

From: Brier, Simeon sbrier@cozen.com
Subject: RE: Examples of Jt. Stip Violations
Date: May 27, 2015 at 9:53 AM
To: Marc Smith marcsmith102@cinci.rr.com
Cc: Silton, Steve SSilton@cozen.com, Criscuolo, Matthew MCriscuolo@cozen.com

Marc

Let's have a call later today on case status and the plan moving forward. Let me know if 11/11:30 EST works for you. Thanks.

Simeon



Simeon Brier
Member | Cozen O'Connor
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From: Marc Smith [mailto:marcsmith102@cinci.rr.com]
Sent: Tuesday, May 26, 2015 5:11 PM
To: Brier, Simeon
Cc: Silton, Steve; Criscuolo, Matthew
Subject: Re: Examples of Jt. Stip Violations

Received and understood.

I had no doubt that they are not interested in negotiating, as I said earlier.

As to subpoenas, I can't see that they have relevance. He is the one who cited the 3 names which I have no idea why he did. I assumed he believed them to be relevant in some way that would be beneficial to him. Why else would he list them? They have nothing to do with any of this in any way that I am aware of. Paris is the one who claims they have "discoverable information". He should be the one to subpoena them. Let him bear the major cost or whatever.

As I review his "Initial Disclosures I see such junk as the Ripoff Report thing . We've been through that. My bet is was Guberman who did that, but I can't prove it. Yes, it linked to a now gone thread on elsmar.com, but I had nothing to do with that.

As to the software – He referenced a totally off the wall website that I have never visited or even known existed before today. It's not just that I use vBulletin and him referencing a phpBB forum devoted to music. This is reaching the level of absurd. As a side note – on that forum you apparently have to be logged in to see some things. Elsmar is totally open with respect to public forums – No one has to register to see everything – EXCEPT the "hidden" moderator and admin forums. BUT – If you log in with the Cozen user name and password you CAN see the "hidden" forums and everything that is in them.

That is why, in the beginning, I set up an account for Cozen and gave that account administrator privileges. YOU can see EVERYTHING. Nothing is "hidden" from administrators. I did that to ensure you could see I am being as honest and open as I can with you.

— Just got your call. Agreed. I still think the lawsuit is BS and would like to see him have to justify his claims.

Marc

From: "Brier, Simeon" <sbrier@cozen.com>
Date: Tuesday, May 26, 2015 at 4:19 PM
To: Marc Smith <marcsmith102@cinci.rr.com>
Cc: "Silton, Steve" <ssilton@cozen.com>, "Criscuolo, Matthew" <MCriscuolo@cozen.com>
Subject: RE: Examples of Jt. Stip Violations

Marc

PARIS wanted Elsmar.com - NOT money.

Plaintiffs' counsel and I spoke. He had nothing further to offer from his client with respect to settlement discussions (he did not appear to want to engage in a further settlement dialogue). As of now, it appears we will not get any further counter-offer from Plaintiffs in advance of the mediation. I discussed with him resolution of the issues raised in his email earlier today (confirming the deletion of the re-tweeted posts on Twitter and that you do not use the software he suggested but have in fact permanently deleted the Elsmar.com postings concerning Chris Paris and/or Oxbridge (not merely hid them as his email suggested)). He will confer with his client about those issues and determine whether that avoids his need to file a Motion to Compel your compliance with the Joint Stipulated Injunction. I pressed him on deposition dates for his clients and the other fact witnesses. He advised he will get back to me with dates in mid/late June for those depositions to be scheduled and advised that he and/or I would need to subpoena the three fact witnesses, as he can't produce them.

In the interim, we have mediation on June 5th in Tampa, as you know. We will prepare a mediation summary, to be submitted to the mediator early next week (and will circulate a draft to you prior to doing so). Please let me know if you have any questions.

Thanks.

Simeon Brier



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From: Marc Smith [<mailto:marcsmith102@cinci.rr.com>]
Sent: Tuesday, May 26, 2015 2:20 PM
To: Brier, Simeon
Cc: Silton, Steve; Criscuolo, Matthew
Subject: Re: Examples of Jt. Stip Violations

I am still in the process of doing Google searches for Oxebridge, Chris Paris, etc. This (attached) is the type of thing that pops up and shows you what a lot of people think about Paris. He's his own worst enemy... Note the date. Paris is trolling the internet on a wide basis, which is his prerogative, but it reinforces my saying there are a lot of people who are not Chris Paris fans. Just read a few of the replies.

Marc

From: Marc Smith <marcsmith102@cinci.rr.com>
Date: Tuesday, May 26, 2015 at 12:32 PM
To: "Brier, Simeon" <sbrier@cozen.com>
Cc: "Silton, Steve" <ssilton@cozen.com>, "Criscuolo, Matthew" <MCriscuolo@cozen.com>
Subject: Re: Examples of Jt. Stip Violations

Simeon,

Per our 11.30AM telecon:

1. As I have said in the past, I am not knowledgeable about Twitter. Back when the agreement was signed I did go to Twitter and deleted the "Re-Tweets" of Mr. Paris' Tweets about me that were in my Twitter account and fully believed I had deleted them all. Going to the link below, as we spoke, and you saw, I deleted the ones they found in a search. My failure mode was to not have "printed" a .pdf file of them before I deleted them as that showed they were "Re-Tweets" (responses) to "Tweets" made by Mr. Paris.
2. As discussed, the graphics in your email are from a phpBB forum. From the information provided in your email below (the graphics) the website is for <http://hifikabin.me.uk> which is a music and HiFi forum based in the UK. I am not a member of that forum and have never heard of it before. I DEFINITELY have never visited that forum before, much less posted anything on it. I can not believe anyone would have posted anything about Paris or Oxebridge there. I'm not saying it is impossible, but it wouldn't make any sense.
3. The Elsmar forum runs on vBulletin. I have never used phpBB for anything.
4. As discussed, and as I have said before, I have spent close to 4 days on the Elsmar forum searching using the key words chris, paris, chris paris, christopher paris, and oxebridge. I did the first 3 days way back when the agreement was signed. When I got Wohlsifer's "nasty-gram" I spent another day searching, but found nothing.
5. When I did searches on Elsmar, when I found a thread or post wherein Chris Paris and/or Oxebridge were in any way mentioned, I permanently deleted (which means not hidden – completely deleted from the database) the post or thread. I will spend some time again today, but it's like – Well, you reach a point where I am again searching for something that isn't there.
6. I did this before, but I am going to do Google searches again. There are some links still in Google's index, but so far the pages they link to are ones I have found and removed. I have no

control over Google's index. The best I can say is they will drop out over time, but the bottom line is if someone does a search and finds a link, when they go to the link the page will be gone. Permanently, ***irretrievably*** gone.

7. I have not lied to you and I am doing my best to ensure that there isn't anything on Elsmar.

Marc Smith
513 720-0600

From: "Brier, Simeon" <sbrier@cozen.com>
Date: Tuesday, May 26, 2015 at 11:03 AM
To: Marc Smith <marcsmith102@cinci.rr.com>
Cc: "Silton, Steve" <ssilton@cozen.com>, "Criscuolo, Matthew" <MCriscuolo@cozen.com>
Subject: FW: Examples of Jt. Stip Violations

Marc

The below was just received from Plaintiffs' counsel. Please review and immediately advise if the below is accurate. We can discuss after you review same.



Simeon Brier
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From: Bill Wohlsifer, Esq. [<mailto:william@wohlsifer.com>]
Sent: Tuesday, May 26, 2015 11:00 AM
To: Brier, Simeon; Criscuolo, Matthew
Cc: Leighanne Boone, Esq.
Subject: Examples of Jt. Stip Violations

Messrs. Brier and Criscuolo:

This letter contains settlement negotiations and is therefore not admissible into evidence. An offer is not to be construed as an admission of the truth or falsity of any allegations or contentions raised and it is merely intended to avoid further litigation and buy peace by settling and compromising the claims of the parties.

I am prepared to file the motion to compel compliance with the Joint Stipulation entered into between my clients, Mr. Paris and Oxebriidge, and your clients, Mr. Smith and Cayman. The following link shows the results obtained with an ordinary search of Twitter using Elsmar.cove and Oxebriidge.

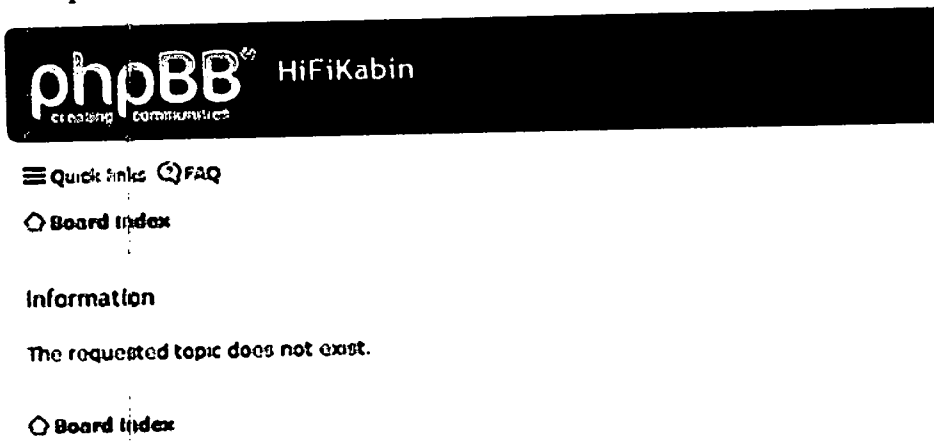
<https://twitter.com/search?f=realtime&q=from%3Aelsmarcove%20%40oxebriidge&src=typd>

These seven tweet results infer criminal activity on my clients' part, suggest blackmail is ensuing, expose confidential settlement negotiations, and refer to myself (the undersigned attorney) -- using my proprietary Twitter name -- as a person who is trying to prohibit free speech and who is conspiring to obstruct the First Amendment. These childish rants are damaging to persons who rely on their reputation in the business community, but are of no known value to your client.

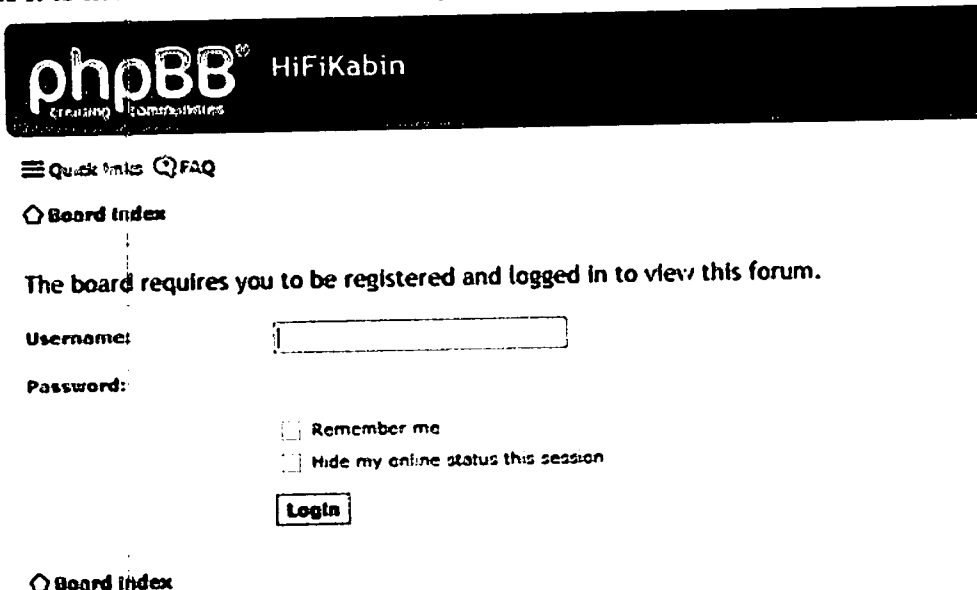
Also, as to other posts, my research shows that with website admins who run phpBB forum software -- which is what your client, Mr. Smith is using -- there is a material distinction between pages that appear when accessing deleted posts, as compared to those that are hidden by moving the content to a restricted field. The hidden posts can be viewed, while deleted posts cannot. Your client chose the least protective of the two options.

The view below was ran in a test forum (phpBB 3.1.4rc) using messages from the Elsmar page that are subject to the Joint Stipulation. The results confirm that Mr. Smith has not deleted these posts, but merely "hid" them from certain views.

If the post is deleted you get:






If it is moved to a hidden forum you get:



Other versions of the software may give different results

If these issues are not resolved to my client's satisfaction prior to our 4:00 scheduled telephone conference today, I will move forward with the motion to compel that has been delayed pending our discussions.

Regards,
Bill Wohlsifer

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Exhibit "B"

More "Compliance Evidence"