

GINGRAS LAW OFFICE, PLLC

November 25, 2013

Via Email Only: [REDACTED]

Howard E. King, Esq.
[REDACTED]
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[REDACTED]

Re: *Andre Young p/k/a Dr. Dre*

Dear Mr. King:

I represent Nik Lamas-Richie and Dirty World, LLC who operate www.TheDirty.com. I have received and reviewed your letter dated November 18, 2013 concerning your client, Andre Young a/k/a Dr. Dre ("Dre"). I understand that you and Dre are unhappy with three stories published on my client's website and you would like the stories removed and an apology posted in their stead.

Prior to discussing the merits of your request, I must begin by saying—in all seriousness—that Dre is a true musical pioneer. Back in the 80's I personally destroyed many subwoofers blasting N.W.A's *Fuck Tha Police* in my car in the high school parking lot. As such, please bear in mind this letter is written from the perspective of both a lawyer and, more importantly, a fan.

Here's the deal—you claim the posts about Dre are false. You further suggest that if my clients do not immediately remove them, you will commence "formal" legal proceedings (sounds scary -- is there an "informal" type? I must have missed that class in law school.)

While I can certainly understand and respect Dre's concerns, unfortunately things are not that simple. Here's why—although Dre says the posts are false, someone else (the author) says they are true. This brings to mind the old examples I often use: Bill Clinton and Monica *what's-her-name* both denied having sexual relations. Of course, they were both lying. Same thing with Lance Armstrong...he denied juicing, and guess what? The dude juiced. Shall I go on?

Look—just because someone claims a story is false doesn't mean the story is false. I mean, other than O.J. who was clearly framed, history is filled with examples of people who make mistakes and then lie about them to cover it up. That's just what people do.

Now, in the past it might matter if a lawyer like you "gave notice" that a story was false. This was important because if an author or publisher continued to run a story despite notice that story was false, well then...bad stuff might happen. If your letter was sent via Pony Express in November 1913, then your position would be well-taken.

However, here in the year 2013 things are different. That's because, as you surely already know, unlike newspaper/magazine publishers in the past, website owners and operators (like Nik and Dirty World) are *not* responsible for material posted on their sites by users. This means it really makes no difference whether you put Nik on notice that something is false. Nik cannot be treated as a publisher of any content submitted to his site by users, so the issue of notice is entirely irrelevant.

Indeed, courts have already agreed with this argument in cases involving Nik Richie and TheDirty.com. You didn't mention this one in your letter, so here's a quote: "In sum, a third party unilaterally created and submitted [content to TheDirty.com] without specific instructions or requests from the Defendants to do so. This is precisely the type of situation that warrants CDA immunity." *S.C. v. Dirty World, LLC*, 2012 WL 3335284 (W.D.Mo. 2012) (emphasis added).

Yes, I concede that a single judge in the undisputed center of cutting-edge Internet law territory (Eastern Kentucky; cue banjo music) recently took a different view of the law in a case I have been personally litigating for nearly four years. Of course, that doesn't mean things have gone very well for that plaintiff. Although she won at trial, during those four years the plaintiff has also pleaded guilty to a felony, lost her job, been banned from teaching for life, and is now a convicted sex offender. And this is a case you cite as supporting Dre's position? Yikes. Indeed, in the last four years, Ms. Jones's attorney has even been suspended for lying to the court not once, but *twice* (albeit in other cases, but still...).

If you believe that the Kentucky court's decision accurately represents the current state of the law in the Ninth Circuit, please let me know. In that case, I also have a fabulous ocean-front unicorn ranch here in Arizona that you might want to buy.

Howard E. King, Esq.
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In all seriousness, website operators like Nik Richie cannot simply remove everything that is claimed to be false for the same reason that prison wardens can't simply release every inmate who claims to be innocent. Deciding who is guilty and who is innocent is not a task that can or should be delegated to website owners. Really, do you expect Mark Zuckerberg to personally mediate every dispute between 12 year old girls fighting on Facebook? Surely not.

For that reason, despite our status as fans, Nik simply cannot agree to remove the posts about Dre. If the posts are false, then Dre certainly has the right to pursue litigation against the author(s). In that case, if a court finds the posts are false, then they will be removed. Until then, Nik is simply unwilling to take sides in this dispute and accordingly he cannot agree to remove any material from www.TheDirty.com.

If you have any questions, please let me know.

VERY TRULY YOURS,



David Gingras, Esq.

cc: Nik Lamas-Richie