

From: themtnsvoice <themtnsvoice@aol.com>

To: mike.rhodes <mike.rhodes@bigcanoe.com>

Cc: bsmith <bsmith@basmithlaw.com>; Jason.Rosenberg <Jason.Rosenberg@alston.com>; MaryGrace.Gallagher <MaryGrace.Gallagher@alston.com>; panderson <panderson@bigcanoepoa.org>; wcrawford <wcrawford@bigcanoepoa.org>; ddevore <ddevore@bigcanoepoa.org>; jfarinholt <jfarinholt@bigcanoepoa.org>; jgoldman <jgoldman@bigcanoepoa.org>; swilson <swilson@bigcanoepoa.org>; tmoran <tmoran@bigcanoepoa.org>; jphilmon <jphilmon@bigcanoepoa.org>;

Bcc: [REDACTED]

Subject: Re: POA RECORDS REQUEST 0002: CENSUS RECORDS

Date: Tue, Oct 2, 2018 1:22 pm

To: Mike Rhodes (Big Canoe Realty... a division of Big Canoe Company)

Cc: Brandon Smith (representing Greenwood Communities and Resorts, a partner in Big Canoe Company)

Cc: Mary Grace Gallagher & Jason Rosenberg (representing Big Canoe Company)

Cc: Big Canoe Board, GM, Communications Mgr, Marketing Mgr.

Hello Mike Rhodes,

Since your original libelous statement (referenced in an email dated Aug 22 2018 below), I have been contacted by Brandon Smith and Mary Grace Gallagher. Ms Gallagher sent me a Cease & Desist notice, which I have provided a link to for reference....

[http://bigcanoe.themountainsvoice.com/docs/2018-09-12_C&D%20to%20bigcanoe.life%20\(Hopkins\).pdf](http://bigcanoe.themountainsvoice.com/docs/2018-09-12_C&D%20to%20bigcanoe.life%20(Hopkins).pdf) ;

Please let this serve as my official response to your attorney's C&D.

I've included a couple of document links that you may or may not be aware of.

1. The original trademark application response, where it was REJECTED under Section 2(e) on geographic grounds. <http://bigcanoe.themountainsvoice.com/docs/78945130-refusalong Geographic-markedup.pdf>
2. Trademark was then approved under the 2(f) category, more narrowly defined as a specific Goods & Services International Category 036, as follows, "Real estate services, namely, real estate brokerage and management" <http://bigcanoe.themountainsvoice.com/docs/78945130-markedup.pdf>

NOTE: Just because Jim Elliot was an idiot that tried to ineptly fight you over his clear competition as a Realtor, directly competing in your specific Service category, don't think for a second that you are going to have such luck with me.

My 1st point is, as you are clearly aware by your attorney's letter, that my bigcanoe.org site is a NEWSPAPER. It doesn't even currently run any real estate advertisements, nor classifieds (*although I may at some point in the future*). I don't sell any services or product remotely associated with your service area. So it is hard to see how a newspaper could be confused with a Real Estate Services company. Same goes for bigcanoe.life, which even has disclaimers, nor does it compete in any way. Any other sites that I may activate will similarly not be discernable as potentially confused as a competitive source for goods or services in the Real Estate Services industry.

My 2nd point is that I will print T-shirts, Coffee Mugs, start the Big Canoe Locksmith Company, Big Canoe Landscaping Co, Big Canoe Farm, Big Canoe Bike Rental Co, or any other damn "Big Canoe" company or

product that I want to as long as it clearly doesn't indicate competition with the Big Canoe Company or its subsidiaries in regards to Real Estate Services - and there is not a damn thing you are going to be able to do about it.

My 3rd point is that I am not as gullible as these gutless and clueless wonders in the POA. You (*Developer Entity*) may be able to intimidate and con them at will, but you will find yourself in for a long, public and expensive legal fight with me if you continue to harass me, and I look forward to throwing the discovery doors open if it comes to that, including the details of legal chain of claim you have, and current land ownership and development interest. If you want to waste your money on attorneys, I am quite certain that they will whisper sweet nothings in your ear in order to separate you from your legal fees. You go for it if you want to.

My 4th point is that if you continue to harass me with your frivolous legal claims, or if you continue to repeat publicly your libelous statements that I am in violation of your trademark / copyright, then you may find yourself on the receiving end of a lawsuit or countersuit. I'm a patient and deliberate man.

Note: Both POA & Developer will find that out in time as a likely conclusion this Land Deal Investigation. I've just about concluded downloading and categorizing almost 5 decades of the deeds and plats. Interesting stuff to a person who knows what to look for. I suggest you start putting damage control teams in place. I suggest the Developer start packing his bags. Ironic that the spin put on things was that the Developer was on the way out. As it turns out, that may end up being rather prophetic.

My 5th point is without even spending more than literally 5 minutes of Caselaw Research one can easily ascertain that you do not have a legal leg to stand on. I point you to just a small handful of cases...

- New Kids on the Block v. New America Pub., Inc., 971 F. 2d 302 - Court of Appeals, 9th Circuit 1992
- Century 21 Real Estate Corp. v. Lendingtree, Inc., 425 F. 3d 211 - Court of Appeals, 3rd Circuit
- KP Permanent Make-Up, Inc. v. Lasting Impression I, Inc., 543 US 111 - Supreme Court 2004

Lastly, I want to clearly state that if you attempt to put a hold on my website through ICANN complaint, let me make it perfectly clear that I have spent substantial time and monies marketing my newspaper venture, and the publicly associated website www.BigCanoe.org, and have entered into long term marketing contracts using said domain, and expended monies on printing marketing materials using said domain. Any negative consequences to my business ventures, or tortious interference therewith, will be financially redressed.

Concluding Summary: If you think you have a case against me, then you should file it. However, if you continue to publicly state that I am in violation of the law in regards to your trademark, I will take the decision out of your hands regarding whether this goes to court or not.

In the meantime, I will continue to try you (and the POA Board) in the court of public opinion on this, and many other matters, and as you are realizing - it is working, because slowly but surely people are asking questions that really get to the heart of what is going on. It seems that information and ideas are contagious

that way 😊. And I am just starting.... community wide emails & postal mailers are coming before the election. I am also particularly getting incredible interest, and positive feedback on my Letter to the Editor in the Big Canoe Smoke Signals this month. If you haven't already, you can read it on Page 23 at the following link....
https://bigcanoenews.com/images/stories/smoke_signals_digital_editions/October_2018/SS10NewsDigital2018rev2.pdf

I suggest you get used to having a new community newspaper. It may not be as pretty, but it has actual journalistic and investigative news, and it ain't going anywhere. <http://www.BigCanoe.org>

PS... the reason everyone is being copied on all of this is because this long running scam regarding the trademark issue is affecting everyone in the community now, especially with the recent announcement by Jill Philmon that we are cow-towing to the Developer once again in regards to trademark issues. I plan on running a new logo competition (Maybe a \$500 - \$1000 prize?), and pushing out an idea for a fair and balanced

representation of ALL community realtors in a splash page at our new website. It will be tied to the story of how our new marketing group, paid for by us, is being used to exclusively feed the developer's real estate ventures. It's already getting traction, and anger.

Those of you on the POA Board need to start deciding who you represent. That includes you Jill, Tim, Cindy, and all the multitude of people this is Blind Copied to.

Sincerely,

david hopkins

October 2, 2018

www.BigCanoe.org <<<NOT a trademark violation!

-----Original Message-----

From: themtnsvoice <themtnsvoice@aol.com>

To: mike.rhodes <mike.rhodes@bigcanoe.com>; jphilmon <jphilmon@bigcanoepoa.org>

Cc: panderson <panderson@bigcanoepoa.org>; wcrawford <wcrawford@bigcanoepoa.org>; ddevore

<ddevore@bigcanoepoa.org>; jfarinholt <jfarinholt@bigcanoepoa.org>; jgoldman

<jgoldman@bigcanoepoa.org>; swilson <swilson@bigcanoepoa.org>; tmoran <tmoran@bigcanoepoa.org>

Sent: Wed, Aug 22, 2018 9:49 am

Subject: Re: POA RECORDS REQUEST 0002: CENSUS RECORDS

Hi Mike,

No. I don't believe it would. However, if you have any legal grounds for the claim you are welcome to present the data, or have your attorneys present me data to confirm your claim, I will most assuredly review it with expediency and make any adjustments accordingly. I should probably notify you that I also own several dozen other bigcanoe website..... including www.BigCanoe.org which I plan on activating shortly.

Since you have made this allegation publicly, I demand you provide me evidence immediately. Please be advised that I am engaged in active business development using these domains, and that any delay on your part at providing me proof of your claim may further weaken your position, and increase any damages I may suffer as a result of action or inaction I may take as a result of your claim, or that others may take as a result of your claim.

Please be advised that if you repeat this false accusation, and it is indeed proven to be false, that you may be subject to penalties of libel. If you knowingly have evidence that your claim is false, I demand that you immediately issue a retraction in the same manner you made your false statements.... copying all participants including myself with your retraction.

Sincerely,

david hopkins

August 22, 2018

-----Original Message-----

From: Mike Rhodes <mike.rhodes@bigcanoe.com>

To: themtnsvoice <themtnsvoice@aol.com>; jphilmon <jphilmon@bigcanoepoa.org>

Cc: panderson <panderson@bigcanoepoa.org>; wrcrawford <wrcrawford@bigcanoepoa.org>; ddevore <ddevore@bigcanoepoa.org>; jfarinholt <jfarinholt@bigcanoepoa.org>; jgoldman <jgoldman@bigcanoepoa.org>; swilson <swilson@bigcanoepoa.org>; tmoran <tmoran@bigcanoepoa.org>

Sent: Wed, Aug 22, 2018 8:26 am

Subject: RE: POA RECORDS REQUEST 0002: CENSUS RECORDS

Mr. Hopkins,

FYI, the www.bigcanoe.life website would be a copyright infringement.

Thanks...Mike

From: themtnsvoice@aol.com <themtnsvoice@aol.com>

Sent: Wednesday, August 22, 2018 8:00 AM

To: jphilmon@bigcanoepoa.org

Cc: panderson@bigcanoepoa.org; wrcrawford@bigcanoepoa.org; ddevore@bigcanoepoa.org;

jfarinholt@bigcanoepoa.org; jgoldman@bigcanoepoa.org; swilson@bigcanoepoa.org;

mike.rhodes@bigcanoe.com; tmoran@bigcanoepoa.org

Subject: POA RECORDS REQUEST 0002: CENSUS RECORDS

To: Jill Philmon / Big Canoe General Manager

Cc: The POA Board, Tim Moran

Please find attached a 2 Page PDF Request to Review and Copy Records, made pursuant to Big Canoe Policies and Related Procedures; Procedure 156.2 (POA Member Access to Records).

Sincerely,

- david hopkins

10887 Big Canoe; Big Canoe, GA 30143

Lot Owner # 4002

themtnsvoice@aol.com

706-265-0010 < office - can be reached 8 am to 5 pm on most week days. or leave message.