

April 27, 2017

VIA EMAIL

Viet D. Dinh, P.C.
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Re: *Alfa Bank Notice to Preserve Evidence*

Dear Mr. Dinh:

Thank you for your April 12, 2017 letter providing more specificity about Alfa Bank's concerns.

In our March 28, 2017 letter, we asked whether Alfa Bank considers our client, Dr. L Jean Camp, a potential party to anticipated litigation or a third-party witness. Your April 12 letter does not squarely address this question, so we'd like to lay out our position in more detail.

First, to answer your most recent question, Dr. Camp did not directly gather any of the DNS traffic information posted on her website. This information was shared among researchers, as is a common practice in the information security field.

Second, even assuming for the sake of argument that a third party wrongfully collected or shared that information—which we have no reason to believe is true, as logs of this sort visible on the network—Dr. Camp has a First Amendment right to publish that information, which is relevant to a matter of public concern. *Bartnicki v. Vopper*, 532 U.S. 514, 516 (2001).

Third, Dr. Camp is entitled to immunity under the Communications Decency Act for publishing information on her website that was provided by a third party. 47 U.S.C. § 230 (“no provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider”); *see also Batzel v. Smith*, 333 F.3d 1018, 1030-32 (9th Cir. 2003) (website and listserv operator immune from liability based on publication of allegedly defamatory email authored by a third party); *Ben Ezra, Weinstein, and Co., Inc., v. America Online, Inc.*, 206 F.3d 980, 985-86 (10th Cir. 2000) (publisher of stock quotation information immune from liability for publishing allegedly inaccurate information about plaintiff's stock); *Barnes v. Yahoo!, Inc.*, 570 F.3d 1096, 1105 (9th Cir. 2009) (publisher of online profiles not liable for failure to remove fake, indecent profile of the plaintiff).

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We trust this resolves any concerns you may have about Dr. Camp and her academic research.

Very truly yours,

DURIE TANGRI LLP

ZEITGEIST LAW PC

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