

MORRIS & STONE, LLP

505 N. TUSTIN AVE., SUITE 250
SANTA ANA, CALIFORNIA 92705
(714) 954-0700
FAX: (714) 242-2058
E-MAIL: AMORRIS@TOPLAWFIRM.COM
WEB PAGE: WWW.TOPLAWFIRM.COM

June 6, 2008

Bill Quimby
TollFreeNumbers.com
VIA EMAIL: billquimby@billquimby.net

Re: TollFreeNumber.org

Dear Mr. Quimby:

My firm represents TollFreeNumber.org. I am writing to address some statements that have been posted on your site regarding our client. Please direct any responsive correspondence to my attention.

It appears you have fallen into the trap that many businesses fall prey to; thinking you lift your business by putting others down. From what I've seen, your site is helpful and informative and can stand on its own merits. Informing visitors why you think your business is better than the others is certainly appropriate, but you only diminish yourself and business when you engage in name-calling.

The statements posted on your website about TollFreeNumber.org constitute defamation. In the business context, defamation is an unprivileged, untrue statement which causes injury to a business. California Civil Code § 45. Any defamatory statement that causes injury to a person or business within California subjects the person making the statement to personal jurisdiction in this state, even if the statement is made or published elsewhere.

Turning to the specifics of this matter, you post the query on your site, "Is TollFreeNumber.org lieing [sic]?" TollFreeNumber.org states that it has been "assisting businesses and families since 1999." You apparently make the leap in logic that because the website was not registered until 2002, the business could not have been operating prior to that time. I hope I do not need to explain the fallacy of that logic. Just as I was practicing law long before I ever posted a website, our client was in the toll free number business before it began using the name TollFreeNumber.org.

You should note that inviting your visitors to "decide for themselves" does not make the statement non-defamatory. Even the implication of unethical conduct is sufficient. *Burnett v. National Enquirer* (1983) 144 Cal.App.3d 991, 1013.

Next, you specifically claim that “such companies as TollFreeNumber.org have a \$60 transfer fee that they don’t usually tell you about until you want to transfer your number away from them.” I have confirmed with the client that there is no such fee. Specifically, TollFreeNumber.org has no contract term and no termination/cancellation/porting fees. As stated on the website, the customers maintain ownership of their numbers and are supported in switching phone companies if they ever want to do so.

At least one blog response on your own site confirms you are mistaken, but you dismiss it by stating that you have been told otherwise and will not remove the claim until you are provided evidence. Setting aside the fact that my client cannot prove a negative, it has no obligation to do so. You are the one making the assertion, so the burden falls to you to prove its truth. If, in fact, you are simply repeating what you have been told, that is legally referred to as republishing the libel, and puts you in the same position as the original speaker. Oddly, while you take what “you have heard” as gospel, you apparently take the position that anyone who posts something to the contrary must necessarily be from TollFreeNumber.org, and remove it from your site. This smacks of an agenda, rather than informative discourse.

My firm has a policy of only representing the side of justice in any dispute, so we thoroughly investigate a matter before filing action. If you have actual proof of any of the above-referenced claims, please provide that information immediately so that we will not file an unwarranted action. In the absence of such proof, I’m sure you will do the ethical thing and remove all unsupported references to TollFreeNumber.org from your site immediately. If not, I have been instructed to pursue legal action.

Very truly yours,

MORRIS & STONE, LLP

A handwritten signature in black ink, appearing to read "A. P. Morris".

Aaron P. Morris, Esq.