

Subject: Re: Pitruzzelli & Wilson vs Goldner
From: David Goldner <PhotoGraphics@DavidGoldner.com>
Date: 2/9/2012 2:11 PM
To: Thomas Bishop <tbishop@novodorlaw.com>

Mr. Bishop, as I stated to your associate:

You obviously totally misunderstood my letter or are trying to weave it into something else. I offered to sell your clients WurstkucheSucks.com that is now on line as well as any other domain already registered that is set to be posted after the 10th of this month, and that's only if you cancel the law suit by the 10th. That's all. Your clients still have to buy the domain WurstkucheSucks.com from me and ask me very nicely to take my blogs down. This is not a trade.

Your law suit is beyond frivolous bullshit and maybe you didn't notice, but your legal threats just don't scare me and I will continue to speak my mind about your pathetic clients. This is a first amendment case and as an artist, I'll be damned if I'll back down from expressing myself, speaking my mind and posting my opinions from my personal experiences. Especially experiences that I have documented very well with blogs, photos, videos and sound files. Your clients want to run from the truth and make this about me and I'll be damned if I'll allow that to happen either!

So let me make this clear... if your clients don't want to buy the domain and want to continue to try and harass me with this bluster of nonsense, hey, knock yourselves out! You post your papers and I'll post mine. I stand by every word I've written and I have absolutely nothing to lose. Your clients will never get anything from me except the same grief they have already given me and now try to continue to inflict!

David Goldner

ps... Please don't respond unless your clients are serious and actually want to drop the suit and buy the domain, WurstkucheSucks.com by the 10th. That's it. I won't respond to any more of your harassment letters or non sequitur and baseless legal threats. You will not white wash the truth about what your clients did to me. I guarantee that's just not going to happen. Post your papers with the courts. I'll post mine with the public.

On 2/8/2012 6:33 PM, Thomas Bishop wrote:

Law Offices of Alan G. Novodor
11835 W. Olympic Boulevard, Suite 1125 E
Los Angeles, CA 90064-5001

Telephone: (310) 479-9387

Facsimile: (310) 479-9388

Email: novodor@msn.com

February 8, 2012

VIA FACSIMILE, E-MAIL & U.S. MAIL

509-692-1751 / photographics@davidgoldner.com

Mr. David L. Goldner

1015 East 8th Street #A

Los Angeles, CA 90021-1509

Re: Pitruzzelli and Wilson vs. Goldner

Los Angeles Superior Court Case No. BC 467 840

Dear Mr. Goldner:

I have reviewed your 5-page letter to this office dated February 3, 2012. In it (on page 4), you appear to offer some form of settlement of the above-referenced action in which your default has been entered.

If you are proposing a stipulated, court-enforceable agreement to take down all of your website's blogs which reference our clients and their business, and to refrain from further referencing them or their business in any publication of any kind going forward in exchange for dismissal of the defamation lawsuit, then our clients would probably agree to dismiss the lawsuit and settle the action, subject to the following terms and conditions:

1. A Settlement Agreement with a mutual non-disparagement clause and Stipulation for Entry of Judgment will be prepared and executed by all parties. We will be required to vacate your default, and you will be required to pay a first appearance fee.
2. The Stipulation for Entry of Judgment will provide the court with the authority enforce an injunction should you fail to remove all references to our clients as agreed, or should you re-post old content or post new content of any kind concerning or relating to or clients or their business anywhere at any time.
3. The action will be dismissed with prejudice, but subject to *CCP 664.6*, reserving jurisdiction of the court to enforce the terms of parties' settlement agreement.

If this type of proposal is not what you had in mind, or if you carry out any of the additional posting and publication conduct threatened by your letter, either alone, or in concert with others, we will prove-up the default judgment, obtain a

permanent injunction and impounding order and obtain a monetary award in at least the minimum jurisdictional amount of the Unlimited Civil division of the Los Angeles County Superior Court.

Finally, because this communication deals with settlement issues, it should be viewed as a means to facilitate resolution of the subject matter of the pending action consistent with the principles of *California Evidence Code Section 1152*. In that regard, nothing contained herein should be deemed to be an admission of any fact or a waiver of any rights or remedies which our client may have, all of which are expressly reserved.

Please get back to me so that we will know which way to proceed. If you have any questions regarding the foregoing, please advise.

Very truly yours,

LAW OFFICES OF ALAN G. NOVODOR

ALAN G. NOVODOR

11835 W. Olympic Boulevard

Westside Towers * Suite 1125 E

Los Angeles, CA 90064-5001

Telephone (310) 479-9387 Fax (310) 479-9388

E-Mail: novodor@msn.com

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David Goldner Photography & Design

1015 East 8th St. Suite - A

Los Angeles, CA 90021

(213) 620-1751

(509) 692-1751-fax