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By Mail and Email

Casey Cummings, Esq.
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Re: Defamation 101

Dear Mr. Cummings:

I received your cease-and-desist letter dated May 30, 2015 pertaining to a blog post on my website dated June 3, 2014. In your letter you ask me – under threat of litigation – to “simply and kindly remove” the post from my website. My answer is no. While my initial impulse was to ignore your ridiculous letter, I decided to respond for the purpose of educating you on the law and dissuading you from again memorializing such nonsense in writing, further diminishing your credibility, and wasting others’ time.

Initially, your threat to sue me in New York rings hollow, since a libel action based on a blog post published on June 3, 2014 is time-barred by New York’s one-year statute of limitations for such claims. NY CPLR § 215(3); *see also* a calendar. Even if such a claim were not time-barred, it would fail on the merits. *See, e.g., Rakofsky v. Washington Post*, 971 N.Y.S.2d 74 (Sup. Ct. 2013); N.Y. Civil Rights Law § 74; U.S. Const. Amend. I. In that vein, I note that you fail to identify even a single false statement of fact in the post that you have falsely and irresponsibly characterized as “defamatory”. As such, any defamation action commenced in New York would be patently frivolous and subject the plaintiff and/or its attorney to sanctions, including attorney’s fees. *See* NY CPLR § 8303-a; 22 NYCRR § 130-1.1.

In sum, neither the courts nor the Internet are kind to bullies who attempt to misuse defamation law as a bludgeon to censor protected expression. Tread carefully.

Yours, etc.

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