

**From:** [REDACTED]

**To:** [REDACTED]

**Subject:** NOTICE OF INFRINGEMENT and TAKE DOWN REQUEST

**Date:** Sun, Sep 12, 2010 4:01 pm

**Attachments:** DMCA\_NOTICE\_FINAL.PDF (98K)

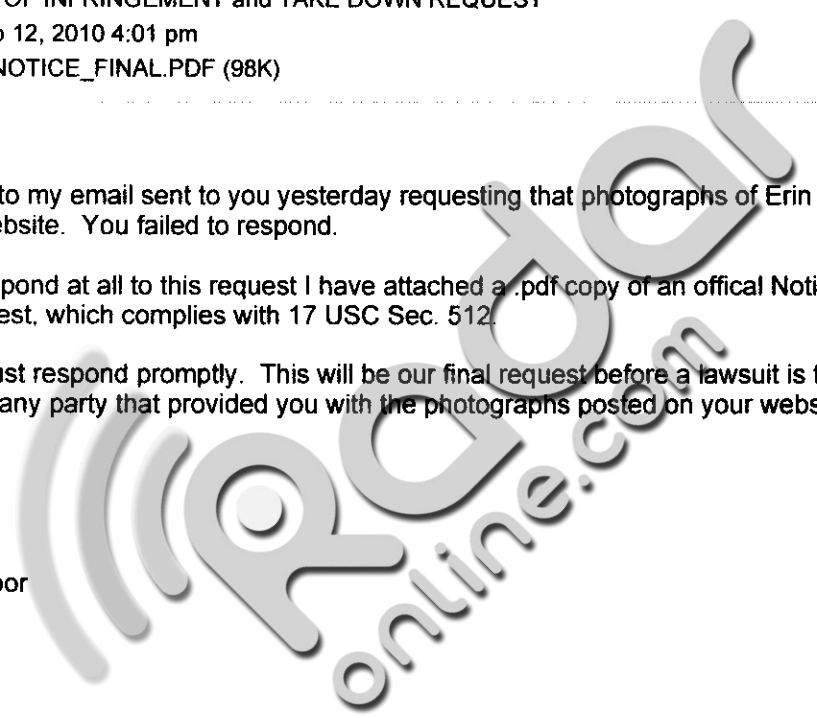
Dear Mr. Ritchie:

You failed to respond to my email sent to you yesterday requesting that photographs of Erin Muller be promptly removed from your website. You failed to respond.

Since you failed to respond at all to this request I have attached a .pdf copy of an official Notice of Infringement and Take Down Request, which complies with 17 USC Sec. 512.

Under the law, you must respond promptly. This will be our final request before a lawsuit is filed against your company and against any party that provided you with the photographs posted on your website.

Sincerely,  
Bryan Konoski  
Treyvus & Konoski  
305 Broadway, 7th Floor  
New York, NY 10007  
(212) 897-5832



The Law Office of  
**Treyvus & Konoski, P.C.**  
Attorneys and Counselors at Law  
305 Broadway, 7<sup>th</sup> Floor  
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(212) 897-5832  
(718) 668-3366  
Fax: (718) 668-1094

September 11, 2010

Via E-Mail: [REMOVE@THEDIRTY.COM](mailto:REMOVE@THEDIRTY.COM)  
[LEGAL@THEDIRTY.COM](mailto:LEGAL@THEDIRTY.COM)

Via Facsimile: (480) 248-3196

**Attention: Hooman Karamian (a/k/a Nik Ritchie)  
And John Webber (statutory agent)**

DIRTY WORLD ENTERTAINMENT, LLC  
4453 East Pleasant Run  
Scottsdale, AZ 85258

Re: Notice of Infringement and Cease and Desist for [www.TheDirty.com](http://www.TheDirty.com)  
Digital Millenium Copyright Act, 17 USC Sec. 512

Dear Mr. Hooman Karamian (a/k/a Nik Ritchie):

I am writing to you on behalf of my client, ERIN MULLER. This letter is a Notice of Infringement as authorized in § 512(c) of the U.S. Copyright Law. At this time, on behalf of Ms. Muller, I wish to report an instance of Copyright Infringement that has occurred on your website, [www.thedirty.com](http://www.thedirty.com).

Normally, I would be required to serve you and your company with this Notice of Infringement through a Designated Agent that is registered with the United States Copyright Office. However, a review of the website for the United States Copyright Office reveals that you have not registered a Designated Agent for your company. Although my understanding of the law is that in order for you to enjoy liability protection from Copyright infringement you must be registered with the U.S. Copyright Office, I am providing you this official notice. However, since you have not registered an agent this notice shall not be construed as a waiver of any rights Ms. Muller may have to immediately sue for damages.

The material which Ms. Muller contends belongs to her, and appears illegally on your company's website, [www.thedirty.com](http://www.thedirty.com), is the following:

The offending material can be found at:  
<http://thedirty.com/2010/09/exclusive-michael-lohans-ex-girlfriendfiance-erin-muller-naked/>

This posting contains approximately five (5) photographs of Ms. Muller, including

photographs of her naked (as set forth and acknowledged in the very link to the offending page) and in other compromising positions.

These photographs were clearly provided to your company in violation of the law. First, these photographs were private in nature, were taken behind closed doors in the privacy of Ms. Muller's home, and were illegally obtained by a third party that did not take these photographs and who was not present at the time the photographs were taken. Moreover, publication of these photographs is not subject to continued use by your company under the "fair use" doctrine because the photographs are being used solely for a commercial purpose, but they fail to serve any useful purpose that may be considered appropriate under the law, such as news reporting. Ms. Muller is not a celebrity; she simply dated someone that might be considered a "celebrity". She is not currently dating that individual and has not been involved in a relationship with that individual for approximately 1 year. The only purpose that can reasonably be served by keeping these photographs posted on your website is to further the company's economic gain by having nude and compromising photographs publicly displayed to increase traffic to the website. However, such a purpose only serves to continue to violate Ms. Muller's Copyright interest in the photos, as well as her privacy rights. Moreover, a review of the written content that accompanies the photographs further demonstrates that there is no "news" contained on the site and, thus, the only purpose behind having the photographs on the website is to humiliate Ms. Muller (in fact, the photos are followed by a statement that purports to be published by the site's owner, Nik Ritchie, and that statement reads: "I believe Michael Lohan...this b\*tch is crazy and hairy. I decided.- nik").

Ms. Muller is the Copyright owner of the photographs in question.

Ms. Muller can be contacted through her attorney as follows:

Attention: Erin Muller  
c/o Bryan Konoski, Esq.  
TREYVUS & KONOSKI  
305 Broadway, 14<sup>th</sup> Floor  
New York, NY 10007  
Phone: [REDACTED]  
Email: [REDACTED]

Ms. Muller is not waiving any rights by anything set forth in this notice.

Ms. Muller has documented the infringing content and whois lookups. She has a good faith belief that the use of the material that appears on the website, [www.thedirty.com](http://www.thedirty.com), is not authorized since she is the Copyright owner. The information in this notice is accurate, since the information has been provided by Erin Muller

Please be advised that if the photographs are not removed immediately a lawsuit will be promptly filed seeking injunctive relief, substantial monetary damages and, if permissible, attorney's fees.

Sincerely,

  
BRYAN KONOSKI

VERIFICATION

STATE OF NEW YORK    )  
                                  )ss.  
COUNTY OF SUFFOLK    )

ERIN MULLER being duly sworn, deposes, and says under penalty of perjury:

That she has read the letter above, which is entitled "Notice of Infringement and Cease and Desist for www.TheDirty.com" and asserts she provided the aforementioned information to her attorney, Bryan Konoski, that Bryan Konoski relied on the information provided by Erin Muller to prepare the letter, and that the information contained in the foregoing letter is true and accurate based on her own knowledge.

Moreover, Ms. Muller has documented the infringing content and whois lookups. She has a good faith belief that the use of the material that appears on the website, www.thedirty.com, is not authorized since she is the Copyright owner. The information in this notice is accurate, since the information has been provided by Erin Muller

*Erin Muller*  
ERIN MULLER

Sworn to before me this 12<sup>th</sup>  
Day of September, 2010

*Diana J. Bongiorno*  
NOTARY PUBLIC

