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June 16, 2021

VIA E-MAIL AND FEDERAL EXPRESS

Steven L. Weinberg
Wein Law Group
1925 Century Park E Ste 1990
Los Angeles, CA 90067
Steven@WeinLawGroup.com

Steven L. Weinberg
2022 Coldwater Canyon Dr.
Beverly Hills, CA 90210
info@hillsidesagainsthadid.org

Re: Defamatory Statements About Mohamed Hadid – CEASE AND DESIST

Dear Mr. Weinberg:

This firm represents Mohamed Hadid. I write regarding your knowingly baseless and false accusations about Mr. Hadid with regard to 107 acres of currently undeveloped private property near the Beverly Hills and Beverly Park communities, situated adjacent to Franklin Canyon (the "Property"). We refer specifically to signs posted by you or at your direction over the past few months, including as recently as this week, at and near the entrance to the Property, and your willful republication of those signs on your website, www.hillsidesagainsthadid.org.



The signs first falsely claim that the public has access to hike on the Property. They then malign Mr. Hadid for taking steps to deny the public's access to the Property. Specifically, the signs state that due to development plans supposedly to be pursued someday by Mr. Hadid, "THE PUBLIC'S ACCESS TO THE PLATEAU OF HASTAIN TRAIL WILL TERMINATE." The statement that there is **any** public right of access at all to a so-called "plateau of Hastain Trail", or any other location anywhere on the Property, is provably false. And **you know** that statement to be false beyond all doubt because you have personally been following the Hastain Trail litigation yourself for more than ten years.

Besides these signs, we are aware of other defamatory statements about Mr. Hadid that you have posted or allowed to be posted on www.hillsidesagainsthadid.org and other social media, including but not limited to Facebook and NextDoor. Indeed, the Save Hastain Trail Facebook page has become a virtual meeting place for members of the public – who have become embittered due to your repeated false statements – to discuss and plan trespass upon the Property, destruction of Mr. Hadid's fences at the Property, and to otherwise foment outrage against Mr. Hadid, a few examples of which are shown below.

Save Hastain Trail
June 13 at 10:10 AM · 🌐

NEW TRAIL CLOSING as of Saturday June 12, 2021



Daniel Shafer · Save Hastain Trail
June 13 at 8:50 AM · 🌐

Went to the trail yesterday afternoon, both gates are LOCKED FYL.

👍👎 12

17 Comments

👍 Like

💬 Comment

🔗 Share

All Comments

Author

Save Hastain Trail
Hadid told the Bankruptcy Court last week that he sold Franklin Canyon to another developer for \$33M For more info, see HillsidesAgainstHadid.org

PUBLIC NOTICE



HILLSIDESAGAINSTHADID.ORG
Hillsides Against Hadid

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👍 1

Like · Reply · 3d

Daniel Shafer
Upper gate was left open yesterday. Lower gate was cut open. supposed they realized people will just cut them if they try to lock us out.

Like · Reply · 1d

Joni Bender
Does anyone know why now?

Like · Reply · 2d

Alex Cohen
<https://www.homedepot.com/.../Milwaukee-14-in.../303182026>



HOMEDEPOT.COM
Milwaukee 14 in. Bolt Cutter With 5/16 in. Max Cut Capacity-48-22-...

i

Like · Reply · 3d

👍👎 4

Tom Kelley
Go left easy to crawl under. A good pair of wire cutters would open either gate. The upper gate, you walk around it to the left. You can also use the trail from the meadow, without impediment, to the first plateau.



Like · Reply · 3d

Author
Save Hastain Trail
Tom Kelley To be crystal clear, Hadid owns all of this land and can put up gates any time he desires. As much as we oppose this (and are working with officials to restore public access), bypassing the gates is at your own risk. Thank you.

Like · Reply · 2d · Edited

Tom Kelley
Save Hastain Trail it's clearly "private" property and it's clearly pass at your own risk. It's sad that this is the current state of affairs with the property. If enough people would have gotten involved or will get involved, perhaps some changes to the zoning might make this land more enticing to remain park land or for trail easements on the property. I've been hiking this trail for years and I will seriously miss this beautiful trail if it is ultimately lost to development.

Like · Reply · 2d

GDSlovechild Tania
Tom Kelley what about signatures from California residents??

Like · Reply · 2d

Tom Kelley
Save Hastain Trail anything to shed light on the situation and put pressure on as many politicians as possible, surely wouldn't hurt.

Like · Reply · 2d

Author
Save Hastain Trail
Petitions are useless in these circumstances. Zoning restrictions are the way. Your voice needs to be heard concerning zoning. There is a public hearing this coming THURSDAY on the Ridgeline Protection Ordinance. More information at HillsidesAgainstHadid.org



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Hillsides Against Hadid

Like · Reply · 2d · Edited

Author
Save Hastain Trail
GDSlovechild Tania Petitions are typically useless in these circumstance. Your voice needs to be heard concerning open-space and environmental protection zoning. There is a hearing this coming Thursday on the Ridgeline Protection Ordinance. More information at HillsidesAgainstHadid.org



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Hillsides Against Hadid

Like · Reply · 2d

Author
Save Hastain Trail
Tom Kelley we are doing our best to get the word out!

Like · Reply · 2d

Let me be clear. Absent the retractions and corrections we request in this letter (below), we can and will prove in court that you published these statements even though you knew all along that they were false. The Property is **private property**, owned by two LLCs that are in turn owned by Mr. Hadid; the public most definitely does **not** enjoy free right of access to that land. The California Court of Appeal studied that very question in great detail and issued a decision on July 17, 2016 in the case styled as *Friends of the Hastain Trail v. Coldwater Development LLC*, Case Nos. B249841, B251814, 1 Cal. 5th 1013 (2016). The Court held in

no uncertain terms that the Property is privately owned by Mr. Hadid and that the public has ***no right of access*** to the Property.

erred in finding a public dedication of such an easement. We conclude no substantial evidence supports the court's finding that the public acquired an easement through defendants' property by implied dedication as provided for under *Gion v. City of Santa Cruz* (consolidated with *Dietz v. King*) (1970) 2 Cal.3d 29, 84 Cal.Rptr. 162, 465 P.2d 50 (*Gion*). We therefore reverse the judgment and the subsequent award of attorney fees to plaintiffs.

There can be no doubt that you are aware of this reality because you posted this very appellate court decision on www.hillsidesagainsthadid.org. Thus, there will be no disputed facts at trial, not only on the question of whether you posted and therefore published knowingly false statements, but also on the question of whether you did so with malice.

Your malicious campaign against Mr. Hadid has caused him substantial financial, reputational and emotional harm. First, you have unjustifiably inflamed public anger and contempt against Mr. Hadid. He has tried to post notices at the Property advising hikers that the land is private. With your encouragement, and due to the lies contained in your signs and on your websites, his notices have been torn down. The fences and gates Mr. Hadid has tried to maintain at the entrance to the Property have been vandalized, destroyed and cast aside – all with your encouragement and blessing – so trespassers can enter the Property without obstruction.



Of course, this must have been your intent all along. Naturally members of the public would be outraged if they were led to believe that the fire road that runs through Mr. Hadid's private property was actually a public hiking trail, and that Mr. Hadid was going to close that trail. Yet you told them that very thing – that they had every legal right to hike all the way on and through the Property, and that Mr. Hadid is terminating their rights of public access to the Property. The general public does not, and never did have, that right. But because of your repeated false statements to the contrary, people trespass daily upon the Property believing they have the legal right to be there.

Your misinformation campaign -- designed to convince the public that they have the legal right to traipse about the Property at will, and then doubling down on that lie by claiming that Mr. Hadid personally is denying them that right – is calculated to harm if not destroy Mr. Hadid's personal and professional reputation in the Beverly Hills and Beverly Park communities, indeed in the greater Los Angeles area and beyond. But the harms Mr. Hadid is suffering go beyond harm to his reputation. You are also intentionally impeding his business interests, blocking his ability to secure financing and investors, by creating turmoil, chaos and uncertainty as to who has what rights to access the Property, even though that question has been definitively settled by the Court of Appeal. Buyers and investors have repeatedly been turned off by the prospect of becoming financially connected in any way with the Property due specifically to your years-long smear campaign. The financial damages Mr. Hadid has suffered due to the postings on hillsidesagainsthadid.org, on the Save Hastain Trail Facebook page, and other social media you control and access, are in the many millions of dollars. You are directly responsible for those damages, and the amounts can and will be quantified.

As a lawyer yourself, I trust that you have at least a passing familiarity with the law of defamation in California. But to avoid any confusion about that, let me explain a few principles. Defamatory falsehoods are actionable in court, and the U.S. Supreme Court has made clear that “there is no constitutional value in false statements of fact”. *Gertz v. Welch, Inc.*, 418 U.S. 323, 340 (1974); *see also Milkovich v. Lorain Journal Co.*, 497 U.S. 1 (1990) (holding that a statement or publication containing provably false factual assertions constitutes defamation); RESTATEMENT (SECOND) OF TORTS, § 559 (“A communication is defamatory if it tends so to harm the reputation of another as to lower him in the estimation of the community or to deter third persons from associating or dealing with him.”).

Not only are the elements of a defamation claim easily met here, there is also clear evidence that you acted **with actual malice** in accusing Mr. Hadid of terminating the non-existent “public access” to the Property. *Grenier v. Taylor*, 234 Cal. App. 4th 471, 476 (2015) (actual malice is shown where the defamatory statements were made with knowledge of their falsity or with reckless disregard of their truth or falsity). The public record reflects that the Court of Appeal ruled that the public has and had no right to access Mr. Hadid's private property at the time you posted these signs, and myriad indisputable facts show that you were aware of the Court of Appeal's decision when you posted the signs. Mr. Hadid welcomes

transparency and a full investigation of the relevant facts in a court of law, where he is confident the truth will prevail.

In light of the foregoing, Mr. Hadid hereby politely, yet earnestly, requests that you and your associates cease and desist from posting signs or notices on the Property, or from making any statements on your website, Facebook, NextDoor, or other social media accounts, or in any other medium at all, that in any way insinuate that the public has any rights of access to the Property, or that Mr. Hadid is in any way responsible for terminating the public's access to the Property. We also demand that you correct your past false assertions by posting a retraction on your website, www.hillsidesagainsthadid.org, and on your Facebook page, Save Hastain Trail. For us to consider the retractions to be effective, you must provide a link to the holding of the Hastain Trail Court of Appeal decision, and include a prominent statement on the sites stating unequivocally (1) that the Property is private, (2) that it belongs to LLCs that in turn are owned by Mr. Hadid, (3) that the Court of Appeal has ruled that the public has no right of access to the Property, and (4) that, therefore, Mr. Hadid is not and cannot "terminate" any public right of access there since none exists in the first place. If you refuse to issue this retraction, make these corrections, and cease and desist, and instead choose to stand by your defamatory falsehoods, that will be viewed as additional evidence of actual malice. See *Burnett v. National Enquirer, Inc.*, 144 Cal. App. 3d 991, 1012 (1982) (finding that lack of a retraction constitutes circumstantial evidence of malice).

This shall serve as a pre-suit letter. As such, we demand that within five calendar days from the date of this letter you (1) provide me with written assurance that you will cease and desist from making further factually untrue statements, and (2) provide me with written proof of your compliance with the demands contained in this letter, including the retractions and postings on www.hillsidesagainsthadid.org and your Facebook page Save Hastain Trail. These notices should be sent to my attention by email. If you do not comply with this cease and desist letter then a lawsuit may be filed in the proper jurisdiction seeking monetary damages as well as pursuing all available legal remedies for your defamation, intentional infliction of emotional distress, trespass, and other claims. Ignore this letter at your peril.

Until these claims are resolved, please ensure that you, your principals, and all your sources are preserving and retaining all emails, text messages, audiovisual recordings, voice mails, drafts, notes, communications, documents, data, and electronically stored information (collectively, "Communications") of any kind that relates in any way to these matters. Without limitation, this requires you to preserve all Communications with:

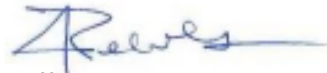
- All persons regarding Mohamed Hadid, including but not limited to, your associates, business partners, co-founders, donors, members of the public, members of the media, Geoffrey Long, members of Give Back LLC, Alex Von Furstenburg, and Ronald Richards

- All persons regarding any entities controlled by Mohamed Hadid, including but not limited to, your associates, business partners, co-founders, donors, members of the public, members of the media, Geoffrey Long, members of Give Back LLC, Alex Von Furstenburg, and Ronald Richards
- All persons regarding any land or property owned by Mohamed Hadid, including but not limited to, your associates, business partners, co-founders, donors, members of the public, members of the media, Geoffrey Long, members of Give Back LLC, Alex Von Furstenburg, and Ronald Richards.

Your document preservation obligations, including your duties to preserve Communications, apply both to you individually, as well as to any entities you control, including but not limited to, www.hillsidesagainsthadid.org and Save Hastain Trail Facebook page.

This letter is not intended as a full or complete statement of all relevant facts or applicable law, and nothing herein is intended as, nor should it be deemed to constitute, a waiver or relinquishment of any of my client's rights, remedies, claims or causes of action, all of which are hereby expressly reserved.

Sincerely,



Jeffrey H. Reeves