

KAUFMAN LEGAL GROUP

A PROFESSIONAL CORPORATION

September 26, 2022

Direct: (213) 452-6565

VIA E-MAIL

Bryan Do
E-mail: bryando@yahoo.com

Re: **Cease and Desist Against Bryan Do—Immediate Attention Requested**

Dear Mr. Do:

Our firm represents of Cindy Chavez for Mayor 2022 and Ms. Cindy Chavez, candidate for Mayor of San Jose.

It has come to our attention, that you have been making statements and posted videos/social media, in which you accused our client of being a Communist and member of radical left-wing Communist organizations. Specifically, in multiple places on this video, you made such accusations in the following video which was aired on Calitoday, a local Vietnamese language media outlet: <https://www.youtube.com/watch?app=desktop&v=2mwQRYw4MEk>

As you know doubt already know or should know, Cindy Chavez is not member of the Communist Party, nor is she a member of a radical organization. We demand that you cease using the words, “thiên tả” or “cộng sản” in relation to our client.

Our client respects the First Amendment and the rights of citizens to engage in spirited debate and criticism, but he cannot and will not permit such false and scurrilous accusations and innuendo to continue. Contrary to what you might think, you are not immune from liability for defamation for your statements, despite the fact that our client is a public figure. The First Amendment protects certain kinds of speech, but as articulated by the United States Supreme Court, it most certainly does not protect defamatory speech like the statements that you have been making. Indeed, the Supreme Court unequivocally stated, “We have not gone so far . . . as to accord the press absolute immunity in its coverage of public figures or elections. If a false and defamatory statement is published with knowledge of falsity or a reckless disregard for the truth, the public figure may prevail.” (*See Harte-Hanks Communications v. Connaughton*, 491 U.S. 657, 688 (1989).) Moreover, given clear evidence of malice and reckless disregard for the truth, “damages are presumed.” (*Bobolas v. Does*, 2010 U.S. Dist. LEXIS 110856.) Finally, “an action for . . .placing the plaintiff in a false light in the public eye is in substance equivalent to a libel claim.” (*Flowers v. Carville*, 310 F.3d 1118, 1133 (9th Cir. 2002) *citing Selleck v. Globe Int'l, Inc.*, 166 Cal. App. 3d 1123, 1133 (1985).)

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Please note that you are personally liable for the defamatory content of your statements and social media posts. If you continue repeating your defamatory statements by using the words, “thiên tả” or “cộng sản,” or similar words in relation to our client, we shall explore all legal options to ensure that your reckless and unlawful conduct ceases, and that you are held accountable for your actions.

We await your immediate response to this letter.

Very truly yours,



George M. Yin