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February 1, 2010

VIA EMAIL & CERTIFIED MAIL

(editor@coconutgrovegrapevine.com and grove.grapevine@gmail.com)

Tom Falco
% Coconut Grove Grapevine

Re: Notice of Defamatory Statements

Dear Mr. Falco:

This firm has been retained to represent Commissioner Marc Sarnoff with respect to the matters referenced herein.

On January 29, 2010, an "anonymous" individual posted a comment on your website, <http://coconutgrovegrapevine.blogspot.com/>, purporting to be Commissioner Sarnoff. For your convenience, a copy of the comment is attached and highlighted.

This post contains a false statement that is defamatory. Further, the statement constitutes libel per se, because it is a false accusation of dishonesty, lack of integrity and untrustworthiness which directly impugns Commissioner Sarnoff's professional reputation. See *Richard v. Gray*, 62 So. 2d 597 (Fla.1953).

Please be advised that you have a duty as the owner, editor, and publisher of the website, to police what is being posted on your website. See § 836.03, Fla. Stat.; see also *Becker v. Hooshmand*, 841 So. 2d 561 (Fla. 4th DCA 2003). As such, since the post is the direct and proximate cause of injury to Commissioner Sarnoff, it is actionable against you and your website.

On behalf of Commissioner Sarnoff, I demand that you remove and formally retract the defamatory and libelous statements immediately. If you fail to remove and retract said statements, Commissioner Sarnoff will be left with no alternative other than to pursue all possible legal recourse against you and your website. This includes, but is not limited to, financial compensation for damages you have caused to Commissioner Sarnoff's reputation via the defamatory statements. In addition, Commissioner Sarnoff will seek attorneys' fees and costs for pursuing said action.

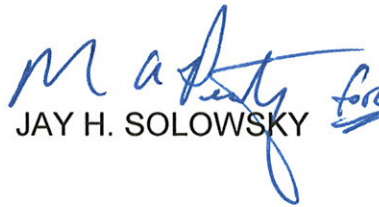
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Furthermore, pursuant to section 627.4137 of the Florida Statutes, you are obliged to disclose and provide certain liability insurance information. As such, please promptly provide: (a) the name of your insurer; (b) the name of each insured under your policy; (c) the limits of your liability coverage; (d) a statement of any policy or coverage defense which your insurer reasonably believes it has available; and (e) a copy of the policy itself. Please contact my office to arrange the producing of this information.

This letter reserves all of Commissioner Sarnoff's rights without limitation, and is without waiver of all of Commissioner Sarnoff's rights and positions.

PLEASE GOVERN YOURSELF ACCORDINGLY.

Very truly yours,


JAY H. SOLOWSKY

JHS/pb
Enclosure
Cc: Client



The Sun has got his hat on

> Shop now



Anonymous said...

I attended this meeting understanding this was for discussion only - everyone wanted a public meeting & got it. Was I the only one that understood this? As for the guy who says he was let go from Mr. Moe's, doesn't he know about other bars in Miami where he can get employed or he could go back to school so he wouldn't have to have 2 part time jobs.

JANUARY 29, 2010 9:34 AM

Anonymous said...

Dear City of Miami,

I fully support drinking and driving after 3am even if it claims the lives of others as long as your drunk driving does not take place in my neighborhood.

XOXO

Marc Sarnoff

JANUARY 29, 2010 9:51 AM

that guy said...

I have a few things to say, so please bear with me.

First, to anon 9:43 right above me - that's pretty ignorant. You obviously do not understand that based upon all of the bar closings lately and the curtailing of staff in general due to the overall economic situation, has pushed people with bachelors and master's degrees into the service industry, and left so many unemployed waiters waitresses and bartenders, that they can't just go find another job. Second, you're asking people to leave the grove or commute out of the grove - they probably moved here to avoid that.

More importantly - I want to know why people who run or bike at 5am deserve more protection than I??? I run between 6 and 8 or 8:30 pm. Sarnoff thinks its ok for drunk driving at that time - and it's just as if not more prevalent then after happy hour than at 5am. People that go out all night take more precautions and take cabs. People that go to happy hour do not. WHY IS MY LIFE WORTH LESS MARC SARNOFF?

Finally, there is no way that 3am citywide could or would happen. No commissioner would vote in favor of that because it would cause the economic collapse of the city. We would lose tourism period.

Stop being a fool Sarnoff and admit your mistake. To the person asking about a recall - it can be done. It requires the same amount of signatures as getting a candidate on a ballot. I've posted about it several times. If anyone is interested in this movement, I'm in, let's go.

We must rid ourselves of Sarnoff.

JANUARY 29, 2010 10:04 AM

Anonymous said...

For how many DECADES there was no stupid 3am closing rule in the Grove?

Things were just fine.

How many cities in the USA, and the World don't have such a stupid law? 90%, I would guesstimate.

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