

LAW OFFICES

**BAROKAS MARTIN & TOMLINSON**

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ARIC S. BOMSZTYK

ASB@BMATLAW.COM

September 9, 2009

**Via Electronic Mail**

Michael Creel  
[legalservices@gmx.us](mailto:legalservices@gmx.us)

Re: Autograph America / Brian Burkel

Dear Mr. Creel:

You have received notice and a complaint for damages, and you have partially complied with the demand.

However, you have been closely monitored for your compliance with the previous demand that you take responsibility and proactively remove *all* defamatory material about Mr. Burkel, his family, and Autographs America that you cause to be disseminated on [allreaders.net](http://allreaders.net) and [allscams.us](http://allscams.us). In addition, the loss of sales has continued to be monitored.

As it stands, <http://allreaders.net/allscams/fakeautographsscaml.html>, still displays defamatory falsehoods. As you well know, we hold you personally accountable for the continuing lost sales caused its accessibility to the general public. You may have received this information from Sky Benson; you may have received it from another source. However, as you well know, republication of defamatory material subjects you to liability just the same as creating it yourself. Herron v. Tribune Pub. Co., Inc., 108 Wash.2d 162, 736 P.2d 249 (1987).

I am again reattaching my letter from two weeks ago which gives you explicit instructions on how to remove the defamatory material—that you erroneously claim you have no control over. Your obstinacy in the face of these simple instructions only serves to keep the damages accruing. They will continue to accrue, and you remain personally liable for these damages, until you remove all defamatory material from your web sites.

This letter is not a threat or a form of harassment, it is simply apprising you of your continued liability and financial exposure under the law, which you no doubt understand.

Michael Creel  
September 9, 2009  
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A response to this letter, affirming that you have followed the instructions to remove the defamatory from <http://allreaders.net/allscams/fakeautographsscam.html>, would begin to bring this legal matter to a close.

Very Truly Yours,

BAROKAS MARTIN & TOMLINSON

A handwritten signature in black ink, appearing to be 'ASB', written over a faint, larger version of the same signature.

Aric S. Bomsztyk

ASB/af

Enclosure

LAW OFFICES

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ARIC S. BOMSZTYK

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August 21, 2009

VIA EMAIL [legalservices@gmx.us](mailto:legalservices@gmx.us)  
Michael Creel

Re: Autograph America / Brian Burkel

Dear Mr. Creel:

I have received your email. Apparently, you have posited this excuse about the Google snapshot before. It is neither valid, or frankly, worth arguing over. Please follow the instructions below and this will remove this page from public access. Once you have done this a '404 error' will appear instead of the page with the falsehoods.

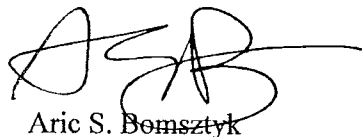
You can do your own internet research to verify this for yourself and take care of the issue—or you can continue to simply allow this page to be displayed and be responsible for continuing lost sales. You are already personally liable for the lost sales to this date.

On a more general note, your threats about countersuing make no legal sense. And your threat about an FBI investigation simply has even less merit. However, I'm certain that any "criminal investigation" that is you claim is ongoing would not be pleased with your criminally extortive threats regarding reporting Mr. Burkel's wife to Homeland Security. I'm not certain what your agenda is, however, I suggest that you refrain from any extortion, and, for your own benefit, think seriously before putting them in writing again.

This is not a matter of harassment. It is a matter of holding you accountable for the appreciable, and continuing, economic damages resulting from your publication, dissemination, and recalcitrance in removing, defamatory and false information from your web sites.

Very truly yours,

**BAROKAS MARTIN & TOMLINSON**



Aric S. Bomsztyk

ASB/sck

## INSTRUCTIONS

1.) Click on this link: <ftp://www.allreaders.net/>

After clicking the link, a box will open in a new window.

2.) Input the ftp user name, and password.

In the browser window, choose View/Open FTP site in a browser window.

3.) If required, again input the ftp user name, and password.

The browser window will display all the folders of allreaders.net.

4.) Locate the folder allscams, and open it. Delete the html page  
fakeautographsscaml.html

<http://allreaders.net/allscams/fakeautographsscaml.html>

NEXT:

5.) Use this link for instant removal, which again, is:

<https://www.google.com/webmasters/tools/removals>

Within several days this page would NOT be viewable, and users would get a 404 error,  
Page cannot be displayed.