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PLEASE REPLY TO LAS VEGAS OFFICE
JMYERS@NEVADA@NEVADAFIRM.COM

October 4, 2019

Via U.S. Certified Mail and Electronic Mail

Joerg Arnu

Rachel, Nevada 89001
webmaster@dreamlandresort.com

Dear Mr. Arnu:

Our firm represents Little A'le'Inn LLC ("Little A'le'Inn") and its principal Concepcion "Connie" West ("Ms. West") in corporate and intellectual property matters. It has recently come to our attention that you have made, and continue to make, public false and defamatory statements regarding Little A'le'Inn and its owners (including Ms. West) on at least the websites located at www.rachel-nevada.com and www.dreamlandresort.com (collectively, the "Defamatory Websites"), and in communications sent to the Lincoln County Department of Planning and Building. In addition, the Defamatory Website www.rachel-nevada.com contains a link selling t-shirts wrongfully bearing the ALIENSTOCK trademark ("Infringing Product"), which link and t-shirts infringe upon Little A'le'Inn's valuable intellectual property rights. Such unlawful behavior will not be tolerated and must cease immediately. In the event you have legal counsel, we urge you to forward this letter to him/her and to have him/her contact this office immediately.

Specifically, you have made numerous false and derogatory statements about Little A'le'Inn and Ms. West to government officials, news media, and the public. As just one example, on Saturday, September 28, 2019, you sent a written correspondence to the Lincoln County Department of Planning and Building claiming that Little A'le'Inn made in excess of \$150,000 from camp site rentals and that its profit exceeds a "staggering" \$350,000. Your correspondence further demeans Ms. West by stating "[i]f Connie claims she lost money she is a LIAR!" Similarly, the Defamatory Websites, among other things, falsely claim that Little A'le'Inn and/or Ms. West retained "100% of the parking sales (which [you] can prove were well over \$100,000)." All of these statements are patently false, unjustified, and made with negligence, actual malice or, at minimum, were made with a complete and reckless disregard for the truth. These false statements of fact have harmed, and continue to harm, our clients' business and personal reputations and have diminished our clients' esteem in the community. Such activities expose you to significant liability under Nevada law for defamation and business disparagement. Moreover, you intentionally made these false and disparaging statements about Little A'le'Inn and Ms. West in a public sphere highly populated and widely viewed by our clients' business associations, which exposes you to heightened exemplary and punitive damages, among other claims.

As I am sure you are aware, a person unlawfully defames another when he publishes a false statement of fact that causes damages. As is the case here, false statements that tend to injure someone's trade, business, or profession, constitute defamation per se. *K-Mart Corporation v. Washington*, 886 P. 2d 274, 282 (Nev. 1993); *Nevada Ind. Broadcasting Corp. v. Allen*, 664 P.2d 337, 341 (Nev. 1983). Because defamation per se is so likely to cause serious injury to reputation and pecuniary loss to the defamed party the Nevada Supreme Court has held that where a party commits defamation per se, the damages from such

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statements are presumed and require no proof of actual damages. See *Chowdhry v. NLVH, Inc.*, 109 Nev. 478, 851 P.2d 459 (1993). In other words, if Ms. West is required to pursue legal remedies against you for your defamatory statements, the damages stemming from your statements, and in turn your liability, will be presumed.

As noted above, the Defamatory Website www.rachel-nevada.com is also promoting and selling Infringing Products bearing Little A'le'Inn's ALIENSTOCK trademark. Despite your alleged outrage over our clients' Alienstock event, we are informed and believe that you are directly profiting from the sale of the Infringing Product. Such unauthorized use of the ALIENSTOCK trademark creates the impression among consumers that you, and/or the Defamatory Website www.rachel-nevada.com, is affiliated with, or endorsed or licensed by Little A'le'Inn, when in fact it is not. Under both state and federal trademark law, it is unlawful to use, in commerce, any false or misleading fact or representation which is likely to cause confusion, mistake or deception as to the affiliation, connection or association of one entity with another. See e.g., 15 U.S.C. § 1125(a). Trademark owners are entitled to significant remedies for violation of their rights, including immediate and permanent injunctive relief, actual and punitive damages, and attorneys' fees and costs associated with enforcing their rights. In other words, your unauthorized promotion and sale of the Infringing Product exposes you to significant liability for which Little A'le'Inn is statutorily able to obtain significant remedies.

By this letter, Ms. West and Little A'le'Inn hereby demand that you immediately cease and desist from: (1) taking any further action to demean or defame Little A'le'Inn and its owners (including, without limitation, Ms. West); (2) purge and remove all false and defamatory content regarding Little A'le'Inn and Ms. West from the Defamatory Websites; and (3) cease all sales and marketing of the Infringing Products. Please contact me immediately, but in no case later than **Monday, October 14, 2019** to confirm your compliance with the demands set forth herein.

Please be advised that should you fail to respond to the demands set forth in this letter, or if such false communications, whether oral or written, do not immediately cease, my clients will have no choice but to consider all the legal options available to them. Little A'le'Inn and Ms. West have authorized this office to pursue all such legal options absent compliance by you with the demands set forth in this letter.

We do not intend, nor should you construe, this letter to be a complete and exhaustive list of all of our clients' rights, claims, and legal theories. Nothing contained in this letter is a waiver or relinquishment of any of our clients' rights or remedies, all of which are expressly reserved.

Sincerely,

HOLLEY DRIGGS WALCH
FINE WRAY PUZEY & THOMPSON


Joanna M. Myers

cc: Lincoln County Department of Planning & Building (via email only)