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November 20, 2008

**VIA CERTIFIED MAIL/
RETURN RECEIPT REQUESTED
AND REGULAR U.S. MAIL**

Mr. Shawn Martin
1760 NW 73rd Avenue
Plantation, Florida 33313

**RE: CEASE AND DESIST DEMAND AS TO "OMEGA VILLAS" MYSPACE PAGE
OUR FILE NO. 12751.000**

Dear Mr. Martin:

As you know, this office represents the interests of Omega Villas Condominium Association, Inc. (the "Association"). Specifically, I must address your tortious conduct in connection with your "Omega Villas" page on MySpace.com, which must immediately be removed from the internet. Upon inspection of the webpage, it is readily apparent that you have chosen a user name ("Omega Villas") in an effort to lend an appearance of authenticity to the website, and to make it appear to be an official website of the community. Further, you are using the trade name "Omega Villas" without the express written permission of the Association, the holder of the name utilized on your webpage. Utilizing this name in such a fashion tends to give the public the perception that the website is somehow the official website of the Association (which it certainly is not). We understand that you have certain rights pursuant to the First Amendment of the United States Constitution; your blatant misuse of the Association's trade name, however, violates Florida and Federal law.

Further, the website includes photos of Dixon, an employee of the Association, performing various work functions. You are utilizing these pictures without his permission, constituting an invasion of his privacy and a misappropriation of his likeness and must be removed from the website immediately.

Additionally, and possibly more significantly, while the statements made on your website appear to be statements of fact, they are merely your opinions for which you have no substantive proof whatsoever. These statements (such as characterizing the Board as

REPLY

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corrupt) are at best libelous, and are likely defamatory per se (as they are directed towards the Association's conduct of its business). Should an action be brought against you for your defamatory conduct, malice would be imputed as a matter of law. As a result, you could be subject to a payment of an award for punitive damages.

Further, the Board of Directors previously requested that all further communications to them by you be made in writing. This letter shall serve as formal notice that electronic communications will not be accepted by the Board, and your e-mail address will be blocked by the members of the Board. All future correspondence to any member of the Board of Directors, the Association's accountants, or anyone employed by the Association must be made in written format and mailed via the United States Postal Service or other appropriate carrier to Omega Villas Condominium Association, Inc., c/o Frank, Weinberg & Black, P.L., 7805 SW Sixth Court, Plantation, Florida 33324.

Accordingly, the Association demands that you immediately cease and desist from (1) using the Association's trade name in connection with your MySpace webpage, especially as the user name; (2) any further action which would lend the appearance of authenticity to the webpage as an official or sanctioned website of the Association; (3) any further publication of misleading opinions, thinly disguised as statements of fact; and (4) e-mailing the Board for any purpose whatsoever. Your failure to immediately comply with this demand will cause the Association to immediately seek all legal and/or equitable redress it may have with regard to this conduct, without any further notice to you. Hopefully this will not be necessary.

PLEASE GOVERN YOURSELF ACCORDINGLY.

Sincerely,

FRANK, WEINBERG & BLACK, P.L.



STEVEN A. WEINBERG, ESQUIRE
For the Firm

cc: Omega Villas Condominium Association, Inc.