

July 2, 2014

Ms. Stephanie Yoder

via email: Steph@Twenty-SomethingTravel.com

## DEMAND TO CEASE AND DESIST

Ms. Yoder:

Be advised that the undersigned is litigation counsel to WorldVentures Holdings, LLC and its affiliates (collectively as "WorldVentures").

All future communications directed to WorldVentures that relate to this matter must be with me directly. If you have legal counsel, provide this communication to your counsel and instruct them to contact me immediately.

As you are aware, on your website *Twenty-Something Travel* you have a post titled "*WorldVentures: This is NOT the Way to Travel the World*" (<http://twenty-somethingtravel.com/2013/07/worldventures-this-is-not-the-way-to-travel-the-world/>) (hereinafter, the Post). In the Post you have engaged and are continuing to engage in the following conduct:

- publishing in graphical form, false, misleading, defamatory and disparaging statements about WorldVentures;
- misappropriating, misusing and disparaging WorldVentures' intellectual property in violation of state and federal law; and
- engaging in unfair competition and deceptive trade practices.

Your conduct violates well established precedent in state and federal tort and intellectual property law and provides WorldVentures with numerous legal claims against you.

You are hereby on notice of your obligation to preserve evidence in anticipation of litigation regarding this matter. Parties to litigation have a duty to preserve potentially relevant evidence for the other parties' use as evidence in pending or reasonably foreseeable litigation. *See Gatto v. United Air Lines, Inc., et al.*, 2013 WL 1285285 (D. NJ Mar. 25, 2013) (deleting and deactivating Facebook account is sanctionable); *See also Zubulake v. UBS Warburg LLC*, 217 F.R.D. 309 (S.D.N.Y. 2003). The failure to do so is sanctionable by the Court as spoliation of evidence for which the other parties can obtain their costs, attorneys' fees, and a spoliation inference for the jury. *Gatto*, 2013 WL 1285285; *Tech Systems, Inc. v. Pyles*, 2013 WL 4033650 (E.D. Va. Aug. 6, 2013) (deleting messages from mobile device is sanctionable); *Custom Hardware Engineering & Consulting, Inc. v. Dowell*, 918 F. Supp.2d 916 (E.D. Mo. Jan. 23, 2013) (use of Eraser 6 data-wiping program on computer is sanctionable).

As part of your obligation to preserve evidence, you must preserve every form of information or communication, whether tangible or digitally stored, that is related to this matter and is within your possession, custody, or control. This includes, by way of example only, all past and future letters, email, instant messages, social media communications, posts, and comments, browser cache, audio transcripts, mms messages, Skype transcripts, etc.

Be advised that this communication is without prejudice to any facts, regardless of whether stated herein. Further be advised that this communication is without prejudice to and shall not affect, in any

manner, the rights, claims, remedies, actions or causes of action which WorldVentures has, or may have, at law, in equity, or otherwise.

**WorldVentures hereby demands that you (1) immediately cease and desist from publishing any further statements or information about WorldVentures in any form, and (2) immediately remove from the Internet all website pages, postings, or other information in any form that you have made regarding WorldVentures and ensure those statements are no longer publicly accessible.**

**The deadline for providing me with written notification of your agreement to fully comply with this demand is 5:00 p.m. CST on Friday, July 11, 2014. Your written notification must be sent to me by email ([stuma@brittontuma.com](mailto:stuma@brittontuma.com)) or facsimile (972.767.3181).**

If you fail to comply with this demand, we will move forward with pursuing all appropriate legal remedies available to ensure that your illegal activities are stopped and that the damage caused by your illegal activities is remedied. This includes taking aggressive legal actions against you and any other persons or entities that may have conspired with you by seeking injunctive relief, recovery of damages, punitive damages, and recovery of all costs and fees associated with this matter. I strongly urge you to heed this demand.

Respectfully,

**BrittonTuma**

By:   
Shawn E. Tuma

cc: client