

Ira G. Bibbero
Lori S. Brody
Allan Browne
Eric M. George
Jonathan L. Gottfried
Sylvia P. Lardiere
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Benjamin D. Scheibe
Peter Shimamoto
Lee A. Weiss
Keith J. Wesley
Lauren Woodland

April 11, 2013

Eric M. George
egeorge@bgrfirm.com

File No. 1000-001

Via E-Mail and U.S. Mail

Jennifer Allen

Re: Michael Arrington

Dear Ms. Allen :

I am counsel for Michael Arrington, and write you now on his behalf.

You have posted statements about Michael that are false and defamatory, and that have caused significant harm to his good name. It is my hope that you immediately will take corrective action, by retracting those statements.

I have examined your posted statements, and compared them with provable facts. This comparison shows without any doubt whatsoever that, among others, the following of your statements about Michael are false:

- (1) You stated that *"he was physically abusive [on] March 5th [of] last year"* (April 1, 2013, 2d posting, Gawker.) *"[H]e did rape me, on March 5 last year, when he invited me over to make amends from a major catastrophe a couple months prior."* (April 1, 2013, 3d posting, Gawker.)

Your twice-repeated allegation of rape/physical abuse by Michael is not only false, but factually impossible. On March 5, 2012, Michael was in Washington and you were in California. Michael's whereabouts are confirmed by travel records and credit card statements in my possession, and your whereabouts are proven by a photo of you at a San Francisco party at 1:05 a.m. on March 6, 2012. This photo was posted online but has been removed in the past several days. (The photo, together with screenshots of your Facebook page in March 2012 before and after it was deleted, are appended hereto as Attachment A.)

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- (2) You stated that *"March 5 last year . . . that was the last time I saw him. I reached out once to him in the past year to get my paintings back . . ."* (April 1, 2013, 3d posting, Gawker.)

In fact, you attempted repeatedly to communicate with Michael – by telephone, text message and tweets comprising some 292 lines worth of data – after March 5, 2012, the date on which you have accused him of rape. (Notably, some of these items have been deleted. Given the strict privacy controls governing access to data on social networks, our access to Facebook data was consequently limited; we are confident that a complete forensic audit of your social network accounts, and those of relevant third parties, will yield further information that corroborates our timeline of events.) Just a few such communications are as follows:

- On March 6, 2012, the day following the alleged rape, you sent Michael three photographs of yourself, one with the subject line *"For only you."* (See Attachment B.)
 - On March 7, 2012, two days following the alleged rape, you emailed Michael proffering extensive advice about how he ought to landscape his property. (See Attachment C.)
 - On March 22, 2012, seventeen days after the alleged rape, you asked Michael to invest in your start-up: *"SO MUCH to do on this freaking site and app. I need to raise 3-5 Million to get this done right. Mother Fucker. You should invest, because I figured out I do have a strong business model but need the correct amount to advertise, PR, build, and make it work. Don't even think about investing in another art startup without talking to me. I already did this better on my own than some 10 Princeton VC backed graduates . . . imagine what I could do investing the money the right way."* (See Attachment D.)
 - On May 2, 2012, you asked Michael *"do you want to go to a wedding with me on May 19 in Chicago? It's also my birthday May 19."* (See Attachment E.)
 - On October 3, 2012, you sent three successive SMS messages to Michael: (i) *"How are you"*; (ii) *"o_O"* (iii) *"Hi"*. (See Attachment F.)
- (3) You stated that he engaged in *"physical abuse"* and *"emotional abuse"* of you, and *"threaten[ed] to murder you if you told anyone about the physical abuse."* (May 29, 2013 posting, Facebook.)

The foregoing statements of yours, as well as those set forth below, paint a starkly different picture; they do not portray you as a victim of abuse or murder

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threats, but rather as a person who is distraught at a break-up, and angered that her ex-boyfriend entered into a new relationship:

- On April 21, 2012, you wrote to Michael that you *"feel betrayed and slighted by you, and wish I wasn't alone since you decided to be with someone else so quickly. Not sure how I'm going to teach myself how to love and trust again."* (See Attachment G.)
 - On July 21, 2012, you wrote: *"Thanks for the nebulous msg. I'll be the change I want to see in those communications skills. You, Mike seem happy with the most boring arrogant fake personalitied person on the planet, who you treat the way I should have been treated. If you can't treat me with respect publicly, still, then you fall into the selfish whorish male prostitute category that will always hurt me during and in the end. Hope you're enjoying the weather."* (See Attachment H.)
 - In August 2012, you tweeted: *"Mike @arrington last chance to reconcile. I[sic] you're not feeling what I'm feeling, with the same heart, than [sic] fuck you."* (See Attachment I.)
- (4) You stated that *"[h]e raped . . . a friend of mine 5 months ago"* (April 1, 2013, 2d posting, Gawker.) *"The other rape victim . . . came to me, and Mike knows exactly who she is because he called her a month after a New York conference last year conference [sic] to proudly confirm he did it."* (April 1, 2013, 3d posting, Gawker.)

Your allegation that Michael raped another woman is also false. In addition to categorically denying that Michael has ever been physically abusive (let alone that he committed a rape), there is no such rape victim. Indeed, we cannot even hazard a guess as to the supposed rape victim who you twice reference, but whom you do not identify.

- (5) You stated that *"he already went to court for sexual harassment and/or rape while at his first law firm. . . . Mike told me stories in person about how he had a Stanford connection with the judge in his rape trial . . . and he said he [sic] 'I got out of my reputation being ruined thanks to a Stanford connection with the judge.'"* (April 6, 2013, 4th posting, Gawker.)

Your allegation that Michael raped yet a third woman is also false. Again, and in addition to categorically denying that Michael has ever been physically abusive, there is no such rape victim. Nor is there any truth whatsoever to any element of this fantastical story involving a rape, a trial, connections with a judge, or anything else you have suggested in your posting.

Browne George Ross LLP

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The falsity of the foregoing (among many other statements) is confirmed by four people who lived or worked at Michael's house during the time period that you and he were dating. Heather Harde has publicly stated: *"I would have detected patterns of abusive physical behavior if they had been present. . . . I simply do not believe any of the allegations to be true. . . . It's important we set the record straight."* Nik Cubrilovic has publicly stated: *"I lived in the same house as Arrington for the entire time he dated Jenn. I never once saw even a hint of physical abuse."* Gabe Rivera has publicly stated that he had *"[n]ever seen physical threats or harm."* Nick Gonzalez has publicly stated: *"Mike was never physically abusive to anyone."* (See Attachment J.)

Nor can there be any question as to your foregoing statements' defamatory nature. Each such statement purports to describe facts that, if accepted by a reader as true, injure Michael's reputation so *"as to lower him in the estimation of the community or to deter third persons from associating or dealing with him."* *Right-Price Recreation, LLC v. Connells Prairie Community Council*, 146 Wash. 2d 370, 382 (2002).

Very regrettably, your actions here appear all too similar to your actions on May 18, 2011, when you emailed Michael that you were pregnant and were planning on having an abortion the following day (which was your birthday). You subsequently told Michael that you feigned the pregnancy and abortion in order to get him to communicate with you. (See Attachment K.)

Sadly, while making false allegations of rape, your response to statements made by disinterested third parties in Michael's defense include an irrational attack on an actual rape victim who you accuse of *"hurt[ing] women and victims of violence."* (See Attachment L.)

Please consider this letter to constitute a demand for an immediate retraction by you of each of the previous statements. I would appreciate the courtesy of your written response to this demand no later than close of business Monday, April 15, 2013. Indeed, failing a response by you that unconditionally retracts your false and defamatory statements, you will have left us with no choice but to proceed with legal action against you. Litigation is an absolute last resort for Michael, but we will pursue all options to undo the reputational injury caused by your misconduct. As that is our sole objective, to the extent any legal proceedings become necessary, Michael has pledged to donate to charity all amounts recovered.

I look forward to hearing from you.

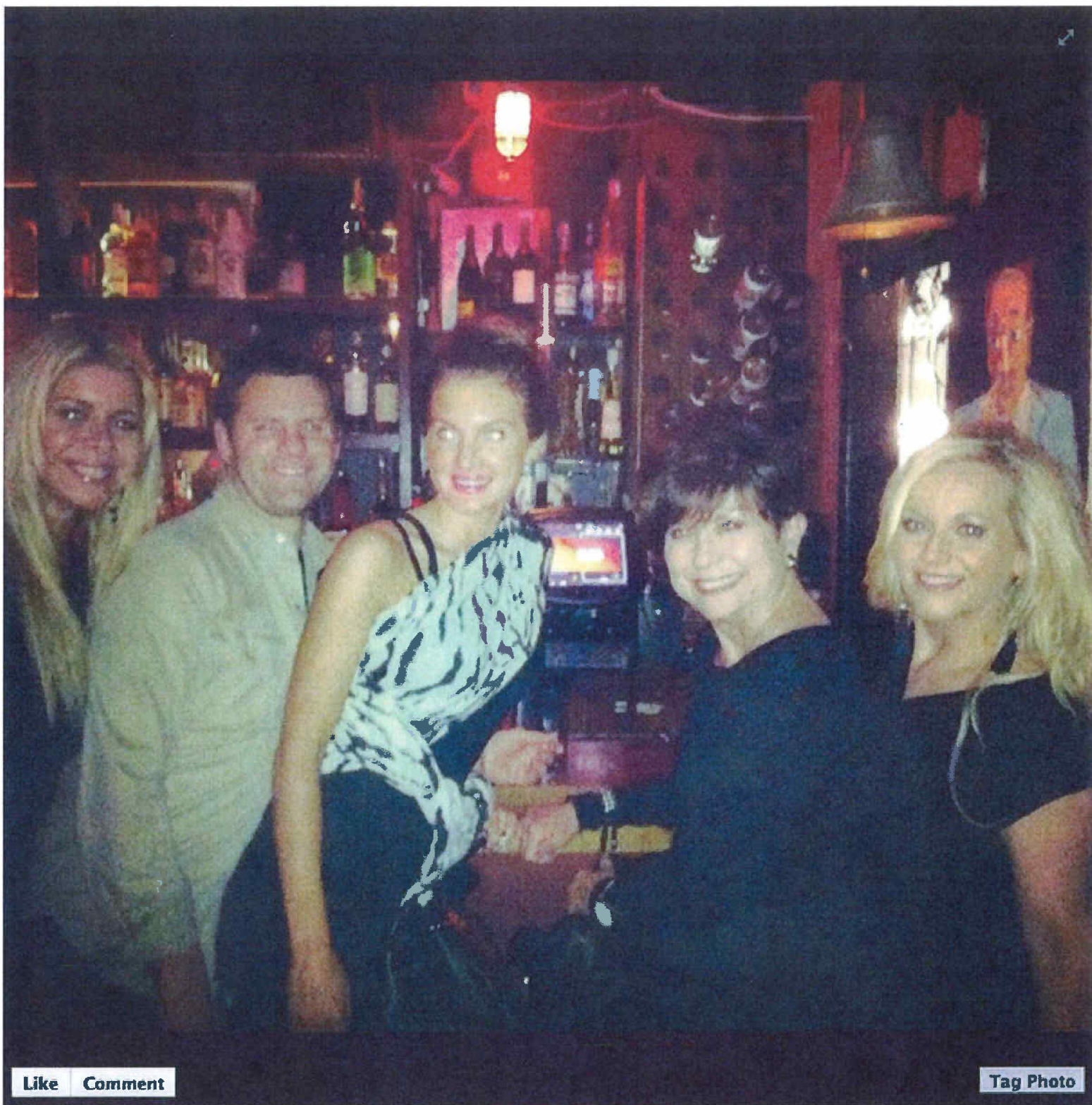
Sincerely,



Eric M. George

EMG:ap

ATTACHMENT A



Like Comment

Tag Photo

 **Heather Meeker**
More fun times in SF. — with Marc Rohrer, Jenn Allen, Donna Meeker and Michelle Asselin in San Francisco, CA.

Like · Comment · Share · March 6, 2012 via mobile

Album: Heather Meeker's Photos

Shared with:  Custom

 Tag This Photo



Jenn Allen Timeline 2012 March



Jenn Allen
March 8, 2012 via Selective Tweets

City Council puts up Acne lights that exaggerate pimples to embarrass teenagers hanging around street corners.
<http://bit.ly/zuvZso> #wtf



City's solution to loitering teens - acne lights
bit.ly

A daily miscellany of information by Michael Kesterton

Like · Comment · follow @JennAllen

3 2



Jenn Allen
March 3, 2012 via Selective Tweets

B Humble > #Winning Ppl More Aggressive Towards Defeated, Aggressive When Better Off: <http://bit.ly/xYN2ag> (#Ego = Illusion of Control)



REUTERS

Winning makes people more aggressive toward the defeated
bit.ly

In this world, there are winners and losers - and, for your own safety, it is best to fear the winners.

Like · Comment · follow @JennAllen

5 6

Like · Comment · Share



Heather Meeker
March 6, 2012

More fun times in SF. — with Michelle Asselin and 3 others in San Francisco, CA.



Like · Comment · Share

7



Jenn Allen Timeline ▾ 2012 ▾ March ▾

+1 Add Friend Follow

Friends · March 2012



Jenn Allen

March 8, 2012 via Selective Tweets ↗

City Council puts up Acne lights that exaggerate pimples to embarrass teenagers hanging around street corners. <http://bit.ly/zuvZso> #wtf



City's solution to loitering teens - acne lights
[bit.ly](http://bit.ly/zuvZso)

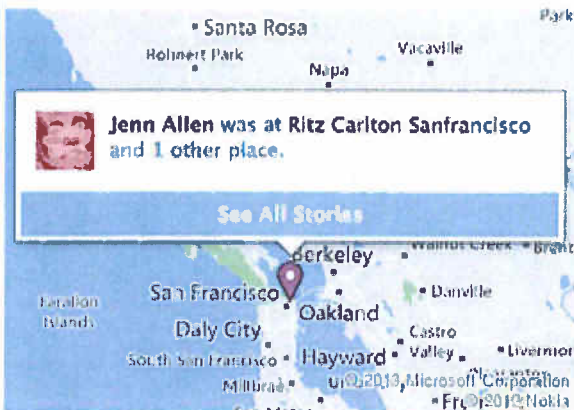
A daily miscellany of Information by Michael Kesterton

Like · Comment · follow @JennAllen

3 2

Places · March 2012

Visited 2 Places



Jenn Allen

March 3, 2012 via Selective Tweets ↗

B Humble > #Winning Ppl More Aggressive Towards Defeated, Aggressive When Better Off: <http://bit.ly/xYN2ag> (#Ego = Illusion of Control)

Winning makes people more aggressive toward the defeated
[bit.ly](http://bit.ly/xYN2ag)



REUTERS

In this world, there are winners and losers - and, for your own safety, it is best to fear the winners.

Like · Comment · follow @JennAllen

5 6

Likes · March 2012



Shyama Golden



Airtime

MAKERS



Jenn Allen

March 3, 2012 ↗

Heather Approved! — with Heather Meeker and Amy Higgins at Ritz Carlton San Francisco.



Like · Comment

5

ATTACHMENT B

For only you



Inbox x



Jennifer Allen <jennallen@me.com>

3/6/12



to me | v

Sent from my iPhone




photo.JPG

95K [View](#) [Share](#) [Download](#)

(no subject) 



Jennifer Allen <jennallen@me.com>

3/6/12 

to me 



Sent from my iPhone



photo.JPG

104K [View](#) [Share](#) [Download](#)

Lighting makes me look a bit big I think



Jennifer Allen <jennallen@me.com>

3/6/12



to me

The others are showing too much to email. maybe if you beg. :)

Sent from my iPhone



photo.JPG

101K [View](#) [Share](#) [Download](#)

ATTACHMENT C

Jenn Allen <jennallen@me.com>
to me (v)

3/7/12



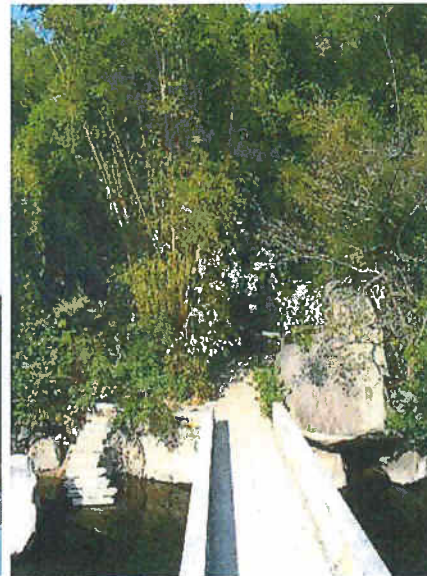
Steps or a walkway from the center porch area sound nice, could also be nice to have a transitional style bridge that matches your house over the lake that leads to the walkway.

Could even have two smaller bridges for balance. One called the Laguna Bridge, and the other called the Buddy Bridge.

Once you figure out if you want steps zig zag or straight down (to the potential bridge), then flowers will be easier to plant. Need infrastructure first.

The potential with a zig zag walkway, or "S" curve, is it will be less steep, and you can be more creative with plants, lights, and zen objects on different corners.

Maybe wood, stone walkway that leads to bridge. These two styles are interesting. Wood will go better with your house.



ATTACHMENT D



Jenn Allen <nanojenn@gmail.com>

3/22/12



to me

You. :)

<http://rlist.com/index.php/item/show/15618>

SO MUCH to do on this freaking site and app. I need to raise 3-5 Million to get this done right. Mother Fucker. You should invest, because I figured out I do have a strong business model but need the correct amount to advertise, PR, build, and make it work. Don't even think about investing in another art startup without talking to me. I already did this better on my own than some 10 Princeton VC backed graduates....imagine what I could do investing the money the right way.

ATTACHMENT E

Update, intro, wedding invite



Inbox x



Jennifer Allen <jennallen@me.com>

5/2/12



to me |

Two family members died last week, funeral today, need an intro to someone at Apple, and do you want to go to a wedding with me on May 19 in Chicago? It's also my birthday May 19.

Jenn

Sent from my iPhone

ATTACHMENT F



jennifer allen



10/3/12 5:44 PM 5 months ago

jennifer allen: Hi 5:42 PM

jennifer allen: o_O 5:42 PM

jennifer allen: How are you? 5:44 PM

[Call](#) [Text](#) [more](#) ▼

ATTACHMENT G

Death, aloneness, other things



Jennifer Allen <jennallen@me.com>

4/21/12



to me

My nanny from childhood and friend died at the hospital today. I also feel betrayed and slighted by you, and wish I wasn't alone since you decided to be with someone else so quickly. Not sure how I'm going to teach myself how to love and trust again.

Sent from my iPhone

ATTACHMENT H



jennifer allen

7/21/12 10:57 PM 8 months ago

Inbox



jennifer allen: Thanks for the nebulous msg. I'll be the change I want to see in those communication skills. You, Mike, seem happy with the most boring arrogant fake per 6:12 PM

jennifer allen: sonalified person on the planet, who you treat the way I should have been treated. If you can't treat me with respect publicly, still, then you fall into 6:12 PM

jennifer allen: the selfish whorish male prostitute category that will always hurt me during and in the end. Hope you're enjoying the weather. 6:12 PM

Me: ? I'm just hanging out with a married couple in Tahoe. It's nice 7:11 PM

Me: I hope you do figure it all out jenn 7:19 PM

jennifer allen: Mike, figure what out? 10:20 PM

Me: Life 10:21 PM

jennifer allen: In Life, you can make it as complicated as you want to. We were all born, we are all conscious, we will all die, and our actions affect 10 generations ou 10:25 PM

jennifer allen: t (say Buddhists and Physicists) 10:25 PM

Me: I guess you've got it all figured out 10:55 PM

jennifer allen: Well, I taught you how to treat a woman. 10:57 PM

ATTACHMENT I



Home



Connect



Discover



Me

**Jenn Allen** @JennAllen

37m

Mike @arrington last chance to reconcile. I you're not feeling what I'm feeling, with the same heart, than fuck you. #fb

**Jenn Allen** @JennAllen

42m

@arrington who blocked me + @ATT, w/out access to Internet/phone in Sierra County for days, no Verizon stores to switch #fb #why #arrington

**Jenn Allen** @JennAllen

2d

#Geeks: Cheerleading anything #tech bc it's tech to seem #techie. #We need more independent thinkers, w own moral/ethical #techcompass.. #fb



ATTACHMENT J



Heather Harde

As to recent allegations that have been leveled at my former business partner, Michael Arrington:

Michael recruited me to be his CEO. TechCrunch was a calling for him, not just a business venture. That he trusted me to grow it from his bedroom-based hobby to a leading media outlet speaks most authentically of his regard for women. In the five years that I worked with Michael, I can say he treated me as tough and true a business partner as one would hope to example for the field of gender studies. If anything, on more than one occasion I secretly wished that Michael trusted me less completely with tough calls for the business!

We operated TechCrunch out of Michael's house for the first two years, so to say that I've seen the inner workings of Michael Arrington's personal life is a gross understatement. As any startup, we worked long hours, and I overlapped significant blocks of time with Michael's roommates, friends and girlfriends. I would have detected patterns of abusive physical behavior if they had been present.

During my five years at TechCrunch, there were no complaints or cases of sexual harassment or misconduct against Michael Arrington. If there had been any rumors of misconduct from staff or other third parties, I would have taken the matters seriously and investigated them. Many people, including Michael's friends and girlfriends, sought me out as a confidante for disagreements or challenges they faced with Michael, so I would have been aware of rumored bad behavior.

I simply do not believe any of the allegations to be true.

"Former Friends" Jason Calacanis and Loren Feldman have been estranged from Michael Arrington longer than they ever were friends, and they are not reliable character witnesses on this matter. Jason should limit his bluffing to poker. Usurping a woman's emotional breakdown for purposes of pursuing a personal agenda to disparage a former business partner is wrong.

I write in full support of Michael Arrington. He has done much to advance women in tech leadership, and I hope others who have similar feelings will share their direct experiences with the community. It's important we set the record straight.

on Monday



Nik Cubrilovic I'll go on the record in this thread to say that I lived in the same house as Arrington for the entire time he dated Jenn. I never once saw even a hint of physical abuse, let alone rape or any of the other things that have been suggested. He broke off the relationship and she was extremely attached to him and jealous of his new relationships. I have screen shots of previous Facebook posts Jenn has made where she has aired dirty laundry. She deleted at least one of those messages. Every time I have spoken to and caught up with Mike in the past few years he has mentioned the ongoing problem he has with her. I won't go into the details of what he told me, but I will say that I am very very skeptical of the post she made. Infact, when she made the post I immediately took a screenshot of it and emailed it to mike with a subject of 'not again..' - I screenshot it because I immediately assumed that she would delete it again. Instead she took the allegations even further in a public forum.

I also know for a fact that the allegation Feldman makes in his video about breaking up his friendship with Arrington because of the rumors is 100% untrue. The reason Feldman broke off his relationship with Arrington is because Mike pulled out of keynote speaking at Feldman's conference in New York in 2009. I was in the room while Mike and Loren were on the phone and heard both ends of the conversation, I know for a fact that they never spoke again after that phone call. For Loren to come out now and take the high road and claim that he broke up his friendship with Mike because of the 'rumors' (which didn't exist at the time, least that I knew) is complete bull.

There are also a number of lies and exaggerations in other public statements made by other people, that I know first-hand to not be true.

Mike is a very abrasive and divisive figure. I don't think he has a single relationship in his life (including with myself) that hasn't been through bad periods, but that doesn't mean these allegations are true. It does mean that any story that portrays him poorly will always have figures that will pile on against him. This is exactly what both Feldman and Calacanis have done.

As for the original allegation, I have already has a number of other people who are or were close to Mike and knew and understood the dynamics of the relationship with Jenn express skepticism and surprise at the allegations. To be clear, the absolute first time i've heard of any rumor of physical abuse or worse was when the original Facebook message was posted and when Gawker ran its story. If there really was a rumor i'm sure that I would have heard it, or seen some evidence of it.

7 hours ago · Like · 1



Gabe Rivera Same here. Never seen physical threats or harm. Known him since 2005, seen him at various events since then, and even rented a room at his home in 2006.

Sunday at 11:05pm · Like ·  1



Nick Gonzalez I'd just like to chime in. I was one of the first people to work at TechCrunch back in 2006 - 2008. I'm now over in Dubai building a business and not following along in things like this, however I wanted to chime in given the gravity of the accusations. During my time at TechCrunch, I had the privilege of working with Mike out of his house. This included a time when I can only assume Jerin and Mike were dating. We were working around each other probably 12 hours a day, if not more. Mike was never physically abusive to anyone.

While cantankerous, brusk, and pushy at times in the name of efficiency, people have a warped view of who Mike is based on a few claims blown out of proportion.

Tuesday at 3:14am · Edited · Like · 2

ATTACHMENT K

Jenn Allen <jennallen@me.com>

5/18/11



to michael, me

i'm getting an abortion tomorrow. on my birthday. please don't contact me every again.

i can't imagine you care - but if you do - just keep flirting, fucking, and dating the rebeccas and megghans of the world, anything that might help your image, to make yourself feel better.

and then fake a relationship like you did with me to make your parents happy.

have a nice life and fuck you.



Me to jennifer allen

8/2/11 12:57 AM 20 months ago

Me: do you want to see me? 8:00 PM

Jennifer allen: im open to talking to you but i'm dating someone if thats what you mean. i'm in a relationship. it's 'facebook official' - so i could meet you for coffee 12:21 AM

Jennifer allen: somewhere or at your office, but please don't be last minute if you still want to meet. 12:21 AM

Me: I wanted to talk about this pregnancy. I never really understood if it was real or not, or if you were still pregnant. I'm assuming there's no chance of that. 12:55 AM

Me: I'm happy for you that you're dating someone and can talk about it online. I know how much that means to you. 12:56 AM

Me: If you aren't pregnant with my child, then we don't really have anything further to talk about. Be well. 12:57 AM

ATTACHMENT L



Kat Armstrong Craig – that's complete crap. I've been a rape victim and there is not a single thing that Robert said to hurt my feelings or belittle what I went through. I'm sick and tired of people holding a grudge for whatever reason and using social media to publicly humiliate and "try" someone. It's ridiculous. There is zero proof Mike did anything wrong. If she was afraid to come forward at the time the alleged stuff happened, she still would be. If she wanted anything OTHER than public stoning, attention or even money, she would have gone to the police at this point, considering the statute of limitations isn't up yet. Additionally, you can't start off a post like that by claiming that you're "over" someone and have "put it behind" you and then go on to attempt to publicly destroy someone. That proves you are anything BUT over them. It just looks like a pathetic attempt. Now... did any of those things happen? Not a single one of us in this thread can possibly know for sure without evidence. So why in the hell are so many people jumping to the conclusion that it's true?

Like · 🍷 24 · Monday at 12:12am



Virgiliu Braescu Robert Scoble It would have been wiser to say exactly the same things in that thread where your friend Calacanis kept talking about all these allegations as if they were known and established facts. Sometimes we may dislike or even hate someone, but that doesn't mean common sense and rule of law should suddenly disappear. Kudos for taking a more balanced position!

Like · 🍷 3 · Monday at 12:37am



Robert Scoble Virgiliu Braescu yeah, I'm sorry I didn't take that stance there.

Like · Monday at 12:39am



Jenn Allen Kat, I know you're in love with him too and drank his kool-aid – your irrational comments hurt women and victims of violence more than you will ever know. Do I really have to show you private emails now from women who don't want to change their reputation for the sake of their new companies who have been forced to sleep with Mike, or asked to? Power people – wake up.

Like · Monday at 2:13pm



Jenn Allen And I am so over him I never want to see him again. Stop projecting and look inward.

Like · Monday at 2:13pm



Kat Armstrong Unstable thinking, much? I've never met the man and certainly couldn't be "in love" with someone whose kool aid I have definitely not drunk. Nice projection, though. 😊

Like · 🍷 1 · Monday at 2:15pm



Kat Armstrong You must have me confused with someone else. I'm no power person, I have no type of reputation that needs to be changed, and I AM a past victim of both rape and serious physical abuse. For eight years. No comments I have ever made have been detrimental to woman who have actually gone through this.

Like · 🍷 1 · Monday at 2:17pm