

July 21, 2017

VIA E-MAIL

Ms Britt Marie Hermes

naturopathicdiaries@gmail.com

Re: Notice of Cease and Desist Defamation

Dear Ms. Hermes,

Please be advised that this law firm has been retained by Bastyr University (“Bastyr”) to investigate and take legal action against you for the series of unwarranted and defamatory attacks made against it by you on your blog, in various online articles, on social media platforms, and in your live presentations and interviews. Specifically, defamatory language can be found on www.naturopathicdiaries.com, www.forbes.com, www.science20.com, www.kevinmd.com, and www.sciencebasedmedicine.org.

Bastyr is a nonprofit, private university that has been developing leaders in the natural health arts and sciences for over 35 years. Our client offers more than 20 degree and certificate programs and prides itself on its rigorous **science-based** course offerings. Bastyr is also a leader in conducting cutting-edge research in complementary and integrative medicine and in offering affordable natural healthcare services in its local communities.

The clinical education at Bastyr provides 1,210 hours of clinical training, which is the requirement set by the Council on Naturopathic Medical Education (CNME). These hours include supervised direct patient care at Bastyr’s own clinic facilities – including Bastyr Center for Natural Health – as well as at external clinic sites (<https://bastyr.edu/sites/default/files/images/pdfs/curriculum/2017-2018-ND-Curriculum.pdf>).

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You have personally posted many willfully false and misleading comments about Bastyr. Examples of your defamatory statements include:

- “Bastyr has ‘incredibly low entrance requirements’ for naturopathic students.”
FACT: In addition to the completion of a bachelor’s degree or higher from an accredited college or university, the minimum required preparation for matriculation into Bastyr’s Naturopathic Doctor (“ND”) program includes completion of college-level algebra, chemistry, biology, physics, and psychology. No credit is given for prerequisite coursework earning a C- or lower, and the historical average GPA for admitted ND students is between 3.3-3.4.
- “Bastyr is unable to provide a ‘standard medical curriculum’ to its students.”
FACT: Bastyr requires its ND students to complete “standard medical” courses, including anatomy, physiology, immunology, pathology, and infectious disease courses, musculoskeletal system and orthopedics courses, clinical skills labs, clinic observations, and associated labs.
- “Naturopaths receive very little real medical training in school.”
FACT: The first two years of training at Bastyr mirror the MD curriculum with very similar didactic coursework covering biomedical sciences, and the second two years focus on primary care clinical training.
- You received just a few hundred hours of clinical training at Bastyr University.
FACT: NDs at Bastyr receive 1,210 hours of clinical training; and, in fact, at the time of your graduation, you had received 1,100 hours of clinical training.
- “Bastyr has 27.5 hours of pharmacology training.”
FACT: Bastyr offers its students 88 hours of pharmacology coursework and training.
- “Bastyr has a closed database of medical conditions and how they are treated with such esoteric therapies, usually without regard for medical standards of care.”
FACT: Students at Bastyr compile their class notes online, discussing medical conditions and treatments. Bastyr faculty teach students the medical standards of care, and clinical faculty apply those standards in clinics.
- “Bastyr promotes anti-vaccination treatments.”
FACT: Bastyr teaches its Naturopathic Medicine students the vaccination schedules published by the U.S. Centers for Disease Control and Prevention (CDC) and supports the important preventative medicine that vaccines offer.

Each of the foregoing statements found on your Naturopathic Diaries website is blatantly false and provided with the express intent of disparaging Bastyr.

Because your statements are false and affect Bastyr’s professional reputation by falsely stating and publishing to third parties that, among other things, Bastyr engages in “pseudoscience” and “quackery”, your statements constitute, among other claims, defamation *per se*, and entitle Bastyr to punitive damages. Under Washington law, it is unlawful to engage in defamation of another’s character and reputation. Defamation consists of: (1) a defamatory statement; (2) published to a third party; and (3) which the speaker or publisher knew or should have known was false.

We understand you currently reside in Germany. In addition, your statements clearly infringe German law including the Act against unfair competition (Gesetz gegen den unlauteren Wettbewerb – UWG) as they unfairly discredit and denigrate Bastyr’s services and business. This unlawful conduct entitles our client to injunctive relief and compensation of damages. In addition, defamation is a criminal offence under the German Criminal Code and we will not hesitate to bring charges against you which can result in imprisonment of up to five years and the imposition of a fine.

Moreover, you have used Bastyr's works protected by copyright and trademark laws for your own personal gain and profit (see enclosed infographic). Copyright infringement is the use of works protected by copyright law without permission, infringing certain exclusive rights granted to the copyright holder, such as the right to reproduce, distribute, display or perform the protected work, or to make derivative works. Trademark laws also protect against tarnishment and dilution of a brand by disparagement.

Your statements to third parties, both on your blog and during your presentations, live and recorded, regarding Bastyr, when read either as a whole or individually, can be interpreted in one way – that Bastyr is an unaccredited school of pseudoscience that graduates students who are ill-prepared to practice medicine. These statements directly affect Bastyr's business and impute fraud, dishonesty, incapacity, and lack of necessary qualifications. As such, your statements are defamation *per se*.

Additionally, you actively encourage and solicit defamatory statements from visitors to your blog on www.naturopathicdiaries.com. Based on a decision from the United States Court of Appeals for the Ninth Circuit [*Fair Housing Council of San Fernando Valley v. Roommates.com, LLC*, 489 F.3d 921 (9th Cir. 2007)] you may have serious financial exposure to Bastyr for every single defamatory statement made by your visitors.

We demand that you immediately:

1. Remove from all of your websites all defamatory and disparaging remarks regarding our client made by you and your visitors, and
2. Cease and desist in publishing defamatory statements about our client, whether the statements are made by you or third parties, and
3. Cease and desist from making defamatory statements about our client in interviews and in public presentations, and
4. Compensate our client for its attorney fees and costs.

Please note that this law firm does not attempt to restrict legitimate free speech, and we believe that the Internet is an important medium for dissemination of **accurate and truthful** information and for fair comment on issues of interest. Your activities, however, unlawfully encroach upon our client's rights and mislead the public by your intentional false and deceptive statements.

Absent full and complete cooperation by **August 1, 2017**, we will have no choice but to recommend that our client pursue all legal causes of action available to it. If you have an attorney you prefer we communicate with, please provide that person's contact information.

Claim Notice

In connection with the above, we are further directing this CLAIM NOTICE AND LITIGATION HOLD to provide formal notice of Bastyr's potential claims against you. Bastyr's claims relate to – without limitation – your tortious conduct described above, which has harmed, and is continuing to harm Bastyr. Your conduct violates multiple laws, including but not limited to defamation, libel and slander, copyright and trademark infringement, and Bastyr intends to take all appropriate legal actions to ensure that it stops immediately.

We are not aware whether you are currently represented by counsel in connection with this or any other matters. If you are represented by counsel, please forward this CLAIM NOTICE AND LITIGATION HOLD to such counsel.

Please be advised that while this dispute is pending, you must preserve all evidence related to this matter. Alteration, concealment, or transfer of any evidence pertaining to this matter is considered unlawful spoliation of evidence and will subject you to additional liability.

We request that you confirm within 5 business days that you have received this correspondence and intend to fully comply with its terms.

Nothing in this letter is intended to waive any legal, equitable, and/or contractual rights and remedies Bastyr has against you and any third-party that has benefited from your tortious conduct.

Should you wish to discuss the foregoing prior to expiration of the response term, do not hesitate to contact me.

With kind regards,

