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October 3, 2011

Eric M. George

File No.

Via E-Mail

Robert Barton, Esq.
Holland & Knight LLP

E-Mail: [REDACTED]

Re: *John Doe v. Harold Matzner and Michael Levine*, LASC Case No. BC 470750

Dear Mr. Barton:

I am perplexed by your firm's actions today against my client Michael Levine.

By letter, you threatened to "move *ex parte* for an order permitting the filing of a Verified Complaint for damages through the use of a fictitious named plaintiff . . ." Then, notwithstanding that representation, you went ahead and filed the complaint itself on behalf of a fictitiously-named plaintiff.

Procedural flaws aside, your complaint is devoid of evidentiary or legal support, not to mention common sense.

First, your allegation that Mr. Levine "offered to start a reward fund that was to contain a minimum of \$25,000 within a week" ignores that each of his public statements uniformly emphasized that he hoped to create - or had the goal of creating - a \$25,000 reward fund following the death of his longtime friend Ronni Chasen. I invite you to read the attached articles, all of which accurately state as much: "Levine said his goal was to raise \$25,000 in the next week" [Variety, Nov. 16, 2010]; "[Levine] hopes to raise a minimum of \$25,000 within the next week" [Radar Online, Nov. 16, 2010]; "Publicist Michael Levine started a reward fund to find Chasen's killer, and is hoping to raise \$25,000 over the next week" [The Daily Beast, Nov. 16, 2010]; "According to Michael Levine, the goal is to raise a minimum of

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\$25,000 within one week" [Extra, Nov. 16, 2010]; "Levine . . . has started a reward fund with a goal of raising \$25,000 by next week" [CNN Entertainment, Nov. 17, 2010].

Second, and yet more problematic, your complaint fails to acknowledge that immediately after making the above public statements, Mr. Levine ceased his efforts to raise a reward fund out of respect for the wishes of Ms. Chasen's family. This omission is deeply problematic because Mr. Levine informed you of this fact prior to your law firm filing the suit. As you know, a representative of Ms. Chasen's family contacted Mr. Levine, requesting that he not proceed to raise such a fund. Mr. Levine of course honored that request.

In addition to the above lack of evidentiary support for your claims, there is simply no credible basis for including Mr. Levine in your lawsuit:

- Your breach of contract claim fails because, among other legal defects, (i) Mr. Levine's statements communicated merely that he had offered "to start" - or "hoped to raise" - a \$25,000 fund, not that he had raised such a fund or was guaranteeing payment of such an amount, and (ii) Mr. Levine's statements are not sufficiently definite and certain to constitute a legally-recognizable offer.
- Your promissory estoppel claim falsely asserts that "Mr. Levine made a clear, unambiguous, oral and/or written promise in which he offered . . . to pay a minimum reward sum of \$25,000. . . ." Again, this is complete nonsense, as Mr. Levine publicly stated only his intention to start, or his hope to raise, such a fund.
- Your fraud claim falsely states that "Mr. Levine made a misrepresentation that he would create a reward fund and pay a minimum reward sum of \$25,000 from this fund" Again, I challenge you to present a single accurate statement in which Mr. Levine says as much, let alone such a statement after the time that Mr. Levine honored the wishes of Ms. Chasen's family by electing not to proceed to raise the fund.

In the event your law firm continues with the lawsuit against Mr. Levine, please know that we intend to seek reimbursement of all legal fees he is forced to incur. Inasmuch as Mr. Levine's public statements were made in connection with an issue of public interest, I expect your lawsuit to be summarily dismissed - with an award of fees against your firm - under section 425.16 of the California Code of Civil Procedure. Moreover, because your allegations are devoid of evidentiary support, you should anticipate - absent your prompt dismissal of the claims against him - the imposition of sanctions under section 128.7.

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Please confirm for me no later than close of business Wednesday, October 5, 2011, that your law firm will dismiss all claims against Mr. Levine.

I look forward to hearing from you.

Sincerely,



Eric M. George

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