

May 29, 2018

Via Facsimile: 512-472-5248

Mr. Eric Taube
Waller Lansden Dortch & Davis, LLP
100 Congress Avenue, Ste. 1800
Austin, Texas 78701

Re: Cause No. D-1-GN-18-001605, *Marcel Fontaine vs., Alex E. Jones, InfoWars, LLC, Free Speech Systems, LLC, and Kit Daniels*, In the 459th Judicial District Court of Travis County, Texas.

Dear Mr. Taube,

I write to address the demands made in your correspondence of May 11, 2018.

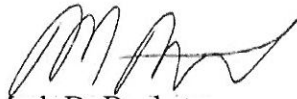
First, as a matter of terminology, we will be disregarding all distinctions your letter draws between the corporate entities and actors in this case until discovery shines light on the nature of Mr. Jones' internal operations. Until such time, and likely afterwards, we will be referring to Mr. Jones' media companies and agents collectively as "InfoWars."

We recognize that your letter serves as notice of InfoWars' intention to rely on a correction, thereby claiming the benefit of a heightened evidentiary burden for the assessment of punitive damages. We also recognize that InfoWars' April 2, 2018 retraction serves as an "acknowledgment that the statement specified as false and defamatory is erroneous" under Tex. Civ. Prac. & Rem. Code Sec. 73.057(b)(1). Plaintiff will not oppose the sufficiency of InfoWars' correction in making the required acknowledgement. However, we do not agree that the retraction would be compliant under any alternative subsection of 73.057(b). Today, we will file a pleading with the Court indicating the same.

With regards to the substance of the lawsuit, we see no value in bickering over the merits of Mr. Fontaine's claims until you show a better appreciation of the underlying facts. There is no debate that InfoWars published our client's image as a mass murderer during an event which garnered enormous global attention. InfoWars did so maliciously, disregarding even the most basic of journalistic standards in pursuit of its politicized agenda. As a result, our client's image spread across the internet to millions of additional recipients in a matter of hours. InfoWars faces an obviously meritorious claim with massive damages.

Moreover, we cannot believe you would argue that Mr. Fontaine caused his own damages by exercising his right to file a lawsuit. The idea that a defendant could deter a lawsuit by causing a plaintiff to fear increased public exposure is so thoroughly repugnant to the notion of open courts -- and so obviously chilling to parties seeking redress from the malicious conduct of others -- that we find its very assertion offensive. Suffice to say, today we are filing Special Exceptions to your clients' Original Answer to address this odious defense in addition to other defects in your pleading.

In anticipation of your response, I remain,

A handwritten signature in black ink, appearing to read 'M D Bankston', with a stylized flourish at the end.

Mark D. Bankston
Kaster Lynch Farrar & Ball

KASTER LYNCH
FARRAR & BALL, L.L.P.
TRIAL ATTORNEYS

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FACSIMILE COVER PAGE

DATE: May 29, 2018 PAGE(s)- Including Cover Page: 3
TO: Mr. Eric Taube
FAX NO. : (512) 472-5248
FROM: Eric Tellez on behalf of Mr. Mark D. Bankston
RE: Cause No. D-1-GN-18-001605, *Marcel Fontaine vs., Alex E. Jones, InfoWars, LLC, Free Speech Systems, LLC, and Kit Daniels*, In the 459th Judicial District Court of Travis County, Texas.

COMMENTS:

Please see attached.

TX Result Report

P 1
 05/29/2018 14:26
 Serial No. A2X1017013206
 TC: 291567

Addressee	Start Time	Time	Prints	Result	Note
15124725248P9999	05-29 14:25	00:00:41	003/003	OK	

Note TMR:Timer TX, POL:Polling, ORG:Original Size Setting, FME:Frame Erase TX,
 DPB:Page Separation TX, MIX:Mixe Original Tx, CALL:Manual TX, CSRC:CSRC,
 FWD:Forward, PC:PC-FAX, BND:Double-Sided Binding Direction, SP:Special Original,
 FCODE:F-code, RTX:Re-TX, RLY:Relay, MBX:Confidential, BUL:Bulletin, SIP:SIP Fax,
 IPADR:IP Address Fax, I-FAX:Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
 TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,
 Refuse: Receipt Refused, Busy: Busy, M-Full:Memory Full, LOVR:Receiving length Over,
 POVR:Receiving page Over, FIL:File Error, DC:Decode Error, MDN:MDN Response Error,
 DSN:DSN Response Error, PRINT:Compulsory Memory Document Print,
 DEL:Compulsory Memory Document Delete, SEND:Compulsory Memory Document Send.

KASTER LYNCH
FARRAR & BALL, L.L.P.
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