

Baker & Hostetler LLP

12100 Wilshire Boulevard  
15th Floor  
Los Angeles, CA 90025-7120

September 2, 2010

Mr. Spencer Pratt

Re: *Kerissa Shannon*

Dear Mr. Pratt:

This firm has been retained by Kerissa Shannon.

As you know, Kerissa Shannon reported to us that you were attempting to publish, sell, license or otherwise exploit the image of Ms. Shannon. According to her report, you are no longer willing to discuss this matter and you are to follow the instructions in your initial threat, Ms. Shannon would not be able to enjoy the privacy of her distribution of the monetary damages to you.

Now that the damage to Ms. Shannon has been made, we request the return of the filmed footage to Ms. Shannon. You are advised that it is your responsibility to return the footage to her possession and not to provide it to anyone else. Ms. Shannon's property for your own purposes subjects you to both compensatory and punitive damages.

This footage contains private materials relating to numerous individuals, including Mr. Sam Jones III and Ms. Shannon. Each of these individual's privacy rights are protected by the United States and California Constitution; each also has the right to control the publicity rights in his/her name, likeness and persona. Any sale, disclosure or reproduction of the filmed footage would constitute an unauthorized use of her name, likeness and persona and violation of those rights. California Civil Code section 3344 states, in relevant part:

"Any person who knowingly uses another's name, voice, signature, photograph, or likeness, in any manner, on or in products, merchandise, or goods, or for purposes of advertising or selling, or soliciting purchase of, products, merchandise, good or services, without such person's prior consent . . . shall be liable for any damages sustained by the person or persons injured as a result thereof."

See also Michaels v. Internet Entertainment Group, Inc., 5 F. Supp.2d 823 (C.D.Cal.1998).

Please contact me immediately to arrange for the return of Ms. Shannon's property.  
To avoid prompt legal action you must immediately:

1. provide a written acknowledgement that you have ceased and permanently desisted from attempting to publish, distribute, sell, license or otherwise exploit the footage in any manner;
2. return all copies of the footage in any media, whatsoever, including but not limited to any and all videotape, film, compact discs, DVDs, computer floppy discs, electronic mail, and provide a written confirmation under penalty of perjury that you have done so; and
3. provide a list of persons/companies and a list of names, e-mail addresses, and other contact information of those persons and entities to whom you have shown the footage and/or given a copy of the footage.

Nothing in this letter is intended to, nor does, waive any right, claim or defense, all of which are expressly reserved.

Sincerely,

Hayes F. Michel

Hayes F. Michel

