual malice is a subjective standard.”⁴⁷ “A genuine issue of fact as to actual malice exists only if the facts permit the conclusion that the

⁴⁰ Stanley Ltr. at 2.

⁴¹ See *supra* n.16.

⁴² See *infra* (citing Minnesota law regarding substantial-truth test).

⁴³ See, *Johnson v. Freborg*, 995 N.W.2d 374, 393 (Minn. 2023), *cert. denied*, 144 S. Ct. 819 (2024) (“[T]he parties agree that, if we conclude that the challenged speech here involved a matter of public concern, we should remand the case to the district court for a trial on the veracity of Freborg’s speech and actual malice.”); *State v. Turner*, 864 N.W.2d 204, 209 (Minn. App. 2015) (“In addition, amicus curiae contend that ‘actual malice’ is required to punish false statements regarding matters of public concern because it is not ‘permissible to jail people under a lesser showing than that required to collect punitive damages from them.’ We agree.”); *Smartmatic USA Corp. v. Michael J. Lindell & My Pillow, Inc.*, 2022 U.S. Dist. LEXIS 168165, at *8 (D. Minn. Sep. 19, 2022) (“Here, Smartmatic challenges statements that Lindell made pertaining to purported hacking of the 2020 election results. The invalidity of a presidential election as a result of hacking is a matter of public concern. Smartmatic must, therefore, allege both malice and actual reputational harm to state a defamation claim.”); see also *Engquist v. Or. Dep’t of Agric.*, 553 U.S. 591, 600 (2008) (stating that speech involving a public concern “falls within the core of First Amendment protection.”).

⁴⁴ *Chafoulias v. Peterson*, 668 N.W.2d 642, 654 (Minn. 2003) (citing *Harte-Hanks Communications, Inc. v. Connaughton*, 491 U.S. 657, 665-67, 666 n.7 (1989)); see also *Moreno v. Crookston Times Printing Co.*, 610 N.W.2d 321, 329 (Minn. 2000) (noting that actual malice has “nothing to do with motive or ill will in the publishing of otherwise defamatory statements”).

⁴⁵ *O’Donnell*, 2008 Minn. App. Unpub. LEXIS 124, at *13; see also *Jadwin v. Minneapolis Star & Tribune Co.*, 367 N.W.2d 476, 482 (Minn. 1985) (“Actual malice is shown only by proof of defendant’s actual knowledge of falsity or reckless disregard of the truth or falsity of his publication”).

⁴⁶ *Chafoulias*, 668 N.W.2d at 654; *Smith v. City of Crosby*, 2022 Minn. App. Unpub. LEXIS 33, at *18 (Minn. App. Jan. 18, 2022).

⁴⁷ *Ducklow v. KSTP-TV, LLC*, 2014 Minn. App. Unpub. LEXIS 169, at *15 (Minn. App. Mar. 3, 2014); see also *In re Charges of Unprofessional Conduct*, 720 N.W.2d 807, 813 (Minn. 2006) (“Unlike the subjective actual malice standard for defamation, we have held that an objective standard applies under Rule 8.2(a).”); *Lewis v. Univ. Chronicle*, 2008 Minn. App. Unpub. LEXIS 210, at *17 (Minn. App. Jan. 25, 2008) (“Reckless disregard is a subjective standard.”) (citing *Harte-Hanks Communications, Inc. v. Connaughton*, 491 U.S. 657, 688 (1989)).

defendant[] in fact entertained serious doubts as to the truth of the publication.”⁴⁸
Whether actual malice exists is a question of law.⁴⁹

Here, Alpha News stands by every word of the Autism Story. Its journalists believe every single word. Your client will never be able to demonstrate that Alpha News’ highly respected journalists entertained *any* doubt regarding the Autism Story’s veracity—let alone proving by clear and convincing evidence that they knew, or recklessly disregarded, that the Autism Story was somehow false. And we note that this fact is bolstered by all available evidence, including all “facts” you provided in your December 23 letter. In short, the Autism Story is entirely true.

III. CONCLUSION

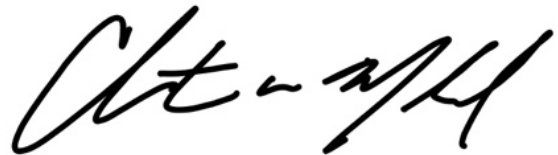
We reject each and every one of your demands. Alpha News’ Autism Story is clearly protected by the First Amendment to the United States Constitution as well as Article I, Section 3 of the Minnesota Constitution. It was communicated by highly respected journalists on a matter of public concern. Your client has no facts to support a defamation claim. And it similarly has no law.

If a court denies our UPEPA motion (for reasons I cannot currently fathom), I would *love* to delve into discovery of your client’s “business” to show exactly what is transpiring within it. I am ready, willing, and able to use the law to ferret out another fraud committed on Minnesota taxpayers.

If your client decides to sue, our response can be found in three words:

Bring. It. On.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Ct - W' followed by a stylized flourish.

Christopher W. Madel

⁴⁸ *Jadwin*, 367 N.W.2d at 488 (quotation omitted); *see also St. Amant v. Thompson*, 390 U.S. 727, 731 (1968) (“There must be sufficient evidence to permit the conclusion that the defendant in fact entertained serious doubts as to the truth of his publication.”).

⁴⁹ *Chafoulias*, 668 N.W.2d at 655; *Britton v. Koep*, 470 N.W.2d 518, 524 (Minn. 1991); *Diesen v. Hessburg*, 455 N.W.2d 446, 458, 464 (Minn. 1990)).