

Original Media Group Corporation
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February 12, 2021

VIA EMAIL

Jstein1@montcopa.org

Joshua Stein
Solicitor, Montgomery County
P.O. Box 311
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**NOTICE OF INTENT OF ORIGINAL MEDIA GROUP CORPORATION *et al* TO
FILE A 1983 ACTION UNDER THE CIVIL RIGHTS ACT WHILE ACTING UNDER
COLOR OF LAW**

Dear Mr. Stein:

This letter shall serve as formal notice of intent of Original Media Group Corporation (hereafter referred to as “Original Media”) to bring a **1983 Action Pursuant to the Civil Rights Act** against entities associated with or directly involved with multiple government agencies in the county of Montgomery. Those Government agencies are: Montgomery County Office of the District Attorney, Lower Merion Police Department, Upper Merion Township Police Department, and the Upper Merion Township Department of Public Safety (collectively, “Montgomery County Government”).

Over the last several years, the Montgomery County Government arrested without cause and failed to act on threats made against Original Media during an emergency while acting under the color of law. These are not isolated incidents. The past week has been marked by an extraordinary escalation of unlawful police-state tactics deliberately targeting reporters.

The perceived leaders of our law enforcement agencies have been unable to curb this unlawful pattern of conduct.

All across America leaders are repeatedly issuing statements apologizing for the violence against reporters and the unlawful arrests—and these statements have proven toothless.

Original Media believes, based upon investigation and physical evidence, that the Montgomery County Government is conducting activities within the county of Montgomery, Pennsylvania in violation of the United States Constitution. The activities that constitute unlawful activities prohibited under 42 U.S. Code § 1983 include, but are not limited to, the following activities:

- I) On or about Jun. 27, 2020, at approximately 12:30 a.m., Anthony Loro of Original Media called 911 from a landline at Original Media’s then-corporate headquarters located at 630 Freedom Business Center Drive in the township of King of Prussia, Pennsylvania, within the County of Montgomery to report threats in progress.
- II) The Montgomery County Government, on a recorded line, informed Original Media they were ‘fake news’ and ‘had no such office’ at the location, despite calling from a landline.
- III) The Montgomery County Government refused to take the threats made against Original Media, prompting Mr. Loro to notify Mr. Hatziefstathiou, who ultimately notified the Pennsylvania State Police.
- IV) Understandably, the Pennsylvania State Police didn’t believe police dispatchers simply hung up or refused to respond, until Original Media called 911 once more, this time on a three-way call with the Pennsylvania State Police.
- V) Thinking it was a prank, the Pennsylvania State Police hung up the phone and the Montgomery County Government dispatcher reiterated they would not be taking any reports from ‘fake news’ organizations, such as Original Media.
- VI) A second call to the Pennsylvania State Police resulted in the trooper admitting ‘Y’all gotta do something about that because we can’t go up there,’ indicating they lacked jurisdiction unless we were literally being shot at.
- VII) The threats Mr. Loro wanted to alert authorities about included fear of immediate bodily injury, terrorism, and claims of sexual misconduct on an employee of Original Media.
- VIII) At or about 1:30 a.m., an unnamed police officer with the Upper Merion Township Police Department called the landline belonging to Original Media back, this time on a blocked number.
- IX) The officer proceeded on a course of conduct legally detrimental to the Montgomery County Government, making light of a very serious situation and accusing Mr. Loro and Mr. Hatziefstathiou, respectfully, of ‘Facebook stalking’ the individual making active threats of violence or death against Original Media and its staff on a public platform.
- X) The individual traveled three states to journey to Montgomery County and did not reside in Pennsylvania. He later purchased a firearm, and it is believed he ultimately left the state.
- XI) Original Media and its representatives were in fear for their lives for a number of weeks, resulting in a full fourteen-day closure of our National News Center located at 840 First Avenue, Suite 400, in the township of King of Prussia, Pennsylvania, within the County of Montgomery.
- XII) Later that morning Mr. Hatziefstathiou consulted with Mr. Loro and Scott Bonebrake, Esq., an attorney representing Original Media in general legal needs, to provide a full account of the overnight incident with the Montgomery County Government.
- XIII) Mr. Hatziefstathiou told attorney Bonebrake *‘We called from the landline inside of a large corporate complex—they claiming we don’t have an office here and playing games by refusing to respond because of a pending case is something I want to stand my ground on now because that could turn deadly—that’s how newsroom mass shootings happen. We are not a fake news agency—it’s time to make it clear that there are rules, there are boundaries, they must respect those*

boundaries. This has got to end and it needs to end right now. It's time to sue—we need to assert and protect our rights.'

- XIV) Original Media made contact with state police in two separate states who advised our newsroom to 'be cautious' about the individual as he had an active criminal investigation into him. State police from one of the two states asked Original Media to kindly keep their agency in the loop with any developments regarding the individual.
- XV) On or about Jan. 5, 2021, the Montgomery County Government is notified by the Pennsylvania Office of Open Records that Original Media filed an appeal pursuant to the Pennsylvania Right-to-Know Law after being denied public access to emails pertaining to Bill Cosby.
- XVI) That same day, our reporter, Eric G. Norton, was rear-ended by an erratic driver who threatened to 'shoot' our journalist.
- XVII) The erratic driver did not have car insurance, a valid driver's license nor vehicle registration. However, he was granted unusual concessions by police despite holding a criminal history—including charges of illegally possessing a firearm and driving under the influence.
- XVIII) Responding officers were seen joking with the men—what's more, they called for 'street reinforcements' which included a BMW 5 series sedan.
- XIX) Police took a report and shortly thereafter left.
- XX) Some days thereafter, a police officer by the name of Mike Pleasants called Mr. Norton and asked him to come to the local police department for questioning about the traffic incident. Mr. Norton was unable to get a firm reply if this was a 'traffic, civil or criminal investigation.'
- XXI) On Feb. 3, 2021, the Pennsylvania Office of Open Records grants Original Media's request in part, compelling the release of emails relevant to the request by Mar. 3, 2021.
- XXII) On Feb. 5, 2021, the Montgomery County Government files criminal charges after failing to respond to Mr. Norton defense attorney, Joseph Lesniak, Esq., according to Mr. Norton.
- XXIII) On Feb. 8, 2021, Deputy District Attorney Steven J. Latzer of the Montgomery County Government threatened to defy the Final Determination Order, noting they would 'invoke additional exemptions' if they pleased—completely undermining the system created to ensure a free and transparent government.
- XXIV) On Feb. 11, 2021, Original Media asked for a copy of the criminal complaint filed against Eric G. Norton.
- XXV) That same day, attorney Joseph Lesniak spoke to at-least three different officials employed by the Montgomery County Government and obtained odd excuses from the trio collectively.
- XXVI) For example, Sgt. Salera called Original Media only to inform Mr. Lesniak that she would link him to their Public Information Officer, however, the PIO is unavailable until mid-next week.
- XXVII) The PIO, later identified as Lori Jennings, wrote a letter to Original Media denying access to the public document, claiming it 'is not for public release.'
- XXVIII) When attorney Lesniak raised objections, Ofc. Pleasants informed him that the lone copy of the criminal complaint was in a locked filing cabinet, and as Shakespeare would have it, the key won't return to the Montgomery County Government until mid-next week.

This is the third occasion where a journalist—me included—was initially denied access to public material by the Montgomery County Government, only for the denial to be overturned and granted in appeal. And like clockwork, trumped up charges followed on all three occasions in a span of just two years.

The foregoing is not intended to be a complete recitation of all applicable law and/or facts and shall not be deemed to constitute a waiver or relinquishment of any of Original Media's rights or remedies, whether legal or equitable, all of which are hereby expressly reserved, including Original Media's right to all available remedies against the Montgomery County Government, including but not limited to the recovery of costs and applicable fees.

Sincerely,


Nik Hatziefstathiou

cc:

Original Media Group, Corporate Communications:
Norman A. Pattis, Esq., Counsel for Original Media:
Joseph P. Lesniak, Esq., Counsel for Mr. Eric Norton:
Eric G. Norton, Chief of Staff, Original Media:
Hong Xie, National News Director, Original Media:
Anthony Loro, Chief Communications Officer, Original Media:

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