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June 6, 2012

NOTICE TO CEASE & DESIST

TO: Ross Blocher & Carrie Poppy

Via Email: ross@rossblocher.com & carrie@ohnopodcast.com

This office represents the INTERNATIONAL RAELIAN MOVEMENT (IRM) which demands that you immediately cease and desist from public distribution and remove and retract the following defamatory materials about the IRM including but not limited to:

1. All film footage and Facebook™ photos regarding the IRM and its members. You do not have permission to publicly distribute this material and continuing to do so will result in your civil liability for defamation and related torts.
2. All allegations and innuendo of pedophilia and group masturbation. These are serious allegations that you have not one scintilla of actual evidence to support.
3. Any other false and derogatory statements about the Raelian Movement or its members.

Failure to heed this notice will result in a civil action being prosecuted against you to the fullest extent of the law. You may note that many of these same false allegations were litigated and found to be false in the matter of the California federal court case International Raelian Movement vs. Hashems Films, et al. Another libel lawsuit has been pending in the United Kingdom regarding similar defamatory statements.



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Sincerely,

Jonathan Levy
Legal Representative for the International Raelian Movement*

*Also licensed in California



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July 2, 2012

Jonathan Levy
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Via email

Re: Ross Blocher & Carrie Poppy

Dear Mr. Levy:

This letter is in response to your “NOTICE TO CEASE & DESIST” letters delivered to Mr. Ross Blocher and Ms. Carrie Poppy.

I have reviewed your “cease & desist” letters as well as the rulings and various pleadings in *International Raelian Movement v Hasham Films, et al.*, 2:08-cv-00687-FCD-DAAD (E.D. Cal.) (cited in your letter). Your letters demand Mr. Blocher and Ms. Poppy “cease and desist” publicly distributing (as well as “remove and retract”) a variety of material you identify as defamatory or derogatory, including all photographs and videos *regarding* the International Raelian Movement, all allegations or innuendo of pedophilia and group masturbation, as well as “[a]ny other false or derogatory statements about the Raelian Movement or its members.”

Your letter contains sweeping and unsupported demands. As a general matter, you fail to identify with *any* particularity what it is you believe is defamatory in Mr. Blocher and Ms. Poppy’s statements, photographs, or videos. Without some specificity, it is nearly impossible to evaluate your claims that the material is in some way defamatory.

The International Raelian Movement and Mr. Vorilhon are clearly public figures for all purposes in which Mr. Blocher and Ms. Poppy discussed them, and the International Raelian Movement is clearly a matter of public concern. Both have “thrust themselves to the forefront of particular public controversies in order to influence the resolution of the issues involved” and “engage the public’s attention in an attempt to influence [the] outcome [on a public issue].” *Gertz v. Welch*, 418 U.S. 323, 345, 352 (1974). For instance, the International Raelian Movement runs a prominent website regarding the Movement, *see* <http://www.rael.org/home>, appears to be closely tied to Clonaid, an organization that claimed to have cloned a human being in 2002, and appears to have recently sponsored a “Swastika Rehabilitation Day,” flying banners containing swastikas across the United States and worldwide.

Consequently, any defamatory statement must contain a false statement of fact that was made with actual malice. *See New York Times v. Sullivan*, 376 U.S. 254 (1964). As I have stated, your letters fail to identify any statements of facts you believe to be defamatory,

not to mention any evidence that any such statement was made with actual malice.

I have reviewed Mr. Blocher and Ms. Poppy's podcasts and I fail to find any statements of fact that could even arguably be defamatory. In discussing allegations of sexual abuse within the International Raelian Movement, Mr. Blocher and Ms. Poppy go to great lengths to explain that they have no personal knowledge of any of these allegations and expressly claim they had no similar experience ("We talked with a few people and we've heard other stories about sexual abuse and manipulation within the ranks of Raelism..." "Which are alleged, we don't know if they're true... anyone can Google 'Rael sex abuse' or anything like that and you'll come up with lots of these stories. And again, we're not saying they're true, but the number of them is pretty startling." "And, of course, we did not experience any of that ourselves..." "Nope." "...in our time with the Raelians."). Such a Google search indeed reveals a trove of such allegations (not made by Mr. Blocher or Ms. Poppy, including, *inter alia*, "RAEL : Pedophilia, Incest and Underage Sex" available at <http://raelian-truth.blogspot.com/2012/01/rael-pedophilia-incest-and-underage-sex.html> and "Family Embarrassed by 'Raelian Master'" available at http://www.henrymakow.com/raelian_masters_sordid_history.html (claiming "official sources say that there are no less than five cases of sexual abuse currently under investigation regarding Raelians.")).

In addition, the only statement arguably addressing group masturbation includes repeated qualifiers that Mr. Blocher and Ms. Poppy "heard stories about things that happened the other days [they] were not there." Similarly, the only claim that might arguably deal with pedophilia simply referenced a third-party article that is also referenced on the Raelian's own website. *See* "What is the Raelian view on Pedophilia?" at <http://www.rael.org/faq>.

If you believe Google results and referencing third party articles constitutes defamation, I suggest you direct your cease and desist letter to Google and to the operator of your client's website, among other parties. Your dispute does not seem to properly be with Mr. Blocher and Ms. Poppy.

With regard to photographs and videos, Mr. Blocher and Ms. Poppy clearly have a right to take and distribute material *regarding* the International Raelian Movement. *See generally*, U.S. Const. Amend. I; *ACLU v. Alvarez*, 2012 U.S. App. LEXIS 9303 (7th Cir. Ill. May 8, 2012); *Glik v. Cunniffe*, 655 F.3d 78, 79-81 (1st Cir. 2011). Your claim that the videos and photographs are somehow defamatory is puzzling, especially given the falsity threshold requirement for defamation. If you believe certain photographs are falsified, please identify those photographs or videos specifically along with the basis for your belief that they are both falsified and otherwise defamatory.

Similarly, the First Amendment protects Mr. Blocher and Ms. Poppy's right to disseminate "derogatory statements about the Raelian Movement or its members," so long as they do not fall within very limited exceptions, such as, *inter alia*, incitement to violence, *Brandenburg v. Ohio*, 395 U.S. 444 (1969), a true threat of physical violence, *Watts v. United States*, 394 U.S. 705 (1969), or solicitation to commit a crime, *United States v. Williams*, 553 U.S. 285 (2008).

Finally, as to your claim that "many of these same false accusations were litigated and found to be false in California federal case of International Raelian Movement v. Hasham

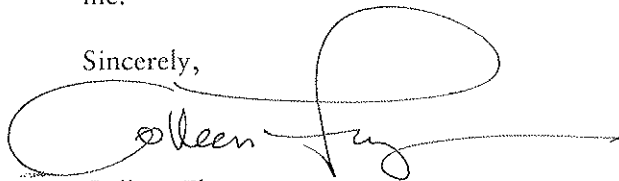
Films, et al.," that suit involves unrepresented defendants in an alleged scheme of racketeering, fraud, blackmail, and extortion. I am not persuaded by a citation to a default judgment in a case that includes entirely separate legal claims than the ones you assert against Mr. Blocher and Ms. Poppy in your letters. If you believe Mr. Blocher and/or Ms. Poppy are involved in an alleged scheme of racketeering, fraud, blackmail, and/or extortion, please state your position clearly along with any evidence you have to support such an accusation. I am even less persuaded by your vague claim that "[a]nother libel lawsuit has been pending in the United Kingdom regarding similar defamatory statements" as the United Kingdom is a distinct legal jurisdiction, does not have a First Amendment or substantially parallel protection, and has no bearing on the legal protections afforded Mr. Blocher and Ms. Poppy's speech.

For all of the foregoing reasons, I have advised Mr. Blocher and Ms. Poppy they are well within their rights to ignore your baseless letters, as there is nothing they are doing that requires them to "cease and desist." You may hold your own opinion as to desirability of Mr. Blocher and Ms. Poppy's statements, but your opinion in this instance is without legal or factual support.

Please be advised that if you persist in this matter, Mr. Blocher and Ms. Poppy will use every legal remedy available to them to vindicate their rights. I remind you that California has vigorous protections against strategic lawsuits against public participation (SLAPP suits), including a mechanism for a special motion to strike and the provision of attorneys' fees and costs. *See* Cal. Civ. Proc. Code § 425.16.

If you wish to discuss this matter further, including identifying the allegedly defamatory material and/or providing legal authorities for your position, please feel free to contact me.

Sincerely,



Colleen Flynn



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July 14, 2012

Colleen Flynn
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Re: *Ross Blocher & Carrie Poppy*

Dear Ms. Flynn:

I have reviewed your letter of July 2, 2012 with the INTERNATIONAL RAELIAN MOVEMENT (RM). While I disagree with some of your interpretations of law, I am not inclined at this time to enter into a theoretical argument about the outcome of a case that has not yet been filed. I do however take issue with your representation that your clients are not concerned about lawsuits in "distant jurisdictions." Your clients should be concerned about potential lawsuits in jurisdictions both near and far regardless of the legal theory and cause of action because they are certainly at risk of being sued in jurisdiction(s) other than California.

Therefore in order for your clients to avoid such lawsuits, I propose your clients redact the following defamatory materials from their podcast:

At 33min10sec till about 34min00 there are references to an email conversation that misrepresents a statement by the RM and gives the false and outrageously false impression the RM encourages children to sexually arouse their parents.

Your clients apparently took a German government endorsed booklet maliciously and blatantly out of context and mistranslated it, in order to get the desired effect. For example your clients make the allegation, "The child touches all parts of their father's body..." The original doesn't talk about "the father" here, but about "the parents" in general.



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In context, the passage basically talks about the fact that little children are naturally quite curious and can touch you anywhere, even "there." And that you shouldn't panic about this, but also that you should draw a line when you feel not comfortable. That's it. The phrase "The father should do the same" is a total invention and nowhere to be found in this booklet - it's a complete distortion of it's meaning.

There's actually a reply from the institute that issued the booklet:

<http://www.spiegel.de/media/0,4906,15962,00.pdf>

The whole controversy in the press only started 6 years after the booklet had already been widely used throughout Germany by educators, because a prudish parent stumbled across these paragraphs and tried to sue the authors for pedophilia.

The RM opposes witch hunts by reactionary elements, on the other hand it does not support sexual battery of children as your clients have imputed. In fact, the RM has founded NOPEDO in order to facilitate prosecution of criminals guilty of pedophilia. The RM also filed an Urgent Appeal over ten years ago with the U.N. with the intention of bringing such clerical criminals to trial. And you are aware of the false allegations and fabrications made by the so called filmmakers Hashem and McGowen. Therefore, the facts of this are so clear that we can only assume your clients were either reckless or malicious.

The same podcast at around 44min10sec makes the scandalous and blatant allegation the RM, "...may or may not be incestuous ... with little girls" This is defamation *per se* and has no relation to reality except perhaps in the feeble and sick mind of whoever is making this allegation. Your clients by repeating this sick and twisted slander of the members of the RM without a shred of evidence are engaging in blatant malice and invective. This is a strong allegation of criminality yet your clients have done no objective fact checking. Even if the RM were a "public figure," this sort of defamation is not protected or privileged.



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At 46min00 the false allegation that the RM engages in group masturbation surfaces in the podcast. Again this has no basis in fact.

We demand your clients immediately redact this material. If they do so then we will be satisfied with the outcome but if they do not comply, the RM will utilize all legal remedies at its disposal.

The RM is actually very tolerant of the press and supports free speech of all kinds but defamation *per se*, innuendo of sexual perversity, and false light publicity will not be tolerated. Your clients have now been informed of our position and should govern themselves accordingly.

Nothing herein should be construed as a waiver or relinquishment of any rights or remedies, legal or equitable, known or unknown. Nor does this letter indicate any agreement as to jurisdiction or venue by the RM in the event of litigation. This letter is a final attempt to amicably resolve this matter and will not be repeated.

Sincerely,

Jonathan Levy*
Legal Representative for the International Raelian Movement**

*Licensed in California

** A foreign corporation



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July 31, 2012

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Via email

Re: Ross Blocher & Carrie Poppy

Dear Mr. Levy:

This letter is in response to your July 14, 2012 letter regarding Mr. Blocher and Ms. Poppy.

I am heartened to read that your client, the International Raelian Movement, “opposes witch hunts by reactionary elements” and is “actually very tolerant of the press and supports free speech of all kinds.” It sounds like your client has more in common with Mr. Blocher and Ms. Poppy than it initially seemed. With these principles in mind, I hope we can put this threatened shakedown behind us.

But first, I must address some inaccuracies and misinterpretations in your last letter. In seemingly threatening to sue Mr. Blocher and Ms. Poppy in foreign lands, you appear to quote my letter as saying my clients are not concerned about lawsuits in “distant jurisdictions.” My letter referred to the United Kingdom as a “*distinct* legal jurisdiction” insofar as it lacks the protections of the First Amendment to the U.S. Constitution. I suppose the U.K. *is* quite distant, but that was not my point. My point was that Mr. Blocher and Ms. Poppy exercised their free speech rights in California, a state of the United States, and they are entitled to the protections of the First Amendment. While “distant” and “distinct” might convey a somewhat similar meaning in this context, they are *distinct* words with *distinct* meanings.

Your letter discusses at length the email conversation about children touching their parents and parents touching their children. You include a myriad of characterizations about that email conversation, including that the email discusses parents in general and not fathers (as if that distinction makes any difference) and that the email talks only about children touching their parents and not about parents touching children. In fact, you accuse Mr. Blocher and Ms. Poppy’s characterization of the email as indicating a father should touch his children as a “total invention and ... a complete distortion of it’s meaning.” (emphasis in original).

Thankfully for both of us, we are spared the chore of having dueling characterizations because I have a copy of the email and attach it here. It very much speaks for itself. It originates from the email address selected.by.rael@rael-science.org, a listserv purporting to deliver “Rael Science News selected by Rael,” includes an endorsement from “Rael” himself stating, *inter alia*, that the article evidences “great sexual education that should be applied worldwide.” The email then includes an article from Lifesitenews.com entitled “German Government Publication Promotes Incestuous Pedophilia as Healthy Sex Ed.” The article includes the following paragraph:

“Fathers do not devote enough attention to the clitoris and vagina of their daughters. Their caresses too seldom pertain to these regions, while this is the only way the girls can develop a sense of pride in their sex,” reads the booklet regarding 1-3 year olds. The authors rationalize, “The child touches all parts of their father’s body, sometimes arousing him. The father should do the same.”

I look forward to your explanation of how Mr. Blocher and Ms. Poppy’s characterization of said paragraph as stating that fathers should touch their children is a “total invention and ... a complete distortion of it’s meaning.” Far from being a mischaracterization, they might as well have been quoting it directly. If anything, Mr. Blocher and Ms. Poppy’s characterization is more innocuous than the original.

Wonderfully, the entire article remains online, live from the link sent in “Rael’s” original email. It can be found at <http://www.lifesitenews.com/news/german-government-publication-promotes-incestuous-pedophilia-as-healthy-sex>.

Other material you identify involves the 44-minute mark of the podcast, which you claim involves an allegation that you client “may or may not be incestuous ... with little girls.” This is a convenient mischaracterization of the actual content. The actual quote involves Ms. Poppy asking Mr. Blocher to rate the creepiness of the Raelian Movement on a scale, where “[o]ne is something not at all creepy, like your aunt calling and saying she has a new box of starched white shirts for you that just look perfect, that she pulled out of the attic that grandpa used to own... [and] ten is something very, very creepy like groups that may or may promote incestuous fiddling of little girls.” Given those benchmarks, Mr. Blocher rates the Raelian Movement at a seven, while Ms. Poppy rates them at a nine. Is your objection to setting the benchmarks of a scale? I would perhaps comprehend your objection if either Mr. Blocher or Ms. Poppy in fact rated the Raelian Movement a ten on this scale, but neither did. It is simply a mischaracterization to say that there is a “scandalous and blatant allegation the [Raelian Movement] ‘may or may not be incestuous ... with little girls.’” Please listen more closely.

Finally, you raise what you characterize as a false allegation that the Raelian Movement engaged in group masturbation, found at the 46-minute mark of the podcast. The conversation consists of Mr. Blocher stating, “We missed the big chunk of the Raelian Happiness Academy. We have some heard stories about some things that happened the other days, when we were not there.” Ms. Poppy continues, “We don’t know if this happened or not but supposedly there is a part where you look at your genitals with hand mirrors and masturbate around each other. Which sounds like a great deal of fun.” As I stated in my first letter, and which I am sure you are aware, defamation requires a false statement of fact. Mr. Blocher and Ms. Poppy clearly, unequivocally, and repeatedly say they *did not* witness group masturbation, but that someone told them a story that it happened. For there to be any false statement of fact in this situation they would have to be falsely stating that someone told them a story. Surely you are not contesting what stories were or were not told to Mr. Blocher and Ms. Poppy.

Nevertheless, despite your accusations having no basis in law or fact, Mr. Blocher and Ms. Poppy are prepared to make an offer in an effort to make this attempted shakedown disappear. In exchange for the Raelian Movement waiving any and all potential claims against them, no matter how bogus, in the United States and jurisdictions both distant and distinct, Mr. Blocher and Ms. Poppy will: 1) post your letters of June 6 and July 14, 2012 to the website associated with the Oh No, Ross and Carrie Podcast, announcing that the Raelian Movement took issues with some of the characterizations in the podcast, and alerting listeners that they can read of the alleged mischaracterization themselves; and 2) have a spokesperson of the Raelian Movement’s choosing

appear on a forthcoming episode of the Oh No, Ross and Carrie Podcast where the spokesperson will be afforded an opportunity to raise and address any of the alleged mischaracterizations in the podcast.

Since you claim your client “supports free speech of all kinds,” I trust they agree with Justice Louis Brandeis, who famously advised in his concurrence in *Whitney v. California*, 274 U.S. 357, 377 (1927), “If there be time to expose through discussion the falsehood and fallacies, to avert the evil by the processes of education, the remedy to be applied is more speech, not enforced silence.” Mr. Blocher and Ms. Poppy are offering the opportunity for your client to cure the speech it dislikes with a platform for more speech, directed to the same audience.

I hope you and your client will find this to be satisfactory. It is certainly far above and beyond what the law requires (which is nothing). Again, you and your client may hold your own opinion as to desirability of Mr. Blocher and Ms. Poppy’s statements, but your opinion in this instance is without legal or factual support.

If you wish to discuss Mr. Blocher and Ms. Poppy’s offer, please feel free to contact me. Otherwise, again, please be advised that if you persist in this matter, Mr. Blocher and Ms. Poppy will use every legal remedy available to them to vindicate their rights.

Sincerely,

Colleen Flynn