

1 3. On March 7, 2013 I wrote an article entitled "Meat for Meta: Bad Battlefoam
2 Practices" under the pen name TastyTaste. I had been informed of Mr. Filip's business practices
3 for a number of years and felt that it was important to share the information with members of the
4 miniature war-gaming community. Because I based my article on information I obtained from
5 trusted sources, at the time I wrote it I believed that everything I wrote was either an accurate
6 statement of fact or an opinion. I still believe this to be the case.

8 4. My belief of any factual statements in the article came from firsthand interactions
9 with Romeo Filip or from facts reported to me by what I reasonably believed to be reliable
10 sources. Any statement of fact was corroborated by multiple sources. I continue to believe these
11 sources were and are reliable.

13 5. I did not intend any malice towards Romeo Filip or Battle Foam, LLC. I only
14 desired to fulfill my role as a journalist and to communicate the truth to the miniature war-gaming
15 community.

17 6. I received an April 1, 2013 letter from attorneys representing Romeo Filip and
18 Battle Foam, LLC. The letter alleged that statements I made within the article were defamatory
19 and demanded that I immediately remove the article and any other material referencing Mr. Filip,
20 Battle Foam, and/or Outlaw Miniatures regardless of whether the statements were true. The letter
21 also demanded that I post a notarized letter (drafted by Mr. Filip or his attorneys) and I pay \$2,500
22 in legal fees. The letter demanded that I take all of these actions by April 8, 2013, or Filip would
23 file a lawsuit against me. I have attached a copy of the letter hereto as **Exhibit A**.

25 7. Neither Mr. Filip, nor his attorneys ever contacted me by telephone, e-mail, or in
26 any other manner before sending the letter threatening litigation. The lawyers never pointed to
27 specific statements that they believed to be defamatory. Nor could I determine which statements
28

1 they believed were defamatory because their recharacterization of my statements did not match
2 what I had written.

3 8. Wishing to obtain counsel before I took any action in response to the letter, I sent
4 an e-mail on April 5, 2013 requesting an extension of time to respond. I received a letter in
5 response flatly denying my request. I have attached a copy of the second letter from Filip's
6 attorneys as **Exhibit B**.

7
8 9. Romeo Filip and Battle Foam, LLC are well known within the miniature war-
9 gaming community. Battle Foam frequently sponsors tournaments. Romeo Filip is known to be
10 the owner and operator of Battle Foam.

11
12 10. Romeo also owns, operates, and hosts 40k Radio, an Internet radio program that
13 addresses topics concerning miniature war-gaming including news, rumors, product reviews, and
14 gaming tactics. 40k Radio is the biggest and best known Podcast dealing with miniature war-
15 gaming. It broadcasts twice a month. It is supported by advertising, as well as, premium
16 membership sales. It is a program well known by the majority of miniature war-gaming
17 participants and enthusiasts. Romeo is also one of the hosts of the official Infinity Miniatures War-
18 game O-12 Podcast.

19
20 11. After the publication of my articles, Filip used his radio show to call my credibility
21 into question, specifically the show at the podcast at the following url,
22 <http://www.40kradio.com/wp-content/uploads/Show60.mp3>.

23
24 12. Romeo Filip consistently holds out himself and his company as important
25 personalities in the realm of miniature war-gaming.

26
27 13. Through his ownership of Battle Foam, LLC which has sponsored all major
28 miniature war-gaming tournaments, and through his hosting of the 40k Radio show, Romeo Filip

1 is a well known public figure within the miniature war-gaming community. In fact, he is so well
2 known that most gamers identify him simply as "Romeo".

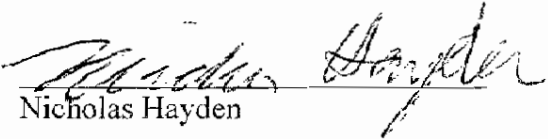
3
4 14. I have no specific knowledge of any of Filip or Battle Foam's ongoing or future
5 contracts. I never intentionally induced anyone to breach a contract with Filip or Battle Foam.

6 15. I am not aware of any economic relationship between Filip or Battle Foam and any
7 third party and therefore did not and could not have intentionally acted to disrupt such
8 relationships.

9
10 16. In my March 7th article I wrote that Filip had threatened members on public forums.
11 I have attached hereto as **Exhibit C** three pages of screen captures for the somethingawful.com
12 forums. These screen captures depict a portion of a relevant conversation. It shows that Filip first
13 warns a member identified as *killionair* that he will identify who he is. Filip wrote, "[o]h, and I
14 have a few favors called in to find out who you are. In due time my friend in due time." Later
15 Filip continued to write, "[h]ey clown, I'll tell you this one time and one time only. I will find out
16 who you are and we will handle this like men.....you have no fething clue who I am and what I am
17 capable of doing....when I find out who you are, and I will we will take care of this. I promise you
18 that. You have pushed this to [sic] far and you are now my new hobby. Tick, tick, tick, your time
19 is coming." I interpreted this, as I believe most people would, to be a threat of physical violence
20 against the individual.
21
22

23 Pursuant to the laws of the State of California and the United States, I declare under
24 penalty of perjury the foregoing is true and correct.

25
26 Dated: 5/28/2013

27 
28 Nicholas Hayden

MAY, POTENZA, BARAN & GILLESPIE, P.C.

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April 1, 2013

VIA CERTIFIED MAIL

Mr. Nicholas Hayden
2345 Paloma Ct., Apt. #8
Pinole, CA 94564-1403

Re: **Demand that you cease and desist from defamatory and other tortious conduct: Subject to Rule 408 of the Arizona Rules of Evidence.**

Dear Mr. Hayden:

This Firm represents Romeo Filip ("Mr. Filip") and Battle Foam, LLC, an Arizona limited liability company ("Battle Foam"). This letter addresses the defamatory article you published for the world to view on March 7, 2013 entitled "Meat for Meta: Bad Battlefoam [sic] Practices" on the website bloodofkittens.com (the "Defamatory Article"). I have enclosed a copy of your Defamatory Article for your convenience.

Battle Foam specializes in manufacturing custom cut foam packaging for miniatures war-gaming figurines and weapons, medical equipment and many other applications, and custom transportation bags and containers. Battle Foam works directly with many figurine manufacturers in the miniature war-gaming industry to manufacture detailed products suited for their customers. Offering such services as design, product research, development, prototyping, warehousing, and logistics makes working with Battle Foam a valuable joint venture for these figurine manufacturers. Through years of fostering goodwill with this stellar subset of the gaming community, Battle Foam has established itself as the premier packaging company in this close-knit and highly competitive industry.

For years you have intermittently engaged in a defamatory campaign against Mr. Filip and Battle Foam. Mr. Filip has attempted to diffuse the hostility you have publicly displayed. His efforts included encouraging you, in an in-person meeting, to cease publishing false and damaging statements about him and Battle Foam.

Your Defamatory Article is legally actionable. Because you published it on the Internet, the audience for your defamatory statements is immense. In the Defamatory Article, you falsely accuse Mr. Filip of the following:

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- physically and verbally threatening potential Battle Foam customers;
- lying to current and potential Battle Foam customers and business partners;
and,
- consistently defaulting on agreements with current and potential business partners.

You also falsely accuse Battle Foam of the following:

- lying to current and potential Battle Foam customers and business partners;
- consistently defaulting on agreements with current and potential business partners.

The falsity of your defamatory statements, and your campaign to attack the character and reputation of both Mr. Filip and Battle Foam in the miniature war-gaming community, are a matter of record. Witness testimony and documentary evidence will illustrate the utter falsity of your allegations. You are obviously undeterred by the truth. Your conspicuous misconduct has left you exposed to civil liability in a court of law.

It is not unusual for a customer or commentator to question the decisions of a business or to engage in a constructive dialogue to address legitimate concerns. However, it is highly unusual for a customer or commentator to use lies and innuendo to attack the character of a businessman/business simply doing his/its job. Your statements go beyond mere opinion and beyond the First Amendment's purview.

Do you *truly* have *any* factual basis for your damaging remarks? The answer is definitively: No. Because you lack any factual support for your claims, one can only assume that you knew the statements were false or acted in reckless disregard of their truth.

Your position within the miniature war-gaming community undoubtedly gave you knowledge regarding Battle Foam's commercial contracts and relationships. Upon information and belief, you intentionally and improperly published the Defamatory Article to terminate those contracts and relationships. This misconduct is also actionable.

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Battle Foam has incurred significant damages as a result of your tortious acts, including, but not limited to, the following: 1) the loss of long-time and potential customers; 2) the loss of third-party "kickstarter" investors; 3) the loss of goodwill in the miniature war-gaming community; 4) the loss of a positive business reputation in the miniature war-gaming community; and, 5) the loss of actual and potential partnerships with other manufacturers in the miniature war-gaming industry.

It is also apparent that many of Battle Foam's former and potential customers have decided to purchase products from Battle Foam's competitors in the industry. Your Defamatory Article has and continues to directly undermined products in which many investors believe to be viable business ventures. Your false allegations have spread like wildfire throughout the miniature war-gaming community and potential investors in Battle Foam and Outlaw Miniatures.

The loss of revenue and customers immediately following the publishing of your Defamatory Article is no coincidence. Many of these damages are quantifiable. To the extent there is any difficulty in calculating those damages, such difficulty is a direct result of your unlawful actions to publish the Defamatory Article to an immeasurable and largely unidentifiable audience. In any event, damages will continue to accrue, unless you take immediate corrective action.

You have no defense for your malicious campaign against Mr. Filip and Battle Foam. Your false allegations are sufficiently heinous that a jury of your peers will not only hold you accountable for the actual damages you have caused Mr. Filip and Battle Foam, but to also impose punitive damages in an amount sufficient to send a message to others in the community that the kind of baseless and inflammatory conduct you have perpetrated against Mr. Filip and Battle Foam will not be tolerated in our community.

Mr. Filip and Battle Foam will hold you legally accountable for your misconduct, unless you meet the following demands:

1. You must *immediately* remove any article or other material referencing Mr. Filip, Battle Foam, and/or Outlaw Miniatures, but, *at minimum*, remove the Defamatory Article and any other material that contains false and defamatory information from your website, Blood of Kittens' Facebook account, Blood of Kittens' Twitter account, your Facebook account, and any other web page or social media account registered in your name or within your control. To the extent there is any question as to the truth of the

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material posted on your website or social media accounts, it is in your best interest to remove such information. You must take these actions by **5:00 p.m. on Monday, April 8, 2013.** Any single additional instance of defamatory misconduct will be met with immediate legal action.

2. You must *immediately* cease and desist from any further defamatory conduct directed at Mr. Filip, Battle Foam, or anyone associated with Battle Foam.
3. You must reimburse Mr. Filip and Battle Foam for the attorneys' fees they have incurred in pursuing this matter and preparing for litigation. Mr. Filip and Battle Foam have incurred \$2,500.00 in attorneys' fees up to this point. A check for this amount must be delivered to my office by **5:00 p.m. on Monday, April 8, 2013.**
4. You must *either*:
 - a. post the attached Affidavit on bloodofkittens.com, Blood of Kittens' Facebook account, Blood of Kittens' Twitter account, your Facebook account, and any other web page or social media account registered in your name or within your control:

or
 - b. provide me with the factual basis for each of the accusations listed above which you publicly asserted against Mr. Filip and Battle Foam on March 7, 2013. If you contend that your allegations are true, you must prove each of your allegations with supporting documentation, names of witnesses, facts, and details.

Of course, if you cannot justify your statements now, you will not be able to justify them later before a court. This leaves the Affidavit as your only option to avoid the legal consequences of your misconduct. The Affidavit must be signed and the original delivered to my office in acceptable form, or you must substantiate the truth of your accusations, by **5:00 p.m. on Monday, April 8, 2013.**

5. You must post your executed and notarized Affidavit on bloodofkittens.com, Blood of Kittens' Facebook account, Blood of Kittens'

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Twitter account, your Facebook account, and any other web page or social media account registered in your name or within your control, and notify me in writing of the posting. The Affidavit must remain on the website until either Mr. Filip or Battle Foam authorizes its removal in writing. You must take these actions by **5:00 p.m. on Monday, April 8, 2013.**

Please note that if you sign the Affidavit, it is Mr. Filip's and Battle Foam's intention to publish this Affidavit, as necessary and appropriate to minimize the damage your defamatory campaign has already caused, and will continue to cause, them.

Mr. Filip and Battle Foam require that you do nothing more than right your wrong. If you comply with these demands, Mr. Filip and Battle Foam will refrain from suing you. If you do not, you will force Mr. Filip and Battle Foam to pursue any and all viable legal and equitable claims against you to judgment.

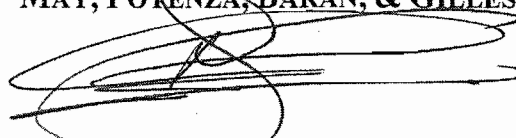
As evidence that litigation is impending, I have enclosed a draft Complaint, which Mr. Filip and Battle Foam will file if all of the above demands are not met in a timely manner. Any actions you take from this point forward that perpetuate your defamatory campaign or damage Mr. Filip and/or Battle Foam will be used as evidence against you in a court of law. Mr. Filip and Battle Foam will pursue their claims against you to final judgment.

An amicable resolution of this matter is undoubtedly in all parties' best interests. If you have any questions regarding the contents and/or the substance of the Affidavit or the proposed settlement terms, please give me a call immediately.

I look forward to working with you to resolve this dispute as quickly as possible.

Sincerely,

MAY, POTENZA, BARAN, & GILLESPIE, P.C.

A handwritten signature in black ink, appearing to read "Devin Sreecharana", is written over a horizontal line. The signature is stylized with loops and flourishes.

Devin Sreecharana, Esq.

DS/sm
Enclosures

MAY, POTENZA, BARAN & GILLESPIE, P.C.

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April 5, 2013

VIA E-MAIL: pathtyphon@gmail.com

AND U.S. MAIL

Mr. Nicholas Hayden

2345 Paloma Ct., Apt. #8

Pinole, CA 94564-1403

Re: Demand that you cease and desist from defamatory and other tortious conduct: Subject to Rule 408 of the Arizona Rules of Evidence.

Dear Mr. Hayden:

As you know, this Firm represents Romeo Filip ("Mr. Filip") and Battle Foam, LLC, an Arizona limited liability company ("Battle Foam") (Battle Foam and Mr. Filip collectively referred to as the "Battle Foam Plaintiffs"). On April 1, 2013, I sent you a letter, on behalf of the Battle Foam Plaintiffs, demanding that you cease and desist from your defamatory and tortious conduct (the "Demand Letter"). The Demand Letter provided a number of demands, the satisfaction of which by April 8, 2013 will resolve this dispute.

I am in receipt of your e-mail dated today, in which you request an extension of the April 8, 2013 deadline. The Battle Foam Plaintiffs *will not* extend that deadline.

Your defamatory article has been posted on your website for approximately one month. In that time, the Battle Foam Plaintiffs have incurred significant quantifiable losses as a direct result of your defamatory article, which losses equal upwards of approximately two thousand dollars (\$2,000.00) a day. Similarly, the record of your campaign to attack the character and reputation of both Mr. Filip and Battle Foam in the miniature war-gaming community grows daily. The very individuals and entities you cite as Battle Foam's aggrieved business partners will testify as to the falsity of your statements. Documentary evidence will illustrate the same.

The requested remedies are reasonable and straightforward. The resolution of this dispute is simple: satisfy the Battle Foam Plaintiff's demands, and they will refrain from pursuing their viable legal claims against you in a court of law. Alternatively, if you take

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issue with one or more of the demands, articulate a counteroffer. Or, provide the Battle Foam Plaintiffs with evidence proving the veracity of your statements.

If you choose to do nothing by April 8, 2013, you will necessarily force the Battle Foam Plaintiffs to file their Complaint and pursue their claims against you until entry of final judgment.

It is undoubtedly in the parties' best interests to resolve this dispute as expeditiously as possible. The Battle Foam Plaintiffs' losses, as well as the fees and costs they have and will continue to incur to defend their reputations and integrity, will only increase. You will be held accountable for such losses and your misconduct. The Battle Foam Plaintiffs highly encourage you to work with them, *not* against them.

If you (or your potential counsel) have any questions regarding the contents and/or the substance of the Affidavit or the proposed settlement terms, please contact me immediately.

I look forward to working with you to resolve this dispute as quickly and efficiently as possible.

Sincerely,

MAY, POTENZA, BARAN, & GILLESPIE, P.C.



Devin Sreecharana, Esq.

DS/rg

Happy birthday, S.J.



and covered below
springer on noble
Hoppy

Romeo Filip posted:

Enough is enough. I have sat back and let you guys get under my skin for way to long. You all ask why a person that should be looking at this as a professional and a business person The fact is that you can't take the high road with people that are low lives. Yes, I called some of you low lives, Killonaire.

The fact that some of you have the INTERNET balls to sit on a forum and talk crap about me, and our show is a total joke. To then come back and say that I used our podcast to void was stooping to low is laughable. So you all get to bash me behind my back and on public forums but I can't do it on our own show. Get a clue and get a life. We asked for your suggestion your hate or disgusting comments.

Let me break a few more things down for you. I did this show for the love of the game, something that many of you have stripped away completely. To be honest I don't even care to because it means I may actually run into some of you at a tournament. The vile you all spew at hard working people is a complete joke and crime.

This whole thing started when I accepted an invitation by my friends to come on D6G to help with their show. I had 10 mins to prep for that interview and no I did not have my rule book know all the Infinity rules, and NO WE ARE NOT THE GOD DAMB OFFICIAL PODCAST OF ANYTHING! How many more times do we have to say that.

Quit using that as your excuse to defend BS post that attack me personally. I welcome you to attack me in person at any number of events I attend each year. Fact is that none of them ripping me apart would even pee a word in person. That's the problem with forums and this one in particular. Infinity tries to make itself sound better than the rest but good members turn this into another 40k forum.

Trolling the hosts of a free show that you choose to download and then ripping the main host when he replies back and gives you his side. Get real.

And for the ones that want facts. Here they are.

Chromedog - Posted 27 December 2012

I did like their descriptor of Romeo.

The Sham-WOW! of foam.

(Over here, we find those adverts (and the Sham-WOW! guy) incredibly irritating though. More likely to drive customers away than attract them.)
I like the D6G podcast, but the main reason I listen to O-12 is because of Kip and Tom, NOT Romeo.

I did not know that selling your products and letting the world know about your hard work is considered a bad thing.

I'm in full agreement with the Romeo issue. Unfortunately I think he detracts from the 0-12 podcast and I'm from here (NY.)

Thanks for the support E-warden, nothing like jumping on the bandwagon and crapping on people when they are down.

Hindenburg - Posted 30 December 2012

Bringing players to a game on false pretenses because you can't facts straight isn't exactly great. Especially when you make mistakes that make it seem like a WORSE game.

Really, a worse game. Because I get a fact wrong people will find Infinity to be a worse game. Come on with the drama already.

Killionaire - Posted 30 December 2012

And as usual, Romeo gets more or less every single thing wrong that comes out of his mouth.

As usual Killionaire your running around on every forum you can sniffing my panties. Hey clown, feel free to call, email, skype, or better yet say something to me in person. I know you're a tough guy there is. Your BS artist rear end has been talking crap about me for years on every forum that your mom lets you sign up for. Please, please for the sake of everything holy, convention I am at. Email me your name or just post it so everybody knows who you are. You by far are the driving force in this whole thing. You have been creating drama on me for remember.

Oh, and I have a few favors called in to find out who you are. In due time my friend in due time.

As for the other posts I hope you got enough evidence Rivethead, not that I owe you anything. Not that you'll actually see things from all sides. Not that you'll help put the flames out.

As for moving forward I have. Thanks for the memories and thanks to the following members.

Chromedog
E-warden
Hindenburg
Rivethead
Killionaire

You just killed 0-12. Take pride in knowing you personally shut down a good thing for the game of Infinity. Crickets trolls, crickets. We have better things to do with our off time.

quote:

From: Battle Foam

Title: You can Hide, but Not Forever

remember.

Oh, and I have a few favors called in to find out who you are. In due time my friend in due time.

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You just killed O-12. Take pride in knowing you personally shut down a good thing for the game of Infinity. Crickets trolls, crickets. We have better things to do with our off time.

quote:

From: Battie Foam
Title: You can Hide, but Not Forever

Sent Yesterday, 09:46 PM

Hey clown, I'll tell you this one time and one time only. I will find out who you are and we will handle this like men. Not only are you full of gak and causing drama in all kinds of place but who I am and what I am capable of doing.

Do me the biggest favor and tell me who you are. Tell me what your name is and what part of the world you live in. I'm guessing you'll continue to hide on forums and trash talk me.

When I find out who you are, and I will we will take care of this. I promise you that. You have pushed this to far and you are now my new hobby.

Tick, tick, tick, your time is coming.

7, 2013 08:12

Profile

Post History

Rap Sheet

Fix posted:

Happy birthday, S.J.

For me? Really? But... oh, this is wonderful! 🐼