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August 22, 2016

**CONFIDENTIAL COMMUNICATION**

**VIA E-MAIL AND CERTIFIED U.S. MAIL**

Mr. Peter Gilhuly, Esq.  
Latham & Watkins LLP  
355 South Grand Avenue  
Los Angeles, California 90071  
[peter.gilhuly@lw.com](mailto:peter.gilhuly@lw.com)

**Re: Arya Toufanian, I'm Shmacked– Demand for Removal**

Dear Mr. Gilhuly:

We write on behalf of Arya Toufanian in connection with two libelous stories published by Jezebel.com: the first story was published on or about July 23, 2014 at <http://jezebel.com/college-party-mogul-threatens-female-journalist-with-ra-1609706385> bearing the headline “College Party Mogul Threatens Female Journalist With Rape” (the “First Story”), and the second story was published on or about September 23, 2014 at <http://jezebel.com/im-shmacked-kicks-its-rape-threat-making-cofounder-to-t-1638240396> bearing the headline “‘I’m Shmacked’ Kicks Its Rape Threat-Making Cofounder to the Curb” (the “Second Story”) (collectively, the “Stories”).

We understand that UniModa LLC, Univision Holdings, Inc. and/or Fusion Media Group (“you”) recently agreed to purchase all or substantially all of the assets of Gawker Media LLC, including Jezebel.com. As the new owner of Jezebel.com, you will be subject to liability for the Stories if they remain on Jezebel.com after the transaction closes.

Accordingly, Mr. Toufanian hereby demands that you immediately and permanently remove the Stories from Jezebel.com or, in the alternative, immediately and permanently remove the following statements in the Stories, which are false and defamatory:

1. In the First Story:
  - a. The headline: “College Party Mogul Threatens Female Journalist With Rape.”
  - b. “Toufanian then changed things up yet a third time, telling Byhoff that he had a point and that yes rape is bad but he didn’t mean rape rape he just meant like other rape, the kind it’s appropriate to joke-threaten a stranger with.”

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- c. "...he threatened a female Business Insider journalist with rape."
  - d. Mr. Toufanian "encouraged harassment of a female Vice Sports editor."
  - e. "...Toufanian threatened to anally rape her and suggested starting a petition to get her fired."
2. In the Second Story:
- a. The headline: "I'm Shmacked' Kicks Its Rape Threat-Making Cofounder to the Curb."
  - b. "He's been sacked. Or, uh, shmacked."
  - c. "...Toufanian has been removed from his position."

Mr. Toufanian has never threatened anyone with rape, including the female Business Insider Journalist mentioned in the First Story, nor has he ever encouraged harassment. The statements in the Stories, based on Mr. Toufanian's tweets, were taken completely out of context. Further, the sequence in which the Twitter posts are presented in the First Story is inaccurate, and Mr. Toufanian has hence been portrayed in a false light by the First Story, with this portrayal continuing into the Second Story. Finally, Mr. Toufanian was never removed from his position at I'm Shmacked.

The continued publication of the Story constitutes, among other claims, libel, false light invasion of privacy and intentional infliction of emotional distress. Please confirm in writing **within forty-eight (48) hours** of your receipt of this letter that the foregoing demand will be, and is being, complied with.

This letter is confidential and protected by applicable Copyright law, and therefore may not be copied, published, disseminated or used by any person or for any purpose, other than internally at your company and its outside legal representatives for purposes of evaluating the claims herein and complying with the foregoing demands.

We look forward to your immediate response to this letter.

Very truly yours,



CHARLES J. HARDER Of  
**HARDER MIRELL & ABRAMS LLP**