

LAVELY & SINGER

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

SUITE 2400

2049 CENTURY PARK EAST

LOS ANGELES, CALIFORNIA 90067-2906

TELEPHONE (310) 556-3501

TELECOPIER (310) 556-3615

www.LAVELYSINGER.com

December 15, 2009

JOHN H. LAVELY, JR.
MARTIN D. SINGER
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JESSICA G. BABRICK

ALLISON HART SIEVERS
OF COUNSEL

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VIA EMAIL: a@zigzaglens.com

Mr. Anthony Citrano
Abbot Kinney
Venice, California 90291

Re: Demi Moore / *W Magazine* Cover Photo
Our File No.: 854-86

Dear Sir:

We are litigation counsel to Demi Moore. We are writing regarding the false and defamatory statements and implications about Ms. Moore which you have published and disseminated pertaining to the cover photo of my client which appears on the December 2009 issue of *W Magazine*. You have falsely asserted to a number of publications and media that the photo of my client's hip was digitally altered, implying or inferring that the cover photo was manipulated at her behest. Based on quotes and statements widely attributed to you, you have made defamatory statements and implications that the photo was manipulated, stating that "That *cannot* be the original," and that the cover shot was radically altered, and that the photo had definitely been retouched. This is all absolutely false. Photographers Mert Alas and Marcus Piggott have confirmed that they made no alternations whatsoever to the shape, size or appearance of Ms. Moore's hips, legs or waist in the cover photo. Similarly, *W Magazine* has confirmed that no one at the magazine did any retouching of the image it received from the photographers and published.

Letters from *W Magazine's* Creative Director Dennis Freedman, and from Mert Alas and Marcus Piggott, are enclosed. That correspondence confirms the true facts — that the appearance of my client's hips, waist and legs were not altered in the photo published on the cover of *W's* December 2009 issue. Specifically, the photographers emphatically confirm: "**There was ABSOLUTELY no retouching on her hips or waist or legs!!**" The Creative Director of *W Magazine* unequivocally states that he is "**confirming that no one at the magazine did any retouching of the image of Demi Moore that was sent to us by Mert Alas and Marcus Piggott which was used for the December 2009 cover of *W Magazine*.**"

Accordingly, the truth is now well established. My client's hips, waist or legs were not altered, retouched, or photoshopped for the cover image. Statements stating or implying to the contrary are false and defamatory.

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As you are undoubtedly well aware, my client's appearance is of great importance to her career and livelihood, and false claims or insinuations that she secretly uses extraordinary artificial means to alter her appearance are extremely damaging. My client's reputation has been tarnished by false statements or implications that she desired or required that her appearance be digitally slenderized by altering the appearance of her hip for the magazine's cover, and that she lied to the public about it. False assertions or insinuations that my client needed, requested or required digital modification of her hip for the cover are both hurtful and harmful. So, too, are statements or insinuations that my client has been untruthful or hypocritical when she has informed people that the photo on the magazine's cover is a genuine representation of her body and hip. We demand a retraction.

In the event that you take the position that your publication cannot be held responsible to the extent that it was repeating statements that had been published elsewhere, be advised that this will not insulate you from liability. "At common law, one who republishes a defamatory statement is deemed thereby to have adopted it and so may be held liable, together with the person who originated the statement, for resulting injury to the reputation of the defamation victim. (See Rest.2d Torts, § 578.)" *Khawar v. Globe International, Inc.*, 19 Cal.4th 254, 268, 79 Cal.Rptr.2d 178, 186 (1998).

On behalf of Ms. Moore, we demand publication of an appropriate retraction and apology. We further request that you promptly remove from your website, twitter posts, and other site, all of the false and defamatory statements about my client and the cover photo, as well as any accompanying pictures of the *W Magazine* cover. We trust that now that the unequivocal facts have been established, that you will comply with these demands in order to set the record straight so that your readers/followers are not misled. If you fail to agree to the foregoing, then you will be exposed to substantial liability, and acting at your own peril.

Please govern yourself accordingly.

This does not constitute a complete or exhaustive statement of all of my client's rights or claims. Nothing stated herein is intended as, nor should it be deemed to constitute a waiver or relinquishment, of any of my client's rights or remedies, whether legal or equitable, all of which are hereby expressly reserved. This letter is a confidential legal communication and is not for publication.

Sincerely,



MARTIN D. SINGER

MDS:lg

Enclosures

cc: Ms. Demi Moore (*via email*)
Mr. Stephen Huvane (*via email*)
Lynda B. Goldman, Esq.



750 Third Avenue
New York, NY 10017
212.630.4000
Fax 212.630.2975

November 24, 2009

Dear Stephen,

As the Creative Director of W Magazine, I am confirming that no one at the magazine did any retouching of the image of Demi Moore that was sent to us by Mert Alas and Marcus Piggott which was used for the December 2009 cover of W Magazine.

Sincerely,

A handwritten signature in blue ink that reads "Dennis Freedman". The signature is fluid and cursive.

Dennis Freedman
Creative Director
W Magazine
212.630.3569

December 11, 2009

To Whom It May Concern:

When we have met Demi for W cover story she was super fit to start with! The choice of the dress also gave her a catwalk model like silhouette! The nature of this Balmain dress is that it holds the torso and the hips like a corset.

There was ABSOLUTELY no retouching on her hips or waist or legs!!

Best,

Mert and marcus

art partner

6 rue du jour

75001 paris

tel +33 1 40 26 54 54