

Apr-24-02 11:39am From-BUCHALTER 213 896-0400

T-392 P.02/03 F-733

# Buchalter Nemer Fields & Younger

A Professional Law Corporation

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*(FAX TO: Colleen Hummer  
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April 22, 2002

**VIA FACSIMILE NO. (989) 758-6510**  
**VIA E-MAIL TO: [abuse@xo.com](mailto:abuse@xo.com)**

XO Communications, Inc.  
Network Violations Dept.  
4800 Concentric Blvd.  
Saginaw, MI 48604

**Re: Trek Alliance, Inc.**

Dear Ladies and Gentlemen:

This firm is General Counsel for Trek Alliance, Inc., whose principal offices are in Incline Village, Nevada ("Trek"). It has come to our attention that your company serves as the host for a website known as "mlmsurvivor.com", the extensible author of that website is an individual identified as [REDACTED] "Ruth" [REDACTED].

The services of XO Communications has been used by mlmsurvivor.com in violation of your Acceptable Use Policy ("AUP") and applicable law. With full respect to the recognition to the Constitutional rights of your customers, it is a violation of your AUP and an infringement upon our client's rights to allow your posting services to be used in a manner which facilitates the manipulation of popular search engines to direct readers to postings which are intentionally disparaging, and in many cases, libelous to our client. Among other things, the information to which your readers are directed through your services include the republication of offensive, hateful, defamatory and objectionable materials, which in some cases, violates the personal privacy rights of individuals affiliated with Trek and, more significantly, make your firm a party to same by tacitly allowing continuation thereof. Additionally, the use of metatags, associated with Trek's proprietary names and marks infringe copyrights, trademarks and Intellectual property rights.

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We hereby demand that XO Communications, Inc. take appropriate action to remove the offending customer websites, or at the very least, take such steps which are appropriate to enforce your company's AUP. Failing to take such steps will place your company in a position where it will be aiding and abetting in the objectionable activities, all of which are significantly damaging our client. Our client wants it clearly stated that as a proximate result of these very demonstrable damages, its Board has authorized us to take whatever appropriate action necessary to prevent future losses.

We will be pleased to provide you with further information regarding our client's complaints and the factual basis behind those complaints. In responding, please do so by mail, or e-mail to the undersigned, as well as all parties copied on this communication as it is transmitted by e-mail.

We appreciate your prompt and expeditious attention to this matter.

Very truly yours,

**BUCHALTER NEMER FIELDS & YOUNGER**

By 

Michael L. Wachtell

MLW:bjm

cc: Greg Caldwell, CPP, VSM  
(via e-mail: gregc@trekalliance.com)