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March 12, 2009

VIA ELECTRONIC MAIL
(Chris@Elliott.Org)

Re: Publication of Defamatory Statements and Demand for Removal and Retraction

Dear Sir or Madam:

This law firm represents Palm Coast Travel, of Boca Raton, Florida ("Palm Coast"). We write to demand that you cease and desist defamatory communications on your website, which have been targeted at, among others, customers and potential customers of Palm Coast in the State of Florida and beyond. We demand immediate removal of the publication, publication of a retraction, and removal of the site from any applicable search engine archiving services, such as Google. Although we do not admit that you and/or the site are a "media defendant," this letter shall serve as pre-suit notice to you pursuant to Section 770.01, *Florida Statutes*. As a result, if you choose to reject our demand, we intend file suit within **five days** of the date of this letter. For the reasons discussed below, we believe a Court of competent jurisdiction would provide appropriate relief.

We are in receipt of communications you have published on your website, purporting to convey facts to the public. The communication is false, and must be removed immediately. There is no protection under Florida law for individuals who knowingly publish false information that damages another in his or her trade or business. Therefore, the following communications should be removed from the website at issue **immediately**:

Florida orders travel agencies who sold unlicensed insurance to "stop transacting business"

Florida has ordered three travel agencies who sold unlicensed insurance policies to "stop transacting business" immediately. State authorities on March 5 issued an intent to order a cease and desist against Port St. Lucie, Fla.-based Vacation Superstore, which operates Best Price Cruises; Sarasota, Fla.-based Legendary Journeys and Boca Raton, Fla.-based Palm Coast Travel, which owns the site Smartcruiser.com.

<http://www.elliott.org/blog/florida-orders-travel-agencies-who-sold-unlicensed-insurance-to-stop-transacting-business/> (accessed March 12, 2009). We have reviewed the filings made by the State of Florida, and they contain **no mention at all that any**

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tribunal or agency has issued an "order" to cease any activity, much less "stop transacting business." Therefore, the above statement is unequivocally false.

In addition, because the publication references review of the filings from the State of Florida, the above-referenced statement was made with reckless disregard of the truth. Further, we understand that you and/or your agents have a business dispute with Palm Coast. Therefore, it is likely that a finder of fact might conclude that the publication was made with malice, and that appropriate damages should be awarded.

We have also learned that your publication has been linked to by other publishers of information. We note that if you have facilitated such links, or otherwise acted in conjunction with them, that may also subject you to liability for conspiracy to defame. Under Florida law, coming together with another to harm an individual or business, such as by maliciously publishing falsehoods, is actionable. Therefore, to the extent you facilitate, control, or otherwise participate in others' dissemination of the falsehoods you have composed, we demand you cease such activity as well.

Very truly yours,

BROAD AND CASSEL


Daniel S. Newman, P.A.