



C L A R E L O C K E

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*Via Electronic Mail*

Bakari Sellers  
Strom Law Firm LLC  
6923 N. Trenholm Road  
Columbia, South Carolina 29206  
bsellers@stromlaw.com

***Re: Recent Press Statements About Varsity Spirit***

Dear Mr. Sellers:

Our firm is defamation counsel to Varsity Spirit LLC.

As an initial matter, we have seen your recent press statements falsely suggesting that Varsity Spirit's retention of defamation counsel was somehow intended to silence and intimidate survivors of abuse. Let me be clear in disabusing you of that false narrative: Varsity Spirit completely and actively supports the survivors' pursuit of justice and will never take any action to prevent or deter survivors from coming forward to tell their stories. As Varsity Spirit has previously and repeatedly stated, its concern, first and foremost, is for the survivors and their safety, and Varsity Spirit wholeheartedly supports survivors in their pursuit of justice against the individuals responsible. Varsity Spirit regrets that you and your firm—through your self-aggrandizing and relentless publicity-seeking—are obscuring the appropriate concern for survivors and instead seeking to keep the spotlight squarely on yourselves. By doing so, you are also distracting from the critically important mission of protecting the safety of children in sport.

To be clear, our firm has been retained solely to evaluate and, if appropriate, prosecute, defamation and defamation-related claims against you and your law firm for the multiple false and defamatory statements you and members of your firm have made in the press and in court pleadings, unsupported by any evidence, and made in reckless disregard for the truth. The fact that brave men and women have come forward to make specific allegations of abuse against individual coaches, and others employed and supervised by gym owners, does not give you license to make **blatantly false** public claims about Varsity Spirit, including, but not limited to:



- Varsity Spirit “went to great lengths to protect and enable predators and sexual abusers . . . [and] to hush, to silence and to intimidate the people that were victimized”;
- Varsity Spirit, “instead of protecting these young men and women, . . . victimized them and cashed their checks.”
- Varsity Spirit “created and fostered a system” that “not only allows an environment where physical, mental, and sexual abuse can run rampant, but encourages it.”

As part of our analysis of potential claims, we are investigating the extent to which you and your firm have made false and damaging allegations in court pleadings without any factual basis whatsoever, and for the improper purposes of damaging and defaming Varsity Spirit in the public eye. Any such pleading would constitute “sham litigation” that would not be entitled to the immunity from defamation liability that typically attach to court filings. Under the sham pleading doctrine, one may sue for claims made in litigation “where the underlying lawsuit was a sham action brought solely to defame the defendant.”<sup>1</sup> A defamation suit is proper against the attorneys that filed the sham pleading, as well as their firm as an entity.<sup>2</sup>

In your court papers, you have made—and then publicized outside of those filings—extraordinary claims about Varsity Spirit that, where unsupported by any evidence or factual basis beyond your own publicity-seeking imagination, cross the line and constitute “sham litigation.”

For example, you very recently signed a pleading alleging that Varsity Spirit “served as a central player in the scheme to host exploitative events where minor athletes were subjected to sexual abuse and assault under the influence of drugs and alcohol” and that the **environment “promoting free access to underage minors for the purpose of sexual solicitation was the method by which Defendants recruited new gym owners, coaches, choreographers, videographers, and other affiliated personnel.”**<sup>3</sup>

What information, evidence, or factual basis do you possibly have to support this patently untenable claim as it pertains to Varsity Spirit? We urge you to provide any information you have to us—and also to make that evidence public—immediately. If (as we suspect) you have no support for these allegations and have included them in the court papers solely in the “hope” that you will somehow develop evidence to support them, Varsity Spirit (and the public) deserves to know that now as well, so that we can evaluate whether your allegations are in fact made in good faith or constitute sham litigation or otherwise violate your ethical and professional obligations.

Until these issues are resolved, we demand that you, the Strom Law Firm and all its agents, retain all documents and electronically stored information relating to these matters, including and without limitation all communications with media regarding Varsity Spirit LLC, Varsity Brands LLC, Varsity Brands Holding Company, Inc., and any lawsuits filed or contemplated against any of those

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<sup>1</sup> See, e.g., *Flomenhaft v. Finkelstein*, 127 A.D.3d 634, 638 (1st Dep’t 2015).

<sup>2</sup> *Id.* at 639.

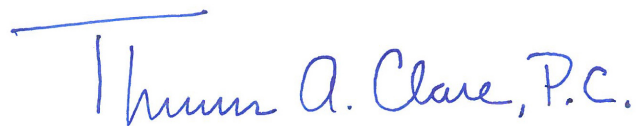
<sup>3</sup> You were ordered to file this case statement by Judge Herlong, who specifically stated that it must “include the facts upon which the plaintiff relies to initiate its RICO claim(s), as a result of the ‘reasonable inquiry’ required by Fed. R. Civ. P. 11.”



entities. If the Strom Law Firm has outside malpractice counsel, we request that you send them a copy of this letter.

The only legitimate concern at this time is for the survivors and their well-being. Your relentless effort to self-promote through blatant falsehoods about Varsity Spirit and its business disregards those important and legitimate concerns in favor of your purely selfish ones.

Sincerely,



Thomas A. Clare, P.C.  
Clare Locke LLP

With a copy to:

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