

DAVIS, MANNIX & McGRATH

ATTORNEYS AT LAW
125 SOUTH WACKER DRIVE
SUITE 1700
CHICAGO, ILLINOIS 60606-4402
(312) 332-3033

KEVIN A. THOMPSON
(312) 332-1506

FAX (312) 332-6376
KTHOMPSON@DMMLAW.COM

January 11, 2001

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Don Cunningham

Aurora, IL 60504 . . .

Re: Defamatory Scheme in Postings to Budo Kai Web Site

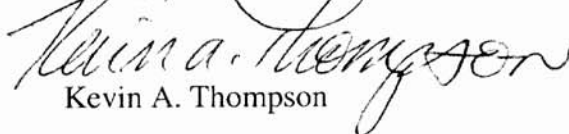
Mr. Cunningham,

This firm serves as counsel to Mr. Rod Sacharnoski. We have been made aware of a large number of postings made by you to the Budo Kai website located at <http://www.concentric.net/~budokai>. These postings form a continuous stream of false statements made by you, apparently as part of a scheme to impugn the professional reputation of Mr. Sacharnoski. These statements must stop and all website references to our client and his business must be removed immediately.

Your false statements, made as part of a scheme to defame our client, are defamatory per se and damage to our client is presumed as a matter of law.

A copy of this letter is being sent to your internet service providers as well.

DAVIS, MANNIX & McGRATH


Kevin A. Thompson

KAT/st
Enclosures

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January 11, 2001

VIA CERTIFIED MAIL

Concentric.Net
XO Communications, Inc.
1505 Farm Credit Drive
6th Floor
McLean, VA 22102

Re: Defamatory postings by Don Cunningham to Budo Kai Web Site

Dear Sirs,

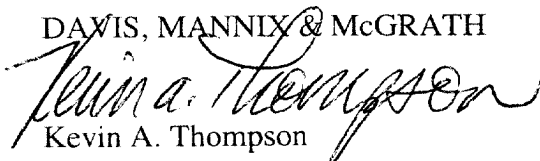
This firm serves as counsel to Mr. Rod Sacharnoski. A copy of a letter we have sent to Mr. Don Cunningham, a user of your site at <http://www.concentric.net/~budokai>, is enclosed for your reference.

We believe that Mr. Cunningham has violated your Acceptable Use Policy, specifically the section entitled "USER CONDUCT, PROHIBITED OR UNLAWFUL USE," in that he has posted defamatory content as part of a scheme to impugn the professional reputation of our client. Such statements are defamatory per se, and we request that you take appropriate action against Mr. Cunningham.

As requested by your Policy, a copy of this letter is being sent to abuse@xo.com as well.

Very Truly Yours,

DAVIS, MANNIX & McGRATH



Kevin A. Thompson

KAT/st
Enclosure

Cc: Don Cunningham

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January 11, 2001

VIA CERTIFIED MAIL

Steve DeMello
President
EZBoard.Com
480 Clementina Street
San Francisco, CA 94103

Re: Defamatory postings by Don Cunningham to Budo Kai Web Site

Dear Mr. DeMello,

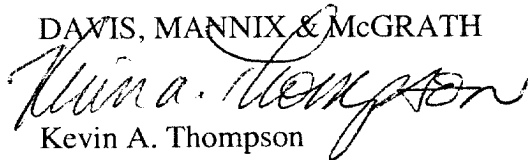
This firm serves as counsel to Mr. Rod Sacharnoski. A copy of a letter we have sent to Mr. Don Cunningham, a user of your site at <http://pub29.ezboard.com/bbudokai>, is enclosed for your reference.

We believe that Mr. Cunningham has violated your Terms of Service, specifically Paragraph 6(c), in that he has posted defamatory content as part of a scheme to impugn the professional reputation of our client. Such statements are defamatory per se.

Please contact the undersigned within fourteen days to confirm your receipt of this notification and the action you have taken to correct this abuse.

Very Truly Yours,

DAVIS, MANNIX & McGRATH



Kevin A. Thompson

KAT/st
Enclosure

Cc: Don Cunningham