

# LUCE FORWARD

ATTORNEYS AT LAW • FOUNDED 1873  
LUCE, FORWARD, HAMILTON & SCRIPPS LLP

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June 9, 2006

## VIA E-MAIL

### CEASE AND DESIST LETTER

Mr. Jay Cross

Mr. Christopher Carlino

Re: Internext Media Corporation, doing business as ABCsearch.com and Daniel Yomtobian –  
Claim for Defamation

Dear Mr. Cross and Mr. Carlino:

My firm has been retained by Internext Media Corporation, doing business as ABCsearch.com, and Daniel Yomtobian, to address false and defamatory statements in an article dated March 10, 2006 titled “Dan Yomtobian: An ill-conceived rebirth?,” that appears on a website located at [www.webdefenders.net](http://www.webdefenders.net). Please direct all further communications regarding this matter to my attention.

Enclosed please find a copy of a cease and desist letter we sent today to Mr. Jay Loden, the website administrator of [www.webdefenders.net](http://www.webdefenders.net). As noted in the letter, we suspect that you are behind the content of the March 10, 2006 article.

Demand is hereby made that you refrain from republishing the March 10, 2006 article and the false and defamatory statements contained therein (or any similar statements) in any medium in the future. If you fail to do so, my clients have authorized my firm to pursue all legal remedies against you to put a stop to your unlawful conduct, including filing a lawsuit in which my clients would seek compensatory damages, punitive damages and any other necessary relief.

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Please confirm in writing by 5:00 p.m. EDT on June 14, 2006 your intent to abide by our requests.

Very truly yours,

A handwritten signature in cursive script, appearing to read "E. P. Swan".

Edward Patrick Swan, Jr.

of

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EPS/cr

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Mr. Jay Loden

Re: Internext Media Corporation, doing business as ABCsearch.com and Daniel Yomtobian –  
Claim for Defamation

Dear Mr. Loden:

My firm has been retained by Internext Media Corporation, doing business as ABCsearch.com, and Daniel Yomtobian, to address false and defamatory statements in an article titled “Dan Yomtobian: An ill-conceived rebirth?,” that appears on your website located at [www.webdefenders.net](http://www.webdefenders.net). Please direct all further communications regarding this matter to my attention.

The article in question is dated March 10, 2006, and states it was “Written by Administrator.” According to records we have obtained, you are the site’s administrator. However, we suspect that Jay Cross and Christopher Carlino are behind its content, and they are accordingly being sent a copy of this letter. As the site administrator, you are ultimately responsible for the March 10, 2006 article’s content.

The March 10, 2006 article concerning my clients, which spans numerous pages, is replete with false and misleading information that constitutes actionable defamation under the law. By way of example only, your statement that Xupiter, a software program developed by a company Mr. Yomtobian was previously associated with, “carried out a string of vicious attacks on computers across the world, leaving a trail of unusable machines in its wake,” is patently false, as are your statements that Xupiter had a “shifty uninstall procedure that didn’t fully remove the software” and that it performed “malicious installations ‘in the wild.’” Your allegation that Mr. Yomtobian’s “business ventures have landed him in and out of court repeatedly” is equally ill-founded.

The list of false and defamatory statements in the March 10, 2006 article goes on, but they need not be repeated here. Suffice it to say that the article is nothing more than a rancorous yet

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baseless campaign to malign and defame my clients and otherwise injure their reputations and business. We believe the false and defamatory statements were made with full knowledge that they were false, or without a reasonable investigation into whether they were true or false. At a minimum, you are now put on notice that the article does in fact contain false and defamatory statements.

Demand is hereby made that you (1) immediately remove the offending March 10, 2006 article, in its entirety, from [www.webdefenders.net](http://www.webdefenders.net) or anywhere else that it may happen to be published, by **5:00 EDT on June 14, 2006**, and (2) refrain from republishing the March 10, 2006 article and the false and defamatory statements contained therein (or any similar statements) in any medium in the future. If you fail to do so, my clients have authorized my firm to pursue all legal remedies against you, Mr. Cross and Mr. Carlino to put a stop to your collective unlawful conduct, including filing a lawsuit in which my clients would seek compensatory damages, punitive damages and an injunction requiring you to remove the March 10, 2006 article from your website.

Please confirm in writing by 5:00 p.m. EDT on June 14, 2006 your intent to abide by with our requests.

Very truly yours,



Edward Patrick Swan, Jr.

of

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EPS/cr

cc: Mr. Jay Cross (via e-mail)  
Mr. Christopher Carlino (via e-mail)