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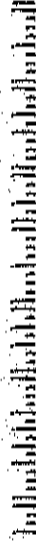


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March 3, 2010

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. William Reynolds
P.O. Box 105
Walnut Hill, FL 32568

Dear Mr. Reynolds:

We write as attorneys for Mr. Alfonzie Cottrell in connection with published comments, which make disparaging references to our client. See William Reynolds, *Code Enforcement Cases Headed to Court; Resident Claims Racial Bias*, Dec. 8, 2009, <http://www.northescambia.com> and William Reynolds, *Century Councilman: Faulty Gas Meters Cause High Gas Bills; Mayor Says It was Cold Weather*, Feb. 16, 2010, <http://www.northescambia.com>. In particular, you have linked our client to statements that he never made and positions that he never took. You have published statements which are damaging to Mr. Cottrell's reputation, border on libel, and violate your own published requirements for the publication of comments in your journal.

We are sending you this letter to place you on notice that Constitutional free speech and press considerations do not shield publishers who knowingly or negligently publish untruthful statements when the defamatory potential is apparent to a reasonably prudent person and the defamed individual suffers actual injury. The Supreme Court of the United States has chosen not to define "actual injury;" however, the Court stated that injury is not limited to monetary loss and that states may find liability for such things as impairment of reputation, standing in the community, personal humiliation, and mental anguish. *Gertz v. Robert Welch, Inc.*, 418 U.S. 323 (1974). In addition, as a republisher of comments from your reading audience, you should also be aware that you are liable on the same general basis as the primary publisher, or the individual who initially made the defamatory statement. *Hutchinson v. Proxmire*, 443 U.S. 111, 121 (1979).

We also note that you ask your readers to refrain from making comments that are libelous. You should understand that the only requirements for a *prima facie* case for the defamation of a private citizen in matters that are not of public concern, are that a defamatory statement has identified the defamed individual to a reasonable reader, has been communicated to a third party who understands it, and has actually injured the defamed individual's reputation. The only additional requirement for matters of public concern is reckless disregard concerning the truth of the publication. *Friedgood v. Peters Pub. Co.*, 521 So. 2d 236 (Fla. 4th DCA 1988).

I have assured Mr. Cottrell that, as a conscientious journalist who is now cognizant of the legal requirements for defamation, you will provide unbiased but ethical coverage of future matters when Mr. Cottrell exercises his guaranteed right of free speech, and that you will be careful in your attribution of words or positions to him.

Thank you for your attention to this matter, and we trust that there will be no need for any action with respect to future publications.

Very truly yours,

SHELL, FLEMING, DAVIS & MENGE



Stephen B. Shell

SBS/tgs

SFD&M File No.: B3031.00000

cc: Mr. Alfonzie Cottrell

Members of the Century Town Council