



April 19, 2024

**Via FedEx Overnight and Email to
davidkohalisky@gmail.com and charlieshendrix1967@yahoo.com**

Mr. David Kohalisky
Mr. Charlie Hendrix
2745 5th Court, #56B
Palm Harbor, Florida 34684

RE: Cease and Desist

Dear Messrs. Kohalisky and Hendrix:

I am writing on behalf of Best Electric, Air Conditioning & Plumbing, LLC, d/b/a Frank Gay Services, and its affiliate, Integrity Home Solutions Services, Inc., (collectively, the “Company”). If you are represented by counsel, please direct this letter to your attorney and have him or her notify us of such representation.

It has come to our attention that you have been posting defamatory information regarding the Company on a number of online platforms, including, but not limited to, Yelp, Google, the Better Business Bureau, and Facebook. Under Florida law, a party can prove a claim of defamation if they demonstrate, “(1) the defendant published a false statement; (2) about the plaintiff; (3) to a third party; and (4) that the falsity of the statement caused injury to another.” *Alan v. Wells Fargo Bank, N.A.*, 604 Fed. App’x 863, 865 (11th Cir. 2015) (applying Florida law). Libel, a type of defamation, applies to written statements. *Fortson v. Colangelo*, 434 F.Supp.2d 1369, 1378 n. 11 (S.D. Fla. 2006). A plaintiff may prove libel either *per quod* or *per se*; for a claim of libel *per se*, “the statements are ‘so obviously defamatory’ and ‘damaging to reputation’ that the injurious nature of the statement is apparent from the words in the statement itself and the court consequently takes notice of that fact.” *Paulson v. Cosmetic Dermatology, Inc.*, CV 17-20094-CIV, 2017 WL 2484197, at *3 (S.D. Fla. June 8, 2017) (quoting *Alan v. Wells Fargo Bank, N.A.*, 604 Fed.Appx. 863, 865 (11th Cir. 2015)). Examples of of actionable libel *per se* include “false publications that impute to another characteristics or conditions incompatible with the proper exercise of one’s business, trade, profession or office are defamation *per se*.” *Erskine v. Boeing Co.*, 6:01-CV-229-ORL-DAB, 2002 WL 31475219, at *9 (M.D. Fla. July 9, 2002).

The Company will not allow your personal animus to damage its reputation and business. The Company therefore **demand**s that you remove your reviews and posts on all online platforms, including but not limited to Yelp, Google, the Better Business Bureau, and Facebook.

The Company further demands that you **cease and desist** from posting any additional libelous statements about it on any online platforms, including but not limited to Yelp, Google, the Better Business Bureau, Facebook, Reddit, TikTok, LinkedIn, Instagram, or any other social media or online platform.

The statements you have made are unlawful and based solely on falsities. If you do not remove the defamatory posts and reviews and/or do not cease and desist immediately from engaging in the foregoing conduct and continuing to make defamatory statements, the Company will take all appropriate legal action to stop such conduct and vindicate its rights, including but not limited to any and all remedies available at law and in equity, such as seeking injunctive relief and/or monetary damages.

NOTICE TO PRESERVE

You must preserve both paper and electronically-stored information relating to this matter, including copies of your online posts prior to removal of same. This request to preserve all electronically-stored information includes preservation of hidden system files or metadata presently located on or contained in a free-standing computer or laptop, CPU, smartphone, tablet, or digital device that may contain data-storage capabilities, including but not limited to: hard disk drives; optical disk drives; removable media, such as thumb, zip, CD-ROM, and DVD drives; data processing cards; computer magnetic tapes; backup tapes; drum and disk storage devices; or any other similar electronic storage media or system of whatever name or description. This request to preserve all electronically-stored information also includes preservation of files saved in cloud storage systems.

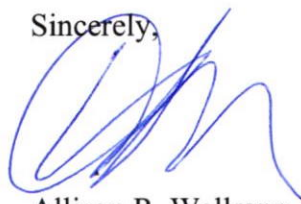
The obligation to preserve the information, including electronically-stored information, described in this letter further includes the preservation of: (a) electronically-stored information that may have been deleted from active files and that may not be readily recoverable from a backup medium, such as metadata; and (b) any information that comes into existence after the date of this letter or that may exist now or in the future but of which you may have no current knowledge.

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Please contact me, or have your legal counsel contact me, with any questions you have regarding this matter. My email address is allison.wallrapp@apexservicepartners.com, and my phone number is (813) 833-9837.

This letter is not intended as a full recitation of the facts or a complete review of applicable law. Nothing contained in or omitted from this letter is or shall be deemed to be a limitation, restriction, or waiver of any of the Company's rights or remedies, either at law or in equity, in connection with any of the matters raised herein, all of which are expressly reserved.

Sincerely,



Allison R. Wallrapp-McMullan
Assistant General Counsel and Assistant Secretary