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March 6, 2014

**Via fax 310.826.6991 & first class mail**Steven M. Goldberg, Esquire  
Russ August & Kabat  
12424 Wilshire Blvd., 12<sup>th</sup> Floor  
Los Angeles, CA 90025

Re: ZOA

Dear Mr. Goldberg:

Please be advised that the undersigned represents Morton Klein, President of the Zionist Organization of America (ZOA).

It has come to my attention that you have either directly, or through an agent or affiliate, registered the domain name <http://www.mortklein.com>, and are presently using this domain to present a "Save the ZOA" campaign to attack the current ZOA President, Morton Klein and defeat him in the upcoming ZOA election. It is our understanding that you are using this domain not only to attack Mr. Klein's activities, policies and practices while acting as president of ZOA, but also to advance your own candidacy for ZOA president and as a fundraising tool.

The Anti-Cybersquatting Piracy Act (ACPA), 15 U.S.C. 1125(d) states in pertinent part, "[a] person shall be liable in a civil action, by the owner of a mark, including a personal name which is protected as a mark under this section if . . . that person has a bad faith intent to profit from that mark, including a personal name which is protected as a mark under this section." Likewise, another section of the ACPA, 15 U.S.C. Section 8131 states "[a]ny person who registers a domain name that consists of the name of another living person, or a name substantially and confusingly similar thereto, without that person's consent, with the specific intent to profit from such name by selling the domain name for financial gain to that person or any third party, shall be liable in a civil action by such person."

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Here, Mort Klein is a public figure in the Israel-United States international affairs arena as the longtime President of ZOA. His name is therefore distinctive even though it is not a registered trademark. Your website represents a bad faith intent to profit in the campaign against him as ZOA President through the use of his name in the domain, both politically and financially, through fundraising.

In addition, the website <http://www.mortklein.com> makes defamatory allegations with respect to Mr. Klein, stating, incorrectly, that he has defrauded donors of ZOA by not informing them of its loss of 501c3 status, bullied employees of ZOA, and that he has been dishonest about the salary he has taken as President of ZOA. These statements are blatantly untrue and made with actual malice. This satisfies both the common law and Pennsylvania statutory requirements for defamation of a public figure such as Mr. Klein.

Finally, the use of Mr. Klein's name in the domain name of the website <http://www.mortonklein.com> violates Pennsylvania's right to publicity pursuant to 42 Pa. C.S.A. Section 8136, which provides that "[a]ny natural person whose name or likeness has commercial value and is used for any commercial or advertising purposes without the written consent of such natural person . . . may bring an action to enjoin such unauthorized use and to recover damages for any loss of injuries sustained by such use." It appears that you are using the site for fundraising purposes, which falls under the purview of this statute.

Please confirm that within ten (10) days of the date of this correspondence, the following will occur:

1. transfer of the domain <http://www.mortklein.com> to Morton Klein; and
2. Complete removal of all material from the domain <http://www.mortklein.com>, including any material referencing Mr. Klein.

We will need your certification as to all efforts made to transfer the domain <http://www.mortklein.com> and/or remove the material from the domain with Mr. Klein's name.

Please contact me as soon as possible at [crieders@riederstravis.com](mailto:crieders@riederstravis.com).

Very truly yours,

RIEDERS, TRAVIS, HUMPHREY, HARRIS,  
WATERS, WAFFENSCHMIDT & DOHRMANN

*Cliff Rieders*

Clifford A. Rieders, Esquire

CAR/jss

cc: Morton Klein, President, ZOA