## Law Offices

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## August 7, 2012 VIA OVERNIGHT DELIVERY

Whois Privacy Department Christian Web Host 101 East Town St., Suite 540 Columbus OH 43215

Re: Notice to Cease and Desist Internet Defamation and

Copyright Infringement Pursuant to Title 17 of the United States Code

## To Whom it May Concern:

Please be advised that our firm has been retained by Family Worship Center Church, Inc. (d/b/a Jimmy Swaggart Ministries) ("FWCC") to investigate and take legal action against your organization for the unwarranted and defamatory attacks against FWCC allowed by your organization on the website, <a href="www.fmh-child.org">www.fmh-child.org</a>, and the personal defamatory attack against Jimmy Swaggart allowed by your organization on the website, <a href="www.fmh-child.org/S5.13.12.html">www.fmh-child.org/S5.13.12.html</a> (including but not limited to the aforementioned websites or any other website postings you have created and/or allowed pertaining to FWCC and Jimmy Swaggart, personally).

Further, FWCC has asked us to contact you regarding the unauthorized use of copyrighted material. You are currently allowing the use of copyrighted material of FWCC, including ministry photos, video, audio and the like on the aforementioned websites <u>without</u> the expressed permission of FWCC. We have copies of your unlawful reproduction to preserve as evidence. Your actions constitute <u>copyright infringement</u> in violation of United States copyright laws. Under 17 U.S.C. 504, the consequences of copyright infringement include statutory damages of between \$750 and \$30,000 per work, at the discretion of the court, and damages of up to \$150,000 per work for willful infringement. If you continue to engage in copyright infringement after receiving this letter, your actions will be evidence of "willful infringement."

As a Christian webhosting service you state on your site that you are a "growing, caring Christian web hosting company that strives to serve the internet community to the best of our ability by providing Christian quality service for each of our web hosting and domain registration customers". As part of your own rules and regulation of your service you state in part that you will not allow "lewd, lascivious, filthy, or indecent [content] with intent to annoy, abuse, threaten, or harass another person". You have done the opposite of your stated company goal. You have allowed our client to continue to be defamed (even after being contacted twice by FWCC) and have allowed further ongoing copyright infringement.

For over thirty-eight years, FWCC has been a not-for-profit religious organization serving the Christian Community with its teaching of biblical scripture through its Church services, its Bible College (World Evangelism Bible College), as well as worldwide multimedia such as radio,

television, satellite, print and the internet. FWCC has an <u>excellent</u> record of serving the Christian community with its ministry. You are allowing, as web host, the propagation of defamatory information which is totally without merit and which has damaged the reputation of FWCC, its employees and volunteers, its ministry, its college, its college students and Jimmy Swaggart and his family. You have allowed the posting of willfully false and misleading comments about our client.

The spread of defamatory materials by you is serious and can cause significant harm to this not-for-profit entity. FWCC will not tolerate these intentional acts by you to continue. We therefore hereby demand that you:

- 1. Immediately remove from any and all of your hosted internet websites the defamatory and disparaging remarks regarding FWCC and Jimmy Swaggart allowed by your organization, and
- 2. Immediately cease and desist in publishing defamatory statements about FWCC and Jimmy Swaggart (or any of its employees, members or college students), and
  - Compensate our client for its attorney's fees and costs.

With respect to all copyrighted material, we demand that you:

- Immediately cease and desist your publication of all FWCC and Jimmy Swaggart copyrighted works; and
- 2. Provide us with prompt written assurance within ten (10) days from the date of this letter that you will cease and desist from further infringement of FWCC's copyrighted works. If you do not comply with this cease and desist demand within this time period, FWCC is entitled to use your failure to comply as evidence of "willful infringement" and seek monetary damages and equitable relief for your copyright infringement.

This letter puts you on notice that should you refuse to comply with all our demands by <u>August 17, 2012</u>, we <u>will</u> pursue all legal and equitable causes of action to protect our client's interest and rights.

John C. Trent

cc: Family Worship Center Church, Inc.