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November 19, 2007

Via Electronic Mail copyright-complaints@register.com
and Federal Express

Register.com
575 8th Avenue, 8th Floor
New York, New York 10018
Attn: President or Managing Agent
Attn: Legal Assistant

Re: Copyright Infringement Claim
Notice of Claims for Defamation

Dear Sir or Madam:

This letter is being written to put you on notice that one of the websites which you host, www.damon-moreymisconduct.com/id5.html, is making infringing use of Damon & Morey LLP's ("Damon & Morey") service mark, trade name, and photographs copied and/or downloaded from Damon & Morey's business website, without the consent of Damon & Morey.

This letter is also being written to advise you that that same website is publishing false, libelous and defamatory information about Damon & Morey and three of its individual partners, William F. Savino, Brian D. Gwitt and Daniel F. Brown.

We request that you immediately take steps to remove Damon & Morey's intellectual property from the offending website, www.damon-moreymisconduct.com/id5.html, and also request that you take

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immediate steps to cease its publication of false, defamatory and libelous information about Damon & Morey and its attorneys.

It is our belief that the actions of website owners, Daniel A. Elia and D.A. Elia Construction Corp. (the "Company") in building their website are their response to recent court decisions which have directed that Damon & Morey be paid approximately \$350,000.00 for fees it earned representing the Company.

Damon & Morey represented the Company for more than 12 years in various state and federal construction litigation cases. It also represented the Company in a successful Chapter 11 bankruptcy case, in which all creditors were paid in full, using the proceeds of construction litigation.

At the conclusion of the bankruptcy case, Damon & Morey submitted its final fee application to the Bankruptcy Court. The Company at that time objected to our fees, claiming that Damon & Morey had supposedly had conflicts of interest and had supposedly committed acts of malpractice.

This matter has been in litigation for several years and, over the objections of the Elias, every court, at every level, has upheld Damon & Morey's entitlement to the fees it had requested. The courts have called the Company's claims "a gambit" to get out of paying fees. In fact, the bankruptcy judge who heard the case called their objections to Damon & Morey's fee application "a crock of baloney." So that you are on full notice of the facts, we enclose copies of the Bankruptcy Court's, the District Court's and the United States Court of Appeals for the Second Circuit's decision rejecting the Elias' claims.

Because the Company still refused to pay the judgment the courts had awarded us, we recently had to ask the Erie County Sheriff to seize the Company's bank account, so that we could finally get paid. We got that money last week.

Having lost in court, Daniel A. Elia and the Company have apparently decided to build a website, hosted by you, where they repeat the same false and defamatory claims which have been rejected by the courts.

Because these claims have been rejected by all courts to which they have been presented, as being not credible, this is not a situation where there is some question as to the truth or falsity of the statements contained on their website -- the statements are false. Daniel Elia and the Company know they have been found to be false and, should you continue to permit them to use your web hosting services to publish their falsehoods, you will be doing so with full knowledge that the information on that website is both false and defamatory.

As we are sure you are aware, your website hosting services addendum, last updated September 20, 2006, at paragraph 3(a), specifically prohibits your users from transmitting any content on a user website that is defamatory, libelous, hateful, or that violates the privacy, publicity or other personal rights of others. In using your web hosting service to claim that Damon & Morey partners have allegedly "lied

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to courts,” have supposedly made “false statements,” engaged in “fraudulent billing practices” and have allegedly conducted a “pattern of illegal and unethical business practices,” the Company and Daniel A. Elia have clearly violated the terms of your web hosting agreement. Your continuing to permit them to publish these false and defamatory statements similarly puts your company in a position of making those same false and defamatory statements and will cause harm to the image and reputation of Damon & Morey and its partners.

Furthermore, without the permission of Damon & Morey or the individual attorneys involved, Daniel A. Elia and the Company have misappropriated Damon & Morey’s trade name, service mark and photographs from Damon & Morey’s website. Furthermore, the URL selected by the Elias is sufficiently similar to Damon & Morey’s own web domain, www.damonmorey.com, to cause a potential likelihood of confusion or misdirection of persons to that site.

We request that your company immediately cease the publication of these false, libelous and defamatory statements regarding Damon & Morey and its attorneys and request that you immediately cause this website to cease and desist on infringing on Damon & Morey’s copyright and other intellectual property rights.

Please feel free to contact me should you wish to discuss this matter further.

Very truly yours,



Peter S. Marlette
Managing Partner
for DAMON & MOREY LLP

PSM/mab
Enclosures

-#1175409