



JOHN PIERCE LAW

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June 2, 2023

Via Email

Seth Dillon
CEO
The Babylon Bee
sethdillon@gmail.com

Re: Gavin Wax

Dear Mr. Dillon:

I write to you on behalf of Mr. Gavin Wax, who has retained our firm as litigation counsel with respect to the recent events surrounding his termination, as well as your conduct (including very public conduct) in connection with his termination.

Yesterday, Mr. Wax received notice that his employment had been terminated on May 26, 2023 and included a New York State Unemployment Insurance Form. The notice did not set forth any explanation for why Mr. Wax was terminated. This, along with the inclusion of the unemployment insurance form suggests his termination was not “for cause.” However, public statements you have made contradict your notice.

It is clear from a Twitter thread you inserted yourself into on May 26, 2023, as well as a lengthy Twitter Spaces in which you participated the next day in an attempt to explain your actions, that your initial motivation for taking issue with Mr. Wax was his support for President Donald J. Trump in the 2024 Republican Presidential primary. Mr. Wax had been attacked on Twitter by Christina Pushaw, a senior political operative for Trump’s opponent, Governor Ron DeSantis, who is well-known for her vicious social media attacks against opponents of DeSantis. Ms. Pushaw had liked/promoted a tweet accusing Mr. Wax of criminal conduct. Her attack against Mr. Wax was factually inaccurate. Mr. Wax simply defended himself with a tweet (sent after work hours). Yet you inserted yourself into that Tweet thread with your own employee, defending DeSantis operative Pushaw and making statements that many interpreted to be a public termination of Mr. Wax via Twitter.

Re: Gavin Wax

June 2, 2023

Page 2

I note it has been publicly revealed your company has been paid tens of thousands of dollars of fees by a DeSantis-affiliated political organization, and you have donated tens of thousands of dollars to DeSantis campaign efforts.

The next day, you participated in what is consistently the most heavily attended Space on Twitter in an ill-advised attempt to explain your actions. You made false and defamatory statements about Mr. Wax during that Space, including stating to thousands of people that Mr. Wax tweeted 250 times a day, suggesting that he was spending all his time tweeting rather than doing his job. You also suggested that in some way he did not fit with the Christian values (Mr. Wax is Jewish) of the company due to his language used online, smearing his personal character in various ways. There was also some suggestion that Mr. Wax had been insubordinate for defending himself online against the DeSantis operative despite your interjection into the thread. During this first segment of the Space, you appeared to be doubling-down on your apparent public for-cause termination of Mr. Wax with various purported explanations for it. You also appeared to deny details about your financial connection with DeSantis. You then indicated you had to conclude your participation in the Space to have dinner with your family.

However, presumably because of negative feedback you received from advisors about your comments or because former-Congressional candidate Laura Loomer had appeared on the Space to correct your denials regarding your financial connection to the DeSantis campaign, you later returned to the same Space. Upon questioning from various individuals, your story appeared to change in various ways. You appeared to raise the possibility that you had *not*, in fact, terminated Mr. Wax for cause on a Twitter thread, leaving many to wonder what exactly was happening and questioning the consistency of your statements. It also became clear during the Space and afterward that you had never previously questioned Mr. Wax's job performance, that numerous of your company's employees had often used off-color language online, and that you even explored the possibility of a revenue-sharing arrangement with Mr. Wax.

During this entire sequence, you made no attempt whatsoever to communicate with Mr. Wax regarding any issues in connection with his employment, apparently choosing instead to conduct your human resources functions on Twitter threads and Spaces. It was only after your public actions and statements about Mr. Wax that you direct messaged him, reiterating your false character attacks without explaining how the performance of his job duties had been impacted in any way. You provided no advance notice at all to Mr. Wax of his termination, and you displayed employer-employee communications regarding his employment to the entire world rather than conducting them confidentially.

Uncertain of his precise employment status because of your inconsistent public statements, after the holiday weekend, Mr. Wax logged into his Slack account and attempted to continue his job duties, and he received his usual paycheck. However, his Slack access was then immediately shut down. Still, there was no communication from you or the company.

Finally, yesterday, Mr. Wax received a three-sentence letter from Jamie Zugelder indicating that "the date of termination of your employment is May 26, 2023, although you were paid through May 31, 2023," and including a New York State Unemployment Insurance Form.

Re: Gavin Wax

June 2, 2023

Page 3

Our investigation of this matter continues, but it is clear from what is known at this point that Mr. Wax has multiple statutory and common-law employment and tort claims against you and your company. He has directed us to complete our investigation forthwith, and to pursue all his legal remedies in court to the extent this dispute cannot be quickly and efficiently resolved. Because there is no contractual provision I am aware of establishing venue, jurisdiction or choice of law, Mr. Wax will be entitled to all the protections of New York State and New York City labor laws.

To facilitate that investigation, by Monday June 5th please provide me with all human resources and other employment-related files for Mr. Wax. Also, please provide me with a detailed explanation of the reasons for Mr. Wax's termination. Was Mr. Wax terminated for cause, or wasn't he? If he was, what precisely were those causes? Have other employees who support DeSantis been treated disparately from Mr. Wax? Have you had any communications with the DeSantis team regarding Mr. Wax? Have any Christian employees been accused of behavior that *is* inconsistent with the "Christian" values of the company? When was your professional employer organization ("PEO") notified of the termination?

Additionally, you made multiple references to company rules or policies relating to employee conduct. Please provide me with a copy of all such rules or policies or the employee handbook that covers such rules or policies.

This letter should also serve as a litigation hold notice. You, your company and all its representatives and agents should preserve all documents, communications, media and all other information maintained in any form whatsoever directly or indirectly related to Mr. Wax and his termination. This includes, without limitation, all communications with Ms. Pushaw or any other representative or agent of Governor DeSantis, his campaign, or any other affiliated entity or political action committee that is supportive of Governor DeSantis. It also includes all documents relating to your and your company's financial connection with those persons and entities.

We look forward to your response. In the interim, we will be proceeding with the preparation of a lawsuit.

cc: Jamie Zugelder
Gavin Wax

Sincerely,



John M. Pierce
Managing Partner
John Pierce Law P.C.