

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 09-80396-KAM

VISION MEDIA TV GROUP, LLC,
a Florida Limited Liability Company,
et al.
Plaintiffs,

v.

JULIA FORTE, *et al.*
Defendants.

AFFIDAVIT OF MARK E. MILLER

1. I am Mark Miller, one of the owners of Vision Media.
2. Judith Mercier was an attorney in the previous case Vision Media filed. I am unable to comment on that case because the parties and their attorneys are legally bound by a confidentiality provision in it.
3. On March 4, 2010 Paul Levy blogged about this case. Attached is a copy of the blog. (“Exhibit A”)
4. On March 8, 2010 Public Citizen issued a press release which appears to have been drafted by Levy. (“Exhibit B”)
5. Since these blogs have occurred, numerous online commentators that seem to have a history of protecting free speech online have republished the false and defamatory information. The effect has been to increase the negative results on our business when Vision Media is searched using a search engine and create additional defamatory content online. Some of the commentators even post about teaching us a lesson by unleashing a “Streisand Effect” attack on Vision Media.

6. As the publication of these other defamatory attacks precipitated by Paul Levy and Public Citizen have grown, it becomes much more difficult for us to determine which deals and how much business we have lost due to the defamatory comments that were, and are, published on the Defendants' website.

7. We are now fearful of disclosing any information to Mr. Levy, to the Defendants, or even to this Court in filings that would enable the identification of our business partners since we believe the attacks would be expanded against all who do business with us. To the extent actual documents need to be produced with identifying information or the names of individuals or businesses are required, I believe it is appropriate to have non-disclosure and confidentiality protections to avoid online attacks against witnesses.

8. I believe Mr. Cronin is the party who published many of the defamatory posts about our company and pitched the misleading story about our company to the *New York Times*. His employer competes with many of our customers for financial contributions and grants.

9. We provide extensive services to non-profit organizations, and I have attached a copy of a letter from the national President of "Miracle Flights for Kids" expressing their satisfaction with our program. ("Exhibit C")

10. Vision Media has never had a contract, or done any business with, either Walter Cronkite or CNN anchor Aaron Brown. We are a totally separate and distinct company from WJMK, have no relationship whatsoever with WJMK, never had any ownership interest in WJMK, In addition, Vision Media has no ownership interest in

“United Media”, has also never had any ownership interest in United Media, and it was a competitor of ours.

11. Alex Berry has never been an employee of Vision Media, but is in fact the President of H&K Enterprises, a business providing marketing services to television production companies in South Florida.

12. Vision Media has a distribution contract with a distributor who receives our production programming and then sends it out through satellite technology to all 349 public television stations in the country. We have a contract in place that requires it to go to all 349 public television stations, and we have no reason to believe that it does not. In fact, we receive confirmations of the transfers on a regular basis.

13. This industry began in South Florida and many of the original businesses were in the same four-story, 40,000 square foot office building in Palm Beach. WJMK was also located in that building. We presently populate parts of two different floors, have approximately forty people working out of the office building, and the fax machines are in common areas available to many tenants, and I am not surprised at all that we have used the same fax numbers as WJMK used to use years ago before it went out of business.

14. I have recently discussed Mr. Cronin’s conversation with Ms. August, and he became abusive and accusatory and caused this very skilled employee to resign.

15. Vision Media, in addition to its main office, has a “virtual office” down the street since the building we are in has a checkered past and the address has been ruined for all of the tenants affiliated with the television production industry because of

WJMK's misconduct. We use the "virtual office" as a mailing address to receive mail, much like a P.O. Box at the local Post Office.

16. I believe Cronin was a major source and responsible for the unfavorable press coverage in the *New York Times* about the role retired newsmen play in our productions. The "Consumerist" blog is a free speech haven for criticizing and attacking businesses. I believe that Cronin has been encouraging authors to publish articles on this blog and providing false information to them for the articles.

17. PBS does not claim that Vision Media and a long list of other companies have no relationship with "public television". They properly claim that our companies do not have a relationship with PBS. In fact, we have never claimed that we have a relationship with PBS.

18. Great America HD is a product offering of Vision Media and our contract spells out that the owner of the televisions series is "Vision Media TV Group, LLC".

19. Vision Media has provided services to many Fortune 500 businesses over the four years of our existence, we have consistently been rated in the "A" range with the South Florida Better Business Bureau, and we are a high quality company providing high quality services to the sophisticated business and charitable organizations all across the country. Noticeably absent from the Defendants' allegations are claims from any clients.

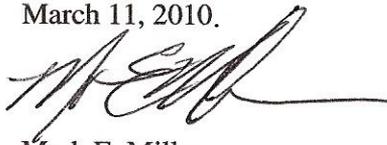
20. We are an independent production company producing content and distributing it to public television stations all across the country.

21. Vision Media has never received an Attorney General complaint, a Federal Trade Commission complaint, an inquiry from any law enforcement officer or any other type of legal assertion of fraud or improper business practices from any

authority. Our clients are business savvy people who understand the industry and the marketplace for content production and distribution to public television stations and do not confuse PBS with public television.

22. I feel like all of these attacks being generated by Public Citizen and Paul Levy are an attempt to force us to settle this case before the attacks become so overwhelming that our reputation is ruined forever.

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that the foregoing is true and correct. Executed on March 11, 2010.

A handwritten signature in black ink, appearing to read 'M. E. Miller', with a long horizontal flourish extending to the right.

Mark E. Miller