

February 12, 2025

VIA EMAIL

Alex Tolston, Esq.
Senior Vice President and Chief Legal Officer
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Ms. Barbara Richards
Managing Editor
CBS 8
7677 Engineer Road
San Diego, CA 92111
brichards@cbs8.com

Re: Dr. Bronner's – Demand for Removal

Dear Mr. Tolston and Ms. Richards:

This firm is defamation counsel for Dr. Bronner's, David Bronner ("David") and Mia Bronner ("Mia"). We write in connection with the libelous statements regarding our clients contained in a February 10, 2025 article by CBS8, entitled "Dr. Bronner's faces lawsuit over employee's ketamine massage death," published at <https://www.cbs8.com/article/news/local/family-sues-dr-bronnens-after-employee-dies-ketamine-massage/509-9333dd21-0dec-49af-a446-0d9b88ec2f98> (the "Article").

The Article includes the following false and defamatory statements of and concerning our clients:

- Denise Lozano, a longtime employee of Vista-based natural soap maker Dr. Bronner's Magic Soaps, had taken the recommendations from her company to get a "K-Massage"...
- Christian Lee Allbert... was a key player in Dr. Bronner's informal "wellness program" that was made available to employees such as Denise Lozano.
- Denise Lozano injured her back, which her family says led her to receive her company-sponsored ketamine massage...
- [Christian Allbert is] the de-facto ketamine masseuse [for Dr. Bronner's].
- Allbert's services and products were part of an informally sponsored wellness program [of Dr. Bronner's].

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- Through their [David's and Mia's] recommendations, Denise Lozano believed Allbert's services and products were a part of Dr. Bronner's wellness program available to the inner circle of the Foamy Homies and received his unlicensed medical and treatment services, paid for by the company.
- David Bronner admitted fault to a witness on the first or second days of the shock of Denise Lozano's death...
- CBS 8 also contacted Dr. Bronner's for comment but did not receive a response.

Denise Lozano was a beloved employee and treasured member of Dr. Bronner's community. Her tragic passing was not the fault of anyone associated with Dr. Bronner's, including David and Mia Bronner, who loved Ms. Lozano and remain to this day deeply saddened by her death.

To be clear, Ms. Lozano did not get a "K-Massage" at the recommendation of her company as your story falsely states. Neither David nor Mia recommended to Ms. Lozano that she obtain a "K-Massage" from Christian Allbert or any other provider, nor have they ever suggested or recommended a ketamine message to any other person, including employees of Dr. Bronner's. Dr. Bronner's Ketamine-Assisted Therapy employee health benefit program is exclusively administered through a provider named Enthea and the related services are offered to employees in the San Diego area by Flow Integrative. Flow Integrative is currently the only treatment provider in the San Diego area for Dr. Bronner's health benefit program in collaboration with Enthea.

Mr. Allbert is not, and has never been, a part of Dr. Bronner's health-benefit or wellness program, formally or informally. Nor were Mr. Allbert's services "paid for by the company" or by David and/or Mia personally.

Moreover, the Article falsely states that you attempted to contact Dr. Bronner's for comment prior to its publication. Dr. Bronner's has no record of any such inquiry and any suggestion that such a request was made without a response is false and misleading.

The foregoing statements are false and highly damaging to our clients. Your publication of the statements gives rise to claims for, among other things, libel, defamation *per se*, interference with economic advantage, and intentional infliction of emotional distress. Remedies for publication of the statements include, among others, general damages, special damages, punitive damages, and injunctive relief.

Your statements were made with a reckless disregard for the truth because, among other things, you did not contact our clients prior to publishing the Article to allow our clients an opportunity to review the false statements and provide responses to them and/or correct them. *See Harte-Hanks Communications, Inc. v. Connaughton*, 491 U.S. 657, 692 (1989) ("[a]lthough failure to investigate will not alone support a finding of actual malice,...the purposeful avoidance of the truth is in a different category."). Moreover, the Article does not constitute a fair and true report

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of the lawsuit brought by the Estate of Denise Lozano, as it makes additional false claims against our clients that were not a part of that lawsuit. For example, the lawsuit does not allege that Mr. Allbert was a “key player” in any of Dr. Bronner's wellness programs or that Mr. Allbert was the “de-facto” masseuse for Dr. Bronner's. Therefore, the Article grossly exaggerates the Lozano Complaint's allegations regarding the scope of Mr. Allbert's alleged connection to Dr. Bronner's. Moreover, the vast majority of the false statements are not attributed to allegations in the Complaint and instead purport to state established facts (which are false). In any event, to be clear, our clients deny the claims in that lawsuit and were not responsible for Ms. Lozano's tragic death.

In light of the foregoing, demand is hereby made that you:

1. Immediately remove the foregoing defamatory statements from the Article and any other website(s) and/or social media platform(s) on which the Article was published; and
2. Cease and desist from any further publication of the foregoing defamatory statements or any similar statements.

Please confirm in writing, **within 48 hours of transmission of this letter**, that the foregoing demands will be, and are being, fully complied with. Failure to do so will leave our clients with no alternative but to consider instituting immediate legal proceedings against you, and should that occur, they would pursue all available causes of action and seek all available legal remedies to the maximum extent permitted by law.

You are officially on notice of this dispute and therefore you are required to undertake steps to affirmatively preserve, and not delete, any and all physical and electronic documents, materials, information, and data that pertain in any way to the Article and/or our clients, including without limitation all emails, text messages, instant messages (IMs), letters and memoranda, articles, and social media postings (including all drafts as well as final versions of all written communications), as well as all other types of written, physical and digital materials including handwritten notes, typewritten notes, summaries, charts, receipts, audio recordings, video recordings, photographs, telephone call logs, calendar entries of all types, financial data and information, etc. that pertain in any way or might otherwise be relevant or related to the foregoing matters. All sources of documents, materials, information, and data should be preserved, including without limitation, physical files, electronic and digital files, computer servers, email servers, backup tapes, cloud storage, personal computers, hard drives, smart phones, tablets, and other types of storage devices including external drives, thumb drives, zip drives, disks and DVDs. Failure to affirmatively preserve such documents and materials could result in severe sanctions imposed by a court which could include, among other remedies, monetary sanctions, evidentiary sanctions, issue sanctions and/or the striking of an answer and entry of a default judgment.

This letter is not intended as a full or complete statement of all relevant facts, applicable law, causes of action or legal remedies, and nothing herein is intended as, nor should it be deemed to constitute, a waiver or relinquishment of any of our clients' rights, remedies, claims or causes of action, all of which are hereby expressly reserved.

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We look forward to your immediate response.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'R. Stonerock', with a stylized flourish at the end.

RYAN J. STONEROCK
HARDER STONEROCK LLP

Cc: Steven Frackman, Esq.