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July 17, 2009

VIA EMAIL legalservices@gmx.us

Michael Creel

Re: Autograph America / Brian Burkel

Dear Mr. Creel:

I represent Autographs America as well as Brian Burkel and his family.

I have both visited your website at Allreaders.net and Allscams.us and spoken to my clients about the information you have on these websites.

The information that you are publishing on your websites about my client is false and defamatory. My clients have never intentionally, nor to their knowledge, negligently sold fake or counterfeit autographs and memorabilia. Your libelous slander has cost my clients thousands of dollars in lost sales and profits. They intend to hold you and all others involved in dissemination of these false accusations personally liable for all damages they have incurred and continue to incur.

I hereby demand you to cease and desist your actions immediately. I also demand that you remove any and all reference to Autographs America, Authentic Autographs, and American Authentication Services as well as Brian Burkel and his family immediately and without further delay from your website, and provide proof that you have done so.

I am not certain if you have legal representation, but I assure you some of your previous legal assertions defending your "right" to disseminate lies and unsubstantiated rumor is wrong and without legal basis.

First, contrary to your assertion, the Communications Decency Act ("CDA") does not protect your websites from liability from a claim of defamation or interference of business expectancy. Only "interactive computer services" under the CDA are protected from liability. 47 USC § (c)(1). There is absolutely no reading of the definition of "interactive computer services" for which your website qualifies. 47 USC § (f)(2). You are not "...providing or enabling computer access by multiple users to a computer server..." Id. Furthermore, there are no third parties independently publishing these falsehoods. What you are doing is actively gathering information, reporting it, posting it,

offering your own first hand recitation of “facts” as well as editorializing and opining. This activity is not protected as you claim.

Second, there is no “news organization immunity” as you claim, even when you attribute the falsehoods to somebody else. “As a general rule, a person who republishes defamatory statements made by another does not escape liability for the defamation even though the republisher is careful to ascribe the statements to the original speaker” Herron v. Tribune Pub. Co., Inc., 108 Wash.2d 162, 736 P.2d 249 (1987). “A newspaper may not avoid liability for repeating the allegations of another merely by identifying their source.” Tilton v. Cowles Pub. Co. 76 Wash.2d 707, 459 P.2d 8 (1969). These cases certainly apply to your situation.

Third, your motives and relationships with Julian Cauvin, Sky Benson, and Mike Frost are patently suspect. Unfortunately, you’ve acted on your personal vendettas and it may very well be that you are obtaining some sort of remuneration for your actions (we expect to discover what exactly that may be). Because your improper motives and means caused Autographs America to lose prospective customers and thousands of dollars of profits, we additionally intend to hold you accountable under the theory of interference with business expectancy. Goodyear Tire & Rubber Co. v. Whiteman Tire, Inc., 86 Wash. App. 732, 935 P.2d 628 (1997)

Fourth, Washington recognizes the right to privacy and would protect our clients from your acts which invade their privacy. White v. Township of Winthrop, 128 Wash. App. 588, 116 P.3d 1034 (2005). Mr. and Mrs. Burkel are private persons, not public figures. They live their lives in a private manner. You, however, seem to have a certain penchant for publicizing events from Mr. Burkel’s long-ago past and reporting on his every current move. (For instance the temerity of your reporting of the action involving the June 2009 protective order). I was the named attorney and can assure you the matter had nothing to do with Autograph America or any criminal matter). The police incident reports you post are restricted to the use of criminal justice agencies pursuant to RCW 42.56.10.97 In short, you have no right to publish intimate details about Mr. Burkel’s private life and he has a right not to have such information publicized on the internet.

Let there be no doubt that we intend to hold you, as well as others, personally liable for your tortuous defamation and invasion of privacy. Whatever business organization that you feel may shield you, in fact, it will not. Johnson v. Harrigan-Peach Land Development Co. 79 Wash.2d 745, 489 P.2d 923 (1971).

As noted above, it appears you have some intimate relationships with Julian Cauvan, Sky Benson and David Frost. They as well are named defendants in the lawsuit we are preparing to file, and we expect discovery in that litigation will tell the tale. We hereby notify you that we will view, as spoliation of evidence, any deletion of any computer or electronic files, or any documentation between you and any persons or entities, including the named individuals (this goes for you as well as Mr. Benson).

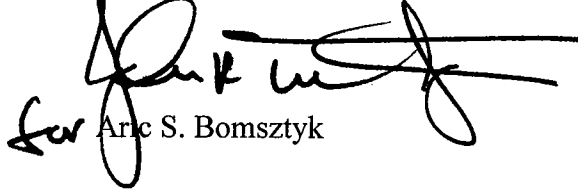
If you want to attempt to limit your damages I suggest you comply with the demands set forth herein.

PLEASE CEASE AND DESIST IMMEDIATELY.

I await your compliance and proof of same and/or your attorney's contact.

Very truly yours,

BAROKAS MARTIN & TOMLINSON

A handwritten signature in black ink, appearing to read "Eric S. Bomsztyk", is written over a horizontal line. The signature is stylized and cursive.

Eric S. Bomsztyk

ASB/sck

cc: Sky Benson (skyb@comcast.net)
Brian Burkel