

FREYERMUTH & ASSOCIATES INC

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VIA FEDERAL EXPRESS

September 30, 2015

Mr. Derek K. Smart

Dear Mr. Smart:

I am writing on behalf of Chris Roberts, Sandi Gardiner and their two young children (the "Roberts Family"). This letter is sent pursuant to California Civil Code section 1708.7, demanding that you immediately cease and abate your harassing conduct towards the Roberts Family.

Since July 2015, you have made a series of communications and electronic publications to -- and about -- my clients which are harassing, invasive, and threaten their safety. Most recently, on September 28, 2015 you published comments regarding my clients' marital status and posted photographs of their young daughters -- children who are less than eight years of age. Other posts have included the home address of the Roberts Family and other private information. In addition, you have sent threatening correspondence to members of the Roberts Family directly.


As you know, your actions directed at the Roberts Family have been made in conjunction with your constant stream of vitriol attacking Cloud Imperium Games and Star Citizen. We disagree in the strongest possible terms with your criticism of Cloud Imperium Games and Star Citizen, but respect any right to legitimate free speech on that topic. However, your recent conduct directed at the Roberts Family is beyond all reasonable bounds of decency.

Your contacts to, and repeated statements about, the Roberts Family in your misplaced social media campaign is highly offensive, threatening and an invasion of my clients' privacy. If you do not immediately (1) cease and desist all further contact with, and posts about, the Roberts Family; (2) remove from your social media and online platforms all photographs and other references to the Roberts Family; and (3) agree not to engage in any future such conduct, the Roberts Family are prepared to pursue all civil and criminal remedies against you. We expect to receive satisfactory assurances by October 5, 2015 that you will comply with these demands.

Mr. Derek K. Smart
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Nothing in this letter waives any of my clients' rights or remedies, all of which are expressly reserved.

Sincerely,



ORTWIN FREYERMUTH, PPA JOYCE PLATON

Ortwin Freyeremuth, Esq.

Cc: Keith L. Cooper, Esq.