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VIA Email

Mr. Matthew Hardin
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Re: Your Client's Threat to Tortiously Invade Alyssa Mercante's Privacy

Matthew,

We are writing to you concerning your client, Joshua Moon, and his website, KiwiFarms. There is currently a thread on KiwiFarms, in the non-public Prospering Grounds section of the forum, hosting a full dox of our client, Alyssa Mercante.¹

As you may otherwise not be aware, Alyssa has hired us to pursue remedies both in and out of court against people who are serially stalking and harassing her online. Joshua Moon and KiwiFarms are not among those people we are pursuing, but we came across this thread in our research. But for the fact that it hosts a dox, the thread would be otherwise innocuous; annoying and upsetting in tone, but well within the bounds of the law. However, by hosting the dox, KiwiFarms provides an avenue for bad actors to get within the shield of Alyssa's privacy and turn being mean online into genuine threats to her privacy and person. That we cannot permit.

The thread in question violates the laws of various states and jurisdictions. It constitutes a violation of Fla. Stat. § 784.048, W. Va. Code § 61-2-9a, Wyo. Stat. § 6-2-506, and 18 U.S.C. § 2261A, just for starters. The Courts have recognized this kind of malicious doxing as giving rise to liability, as well. We recommend *Gersh v. Anglin*, 353 F.Supp.3d 958 (D. Mont. 2018) for an explanation of how things we think of as protected speech might give rise to civil liability. Further, the thread in question and KiwiFarms' hardware continues to host Ms. Mercante's videos² which is an infringement upon her intellectual property rights. KiwiFarms has no DMCA safe harbor. Furthermore, Section 230 of the Communications Decency Act³ offers no respite to Joshua- promoting any thread out of KiwiFarms proper

¹ See <https://kiwifarms.st/threads/alyssa-mercante-beerandfeminism-kombitchatearex-high-heeled-gamer-hayy-girl-hayy-uhlyssa15.194610/>. Please note that the thread requires a Kiwi Farms login to view and has multiple pages; we trust that you will be able to procure login credentials for yourself, given your relationship with Mr. Moon.

² Cf. <https://kiwifarms.st/threads/alyssa-mercante-beerandfeminism-kombitchatearex-high-heeled-gamer-hayy-girl-hayy-uhlyssa15.194610/post-18784165>.

³ 47 U.S.C. § 230, which you can read more about here: <https://itif.org/publications/2021/02/22/exceptions-section-230-how-have-courts-interpreted-section-230/>

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requires affirmative staff action, which obviates the site's Section 230 protections. *See FTC v. Accusearch, Inc.*, 570 F.3d 1187 (10th Cir. 2009) (holding that where a website solicits and collects confidential information specifically for the purpose of publishing that information, *id est*, a dox, then that website is not entitled to Section 230 immunity).

To repeat: Mr. Moon is not currently in our crosshairs, and if this thread removes the dox and never leaves the non-public portion of KiwiFarms' forums, then there will be no reason for us to give Mr. Moon the time of day. Our concern is not with policing the Internet activity of a single person or even a whole forum, but in protecting the security and rights of our clients. The less KiwiFarms puts our clients in danger or permitting others to utilize information provided by KiwiFarms to continue campaigns of harassment, stalking, and intentional infliction of emotional distress, the less we will have to get involved in Joshua Moon's business.

Again, our sole concern here is Alyssa's wellbeing, and this threatens that wellbeing if it is released in its current form. As modified, and if it stays private, then we do not believe that it represents a serious threat and may safely be ignored. It would be in your client's interest to keep it that way.

We look forward to hearing back from you within thirty days with news that Joshua has complied with this demand without amendment or complaint. If he does so, this will conclude the matter, and this firm will go back to its usual policy of trying to think about Joshua Moon and KiwiFarms as little as humanly possible. If he fails to heed this friendly warning, we will be forced to change our policy. It is rare for someone to have such control over their own fate. Please advise Mr. Moon to make the most of it. If you have further questions or wish to speak with us directly, please contact me by email at lhaygood@kusklaw.com or by phone at (432) 703-4822, or my paralegal Kathryn Tewson at ktewson@kusklaw.com.

With utmost sincerity,

/s/ Lane Haygood

Lane A. Haygood