

Paul Alan Levy

From: Mathew Higbee <mhighbee@higbeeassociates.com>
Sent: Wednesday, February 06, 2019 4:44 PM
To: Paul Alan Levy
Subject: Re: Response to your demand letter to HUFF

Hi Paul-

It was a pleasure speaking with you. My law firm has closed this case. My client has been informed that you are representing they HUFF and will contact you if they decide to pursue this matter in the future.

-Mat

On Feb 5, 2019, at 5:17 PM, Paul Alan Levy <plevy@citizen.org> wrote:

I have a thought about a possible way out for you and your client. I will think about it some more and get back to you

From: Mathew Higbee [<mailto:mhighbee@higbeeassociates.com>]
Sent: Tuesday, February 05, 2019 8:10 PM
To: Paul Alan Levy
Subject: Re: Response to your demand letter to HUFF

Hi Paul-

Maybe I should clarify, *Goldman v. Breitbart News Network, LLC*, is a case from the 2nd Circuit. The Appeals court has not heard the matter. It denied the interlocutory appeal.

Live Nation Motor Sports Inc v Davis in Texas is also another good case that distinguished *Perfect 10*.

-Mat

On Feb 5, 2019, at 1:43 PM, Paul Alan Levy <plevy@citizen.org> wrote:

Yeah, well, we have already disagreed about that. I have not seen any Second Circuit ruling in *Breitbart* – has there been a case I have not seen?

I am not going to dignify your desire to have AFP pay you by the hour with a response

Paul Alan Levy
Public Citizen Litigation Group
1600 20th Street, NW
Washington, D.C. 20009
(202) 588-7725
<https://www.citizen.org/our-work/litigation/internet-free-speech>
Twitter: @paulalanlevy
Public Citizen Foundation participates in the Combined Federal Campaign with the CFC
Code 11168

From: Mathew Higbee [<mailto:mhigbee@higbeeassociates.com>]
Sent: Tuesday, February 05, 2019 4:02 PM
To: Paul Alan Levy <plevy@citizen.org>
Subject: Re: Response to your demand letter to HUFF

HI Paul-

I will let you know as soon as I hear back.

Perfect 10 is not on point. The *Breitbart* case is. Though it is a 2nd circuit case, the 9th would follow it, just as others have. I would love to litigate the matter with you and make money at hourly rate defending AFP (as I imagine your organization would raise money from it), however, I do not think it either of our client's interest.

Please have them remove the image.

-Mat
Mathew Higbee

Law Firm of Higbee & Associates
1504 Brookhollow
Suite 112
Santa Ana, CA 92705
HigbeeAssociates.com

Direct Line: [714-617-8352](tel:714-617-8352)

On Feb 5, 2019, at 12:38 PM, Paul Alan Levy <plevy@citizen.org> wrote:

Fair enough. Let me know.

And perhaps you will inquire whether they are willing to litigate when the only thing they can secure – if the Ninth Circuit is willing to walk back the reasoning of Perfect 10 – is injunctive relief commanding removal, assuming that the court deems that relief equitable

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From: Mathew Higbee [<mailto:mhigbee@higbeeassociates.com>]
Sent: Tuesday, February 05, 2019 3:27 PM
To: Paul Alan Levy <plevy@citizen.org>
Subject: Re: Response to your demand letter to HUFF

Hi Paul-

Let me speak with AFP first about my ability to accept service. I will let you know what I hear back.

-Mat

On Feb 5, 2019, at 9:29 AM, Paul Alan Levy <plevy@citizen.org> wrote:

Mr. Higbee:

Your last email told me that if my clients did not pay up as demanded or, at least, make a “reasonable” offer, you would move this matter to the litigation track. But then, when my response explained why HUFF is not willing to accede to your demands, having already dropped one of two clients you originally claimed to be representing, you again asked for a new, presumably lower offer, so long as it is “semi-reasonable.”

You have already received a last and final offer. If you will retract your threat of litigation, we