

PROPOSED PRESS RELEASE FROM LYNN TILLOTSON PINKER & COX LLP
4/21/2009 10:26 AM

On February 6, 2009 a federal jury returned a 12.5 million dollar verdict for ORIX Capital Markets LLC ("ORIX") in the first major commercial internet defamation cases tried to verdict in Texas and one of the few tried to verdict in the United States. The suit was originally brought by one of the defendants as an attempted class action securities case, but all of those claims were dismissed on summary judgment. ORIX counterclaimed, seeking damages as a result of the defendants' conspiracy to publish allegations of criminal and financial misconduct on their "Predatorix" website. ORIX claimed the defendants' allegations of RICO violations, tax fraud, and securities fraud, were false, and argued that the statements were part of a campaign seeking revenge for an earlier a fraud finding against the family members and businesses of the chief architect of the conspiracy.

The case was tried for two weeks before the Honorable Judge Jane J. Boyle, Northern District of Texas, Dallas Division. The jury unanimously found \$2.5 million in compensatory damages and \$10 million in punitive damages. Michael P. Lynn of Lynn Tillotson Pinker & Cox LLP was lead counsel for ORIX, and was supported by his partner Richard Smith and associate Elizabeth McElroy. Mr. Lynn stated that: *"The jury's verdict sends a message that there is accountability for libel on the internet, just as there has been accountability in the print medium. No one should accuse another of a criminal act on the internet unless it is true. We all have a right to our reputations and this case says they should not be stained by false criminal accusations made on the."*

ORIX's head of litigation, Greg May, commented, *"Mike Lynn and his team represented us enthusiastically and well. We're proud to have been vindicated by the jury's verdict, and we're glad to put this episode behind us."*

The ORIX case was one of a handful of cases tried across the US erecting legal boundaries in a medium that has resisted such boundaries in the past. The case was settled shortly after the verdict was announced. ORIX now owns the website and the one of the participants has publicly apologized for his conduct.

Attached is the jury's verdict form and the pretrial order that outlines the facts and allegations of the case.

For further information please contact Michael P. Lynn at Lynn Tillotson Pinker and Cox LLP. mlynn@lynnllp.com 214.981.3800.