

March 21, 2008

**To Plaintiff Class Representatives  
and Potential Class Members**

Re: Fenderson, et al. v. Diaz, et al.

Dear Friends:

Please be advised the court finally conducted oral argument with respect to defendants' motion to set aside the writ of attachment. The court decided to keep the writ of attachment in place. However, the court did require an undertaking and provided the parties until April 14, 2008 in which to brief that issue. There will be another hearing to decide the amount of the bond on April 25, 2008.

The defendant has resisted discovery and it appears that we may have to file multiple motions to compel discovery responses. The information we seek is imperative to our certification motion. Heidi Diaz claims that she does not have any of the screen shots from her past website. If I do not receive appropriate responses on or before April 1, 2008, I will have no alternative but to file a motion to compel.

As you know from my deposition summary, Clexus New Media, LLC and Mahamet Tanuger were named as defendants in this action. Although said defendants were properly served with a complaint for damages, there was no timely response, so I filed a default against them. That means Mr. Tanuger or Clexus New Media can not contest liability. When we move for judgment against all the defendants we will include Clexus New Media, LLC and Mahamet Tanuger.

Michael Cohen will be taking the lead on the preparation of the motion for class certification. Mr. Cohen is a graduate of Harvard Law School and served on the Harvard Law Review with Barack Obama. Michael is a great writer and I am confident our class certification will be approved by the court.

David Winter is a partner at the firm Moore, Winter & McLennan in Glendale, California. I have known David for many years and he is a very talented lawyer. Mr. Winter's office prepared the Opposition to Plaintiff's Demurrer. Plaintiff's Demurrer is scheduled for hearing on April 28, 2008.

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Here is a list of items we need in order to continue the prosecution of our case:

1. All Kimkins.com screen shots containing false testimonials by Kimmer;
2. All Kimkins.com screenshots containing false testimonials by anyone other than Kimmer;
3. All Kimkins.com screenshots wherein the use of laxatives were advised;
4. Any and all rumors about the Kimkins diet advocated by Heidi Diaz or any of her alter egos (e.g. Jessica Alba lost weight on Kimkins);
5. All instances wherein Heidi Diaz used an alter ego/another name to acquire assets;
6. Any evidence implicating Delaney Deaver in engaging in fraudulent conduct or ratifying fraudulent conduct of Heidi Diaz;
7. A copy of any letter, email, or any other document sent to Heidi Diaz/Kimkins.com complaining of an adverse event or injury as a result of the Kimkins diet.

Should you have any questions with regard to the foregoing, please do not hesitate to contact me.

Very truly yours

**TIEDT & HURD**

  
John E. Tiedt

JET:lw

cc: David Winter  
Michael Cohen