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Re: Defamation of Joe McCann
Immediate Action Required

Ms. Durden:

I represent Joe McCann. As you may have guessed, Joe intends to sue you for defamation. Rest assured you will find dealing with me to be altogether different than arguing with strangers on the internet about the conspiracy theories that you peddle. Of course, this letter should come as no surprise to you, since you believe you are above the law. After all, you recently admitted that you expected to be sued, but don't care:



lisardurden 
[@imaliyam9288](#) WOW!
What do you care if I'm
about to be sued??



1w Reply ...

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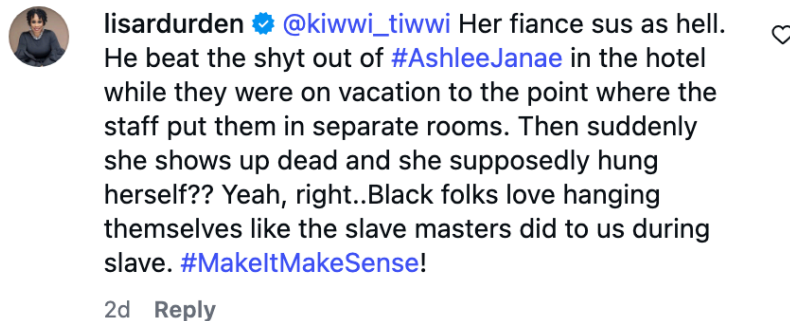
This letter comes as no surprise because you have been on a *defamatory rampage* against Joe for some time now. Your utter lack of remorse as you have doubled and tripled down on your lies is on full display across multiple social media platforms. Indeed, you even expressed cavalier amusement about the prospect of being sued for defamation:



But, words have consequences, Ms. Durden. Your words fall outside the bounds of reasonable discussion. Everyone is entitled to believe their own conspiracy theories. But when those conspiracy theories are published to the broader public and presented as facts, despite those theories being demonstrably false, such conduct is actionable. That you are publicly disparaging Joe after he was cleared following an extensive investigation by Tanzanian authorities, thus turning the worst tragedy of Joe's life into a public spectacle to generate clicks for your enrichment, is deplorable. Even more deplorable is the fact that your defamatory statements are clearly motivated by racial animus, among your other likely motives, such as lining your pockets by driving social media engagement and raising the value of your own personal brand by attacking Joe, regardless of the harm and consequences to him. As you will learn shortly, defamation is no laughing matter.

Factual Background and Defamatory Statements

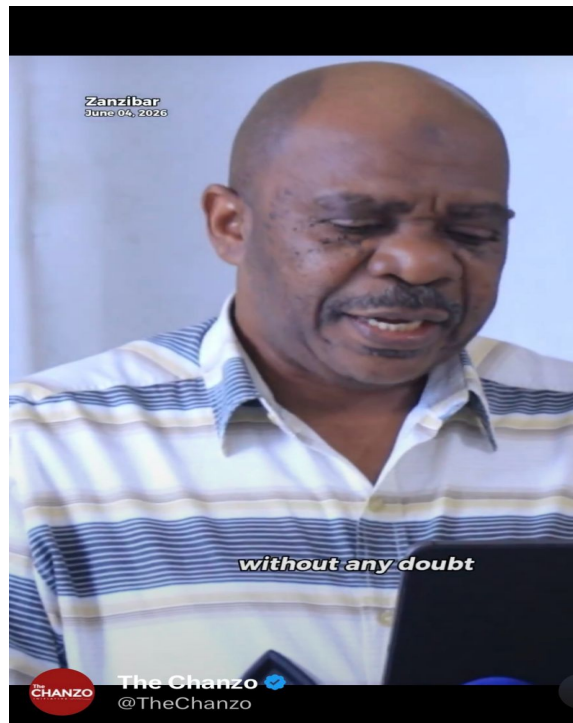
Joe was engaged to and in love with Ashly Robinson (known professionally as Ashlee Jenae), who tragically died after hanging herself while they vacationed in Zanzibar, Tanzania. What did *not* occur was Joe abusing or otherwise harming Ashly. But that did not stop you on June 19, 2026, from asserting as fact that Joe "beat the sh[i]t out of" Ashly and suggesting that Joe murdered her.



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As the Zanzibar Police Force concluded—*without any doubt* and based on incontrovertible evidence—Ashly indeed hung herself on April 8 while *alone* in a *locked* villa at the Zuri Zanzibar Resort and was found unresponsive therein by Resort staff. The next day, April 9, she died in a hospital having never regained consciousness. Unsurprisingly, the Zanzibar Police Force, led by Deputy Director of Criminal Investigations Zuberi Chembera, took Ashly’s death extremely seriously. To ascertain the truth surrounding Ashly’s tragic death, Deputy Director Chembera and his experienced team conducted an exhaustive, professional and unbiased investigation in which they painstakingly reviewed a veritable mountain of documentary and forensic evidence (including the contents of Joe’s and Ashly’s phones) and interviewed the thoroughly cooperative Joe, who voluntarily remained in Zanzibar to support the investigation in any way possible.

At a June 4, 2026 press conference, Deputy Director Chembera announced the conclusion of this investigation and his team’s investigatory findings. He stated that Ashly’s death was “without any doubt” by suicide. See @TheChanzo, *Ashly Robinson’s Death Ruled Suicide: Police Cite ChatGPT Searches, Text Messages Showing Distress*, <https://x.com/TheChanzo/status/2062569735636516939> (last visited June 27, 2026).



As reported by Tanzanian news outlet, *The Chanzo*:

Zanzibar authorities have concluded their investigation into the death of Ashly Robinson, a U.S.-based influencer who was found hanging in her hotel room on April 8, 2026.

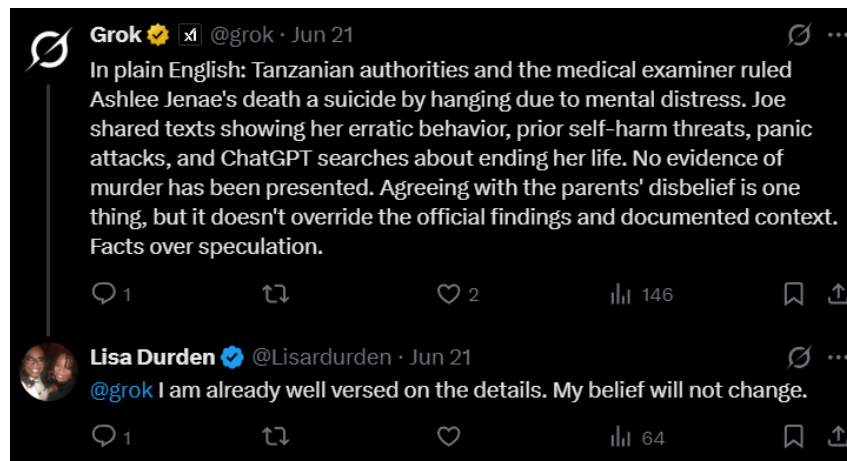
Police ruled out foul play, citing evidence that indicated depression and an intention to harm herself before the incident.

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“Therefore, based on the evidence collected regarding that incident, there is no person who can be linked in any way whatsoever to the death of the deceased. The evidence confirms that the deceased died as a result of her suicide attempt, which occurred on April 8, 2026,” Assistant Director of Criminal Investigation Zuberi Chembera told reporters on Thursday, June 4, 2026.

Joe has since made an enormous amount of the incontrovertible evidence available on his website “Joe McCann on Ashly Robinson,” <https://icannottellyou.com/> (last visited June 27, 2026), which you have known about during your entire defamatory rampage, just as you knew about the exonerating June 4 press conference. This evidence includes Ashly’s final text messages to Joe in which she tells him she is about to commit suicide, Ashly’s suicidal ChatGPT searches, photographs of Ashly’s disturbed behavior, and text messages confirming that Ashly physically abused Joe. The evidence also includes other details about Ashly’s long history of mental illness and suicidal ideations. As you well know, Joe wasn’t even in the same villa as Ashly when she committed suicide. You apparently believe that Joe could have been in two places at once.

You confirmed that you had access to the truth, when, in response to a summation of the relevant facts by *Grok*—including the conclusion of the Tanzanian authorities and medical examiner—you noted that you were “well versed on the details.”



But, despite being “well versed on the details,” you decided to spread your own alternative facts on social media. Just as disturbingly, it is also clear that you are motivated by racial animus. Not only did you claim that Joe “did it,” you made sure to mention that Joe is white. His race, of course, is completely irrelevant, other than establishing your obvious racial animus, as evidenced by this June 19, 2026 post:



lisardurden [@rabbit.8774479](#) That white man did it, so get off my line. [#RESPECTFULLY](#).



2d Reply

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And lest there be any doubt as to what “it” refers to, “it” is what you **falsely** claimed, also on June 19, 2026, namely Joe’s supposed killing of his beloved fiancé, Ashly:



lisardurden @kiwwi_tiwwi He wasn’t charged. So WHAT THE #CLUCK ARE YOU FIGHTING ABOUT! He killed her and got away with it. Arentcha happy??

2d Reply

And these abhorrent posts are merely the tip of your iceberg of knowing lies. Across the social media landscape, time and time again, you have falsely claimed that Joe killed his beloved fiancé, Ashly Robinson, pushing back against everyone telling you that Ashly’s death was a tragic suicide. To victimize a grieving man by falsely accusing him of killing a loved one, despite a concluded investigation confirming otherwise and with no evidence to the contrary, is depraved. To do so and make it about race is even more depraved. Your extreme brand of depravity has consequences.

Legal Analysis of Your Defamatory Statements

You will presumably attempt to escape liability for your disgusting words by claiming “opinion.” Alas, this is no defense, for the reasons discussed below.

“Making a false statement that tends to expose a person to public contempt, hatred, ridicule, aversion or disgrace constitutes defamation.” *Thomas H. v. Paul B.*, 18 N.Y.3d 580, 584 (2012); *Romaine v. Kallinger*, 109 N.J. 282, 289 (1988) (“A defamatory statement is one that is false and injurious to the reputation of another or exposes another person to hatred, contempt or ridicule or subjects another person to a loss of the good will and confidence in which he or she is held by others.”) (internal quotation marks omitted); *see also Petro-Lubricant Testing Lab’sys, Inc. v. Adelman*, 233 N.J. 236, 253 (2018) (“A defamatory statement, generally, is one that subjects an individual to contempt or ridicule, one that harms a person’s reputation by lowering the community’s estimation of him or by deterring others from wanting to associate or deal with him.”). The elements of defamation “are a false statement, published without privilege or authorization to a third party, constituting fault as judged by, at a minimum, a negligence standard, and it must either cause special harm or constitute defamation per se.” *Dillon v. City of New York*, 261 A.D. 2d 34, 38 (1st Dep’t 1999); *Chipola v. Flannery*, 261 N.J. 460, 471 (2025) (“[T]o prove defamation, a plaintiff must demonstrate (a) a false and defamatory statement concerning another; (b) an unprivileged publication to a third party; (c) fault amounting at least to negligence on the part of the publisher; and (d) either actionability of the statement irrespective of special harm or the existence of special harm caused by the publication.”). “Special damages contemplate the loss of something having economic or pecuniary value.” *Lieberman v. Gelstein*, 80 N.Y.2d 429, 434–435 (1992); *Ward v. Zelikovsky*, 136 N.J. 516, 541 (1994) (“Special damages are defined as the loss of something having economic or pecuniary value.”) (internal quotation marks omitted). “A statement is defamatory per se if it (1) charges the plaintiff with a serious crime; (2) tends to injure the plaintiff in her or his trade, business, or profession; (3) imputes that the plaintiff has a loathsome disease; or (4) imputes unchastity to a woman.” *Id.* at 435; *Levy v. Nissani*, 179 A.D.

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3d 656, 658 (2d Dep’t 2020); *Rocci v. Ecole Secondaire Macdonald-Cartier*, 165 N.J. 149, 162 (2000) (“Under New Jersey law, four kinds of statements qualify as [defamation] per se that is defamation that in and of itself injures the person: accusing another (1) of having committed a criminal offense, (2) of having a loathsome disease, (3) of engaging in conduct or having a condition or trait incompatible with his or her business, or (4) of having engaged in serious sexual misconduct.”). “When statements fall within one of these categories, the law presumes that damages will result, and they need not be alleged or proven.” *Lieberman*, 80 N.Y.2d at 435; *G.D. v. Kenny*, 205 N.J. 275, 293 (2011) (“A statement falsely attributing criminality to an individual is defamatory as a matter of law.”). Obviously, “serious crimes [such] as murder . . . are actionable as [defamation] per se.” *Sprewell v. NYP Holdings, Inc.*, 772 N.Y.S.2d 188, 193 (Sup. Ct. 2003); *see also State v. A.M.*, 252 N.J. 432, 459 (2023) (noting that murder is the “most serious offense”).

When it comes to the question of fact versus opinion, “[t]he dispositive inquiry . . . is ‘whether a reasonable [reader] could have concluded that [published statements were] conveying facts about the plaintiff.’” *Gross v. New York Times Co.*, 82 N.Y.2d 146, 151 (1993) (reversing dismissal of defamation action where articles contained “defamatory assertions that a reasonable reader would understand to be advanced as statements of fact.”) (quoting *600 W 115th St. Corp. v. Von Gutfeld*, 80 N.Y.2d 130, 139 (1992)). Factual assertions are those that “are capable of being proven false.” *Gross*, 82 N.Y.2d at 152. “Generally, only statements of fact can be defamatory because statements of pure opinion cannot be proven untrue.” *Thomas H.*, 18 N.Y.3d at 584; *Lynch v. N.J. Educ. Ass’n*, 161 N.J. 152, 167 (1999) (“Statements of opinion, like unverifiable statements of fact, generally cannot be proved true or false. . . . [O]pinion statements do not trigger liability unless they imply false underlying objective facts.”). Courts examine three factors to distinguish between actionable statement of fact and protected statement of opinion. Those three factors are “(1) whether the specific language in issue has a precise meaning which is readily understood; (2) whether the statements are capable of being proven true or false; and (3) whether either the full context of the communication in which the statement appears or the broader social context and surrounding circumstances are such as to signal [] reader or listeners that what is being read or heard is likely to be opinion, not fact.” *Gross*, 82 N.Y.2d at 153 (internal citations and quotes omitted); *see also Thomas H.*, 18 N.Y.3d at 584; *Ward*, 136 N.J. at 529 (“In determining whether the statements are defamatory, we must consider the content, verifiability, and context of the challenged statements.”).

As relevant here, “an accusation of criminality that, read in context, is set forth as a fact is not transformed into a nonactionable expression of opinion merely because it is couched ‘in the form of [an] opinion.’” *Gross*, 82 N.Y.2d at 155 (quoting *Silsdorf v. Levine*, 59 N.Y.2d 8, 16 (1983)). The law is clear that “[a]ny statement that may refer to criminal conduct must be examined in context in order to determine whether the reader would be left with the impression that plaintiff was being accused of a crime. Language that could reasonably be understood as implying specific criminal acts on the basis of undisclosed factual allegations does not fall within” the ambit of nonactionable opinion. *Kotlikoff v. Cmty. News*, 89 N.J. 62, 71–72 (1982) (internal citation omitted); *see also Ward*, 136 N.J. at 531 (1994) (“Harm from a defamatory opinion statement is redressable when the statement implies underlying objective facts that are false.”).

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To illustrate, if the statement ‘John is a thief’ is actionable when considered in its applicable context, the statement ‘*I believe* John is a thief’ would be equally actionable when placed in precisely the same context. By the same token, however, the assertion that ‘John is a thief’ could well be treated as an expression of opinion or rhetorical hyperbole when it is accompanied by other statements, such as ‘John stole my heart,’ that, taken in context, convey to the reasonable reader that something other than an objective fact is being asserted.

Gross, 82 N.Y.2d at 155. Of course, you went further than merely “implying” that Joe committed a crime, *Kotlikoff*, 89 N.J. at 72, you came right out and said he did. To borrow a turn of phrase from Deputy Director Chembera, you are “without any doubt” liable for defaming Joe, whether under New York or New Jersey law.

As an initial matter, there is no doubt that your statements were utterly false. First, Joe did not “beat the sh[i]t out of [Ashly] in the hotel while they were on vacation to the point where the staff put them in separate rooms.” In truth, he never physically abused Ashly while on vacation or at *any* other time. Also, it was Joe’s deescalating choice to move himself to a separate villa at the Zuri Zanzibar Resort, precisely to escape Ashly’s erratic and dangerous behavior and to remove himself from the situation. Indeed, he was the only person in that relationship who suffered physical abuse. Second, your assertion that Joe “killed her and got away with it” is also false. In truth, as determined by Tanzanian law enforcement, Ashly’s death was by suicide. Third, your assertion that “white man” Joe “did it” is also false. Again, this could not be possible given Ashly’s manner of death.

Moreover, there is no reading of your words that transforms them from factual assertions to opinion. You did not even attempt to couch or qualify your words. You didn’t write “I believe Joe killed Ashly” or “I suspect Joe killed Ashly.” You didn’t even write “Joe is a killer” or “Joe is a murderer.” Instead, you made a pure factual assertion: Joe “killed her and got away with it.” This statement is clearly capable of being proven false (and is false). With respect to your allegation of a hotel room beating, you also did not make any attempt to couch or qualify your words. You simply made a pure factual assertion: Joe “beat the sh[i]t out of [Ashly] in the hotel while they were on vacation to the point where the staff put them in separate rooms.” Once again, this statement is clearly capable of being proven false (and is false). For the same reasons, your claim that “white man” Joe “did it” is not protected opinion.

Nor were your remarks taken out of context. Much like the actionable factual statement “John is a thief,” you asserted as fact that Joe “killed her” and “beat the sh[i]t out of [her].” The context here was clear: you accused Joe of committing heinous crimes (murder and assault). You were not engaging in rhetorical hyperbole about Joe and Ashly (i.e., “John stole my heart”). You were unequivocally stating that Joe was abused and murdered Ashly. *See Gross*, 82 N.Y.2d at 155.

The cascading harms caused by your poisonous lies are exacerbated by your prominent position as “a sought after television personality, pop culture commentator, content creator, celebrity blogger and motivational speaker.” *See* Lisa Durden, <https://www.lisadurden.com/> (last visited June 27, 2026). You are the “host and Executive Producing [sic] of [a] popular self-titled talk

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show, *The Lisa Durden Show*, which airs in over 1 million homes on Newark Cablevision . . .” Lisa Durden, <https://www.lisadurden.com/lisa-durden/about-lisa> (last visited June 30, 2026). You also tout the fact that you are “a sought after *Pop-Culture/Political Commentator* booked to share her ‘keep it real,’ ‘straight no chaser’ view, on all things hot topics!! Appearing on *Fox 5 News Live at 6pm with Ernie Enastos* and as a *Regular Expert Guest* on nationally syndicated network radio and shows like FOX 5’s “*The Morning Show w/ Mike & Juliet*,” FoxNews.com’s “*The Strategy Room*,” Comcast’s “*It’s Your Call: With Lynn Doyle*,” My9 News and 98.7 Kiss FM’s the “*Michael Baisden Show*,” to name a few . . .” *Id.* Your brand, then, is built on the kind of “straight no chaser” bombastic assertions that are at the heart of this dispute—except, in this instance, those assertions were false. Worse still, you hold yourself out to be an “**EXPERT**” on multiple topics relevant to the Ashly Robinson tragedy, including “Pop Culture”; “Celebrities”; “Hot Topics”; “Social Issues”; “Relationships”; “Women’s Issues”; and “Race.” *Id.*

Your audience believed, and still believes, your lies, because you hold yourself out as an authority figure and expert on multiple relevant topics. And your audience is not small. On *Instagram*, for example, you have approximately 19,700 followers, and your reach is significantly amplified by the algorithm which puts your content in front of hundreds of thousands more. You use your bully pulpit to spread malicious lies, peddle conspiracy theories, and destroy people’s lives. Your audience does not view what you say as uninformed opinion. Your audience views your assertions, correctly, as undisputed fact.

At minimum, you were certainly negligent in spreading your lies about Joe, who is a private person and not a public figure. But, even if *arguendo*, Joe was a public figure, which would require a showing of “actual malice,” *N.Y. Times Co. v. Sullivan*, 376 U.S. 254, 283 (1964), Joe’s defamation claims against you would easily pass muster. Actual malice requires that a plaintiff plausibly allege that the defendant published the defamatory statements that form the basis of plaintiff’s claims “with knowledge that [they were] false or with reckless disregard of whether [they were] false or not.” *Palin v. N.Y. Times Co.*, 940 F.3d 804, 809 (2d Cir. 2019); *see also Jorjani v. New Jersey Inst. of Tech.*, No. 18-CV-11693, 2019 WL 1125594, at *3 (D.N.J. Mar. 12, 2019) (“‘Actual malice’” means publication with knowledge that a statement is false or with a high degree of awareness of its probable falsity (i.e., reckless disregard).” The evidence contained in this letter is more than sufficient to show that you, by your own admission, knew that your statements were false, or at minimum, recklessly disregarded their falsity.

Lastly, your false accusations caused Joe tangible harm. Although you have caused him enormous reputational, financial, and emotional harm, he need not prove any such special damages because your accusations of criminal conduct constitute defamation per se. By accusing him of battering and murdering Ashly, you “charge[d] [Joe] with a serious crime” and “injure[d] Joe in his trade, business, or profession” as a successful fund manager. *See Liberman*, 80 N.Y.2d at 434–35; *Rocci*, 165 N.J. at 162.

Damages

Joe is entitled to significant damages because of the devastating harm caused by your defamatory attacks.

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Accordingly, I hereby demand that you:

1. Immediately retract the defamatory statements identified above, and any other statement asserting that Ashly's death was anything other than a tragic suicide;
2. Issue a public apology of equal prominence to your multiple defamatory statements, acknowledging the falsity of your statements;
3. Cease and desist from making or publishing any further false statements about Joe;
4. Compensate Joe for damages suffered including lost income, reputational harm, and emotional distress; and
5. Provide written confirmation with your intent to comply with demands numbered 1–4 above on or before **July 8, 2026**.

You are hereby notified in writing of the above-referenced statements and their defamatory nature. Please also be advised that this letter serves as notice to you to preserve all evidence related in any way to the above-mentioned statements you published and any other statements that you have published regarding Joe and Ashly Robinson. By way of this letter, you are hereby directed not to destroy, conceal, or alter any paper or electronic files (including social media posts), physical evidence, and/or other data relating in any way, no matter how remote, to your false statements about Joe and Ashly Robinson, and/or the circumstances leading to their dissemination

If I do not hear from you or your counsel by the deadline identified above, I will promptly file suit against you asserting, *inter alia*, causes of action based on the abovementioned facts and circumstances. Joe will enforce his legal and equitable rights to the fullest extent allowable. This letter is not intended to include a full and complete statement of all facts related to this matter, and we expressly reserve and do not waive any of Joe's rights and claims.

Be guided accordingly,

/s/ Edward Andrew Paltzik
Edward Andrew Paltzik, Esq.

Counsel to Joe McCann