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April 13, 2021

Via email (andrew@andrewwatters.com)

Andrew G. Watters
118 South Blvd.
San Mateo, CA 94402

RE: Cease and Desist

Dear Mr. Watters:

Our firm represents Oracle America, Inc. (erroneously named as “Oracle Corporation”) and Anthony Grayson (“Mr. Grayson”) in the recent lawsuits filed by your office on behalf of Stephen Peyton Maynard-Koran and Kenneth Patchett. We recently learned that you authored and posted a blog entry on your website on April 1, 2021, which contains false and defamatory statements about Oracle and Mr. Grayson, suggesting that the defendants’ conduct “led to Peyton’s death.” We are aware that the blog entry has since been re-published multiple times on the networking platform Blind, as well as other websites like www.thelayoff.com.

Your conduct is legally actionable and, at a minimum, constitutes defamation under the California Civil Code because, contrary to your published assertions, Oracle did not cause “the wrongs that led to Peyton’s death,” much less cause Mr. Maynard-Koran to die by suicide – which is the clear implication of your statements in the context of these postings. *See Kahn v. Bower* (1991) 232 Cal. App. 3d 1599, 1607 (“[T]he dispositive question ... is ‘whether a reasonable fact finding could conclude that the published statements imply a probably false factual assertion.’”) Presumably, you have also seen the incredibly sad note Mr. Maynard-Koran publicly posted to his Facebook account the day he died. It contains many awful and tragic details of Mr. Maynard-Koran’s struggles with the breakdown of his marriage, substance abuse and mental health, and Oracle has nothing but sympathy for what his friends and family must be going through.

What is completely absent from Mr. Maynard-Koran’s lengthy final Facebook posting, however, is any mention of Oracle or Mr. Grayson. Indeed, Mr. Maynard-Koran did not even write about any termination of employment – not from Oracle, nor from any other employer. In this context, there is

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no good faith basis for you to assert that Oracle or any of its employees are responsible for Mr. Maynard-Koran's death.

It is well-established that the privileges afforded under Section 47 of the California Civil Code do not protect defamatory statements published by attorneys in press releases, news releases and websites – even where purportedly connected to active legal disputes. *See Dickinson v. Cosby* (2017) 17 Cal. App. 5th 655 (holding the litigation privilege codified at Section 47(b) of the Civil Code did not protect demand letter and press releases written by alleged rapist's attorney); *see also GetFugu, Inc. v. Patton Boggs LLP* (2013) 220 Cal. App. 4th 141 (reversing order granting Anti-SLAPP motion with respect to defamation claim based on law firm's press release regarding criminal investigation); *see also American Dental Ass'n v. Khorrami* (2004) 2004 WL 3486525 (holding Section 47(d) did not apply to attorney's defamatory press releases and postings to law firm website accusing dental association of promoting unsafe dental practices). Your defamatory statements will harm Oracle's recruiting and retention of employees, and has negatively impacted its hard-earned reputation in the technology industry.

Accordingly, Oracle demands that you remove the entry from your website within the next 48 hours. Unless you immediately cease and desist continued publication of these false and defamatory statements, Oracle is prepared to pursue all appropriate civil legal remedies against you, including seeking compensatory damages, punitive damages, injunctive relief, and reasonable attorneys' fees and costs.

Sincerely,



Lisa C. Hamasaki

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