



Marc Randazza <mjr@randazza.com>

Litigation publicity and defamation

7 messages

Paul Berger Esq. <legal5@rocalabs.com>
To: Marc Randazza <mjr@randazza.com>

Fri, Sep 26, 2014 at 2:39 PM

Marc:

It has come to my attention that you have been discussing Roca v. Opinion with the media and furnishing them the pleadings. You have been quoted in several articles. This email is to respectfully request that you stop communicating with the press and making what we believe are defamatory statements such as Roca Labs are snake oil salesman and that the product does not work.

As you may be aware providing judicial pleadings to the press, speaking to the media and making pleadings available online has exposed law firms to liability. You may be familiar with the *Sunstar Ventures, LLC. v. Tigani* and *Barker v. Huang* cases.

Please confirm that you will cease making defamatory comments to the media about Roca Labs. It is inappropriate to use legal proceeding to further harm a party in the case. While it is not necessary, please consider this email to be to comply with the notice provision of Florida Statutes Sec. 770.02. I trust that you will refrain from making defamatory comments in the future and clarify your past comments.

Best,

Paul

--
Paul Berger, Esq.
Independent General Counsel
Roca Labs, Inc.
Direct [305-998-6150](tel:305-998-6150)

Marc Randazza <mjr@randazza.com>
To: "Paul Berger Esq." <legal5@rocalabs.com>

Fri, Sep 26, 2014 at 2:58 PM

Do you have a quote that you would like me to retract?

[Quoted text hidden]

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Marc John Randazza, JD, MAMC, LLM* | [Randazza Legal Group](#)

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Marc Randazza <mjr@randazza.com>

Fri, Sep 26, 2014 at 3:01 PM

To: "Paul Berger Esq." <legal5@rocalabs.com>

And, I was not familiar with those cases, but upon looking at them, I am not sure you are. Perhaps whoever sent the cites to you could clarify what they have to do with this case?

On Fri, Sep 26, 2014 at 2:39 PM, Paul Berger Esq. <legal5@rocalabs.com> wrote:

[Quoted text hidden]

--

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Paul Berger Esq. <legal5@rocalabs.com>

Fri, Sep 26, 2014 at 3:08 PM

To: Marc Randazza <mjr@randazza.com>

Specifically where you refer to the company and/or its products as "snake oil" or "snake oil salesman", any statement that the product does not work, that the company bullies or threatens all of our customers, and the following quote: "Roca Labs is desperately trying to force a cone of silence over each and every customer that discovers that Roca Labs' product is not only a specious remedy for their weight issues, but a potential cause of additional health problems. Plaintiff, desperate to sell as many of its tubs of goo to the public as it can before regulatory agencies come knocking, does its best to bully its former customers into silence."

Moreover, we would like your agreement that you will cease making defamatory statements about the Company or its products.

Thank you,

Paul

[Quoted text hidden]

Paul Berger Esq. <legal5@rocalabs.com>

Fri, Sep 26, 2014 at 3:10 PM

To: Marc Randazza <mjr@randazza.com>

A little light reading for you over the weekend (see attached).

Paul

[Quoted text hidden]



AttorneysBeware.pdf

186K

Marc Randazza <mjr@randazza.com>
To: "Paul Berger Esq." <legal5@rocalabs.com>

Fri, Sep 26, 2014 at 3:10 PM

You are referring to a quote that was lifted from my pleadings. That is not a quote given to a journalist.

[Quoted text hidden]

Marc Randazza <mjr@randazza.com>
To: "Paul Berger Esq." <legal5@rocalabs.com>

Fri, Sep 26, 2014 at 3:19 PM

So you would like me to retract that statement from my opposition to the motion for preliminary injunction?

[Quoted text hidden]