

UnhappyFranchisee.Com

Relentless, Inc.

P.O. Box 10232

Lancaster, PA 17605

RE: 7/6/23 Letter From PIRTEK USA Attorney M. Joblove

7/10/2023

VIA Email & Publication

Dear Mike:

Thank you for your letter of July 2, 2023.

After countless invitations to you and PIRTEK USA to provide corrections, clarifications, rebuttals or other statements on any of my posts, I was delighted to finally hear from you directly.

To be clear: I have no desire to post defamatory content about PIRTEK, its officers, or anyone else. I have made an earnest effort to avoid doing so. I would hope that, as an officer of the court and member of the Florida Bar Association, you are willing to refrain from making further defamatory and unfounded attacks on me as well.

As a reminder, the Florida Bar Association's Guidelines for Professional Conduct states:

“Counsel should always be civil and courteous in communicating with an adversary, whether in writing or orally.”

As neither you and your client nor I wish to be adversely affected by defamatory statements, I propose the following:

You provide me with the specific list of statements published on my website that you believe are potentially defamatory, and that justify your repeated accusation of defamation. In the spirit of civil cooperation, we can discuss these statements and I will edit and/or qualify as necessary to address your defamation concerns.

To keep things simple (especially as I am a non-lawyer), I propose that we use the definition of defamation as detailed in [Electronic Frontier Foundation's Guide to Defamation Law](https://www.eff.org/issues/bloggers/legal/liability/defamation). (<https://www.eff.org/issues/bloggers/legal/liability/defamation>).

In return, you and your clients will agree to cease & desist making unsubstantiated defamatory statements about me, my writing and my website including false statements regarding my motivation and professional integrity. We can start with the misleading, untrue and unprofessional insults in your letter.

Is that acceptable to you?

If you and your client are truly distressed about published content you believe is defamatory, you will accept my offer to work together and address those specific statements. This process will also help me avoid – or at least be aware of – the type of wording PIRTEK finds objectionable and/or defamatory.

If you are *not* interested in working to purge the Internet of potentially defamatory statements, perhaps your letter is simply a prelude to planned legal aggression on behalf of a client who appears to have a penchant for litigation and bullying... and who appears to be oblivious to the self-destructive effects of [The Streisand Effect](https://en.wikipedia.org/wiki/Streisand_effect). (https://en.wikipedia.org/wiki/Streisand_effect).

While indulging such a dream client may be tempting for a talented “hired gun” such as yourself, Mike... and a lone blogger may seem like an easy target, I sincerely hope that this is not the avenue you are considering. I have published UnhappyFranchisee.Com since 2006. I’ve been through this scenario multiple times.

Honestly, my interest in PIRTEK is on the wane. I have many more captivating subjects to write about, but if I’m forced to focus, write and publish about PIRTEK every single day, that’s what I’ll do.

Superior Court Judge Richard J. Henderson Determined That I Publish Facts & Opinions in “a Public Forum in Connection With an Issue of Public Interest.”

As an outspoken opinion journalist who engages in honest and open dialogue with deep-pocketed and often litigious people and companies, I take the subject of defamation very seriously.

In fact, several individuals and their companies have tried to use baseless and frivolous threats and lawsuits in an effort to coerce me to remove unflattering content they claimed was “defamatory.” Thanks to the strength of the 1st Amendment & the dedication of attorneys and non-profit organizations dedicated to its protection, ***I have never had to back down and have never lost against any claim of defamation.***

One such challenger is named Marc Golob, the former franchisor of defunct health club chain “Butterfly Life.” Plaintiff Golob sued me personally for \$35M. In ruling Golob’s complaint a SLAPP (*Strategic Lawsuit Against Public Participation*) and requiring him to pay my attorney and legal fees, Superior Court Judge Richard J. Henderson wrote:

...the court has found that defendant Sean Kelly made a prima facie showing by admissible evidence that the challenged statements set forth in defendant Sean Kelly's unhappyfranchisee.com website were made in a "public forum in connection with an issue of public interest" (CCP 425.10 (e))

Another such challenger was David Rutkauskas, CEO of the now-defunct multi-concept franchisor Beautiful Brands. Before I even reached the 30-day deadline for a response to his complaint, David Rutkauskas issued a public apology, deleted his social media accounts, and dropped his lawsuit. His public and professional reputations never fully recovered.

Both CEOs of these now-defunct companies learned of *The Streisand Effect* the hard way.

Yet I am free to write about our disputes and their failed attempts to bully me into silence to this day.

Let's Resolve This Defamation Accusation Amicably & Immediately.

As I stated, I do not wish to defame PIRTEK USA, its officers, its attorneys, or its arbitrator.

My intention is not to harm them.

If anything, my hope is to encourage them to be transparent, honest and cease their self-destructive attitudes & behaviors.

If anything, my hope would be to help them be better franchisors, and encourage them to treat their franchisees with the respect and appreciation they deserve... to remind them that the financial success and comfortable lifestyles they enjoy would not be possible without the financial and personal investments, and the hard work of their franchisee investors.

Mike, I look forward to receiving a list of the specific statements I have published about PIRTEK, its officers and its agents that are "false" or "defamatory" so that we may address and rectify them together.

Let's move forward in the spirit of open and respectful dialogue & debate, shall we?

All the best,

Sean Kelly

President, Relentless, Inc.

Publisher, UnhappyFranchisee.Com