



Law for Today's Business SM

2180 Satellite Boulevard
Suite 400
Duluth, GA 30097

Deanna L. Baxam
Attorney at Law
Admitted in Pennsylvania,
Maryland & Georgia

August 19, 2011

Matthew Heller, Editor
OnPointNews.Com
Email to: mheller@onpointnews.com

Bill Girdner, Editor
Courthouse News Service
30 N. Raymond, Suite 310
Pasadena, CA 91103
Email to: csage@courthousenews.com

Neal J.D. Simon
President & CEO
USLaw.com
8555 16th Street, Suite 500
Silver Spring, MD 20910
Facsimile to: (416) 535-0237

midPhase Services
(Hosting Services, Inc)
164 N. Gateway Drive
Providence, UT 84332
Facsimile to: 435-755-3449

Re: Online Defamation - Retraction of Publication

Dear Online Publishers and Server Hosts:

I am writing to you as the legal representative of Mr. Jeremiah Cummings, a minister who is featured in articles that are currently posted on your respective Internet blogs, OnPointNews.com, CourthouseNews.com and USLaw.com and hosted on one or more servers. The publication of this information has been injurious to my client and has damaged his reputation and professional standing in the eyes of his peers and the community he serves.

The articles in question refer to and repeat false and misleading allegations from a complaint that was deposited in the Superior Court of Wake County, North Carolina on June 3, 2009. Court records indicate the complaint was filed but no summons was served and no return of service was ever presented. The complaint was categorized as defunct for lack of prosecution in the court's records on December 2, 2009.

Office: 678 462 0041

Mobile: 678 896 1986

Fax: 888 425 7365

Specifically, the misleading allegations from the complaint are published in an article written by Matthew Heller at [http://www.onpointnews.com/NEWS/Religulous-Rev-Sued-for-\\$600K-Scheme-of-Lies.html](http://www.onpointnews.com/NEWS/Religulous-Rev-Sued-for-$600K-Scheme-of-Lies.html). A substantially similar or identical article was also published at http://www.uslaw.com/library/Legal_News/Religulous_Rev_Sued_600000_Scheme_Lies.php?item=504341. Both organizations published the substantially similar or identical articles on June 12, 2009. On June 14, 2009, CourthouseNews.com published an excerpt and link to the OnPointNews.com article at [http://www.courthousenews.com/2009/06/14/Religulous_Rev_Sued_for_\\$600K_Scheme_of_Lies.htm](http://www.courthousenews.com/2009/06/14/Religulous_Rev_Sued_for_$600K_Scheme_of_Lies.htm).

Your respective online articles mention several details of the complaint, which were presumably selected for their lurid and salacious nature. However, the complaint itself was withdrawn by the court for lack of prosecution, and therefore my client has never had an opportunity to a full and fair disposition of the matter in any court of law. However, because of your publications of misleading facts from a document that never matured into a proceeding, he is being tried and presumed guilty over and over in the court of public opinion.

As you should well be aware, the intentional or reckless publication of statements which are false or misleading is actionable at law. No doubt you are also aware that the law recognizes the right of private individuals to be protected from defamation by the press or even by "pseudo-press" organizations such as yours which might think to claim the *New York Times* privilege.

It is perplexing that your web sites would publish articles about a complaint that had not become a lawsuit, and which make reckless and unproven allegations about a private person who has never had an opportunity to defend against any allegations or vindicate his reputation in court. Even though the only purpose for filing the complaint appears to have been for perpetuating negative perceptions about my client, this frivolous complaint was published in its entirety on all three web sites. Its damaging and unfounded allegations persist online because they are prominently housed in your web sites' records and are retrievable in searches. As a result Mr. Cummings has now been damaged, and is continuing to be damaged by your publications. Your web sites are widely read, and the number of impressions they generate per day is substantial. Every time one of these articles is retrieved in a web search of the minister's name, the harmful effect of the falsity cumulatively increases.

Publishing false and unsubstantiated information of a scandalous and offensive nature is libelous and causes irretrievable harm to the injured party. Mr. Cummings has been a respected minister and evangelist for over 15 years and throughout his career has preached before many congregations and witnessed transformations in the lives of many people as a result. Public attacks on his reputation as a minister are direct assaults on his vocation and his livelihood. In this case, Mr. Cummings has suffered the indignity of the allegations you

published on the Internet on a repeated basis. At a minimum, the web pages containing this false information must be taken down and we request your prompt action in this regard.

Further, to the extent your web sites include a photograph or other likeness of Mr. Cummings as part of your report, be advised that any such use of his likeness or image to promote the false and misleading story is unauthorized. In no respect has Mr. Cummings given any permission for such use of his likeness.

This letter is being sent to each publisher of this defamatory article and to any identified server host of record for the respective publishers. Please respond within ten (10) days regarding the actions you have taken or have initiated to remove the offending material from your web sites and servers. Your prompt attention to this matter is requested.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Deanna L. Baxam", is centered on a light gray rectangular background.

Deanna L. Baxam
Attorney

cc: Mr. Jeremiah Cummings