

# PARKER · STANBURY LLP

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HARRY D. PARKER (1891-1976)  
RAYMOND G. STANBURY (1904-1966)

IRVINE • LOS ANGELES • SACRAMENTO  
RIVERSIDE • SAN DIEGO

November 15, 2016

VIA EMAIL ONLY

Dean McAdams  
[dean@legalnoodle.com](mailto:dean@legalnoodle.com)

Dear Mr. McAdams:

Re: John Herriot  
Our File Number: 3834893

Please be advised that John Herriot has consulted with our law offices regarding your harassing emails and other communications to third parties designed to cause him harm.

More specifically, we are informed that you have disclosed information pertaining to Mr. Herriot obtained

Your disclosures include, without limitation, the following link posted on Facebook:

<http://legalnoodle.com/cmen-john-herriott-sex-offender/>

We are informed that you have made numerous additional disclosures to the general public as well as to members of CMEN, a private club. As you know, Mr. Herriot is also a member of CMEN.

Please note the following excerpts from the Megan's Law web site:

Any person who uses information disclosed on this website to commit a misdemeanor is, in addition to any other punishment for that misdemeanor, subject to a fine of not less than \$10,000 and not more than \$50,000. Any person who uses information disclosed on this website to commit a felony shall, in addition to any other punishment for that felony, be punished by a five-year term of imprisonment in the state prison. (Penal Code § 290.46, subd. (j).)

### **Use of Website Information Is Authorized Only to Protect a Person at Risk**

A person is authorized to use information disclosed on this website only to protect a person at risk. Except to protect a person at risk or as authorized under any other

law, use of any information disclosed on this website for purposes relating to any of the following is prohibited:

- Health insurance
- Insurance
- Loans
- Credit
- Employment
- Education, scholarships or fellowships
- Housing or accommodations
- Benefits, privileges, or services provided by any business establishment

Use of information on this website for purposes other than to protect a person at risk or for a prohibited purpose as described above, shall make the user liable for the actual damages caused, and any amount that may be determined by a jury or a court, not exceeding three times the amount of actual damages, and not less than \$250, plus attorney's fees, exemplary damages, or a civil penalty not exceeding \$25,000. (Penal Code § 290.46, subd. (l).)

This prohibition on use of the website information shall not affect authorized access to, or use of information pursuant to, §§ 11105, 11105.3, or 8808 of the Family Code; §§ 777.5 and 14409.2 of the Financial Code; §§ 1522.01 and 1596.871 of the Health and Safety Code; and § 432.7 of the Labor Code.

#### **Pattern or Practice of Misuse of Website Information**

The Attorney General or any district attorney, city attorney, or any person aggrieved by misuse of information on this website, when there is reasonable cause to believe a person or groups of persons is engaged in a pattern of practice of such misuse of this information (see Penal Code § 290.46, subd. (j)(2)), may bring a civil action requesting preventive relief, including an application for injunction, restraining order, or other orders against the person(s) responsible for the pattern or practice of misuse. (Penal Code § 290.46, subd. (l)(4)(B).)

Please send written confirmation that you will abide by the foregoing demand within ten business days as of the date of this letter. Said confirmation should be sent to the undersigned referencing our file number (3834893).

Your communications about Mr. Herriot are clearly designed solely to harass and humiliate him, and are in clear violation of the laws pertaining to the use and disclosure of information obtained from the Megan's Law web site as detailed above.

We hereby demand that you cease and desist from making any further disclosures about Mr. Herriot. We also demand that you remove any and all links to such disclosures posted on Facebook and/or other social media web sites, or any other web site.

In the event that you fail to abide by the foregoing demand within the time-frame specified, Mr. Herriot has indicated the intent on pursuing any and all legal remedies available in this matter.

Nothing in this letter should be construed as a waiver of any of Mr. Herriot's rights or remedies, all of which are expressly reserved.

Please be advised that this letter is written pursuant to *California Evidence Code* §1152, and any and all information and documentation submitted herein is for the purposes of settlement only, and nothing contained herein may be utilized in the subject proceeding.

Thank you for your anticipated cooperation.

Very truly yours,

PARKER · STANBURY LLP

By

MARCUS BASTIDA

A large, stylized handwritten signature in black ink, written over the typed name 'MARCUS BASTIDA'. The signature is a continuous, sweeping line that starts below the 'By' and extends to the right, crossing over the typed name.

MB:mb

cc: John Herriot