

## **EXHIBIT A**

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**JACKOWAY TYERMAN WERTHEIMER  
AUSTEN MANDELBAUM MORRIS & KLEIN**

A PROFESSIONAL CORPORATION

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September 30, 2014

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VIA E-MAIL AND FAX

Opinion Corp.  
c/o Randazza Legal Group  
Attn: Marc Randazza, Esq.  
Email: [mjr@randazza.com](mailto:mjr@randazza.com)  
Fax: (305) 437-7662

Re: Alfonso Ribeiro / Roca Labs – Pissedconsumer.com / Unauthorized Use of Name & Likeness

Dear Marc:

We represent the actor Alfonso Ribeiro ("Ribeiro"). I am writing to you in connection with the deceitful review (the "Review") that infringes upon Ribeiro's personal trademark, name, likeness, and celebrity by falsely implying his endorsement of the weight-loss product Roca Labs (the "Product"). Not only does the Review falsely attribute quotes about the Product to Ribeiro, but also contains unauthorized uses of Ribeiro's photograph to promote the Product. Such review was submitted by "anonymous" (the "User") and posted on your client's website, [pissedconsumer.com](http://roca-labs.pissedconsumer.com/alfonso-ribeiro-amazed-by-roca-labs-20140922537342.html) (the "Website"), at the following URL: <http://roca-labs.pissedconsumer.com/alfonso-ribeiro-amazed-by-roca-labs-20140922537342.html>.

While it is unclear the User's identity and how the User came to possess the Photographs, Ribeiro has not authorized your client, the Website, the User, or anyone else, to post, sell, license, or otherwise create the Review. Moreover, Ribeiro never granted permission to your client or to the Website to use his name, image, likeness or endorsement. Ribeiro unequivocally is not, has never been and has no intention of ever becoming a paid spokesperson of the Product. Furthermore, Ribeiro has never personally used the Product and in no manner whatsoever endorses the Product.

The unauthorized Review and deceitful use of Ribeiro's name, image, likeness and falsely attributed quotes violates California Civil Code Section 3344, invades Ribeiro's common law rights of privacy and publicity, amounts to unfair competition, is an unfair business practice, and constitutes copyright infringement, among other causes of action. Through hard work and prominent exposure in the media, Ribeiro has developed enormous goodwill in his name and likeness, and reputation as an actor that has become known throughout the world. As a result, Ribeiro has developed extremely important rights in his name and likeness and actively polices unauthorized uses of the same.

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Additionally, the creation of the Review by the User, and the hosting of the deceitful Review by your client, Opinion Corp., on the Website, is in direct violation of the Pissed Consumer Terms & Conditions ("Policy") located at <http://www.pissedconsumer.com/tos.txt>, certain relevant parts of which Policy follow:

"You will NOT post on PC any defamatory, inaccurate, abusive, obscene, profane, offensive, threatening, harassing, racially offensive, spam, or illegal material, or any material that infringes or violates another party's rights (including, but not limited to, intellectual property rights, and rights of privacy and publicity). You will use PC in a manner consistent with any and all applicable laws and regulations."

"You will not post, distribute or reproduce in any way any copyrighted material, trademarks, or other proprietary information without obtaining the prior written consent of the owner of such proprietary rights and except as otherwise permitted by law."

"...we reserve the right, but are not obligated, to delete or remove profanity, obscenities, threats of physical violence or damage to property, and private financial information such as social security numbers and credit card information."

In light of the foregoing, all of which legal violations also happen to violate the Policy as noted above, demand is hereby made on behalf of Ribeiro that your client: (i) immediately remove the Review from the Website; (ii) refrain from registering or allowing the existence of any Pissed Consumer account or page which incorporates Ribeiro's name, likeness and/or identity and/or uses his name, likeness and/or identity for misleading, defamatory, libelous and/or other wrongful purposes; (iii) release the User's name and password associated with the User's account to us immediately, (iv) notify the User that he or she may be held liable for substantial damages if he or she attempts to continue to use the name, likeness and/or identity of Ribeiro in any manner as described herein; and (v) confirm to this office in writing within one business day that your client will and has complied with the foregoing. In the event of your client's failure to comply, our client may pursue, without further notice, all of his rights and remedies under the law.

We look forward to hearing from you and resolving this matter promptly. This letter does not purport to constitute a comprehensive or exhaustive statement of all of our client's rights, claims, contentions or legal theories, or the factual basis underlying them. Nothing contained herein or omitted herefrom shall be deemed an admission or construed as a waiver of any of the legal or equitable rights or remedies of our client with respect to these matters, including the right to seek injunctive relief against further invasions of his rights and the right to seek damages, all of which rights and remedies are hereby specifically reserved without prejudice.

This letter is a confidential legal communication and is not for publication.

Sincerely,



ANDREW S. HOWARD

cc: Konrad Leh  
Karl R. Austen, Esq.