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November 15, 2017

VIA E-MAIL (*anthonyroberts@riseup.net*)

Anthony Roberts aka Anthony Connors

Re: *Natural Products Association/Daniel Fabricant, Ph.D.*

Dear Sir:

We are counsel for Natural Products Association (NPA). We have been asked to review your email to NPA's President/CEO, Daniel Fabricant, Ph.D. Any further communication to NPA or its officers or employees should be sent to my attention.

Your email threatens to publish a story about NPA and Dr. Fabricant, both located in Washington, D.C. Your email is replete with statements that are false and defamatory. Your email is not true. It relies on unverified hearsay statements from unidentified persons. It also falsely describes the content of agreements to which NPA is a party.

Your statements are defamatory per se because they have a tendency to injure another in her business or profession. They certainly have a tendency to injure NPA and Dr. Fabricant by damaging their reputation with their members, business associates, and the public. In a potential lawsuit against you and anyone that publishes or disseminates them, NPA and Dr. Fabricant would not have to show any damages to recover.

You have an independent and non-delegable duty to conduct a reasonable investigation of the information published and disseminated and the failure to do so is a

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violation of law and the rights of those targeted by such unfounded allegations. Publishing this purported story would constitute an utter failure to maintain any journalistic responsibility. This is unquestionable malice under the standard set forth in *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964). See, e.g., *Khawar v. Globe Int'l, Inc.*, 19 Cal. 4th 254, 262 (1998) (actual malice is knowledge of falsity or reckless disregard of falsity); *Tavoulaareas v. Piro*, 817 F.2d 762 D.C. Cir. 1987) (accord).

In addition to the blatant defamation, your email also represents that you have internal NPA documents in your possession, custody or control. NPA takes steps to preserve the confidentiality of its commercially sensitive and trade secret material. Such material should not be further revealed in any story or otherwise. We are well aware that a substantial judgment and injunction for improper use of confidential information had been entered against you in *Dynamic Sport Nutrition, Inc. v. Anthony Roberts, et al.*, Civil Action No. H-08-1929 (S.D. Tex.). You were even held in contempt for failing to comply with the Court's order.

NPA and Dr. Fabricant demand that you and any person or entity intending to publish your story (1) immediately cease and desist from further dissemination or publication and (2) return to NPA any and all copies of confidential NPA documents in the possession, custody or control of you or your publisher. If the story is published and the documents are not returned, NPA and Fabricant are prepared to take appropriate legal action to protect their interests.

Further, because this matter may end in litigation, you, your publisher and anyone working with you should immediately take steps to preserve all electronic and paper documents. This would include notes, emails, texts, Tweets, telephone records, and recordings.

This letter does not constitute a complete or exhaustive statement of all of my clients' rights, claims, contentions or legal theories. Nothing stated herein is intended or should it be deemed to constitute a waiver or relinquishment of any of their rights or remedies, whether legal or equitable, all of which are hereby expressly reserved.

Sincerely,



Richard J. Oparil

cc: Daniel Fabricant, Ph.D.