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Brian Burkel
21643 Southeast 265th Way
Maple Valley, WA 98038

Re: *Burkel, et al. v. Benson, et al.*

Dear Brian:

Before we file the complaint for defamation, I want to apprise you of some of the risks and the difficulties of moving forward, should this proceed beyond an early settlement.

I have listened and understood what you've told me about your business model and the autograph industry. To reiterate my understanding:

Regarding your business model: Autographs America relies on over 300 collectors who obtain genuine autographed memorabilia and then you sell them on your website on a consignment basis. The collectors work in the industry and, thus, have very good access to the celebrities. I understand that your contracts with these collectors are confidential. I also understand that you want to keep these collectors' names confidential because these connected collectors are vital to your success. If the names were produced, you would be essentially inviting your competition to solicit these collectors directly and take over your connections. Additionally, these collectors do not want to be involved with any litigation. First, these collectors are paid by you, in addition to their regular job, and you do not know whether or not they are reporting these side sales as income. Second, these collectors may jeopardize their positions if it was found out that they were selling the autographs they were obtaining.

Regarding the autograph industry: I understand that you have, throughout your life, worked incredibly hard to build up your network of industry contacts. And, with over a decade of collecting experience, that you have personally collected thousands of autographs (and seen thousands more) as well as possessing a substantial database of exemplar autographs. I can appreciate that there is no "certification" for being an expert authenticator and that you will match your skills and experience with any purported "expert." There is nothing wrong, as a threshold issue, with you serving as Autographs America authenticator—if you sincerely believe that you have equal background and skill with other "experts."

However, you deserve an honest appraisal of your case and of how the litigation may unfold. I understand you may see things differently. However, at least we move forward knowing that you are well aware of the risks.

First, you need to understand that there is an obvious conflict of interest here. You are acting as both the authenticator and the person who stands to benefit from the sale. Again, there is nothing illegal about this, it is just that eventually a jury will have to decide if the conflict of interest overrides your testimony and purported integrity.

Second, you have told me that you have an informal relationship with Mr. Adams and that he will not want to be dragged into litigation as a witness. Nobody does. However, as I have told you, if push comes to shove, and you have used him as an expert to authenticate some autographs his name may have to be disclosed. I cannot guaranty that his name will be kept out of litigation.

Third, I understand that your contracts with collectors are a trade secret and that their value is in their confidentiality. To that end, I will do my best to protect the confidentiality of your collectors. However, I cannot guarantee that the opposing side will not try to get those names. And, if they make the motion, I cannot guarantee that I can protect those names from disclosure to the judge or jury. I can certainly try to protect these names. However, I will let you know, in no uncertain terms, that I may try to protect the names and the judge would still order their disclosure in some form or another. You need to seriously weigh this risk.

Fourth, ripoffreports.com has additional complaints. Now, most of these have the same tenor as Sky Benson and I wouldn't be surprised if he (or one of his associates) was behind these complaints. However, I need you to go through ripoffreports.com allegations and let me know what you know about these complaints. I at least need to know that they are as baseless as everything else on allreaders.net/allscams.us.

Fifth, you should be aware that to corroborate your skills as an authenticator, we will likely have to obtain another expert authenticator to attest that your skills, methodology and experience are sufficient. Please start thinking about a respected authenticator that would work.

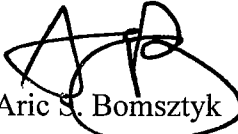
Finally, you need to understand that defamation is an extremely difficult cause of action to prevail on, especially considering the above. The other side has every right to demand that you prove the truth, and provide evidence, that you are selling authentic autographs. They can demand this evidence long before we go to trial. At that time, I will try to prevent disclosure. However, there are no guarantees then, or at any time, that I will be able to prevent disclosure.

None of this letter is to doubt your integrity. You have told me that you only knowingly sell authentic autographs and that you go to great lengths to ensure that you do not unknowingly sell fake autographs. I take you at your word. And I have apprised you that a judge and jury, who do not know you, might not so easily overlook the obvious conflict of interest or the fact that you rely on others, protected by confidential agreements, to collect autographs. This will be difficult to overcome.

After you read this letter, and have thought about it, please let me know your thoughts and how you want to proceed.

Very truly yours,

BAROKAS MARTIN & TOMLINSON



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