

----- Forwarded message -----

From: MAS <mastephens1@gmail.com>

Date: Fri, Sep 30, 2011 at 3:53 AM

Subject: SECOND NOTICE - Cease and Desist and Removal of Websites

To: [REDACTED]

SECOND NOTICE

Cease and Desist and Removal of Websites

Ms. Lisa Merritt
[REDACTED]
[REDACTED]

PLEASE READ CAREFULLY

Hello Lisa,

In a good faith attempt to avoid filing a legal lawsuit against you for the allegations mentioned below, I want to explain to you in detail the possible liabilities you face if you refuse to cooperate. Below is a recent defamation case which took place in the State of Georgia in regards to false negative content posted on a website. After each paragraph of the actually case I highlight in red our proposed complaint which will be filed with the courts. **PLEASE TAKE NOTICE** of the similarity of the parties' names and the legality of the case. You will notice it is exactly what you are doing with your website and URL address, which is illegal and defamatory.

Please see the Cease and Desist and Removal of Websites request below. **PLEASE READ CAREFULLY.**

What is Defamation (Libel)

Libel is a published or fixed form of defamation of character; a civil wrong that falsely impugns the reputation or character of a person or entity, opening the target up to public scorn or ridicule. Libel might appear in a magazine, book, newspaper, or in a radio or television broadcast. Signs, billboards or posters can also be mediums for libel. Online libel, or cyber libel takes electronic forms such as email, mailing lists, newsgroups, chat rooms, podcasts, vodcasts and **Web pages**. Although many citizens do not yet realize it, comments made to chat boards, newsgroups and even mailing lists are all forms of publication. Criticisms of companies or their goods can be a basis for libel charges if the poster misrepresents facts, or fails to qualify his or her post as opinion.

Parties to the lawsuit

Banks v Milum please not Defendant Milum filed an appeal and still lost.
Burzynski v Merritt

Description of Case – Please see original attachment included with this email.

David Milum, upset with his lawyer Rafe Banks over the handling of a prior case, demanded that Banks pay back the \$3,000 in fees he had received. When Banks refused, Milum posted entries on the [Forsyth County Political Forum](#)

, a local political website he ran, in which he accused Banks of delivering bribes to judges on behalf of drug dealers.

Lisa Merritt, **upset with her husband's doctor Dr. Stanislaw Burzynski over cost of medical treatment, intentionally created multiple websites called Burzynskiscam.com, Burzynskiscam.net, and Burzynskiscam.org with the intent purpose to harm his business reputation, to defame and libel Dr. Burzynski claiming he and his clinic are disreputable, are engaged in on-going criminal activity, and must be avoided by the public.**

According to court filings in the case, on May 10, 2004, Milum posted an entry titled "Polo Fields Residents Don't Know About Attorney Rafe Banks?" In it, Milum stated:

Are you a drug dealer when you have an ounce of cocaine in your possession worth hundreds of dollars or when you carry \$25,000.00 to a Superior Court judge . . . to keep a drug dealer out of jail? Are you a drug dealer when you have a gram of methamphetamine in your possession or is it when you arrange for a lifelong drug dealer to escape doing eighteen years in federal prison for attempted murder? Polo Fields resident Rafe Banks is both. For the proof of this, visit our . . . video. . . . A cocaine dealer names Rafe Banks as being involved in bribing judges here in Forsyth County and in Federal Court in Miami. . . . Rafe Banks will never make one single move against me or this website because he knows that we have the witnesses to prove that he carried these drug dealer payoffs to [a] judge

According to the multiple websites created on June 3, 2010 by Lisa Merritt she posted and stated:

"We feel we were scammed..." "We were told that insurance would cover, not all, but some of the treatment. We knew there would be some out of pocket expense, due to his treatment protocol being somewhat out of the norm from the rest of the medical

community. We went expecting an initial, upfront cost for consultation with Dr. Burzynski and staff, and an overall checkup." Then goes on to mention.. "Burzynski is selling false hope..." and "Proceeds go toward Mrs. Burzynski's wardrobe, diamonds, furs, Mercedes Benz, and the 20,000+ square foot house they share".

On June 16, 2004, Banks' attorney sent Milum a letter demanding that he retract his statements. After Milum declined to do so, Banks sued him in Forsyth County Superior Court for libel.

On September 27, 2011, I contacted Lisa Merritt requesting for removal of the website due to multiple defamatory and false negative information, and libel statements. She refused to remove the website and content.

The case went to a jury trial in January 2006. At the trial, Milum acknowledged that in his previous interrogatories he had named nine people with personal knowledge of the bribery allegations but testified that he was not stating facts when he posted his comments online, but simply giving his opinion. None of the witnesses, however, testified that they personally knew anything about Banks bribing anyone.

After deliberating for two days, the jury found Milum liable for defamation and awarded Banks \$50,000 in general damages, but no punitive damages. Milum gave up operating the website shortly thereafter.

A Georgia appellate court affirmed the verdict, holding that Banks was properly characterized as a limited-purpose public figure, which meant that Banks had to show that Milum "published false and defamatory statements knowing that they were false or acting in reckless disregard of their truth or falsity." According to the appellate court, the jury sought clarification during deliberations as to whether a public figure can be libeled and the court reiterated the definition offered by Milum's attorneys, "that a 'public figure' is one who by reason of notoriety of his achievements or the vigor and success with which he seeks the public's attention has commanded or is in a position to command a substantial amount of public interest."

As I explained to you Dr. Burzynski is a public figure and you must be careful of the words you use. In your website you state "We feel we were scammed..." but then you mentioned that you knew of this cost. Then you mentioned proceeds go to fur coats, etc. This is reckless disregard of the truth or falsity on your behalf. You must be able to provide evidence of this in court.

SECOND NOTICE
Cease and Desist and Removal of Websites

September 30, 2011

E-MAIL DELIVERY

Ms. Lisa Merritt



RE: **Demand to Cease and Desist and Removal of Websites**

Dear Ms. Merritt:

I represent the Dr. Stanislaw Burzynski, Burzynski Clinic, and Burzynski Research Institute. It has been brought to our attention that you have content on your websites www.burzynskiscam.com, burzynskiscam.org, burzynskiscam.net that is in violation of several state and federal laws.

This correspondence constitutes a demand that you immediately cease and desist in your actions defaming and libeling my clients. Please allow this correspondence to serve as notice to you that you published libelous and defamatory information.

Please be advised that my clients consider the content of your postings to be legally actionable under numerous legal causes of action, including but not limited to: libel, defamation, copyright infringement, and tortious interference with business contracts and business relationships. The information you assert in your postings is factually incorrect and posted with either actual knowledge or reckless disregard for its falsity and with the actual and specific malice to injure my client's business relationships in the community.

Your characterization of my client's businesses as "scams", "Selling false hope", and involved with criminal activity is factually inaccurate, defamatory and libelous. You attack my client's business reputation and practices repeatedly and wrongfully as follows:

1. Your postings are replete with usage of the terms "scam." These terms have a singularly negative connotation regardless of the context of the usage. These terms connote dishonesty, untrustworthiness, illegality, and fraud.

THIRD NOTICE

Cease and Desist and Removal of Websites

October 13, 2011

Ms. Lisa Merritt

[REDACTED]
[REDACTED]

PLEASE READ CAREFULLY

Hello Mrs. Merritt,

On September 30, 2011, I forwarded you an email asking you to remove the website www.burzynskiscam.com off the internet. I've noticed you made several changes to your website based on that notice. We appreciate your attempt to rectify this situation. As I mentioned, we support freedom of speech. Unfortunately, you fail to realize your entire website falls under defamation Libel. The information I provided about the libelous content on your website were a few examples to help you understand such.

The clinic has done its investigation into your comments on the website, as well as the treatment your husband received at the clinic. It has been discovered that all of the information on your website is false and inaccurate. In addition, the clinic has your husband's signed consent, which means he was aware of the treatment he would receive. The clinic has your financials showing a balance due from a bounced check. The clinic also has the correct amount paid, which is **NOT** the \$20,000 you claim on your website.

Additionally, all patients are advised that the clinic provides an in house pharmacy for their convenience. All patients are told that the clinic prefers them to fill their first month prescriptions at the clinic, before going elsewhere. It is important to note that each patient has a financial advisor assigned to them that thoroughly discusses clinic fees and answers any questions on a daily basis if needed. The Burzynski Clinic is comparable in price to other clinics. I have sent you a link showing you a cost comparison of receiving cancer treatment with no insurance.

This is my last attempt at coaching you through understanding the violations of your website and its content. All of your acts are Malicious, and does not involve your opinion. As I mentioned above, the clinic has your husband's signed consents on the treatment corresponding to the medication he received. The clinic also has several patients and local consumers from the state of Georgia that contacted the Burzynski Patient Group inquiring about the information on your website--this is a serious issue. The content on your website, as well as the URL, are Libelous statements. All three (3) of your URL www.burzynskiscam.com, www.burzynskiscam.org, and www.burzynskiscam.net are not opinions. The domains --"Burzynski"scam", is malicious and defamatory in and of itself, as it is accusing my client of criminal activity, extortion, racketeering, scams, etc. You are clearly telling the world that Burzynski "IS" a scam. In a court of law, your *Opinion* is not proof you must bring forward factual evidence.

Please see below two (2) recent defamation cases that Google just lost in regards to placing "Rape", "SCAM" etc. next to a business owner name. Google is also cooperating with the Burzynski Clinic in regards to removing slanderous keywords next to the clinic's name, which some have already been removed, as seen below. I have given you a very similar defamation case which took place in the state of Georgia.

2. The purpose of the postings is to create in the public the belief that my clients are disreputable, are engaged in on-going criminal activity, and must be avoided by the public.

3. Copyright Infringement. You have no authorized permission to post the photo on your website of my client who is the owner of the material.

Your postings are untrue. The false content is not in any manner reviewed or supported to check its accuracy in any fashion. You, maliciously with the intent to harm my clients and to destroy his business, state information which is wholly without support and which damages my clients' reputations in the community.

My clients demand the following:

A. **Cease And Desist.** You immediately cease and desist from making any further unsupported, defamatory, libelous or harmful statements relating to my clients through any medium, including the Internet. You are not to post, host, or make available any libelous, false or defamatory statements against my clients via the Internet, television, radio, print or any other forms of media. You shall not create any new alias, nor use any old alias, to post, host, or make available any statement regarding my client via the Internet, television, radio, print or any other forms of media.

B. **Remove of Websites.** Immediate and complete removal of the three website burzynskiscam.com, burzynskiscam.org, burzynskiscam.net which contains the false negative information. The domain URL in itself are also defamatory and libel statements.

I am in the process of preparing a complaint against you to be filed in a Federal Court. If the false and defamatory website is not removed from the Internet before 3pm today, I have been directed by my clients to immediately file a legal action seeking a court order for injunctive relief compelling you to shut down the website and to print a suitable retraction.

GOVERN YOURSELF ACCORDINGLY.

Very truly yours,

Marc Stephens

THIRD NOTICE

Cease and Desist and Removal of Websites

October 13, 2011

Ms. Lisa Merritt

[REDACTED]
[REDACTED]

PLEASE READ CAREFULLY

Hello Mrs. Merritt,

On September 30, 2011, I forwarded you an email asking you to remove the website **www.burzynskiscam.com** off the internet. I've noticed you made several changes to your website based on that notice. We appreciate your attempt to rectify this situation. As I mentioned, we support freedom of speech. Unfortunately, you fail to realize your entire website falls under defamation Libel. The information I provided about the libelous content on your website were a few examples to help you understand such.

The clinic has done its investigation into your comments on the website, as well as the treatment your husband received at the clinic. It has been discovered that all of the information on your website is false and inaccurate. In addition, the clinic has your husband's signed consent, which means he was aware of the treatment he would receive. The clinic has your financials showing a balance due from a bounced check. The clinic also has the correct amount paid, which is **NOT** the \$20,000 you claim on your website.

Additionally, all patients are advised that the clinic provides an in house pharmacy for their convenience. All patients are told that the clinic prefers them to fill their first month prescriptions at the clinic, before going elsewhere. It is important to note that each patient has a financial advisor assigned to them that thoroughly discusses clinic fees and answers any questions on a daily basis if needed. The Burzynski Clinic is comparable in price to other clinics. I have sent you a link showing you a cost comparison of receiving cancer treatment with no insurance.

This is my last attempt at coaching you through understanding the violations of your website and its content. All of your acts are Malicious, and does not involve your opinion. As I mentioned above, the clinic has your husband's signed consents on the treatment corresponding to the medication he received. The clinic also has several patients and local consumers from the state of Georgia that contacted the Burzynski Patient Group inquiring about the information on your website--this is a serious issue. The content on your website, as well as the URL, are Libelous statements. All three (3) of your URL www.burzynskiscam.com, www.burzynskiscam.org, and www.burzynskiscam.net are not opinions. The domains ---Burzynski"scam", is malicious and defamatory in and of itself, as it is accusing my client of criminal activity, extortion, racketeering, scams, etc. You are clearly telling the world that Burzynski "IS" a scam. In a court of law, your *Opinion* is not proof you must bring forward factual evidence.

Please see below two (2) recent defamation cases that Google just lost in regards to placing "Rape", "SCAM" etc. next to a business owner name. Google is also cooperating with the Burzynski Clinic in regards to removing slanderous keywords next to the clinic's name, which some have already been removed, as seen below. I have given you a very similar defamation case which took place in the state of Georgia.

Your intent of creating three URLs indicating the word scam is malicious. You published the URL and content of your website knowing that they were false and libelous statements. In addition, we have multiple residents from the state of Georgia who contacted the Burzynski Patient Group regarding the information in your website, which establishes jurisdiction in the state of Georgia. If the website is not shut down IMMEDIATELY, we will legally pursue you at the highest extent of the law. Please speak with an attorney.

Regards,

Marc Stephens

Google loses autocomplete defamation case in Italy

By David Meyer, ZDNet UK, 5 April, 2011 15:13

Follow @superglaze

Topics

Search,
Autocomplete,
Google, Italy,
Defamation, Libel

Sponsored Links

Victim of Online
Slander
Bad Press on Pg 1 of
Search Engine? Free
Reputation Assessment
Today.
www.reputationmanager
We Guarantee Our
Results

NEWS Google has lost a case in Italy over the defamatory nature of autocomplete suggestions, according to a lawyer for the complainant.

On Tuesday, lead counsel Carlo Piana wrote on his blog that the Court of Milan has upheld its earlier decision to order Google to filter out libellous search suggestions. These are the suggestions that pop up in Google's search input bar, proposing what the user might be wanting to search for.

People searching via Google for Piana's client, who remains publicly unnamed, were apparently presented with autocomplete suggestions including truffatore ("con man") and truffa ("fraud").



Google
UK

auto
autocomplete
autofill
automatic
automobile

Advertising Programmes - Business Solutions - About Google - Go to Google

©2011 - Privacy

Google has lost a case in Italy over the defamatory nature of autocomplete suggestions

Credit: Google



Lisa you are doing the same by placing Burzynski "SCAM". We can pursue EACH URL as defamation which you have THREE (3). We can request for damages on each URL. Google had to pay \$100,000 and \$5,000 per day the word remained in the system. SEE OTHERS BELOW.

French court convicts Google CEO Eric Schmidt of defamation

By Seth Weintraub September 26, 2010: 11:54 AM ET

A French court ruled earlier this month that Google and its CEO Eric Schmidt are liable for the results of an algorithm.

A man convicted of a three year suspended jail sentence for corruption of a minor claimed that when one Googled his name, the terms "rapist" and "satanist" came up in Google's Suggest feature.



GOOGLE REMOVED and CONTINUES TO REMOVE SLANDEROUS KEYWORDS FROM BURZYNSKI NAME AS WELL AS THE CLINIC.

BEFORE DR. BURZYNSKI'S COMPLAINT TO GOOGLE OF DEFAMATION

ou **Web** Images Videos Maps News Gmail More

Google

Search

burzynski cl|
burzynski clinic
burzynski clinic scam
burzynski clinic quack
burzynski clinic fraud

Everything

Images
Maps
Videos
News
Shopping
More

Newark, NJ
Change location

[Burzynski Clinic | Advanced Alternative Cancer Treatment | Houston ...](#)
www.burzynskiclinic.com/
The **Burzynski Clinic** is a unique organization providing a wide variety of advanced alternative cancer treatments.
Contact Us - Treatment Options - What are Antineoplastons? - Clinical Trials

[Burzynski Clinic | Cancer Specialist, Cancer Drug Clinical Trials ...](#)
www.burzynskiclinic.com/burzynski-clinic.html
Established in 1977, the **Burzynski Clinic** has grown to a world-renowned ...

[Contact Us | Cancer Specialist, Cancer Drug ... - Burzynski Clinic](#)
www.burzynskiclinic.com/contact-us.html
Mailing address: **Burzynski Clinic** 9432 Katy Freeway Houston, Texas 77055 ...

+ Show more results from burzynskiclinic.com

AFTER DR. BURZYNSKI'S COMPLAINT TO GOOGLE OF DEFAMATION

Web Images Videos Maps News Gmail More

Google

Search

Everything

Images

Maps

Videos

News

Shopping

More

Newark, NJ

Change location

Any time

Past hour

burzynski
burzynski
burzynski clinic
burzynski movie
burzynski clinic scam

Burzynski The Movie - Cancer Is Serious Business
www.burzynskimovie.com/
Burzynski, the Movie is the story of a medical doctor and Ph.D biochemist named Dr. Stanislaw Burzynski who won the largest, and possibly the most convoluted ...
Buy the DVD - Dateline NBC 2/20/11 - Video Clips - List of theatrical screenings

Burzynski Clinic | Advanced Alternative Cancer Treatment | Houston ...
www.burzynskiclinic.com/
The Burzynski Clinic is a unique organization providing a wide variety of advanced alternative cancer treatments.
Contact Us - Treatment Options - What are Antineoplastons? - Clinical Trials

Burzynski Patient Group
www.burzynskipatientgroup.org/
The Burzynski Patient Group mission is to raise public awareness of Dr. Stanislaw Burzynski's breakthrough treatment for cancer using Antineoplastons and ...
You visited this page on 3/18/11.

Shopping results for burzynski



Web Images Videos Maps News Gmail More

Google

Search

Everything

Images

Maps

Videos

News

Shopping

More

Newark, NJ

Change location

Any time

Past hour

burzynski | clinic
burzynski clinic
burzynski the movie
burzynski research institute
burzynski cancer is serious business

Burzynski Clinic | Advanced Alternative Cancer Treatment | Houston ...
www.burzynskiclinic.com/
The Burzynski Clinic is a unique organization providing a wide variety of advanced alternative cancer treatments.
Contact Us - Treatment Options - What are Antineoplastons? - Clinical Trials

Burzynski Clinic | Cancer Specialist, Cancer Drug Clinical Trials ...
www.burzynskiclinic.com/burzynski-clinic.html
Established in 1977, the Burzynski Clinic has grown to a world-renowned ...

Personalized Treatments | Cancer Specialist ... - Burzynski Clinic
www.burzynskiclinic.com/personalized-treatments.html
Burzynski Clinic offers variety of cancer treatments for patients diagnosed ...
Show more results from burzynskiclinic.com

Burzynski Clinic
www.cancermed.com/
9432 Katy Freeway #200 Hours: Sun, Sat Closed; Mon-Fri 9:00am-5:00pm
Houston, TX 77055
(713) 335-5697 Bus: Katy Fwy @ Ball Chase
1 Google review - Write a review - Directions - Is this accurate?



LISA, REMOVE THE WEBSITE IMMEDIATELY!