

LACKEY HERSHMAN
A LIMITED LIABILITY PARTNERSHIP

3102 Oak Lawn Avenue, Suite 777
Dallas, Texas 75219-4241
Phone: (214) 560-2201
Fax: (214) 560-2203
www.lhlaw.net

January 18, 2016

VIA REGULAR AND CERTIFIED US MAIL AND EMAIL

Re: Wrongful and Defamatory Acts toward Le-Vel Brands LLC on
www.lazymanandmoney.com

Dear Mr. MacFarland:

We represent Le-Vel Brands LLC (“Le-Vel”). It recently came to our attention that you have been making disparaging, false, and defamatory statements about Le-Vel and its THRIVE product line on your blog www.lazymanandmoney.com. These statements are contained in your blog post “Is Le-Vel Thrive a Scam?” at <http://www.lazymanandmoney.com/le-vel-thrive-scam> (the “Article”).

The Article follows your business model of using the name of a well-known network marketing company next to the word “scam” in order to drive internet traffic to your website for the profit you generate through links and advertisements. It is evident that the content of the Article is not the focus of the posting. In boilerplate at the beginning of the Article, you promise readers “a special gift” towards the end, but provide a link to skip the Article entirely and to proceed directly to your commercial push (through links), which you offer “[w]hether you found what you were looking for or not.”

While Le-Vel respects First Amendment freedoms, it also respects the laws of the United States. Therefore, we write both to inform you of your violations of Texas and Massachusetts law and to protect Le-Vel’s legal interests under those laws by demanding that you take immediate action to cure your violations.

We understand that you are no stranger to defamation claims, but would like to remind you that false statements of fact couched as opinion remain defamatory speech. As our Supreme Court made clear, “expressions of ‘opinion’ may often imply an assertion of objective fact,” and “it would be destructive of the law of libel if a writer could escape liability for accusations of defamatory conduct simply by using, explicitly or implicitly, the words ‘I think.’” *Milkovich v. Lorain Journal Co.*, 497 U.S. 1, 18-19, 110 S. Ct. 2695, 2705-06, 111 L. Ed. 2d 1 (1990) (internal quotations omitted). This law is the same in Texas and Massachusetts.

The list of your disparaging and defamatory statements against Le-Vel and THRIVE includes the statements or assertions that Le-Vel: incentivizes its Promoters to make misrepresentations; is violating FTC guidelines and regulations; is illegally violating FDA marketing restrictions; is an illegal pyramid scheme; is a scam; is not a legitimate business; supports Promoters who do not perform any function other than pyramid scheme recruiting; sets up its Promoters for failure as “a [m]athematical [c]ertainty”; is overcharging people by fifty times, for hundreds of dollars per year; sells THRIVE patches that are placebos with no ingredients; and sells THRIVE M supplements that are incomplete multivitamins.

These statements, asserting that Le-Vel has committed illegal acts or crimes, and which prejudice and injure Le-Vel’s business, are defamatory per se under both Texas and Massachusetts law. Consequently, although your defamatory statements have damaged and continue to damage Le-Vel, Le-Vel need not prove damages, which are presumed to flow from the statements themselves. Your disparaging statements concerning Le-Vel’s THRIVE products also constitute the torts of business disparagement in Texas and commercial disparagement in Massachusetts.

Further, your defamatory statements are verifiably false. For instance, Le-Vel is not an illegal pyramid scheme, charges no fees or upfront costs to enroll as a Promoter, and is highly focused on customer acquisitions, providing a rewards plan that emphasizes retail sales of valuable and effective products. Moreover, Le-Vel promulgates and enforces detailed policies and procedures to ensure that statements regarding its products are accurate and compliant with FDA and FTC guidelines and regulations, and that its Promoters do not make medical or drug claims in association with Le-Vel’s products.

So that you may cure your legal violations in the manner in which you were ordered by a California court under similar circumstances, we demand that you immediately:

1. Permanently remove the Article, along with any comments, from your website and any other publication;
2. Cease and desist from making any further defamatory or derogatory statements regarding Le-Vel, any of Le-Vel’s products, including its THRIVE product line, or any of Le-Vel’s officers, employees, Promoters, agents, attorneys, or representatives (the “Le-Vel Interests”); and
3. Cease and desist from publishing in print, on the internet, or through any other medium, including social media, any information regarding the Le-Vel Interests.

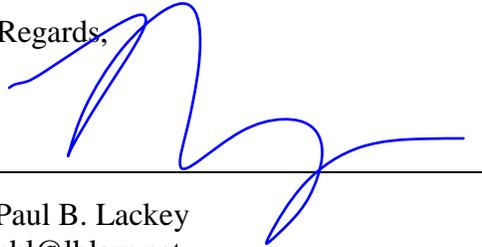
Brian C. MacFarland

January 18, 2016

Page 3

While we sincerely hope that you will cure your wrongful and defamatory acts by agreeing to take the aforementioned actions, if you have not done so by January 25, 2016, Le-Vel will be forced to take vigorous legal action, pursuing remedies for your legal violations through litigation, in which it will seek injunctive relief, actual and punitive damages, court costs, and attorneys' fees.

Regards,



Paul B. Lackey

pbl@hlaw.net

3102 Oak Lawn Avenue, Suite 777

Dallas, Texas 75219-4241

Telephone: (214) 560-2201

Telecopier: (214) 560-2203