

# LAW OFFICES OF BARAK LURIE

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May 13, 2009

## **VIA CERTIFIED MAIL AND ELECTRONIC MAIL**

Sharon Glantz  
937 North 90th Street  
Seattle, WA 98103

Re: *Notice to Cease and Desist Operation of Website*

Dear Ms. Glantz:

This office represents Vicki Rand and the Estate of Marvin Rand. We understand that you created, supervise, and/or maintain the website with the url address of <http://www.thesanitypatrol.com/Marvin/intro.htm> (the "Website"). We demand that you immediately remove this website and discontinue any further use of Marvin Rand's likeness and works. Please direct any further correspondence on this matter to this office.

The Website features various images of Mr. Rand as well as several of his copyrighted works, and it suggests an affiliation between Mr. Rand and your own business. You do not have any permission or license that allows you to use the copyrighted works featured on the Website. Furthermore, it is a violation of California law to use the image or likeness of Mr. Rand without the appropriate license from the holder of these rights. Finally, the Website contains links to your own personal business website. This unauthorized promotional use increases the consequences of the foregoing violations.

At a minimum, your actions in creating and maintaining the Website constitute (1) copyright infringement in violation of the Title 17 of the United States Code, (2) commercial misappropriation of the likeness of the deceased in violation of California Civil Code § 3344.1 *et seq.*; and (3) unfair business practices pursuant to California Business and Professions Code § 17200 *et seq.* Your actions expose you to punitive, consequential, and statutory damages in excess of \$100,000.

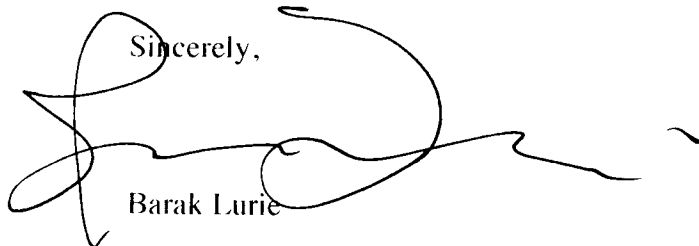
Members of the Estate of Marvin Rand have taken deep offense to the website, which they consider an exploitation of Mr. Rand's legacy. To minimize the damage to our clients, you must immediately remove the website, agree not to repost the website or any similar or derivative website, discontinue all use of Mr. Rand's images in promoting your

company or services, and refrain from making any future use of Mr. Rand's name or works without obtaining the appropriate licenses.

Should you fail to remove the website within three (3) business days of your receipt of this letter, we will proceed with legal action against you and any others responsible for the Website.

This letter is not a comprehensive or final statement of our positions. Our clients reserve all of their rights and defenses under applicable law.

Sincerely,

A handwritten signature in black ink, appearing to read 'Barak Lurie', written over the printed name. The signature is highly stylized and cursive.

Barak Lurie