

AMENDED/SUPPLEMENTED EXPERT REPORT OF TONY FREINBERG

PREPARED FOR CARY KATZ v. MARK STEYN and MARK STEYN ENTERPRISES, INC.,
United States District Court - District of Nevada, Case No. 2:18-cv-00997-JAD-GWF

I submit the following Amended/Supplemented Expert Report for use in the above-entitled action. I will be prepared to testify as to both my initial report and this amended/supplemented version.

Structure of Opinion

My report is divided into the following sections:

- My Background and Description of the Assignment
- Introductory Statement
- Mark Steyn's Far-Reaching Audience
- Defendants' Hostile Statements Had an Immensely Negative Effect on Cary Katz and He Has Suffered Significant Damages As a Result
- It is Necessary to Engage a Search Engine Optimization ("SEO") Firm and a Communications Firm to Mitigate and Rectify the Effects of Mr. Steyn's Online Attacks Well into the Future
- The Cost to Engage an SEO Firm and a Communications Firm to Complete an Initial Online Reputation Management ("ORM") Program
- The Cost to Engage an SEO Firm and a Communications Firm After the Initial ORM Program to Maintain the Program's Success
- Conclusion

My Background

I am the founder and president of Edendale Strategies. We work with clients to hone and more effectively deliver their public messaging, especially in high-profile and high-stress situations where there is little-to-no margin for error. My professional skills include developing overarching communications strategies, drafting and calibrating talking points, providing litigation support and, using skills I have developed as a television news producer, providing media training for clients to prepare them for contact with the press and public. These efforts often involve working hand in hand with best-in-class online reputation management companies to ensure that clients protect themselves against negative coverage online. Working with technical specialists to improve a client's online search results is among the most important—and most frequently requested—services we offer.

I have specialized in crisis communications and reputation management for three and a half years. Prior to that I was in the media and entertainment business for eleven years as a television news producer and talent agent. At Edendale, I work with a wide range of prominent individuals and company clients in high-profile situations. My clients include Fortune 50 companies and major California civic institutions, as well as major sports teams and some of the world's most famous movie stars and entertainers. My personal expertise is in (1) assessing the extent of negative events and publicity, (2) dealing with those negative events and publicity, and (3) formulating and implementing solutions to mitigate and repair the impact of those negative events and publicity on my clients' reputation.

While 'crisis management' may conjure images of experts assisting companies and individuals during periods of acute drama and intense activity, that is not the whole picture. A major part of my practice and expertise comes *after* the initial onslaught of press coverage has passed, helping clients assess the damage that they have suffered and analyzing the ongoing effects on their brands and/or good names.

After that reputational damage has been identified, I begin working with the client on the long and arduous process of helping them restore their reputation and standing in their business community, nationally and globally. In this technology-driven world, that effort often involves working hand-in-hand with experts in online reputation management ("ORM") to help clients mitigate negative and hostile search results on Google, Yahoo! and Bing, which is where many first turn for information about a given individual or company. In almost every instance, this effort is coupled with attempting to place positive—or less negative—articles about the clients in the media, both to help the clients share a better version of their stories and, crucially, to provide superior content to appear prominently in future online searches.

I am a dual citizen of the United States and the United Kingdom. I started my career by working as a print reporter at London's Sunday Telegraph newspaper, where I specialized in political coverage. I graduated with honors from Harvard College, with a B.A. in History. I began my time in Los Angeles at the William Morris Agency, where I rose from their famed mailroom to become a talent agent, working with writers, directors and actors, as well as leading the content side of their YouTube programming initiative, Rational Media. I then worked for five years at the Los Angeles bureau of NBC News, where I was part of the award-winning "Today" team that won back-to-back Emmys for Best Morning Program. After that and prior to forming Edendale Strategies, I worked as a senior executive at G.F.BUNTING+CO, a strategic communications company, serving as the point person for many of the firm's most high-profile accounts. My CV is attached to this report as Exhibit 1.

Description of the Assignment

I have been retained by counsel for Cary Katz to provide my opinions concerning (1) the effects and impacts of certain negative statements Defendants made about Mr. Katz; (2) how best to mitigate and rectify the damage to Mr. Katz's online reputation; and (3) the approximate cost of these mitigation and rectification efforts.

I charge \$495 per hour for my consulting work and am charging the same rate in this matter. I have also been retained as an expert in the matter *CRTV v. Mark Steyn and Mark Steyn*

Enterprises (US), Inc., which is an arbitration under the rules of the American Arbitration Association. I have not testified as an expert at trial or in deposition during the previous four years.

Throughout this report, I rely on facts and data that I and others in the communications and public relations industry regularly and standardly utilize and rely upon, including financial data from comparable mitigation and rectification efforts I have spearheaded, and data showing the reach and demographic of Defendants' audience. A list of the materials and information I relied on in forming my opinions is attached to this report for reference as Exhibit 2.

Introductory Statement

Cary Katz has endured continued and repeated reputational attacks by Mr. Steyn since February 2017. These personal attacks have been disseminated by the Defendants in numerous ways including Mr. Steyn's media appearances, his blog and his website.

It is well established in the public relations and communications industries that a person's online presence directly correlates with his or her earning potential. In the old days, British tabloid journalists would famously say to victims of their stories, "Not to worry: today's headlines are tomorrow's fish and chip wrapping." Today, articles—however erroneous or defamatory they may be—live online forever and can cause significant and ongoing damage to a person's reputation. Mr. Katz had a good online reputation, which is now significantly tarnished as a result of Defendants' negative statements.

In order for Mr. Katz to mitigate and rectify the damage to his reputation caused by Mark Steyn's alleged defamations—i.e., reclaim his good reputation—Mr. Katz will need to pay for Online Reputation Management ("ORM"), which will involve using expert technical assistance to improve his Google, Yahoo! and Bing results via an ongoing program of Search Engine Optimization ("SEO"). Put simply, this means that expert computer programmers will need to expend significant resources to ensure that search engines recognize and favor more accurate reporting about Mr. Katz—and, in so doing, push down inaccurate articles in their search rankings. In order to have any potential for real success, an ORM program will have to be long-term and thus will be very costly. This reality is exacerbated because of the extent of the negative commentary by Mr. Steyn coupled with his on-going disseminations and his substantial audience reach. No ORM program will be 100% successful—it is nearly impossible to remove an article from the internet entirely.

Mark Steyn's Far-Reaching Audience

Defendants' hostile written and verbal statements are ongoing and have reached—and continue to reach—millions of viewers, listeners, and readers through television, radio, and various online platforms, including the following:

- Steyn's 221,000 Twitter followers;
- Steyn's 138,135 Facebook followers;

- Steyn’s 49,877 YouTube channel subscribers (his videos have 3,745,872 total views);¹
- The website SteynOnline.com had an average of 766,000 viewers per month in early 2018, a period in which Defendants made a substantial number of hostile comments about Mr. Katz;
- Steyn regularly guest hosts the *Rush Limbaugh Show*, which averages approximately 14,000,000 listeners;
- Steyn regularly appears on Fox News’s *Hannity*, which averages approximately 3,100,000 viewers;
- Steyn regularly appears on Fox News’s *Tucker Carlson Show*, which averages around 2,900,000 viewers;
- Steyn regularly makes domestic and international personal appearances and speeches.

Based on these figures, it is highly likely (accounting for the likely overlap in the conservative demographic audience of the above media outlets) that Defendants’ hostile comments directed at Mr. Katz have reached an audience of more than 15,000,000 people.

Defendants’ Hostile Statements About Cary Katz Are Extremely Negative and He Cannot Ignore Them

Defendants have repeatedly published hostile and negative statements that I am informed are false (my opinions in this report necessarily assume the falsity of the statements. These statements include:

- Accusations that Mr. Katz is a “scofflaw” and a deadbeat dad;
- Accusations that Mr. Katz is a criminal;
- Accusations that Mr. Katz engaged in financial and labor fraud;
- Accusations that Mr. Katz is a fraud;
- Accusations that Mr. Katz filed fraudulent documents with various state government authorities;
- Accusations that Mr. Katz is mendacious;
- Accusations that Mr. Katz is a thieving sociopath;

¹ The number of Steyn’s Twitter followers, Facebook followers, YouTube subscribers and total video views were recorded on September 28, 2018.

- An accusation that Mr. Katz used crude and sexually explicit language to refer to Mr. Steyn.²

The statements say that Mr. Katz has committed crimes and that he is unfit to engage in his various professions, particularly broadcast journalism. These statements are *per se* harmful to Mr. Katz's personal and business reputation because they would lead most people who heard or read them to think very negatively about Mr. Katz's honesty and integrity.

It is my opinion, as a communications expert, that the negative comments articulated in the First Amended Complaint would give the impression to the average person that the oft-repeated statements consist of factual assertions that Mr. Katz has engaged in fraudulent conduct, has engaged in criminal activity, and is unfit to be affiliated with CRTV, a conservative online network. Specifically, from my review of the materials in this case, it is clear to me that a substantial portion of Defendants' audience believed the hostile statements about Mr. Katz were true factual assertions and not Mr. Steyn's opinions.

For example, the First Amended Complaint points to an April 28, 2018 article posted by Defendants on SteynOnline.com entitled, "Life Belongs Only to the Strong," which accuses Mr. Katz of a fraudulent conveyance of funds. (Complaint at p. 6.) The Comments section of that article reflects that many of Defendants' readers believed this accusation to be factually accurate:

- "There are bad Republicans and conservatives [that] kind conservatives would not wish to be associated with. From what I've read, Katz is one of them. I suspect he's more of a money-making capitalist than a conservative." By BallBounces in Toronto on April 28, 2018 at 10:59.
- "Cary Katz is the president of Saint Gabriel Catholic School in Las Vegas. Do they really want their president perpetrating a fraud upon the courts?" By Sol Cranfill on April 28, 2018 at 10:37.
- "Wow, CRTV and Corey [sic] Katz stoop to a new all-time low. May the judge throw out his fraudulent self-suit and order they [sic] grant you your award immediately." By Quinn on April 29, 2018 at 08:06.
- "I'm not a lawyer but it only seems fair that by undertaking his new legal shenanigans Mr. Katz should be exposing himself to further liability." By Richard Klein on April 28, 2018 at 13:49.

On April 23, 2018, in an article posted on SteynOnline entitled "Pictures from an Exhibitionist," Defendants published the following:

CRTV's local enforcers (a gang of criminals and criminal associates from Lake Placid) attempted to intimidate female

² Mr. Steyn stated in an online question and answer session broadcast by SteynOnline.com that Mr. Katz "apparently thought that [Mr. Steyn] was on some kind of gang rape sabbatical [in] Europe. That's how he kept referring to it." (Complaint at p. 6.)

employees of mine. When they skedaddled out of town after the verdict, they trashed the building, cutting through wiring, and illegally removing fixtures and fittings. CRTV is still bullying... By the close of business on February 22nd, CRTV had threatened to re-sue us, and were back to issuing intimidating we-know-where-you-live warnings to female colleagues... I was in town for a Hillsdale event, a few days after Cary Katz and the CRTV goon squad had set to work on me.

(Complaint at p. 7.)

The Comments section to this article contains the following posts by readers:

- “I think Marvin [i.e. Steyn’s cat] needs to start stalking the shameful Katz ...” By Fran Lavery on April 24, 2018 at 11:12.
- “A conscious collusion is hard to swallow, yes, but that doesn’t mean there’s no connection. Keep in mind that most lawsuits end, and are expected to end, in settlements. I could picture Katz thinking, ‘Steyn won’t dare fight this one out to the end; he’s got enough exposure from this giant-sized Mann thing. He’ll be grateful to pay a small percentage, forgive us those trifling sums we owe, and promise never to talk in public about it again.’ If that was the reasoning, then the one is linked to the other even if the plaintiffs never exchanged a word.” By Joseph W. on April 23, 2018 at 20:40.

On April 23, 2018, in an article posted on SteynOnline entitled “Mark Levin and His ‘Great Patriot,’” Defendants published the following statement: ***“Unless ‘conservative’ is a synonym for ‘criminal’, this man [Katz] and his associates should have no place on the American right.”***
(Complaint at p. 7.)

The Comments section to this article contains the following posts by readers:

- “Katz’s behaviour and gutter ethics are all too common in America these days and its [sic] getting worse, not better.” By Richard Bassett on April 24, 2018 at 01:37.
- “Wow, Cary Katz gives new meaning to the term scumbag. And these shenanigans show what a sham our legal system has become. He should be arrested for fraud.” By George Pazin on April 25, 2018 at 20:57.
- “Sorry Mark for the trouble you had. I guess that is what you get for being a ‘Sinister Foreigner.’ But what do we conservatives do when we rely on the Katz’, Mercers and Salem Media’s to fund conservative voices. We have to dance to their tune or the music stops.” By Scott Dillon on April 28, 2018 at 10:32.
- “You have honed your talent to a razors [sic] edge. Don’t waste it on pissants like Cary Katz.” By Cary Frick on April 25, 2018 at 08:12.

- “[Mr. Katz is] selfish and egotistic. He is sociopathic. His conscience urges him to atone for his greed and abuse of people. He tried it with CRTV. But, it turns out, he got in way over his head. Atop that, he’s jealous of Steyn. Like a cockroach in light, he scurries to a dark corner. His Edward Hyde nature emerges. He decides to return to his comfort zone of pulling wings off insects. Money doesn’t matter as much as his ego.” By Sol Cranfill on April 24, 2018 at 23:50.
- “My new daydream: sitting across the poker table from Katzenjammer and turning over the card revealing my straight flush, gutting the SOB with his ‘unbeatable’ full house.” By Richard Klein on April 24, 2018 at 11:24.
- “So what I understand here is that Katz is gutting the corporation CRTV in order not to pay his legal debts to you that were court ordered when CRTV lost its lawsuit with you. And he gave advance notice that he would not comply with the court order then acted. That is the definition of sleazy. I hope that he loses this ‘bigly.’ This goes beyond civil into criminal intent. I am sorry that you have to put up with this garbage.” By chickensoup on April 24, 2018 at 07:01.
- “It is worth it, I would guess to the right legal team suing for very big bucks and hitting Katz’s deep pockets for it looks like there is a criminal intent here.” By chickensoup on April 24, 2018 at 07:07.
- “It’s enough to give you Katz Scratch Fever. What a mongrel. Thanks a lot Mark for taking the time to tell us about these acts of bastardry. Very illuminating, and spot on about Conservatism, Inc.... What if Katz still refuses to pay after Mark wins that? Will the authorities take it upon themselves to charge him with evasion or some such? Can they jail him?” By Stuart Burrows on April 24, 2018 at 06:36.
- “Dear Mark Steyn: I cannot grasp why Katz ...would do this, unless he wants to destroy conservatives and found Levin to be a useful idiot to draw in the red rubes.” By Paul Courtney on April 24, 2018 at 16:02.
- “Mark has earned the right to roast this guy over the coals, after Katz’s attempt to rob him after screwing him on the show. I, too, joined CRTV for Mark’s show and Mark’s show alone, and quit when they cancelled the show and got my money back as well. Katz is apparently a low-life of the lowest order, who only likes to play by the rules if he wins, otherwise he kicks the table over. I actually thought Mark was relatively restrained in his comments on this classless thief. The donor class regards the rest of us as rubes and yokels, only worth sneering over and that’s about it, and it doesn’t matter which party they belong to, they always know better than the great unwashed, whether GOP or Dems.” By Faith Clendenen on April 24, 2018 at 01:19.
- “Katz’s behavior has been disgraceful. But he must have been convincing enough to take in Mark Steyn at some point. Is Levin a co-conspirator with Katz or co-victim with Steyn? Time will tell.” By Kevin Clark on April 23, 2018 at 19:42.

- “To answer the question: Mark Levin was full of merde (or shite for our English readers) when he said Cary Katz was a great patriot. Levin = Conservatism Inc.” By Jamie Marsh on April 23, 2018 at 19:31.
- “Scum like Katz infuriate me. The Pussy Hat is a nice touch but if the sociopathic soulless shameless scum manages to dodge paying on your court mandated award he deserves a good tar & feathering at the very least. Even then, a moral victory is no victory in this case.” By David Coats on April 23, 2018 at 18:41.
- “Mark wrote, quoting the wonderful Enoch Powell: ‘values exist in a transcendental realm, beyond space and time. They can neither be fought for, nor destroyed.’ Sadly, the appalling values of Catz [sic], Soros, the Clintons, Tony Blair, Mann, Obama and the Koch brothers are therefore indestructable [sic]. For them, life is a rigged WWE tournament. For We The People it is a daily bout.” By Nonny Mouse on April 23, 2018 at 18:37.
- “I was one of the first subscribers to LevinTV (Later CRTV). After its deplorable treat [sic] of Mark Steyn, I allowed my subscription to lapse. Thank you, Mark, for opening my eyes to what an incessant toilet CRTV is, chiefly due to Cary Katz.” By Clark Jerrell on April 23, 2018 at 18:26.
- “Katz sounds like a right scumbag. He will not land on his feet. Maybe he should be fitted with a bell to warn unprepared innocent prey.” By Ray Winchester on April 23, 2018 at 18:22.
- “I told my husband that anyone who made their millions from the student loan industry was a crook at best, a predator of young people at worst. Levin made comments from time to time about things financial and economic, and, as people with that background, my husband and I often cried ‘Foul’ listening to his advice. (He should stick with his Constitutional Law and history.) So, not surprisingly, he fell for Katz’s scheme, as Katz sought a way to profit from Levin’s ambition. Unfortunately, anyone can fall prey to a skillful, practiced [sic] shyster, but only a fool falls in with them for the long haul. I still want to believe that Levin was merely snookered, and not a co-predator [sic]. But I also know that at some point he knew what Katz was doing, and chose to look the other way.” By Jan Schiebout on April 24, 2018 at 15:36.

These comments are only a representative sampling reflecting that Mr. Steyn’s audience believed his remarks about Mr. Katz were true factual assertions—not merely opinions. Their belief of the statements’ truth imputes significant reputational harm to Mr. Katz.

Other than his investment in CRTV, Mr. Katz is engaged in various successful business ventures, including as the founder of the website Poker Central. Mr. Katz is also affiliated with various personal and charitable organizations, including holding the position of President of the San Gabriel Catholic School and Chairman of the organization Stop Child Predators. The types of public statements broadcast by Defendants to an audience of millions would reasonably be expected to have particularly damaging effects to Mr. Katz given the nature of Mr. Katz’s personal,

charitable, and private business ventures, which require Mr. Katz to be perceived as a law-abiding citizen who displays integrity in his business dealings.

It is Necessary That Mr. Katz Engage a Search Engine Optimization (“SEO”) Firm and a Communications Firm to Mitigate and Rectify the Effects Of Mr. Steyn’s Online Attacks

In order to mitigate and rectify Mr. Katz’s future reputational damage, it is important for him to take measures to “clean up” his search results through an ORM program (the “Program”). It is always prudent to delay implementation of an ORM Program until negative news stories stop being published. This is because, if Defendants engage in future attacks a significant percentage of Mr. Katz’s efforts to clean up his search results would then have to be redone, resulting in considerable wasted time, energy, and money.

A truly effective Program will require two companies to work together to perform the initial clean-up efforts:

First, Mr. Katz must engage an SEO firm to effectuate an initial internet-wide cleanup of all instances of Defendants’ hostile comments to drive this content down in the search results. An SEO firm would plant strategic key words relating to Mr. Katz in various search engine directories, such as Google, Bing, and Yahoo! This process updates the top searches relating to Mr. Katz and pushes hostile material lower on the list of search hits. However, each search engine is programmed to have negative results pertaining to every search term, if they exist, appear prominently on the first page of the results. As a consequence, the technical expertise required by the SEO firm is significant and the Program must be undertaken slowly and methodically, so as to not trigger any of the algorithm’s tripwires, which would undo any progress. Further, if the subject of a search is not himself generating new, positive and widely picked-up content, the results will inexorably revert to prioritizing the most popular historical content to appear at the top of the search results, so it takes a significant newsworthy event to organically displace prior significant events.

Mr. Steyn’s allegations are more salacious—and, thus, more appealing to an average reader—than, for example, a local news report about Mr. Katz supporting and attending a community charitable function. As such, Mr. Steyn’s inflammatory statements will have a natural tendency to reappear higher on a list of search results, necessitating ongoing efforts.

Consequently, it is highly recommended that Mr. Katz also hire a communications firm to rectify the hostile statements by formulating, generating and placing stories to educate the public about the falsity of Defendants’ statements and to highlight Mr. Katz’s achievements. Developing and disseminating stories that are positive and rooted in fact is a complex and time-consuming process that, in order to be done effectively, will require the employment of a specialist crisis communications firm.

The Cost to Engage an SEO Firm and a Communications Firm to Complete an Initial ORM Program

Improving one’s SEO results is a difficult, gradual, and tedious process. There are companies that achieve impressive results, but their services are expensive. I have worked with a number of SEO specialists and very few can deliver lasting results. Some of the most popular

companies, whose names are widely-known thanks to advertising, are very ineffective, especially for such wide-spread disseminations like those by Mr. Steyn. These companies manipulate the search algorithms so rapidly that their actions are uncovered and reverted. While they may not charge as much as some more bespoke alternatives, they are far less successful at achieving lasting success. Moreover, the nature of their program means that the second one stops paying them, almost all of the benefits of their work disappear, putting the client back at square one—or, sometimes, in even worse shape.

My opinion is that the specialist companies that have higher success rates in this area tend to be more circumspect and do not publish their rates or, of course, client lists. But I have worked with several and their pricing is fairly consistent and not cheap. In my experience, Mr. Katz can expect to pay at least \$20,000 per month for an effective SEO program which, given the breadth and unrelenting publication by Mr. Steyn of the negative comments, would almost certainly need to be in place for more than two years to displace hostile content from the first page of Google results, given the time it takes to place factual stories and to make gradual and lasting changes to search results. Surveys vary on exactly what percentage of clickthrough content comes from the first page of a person's search results, but the number is definitely more than 75%. This means that what appears on the first page of an individual's search results is the most visited content. Here, Mr. Katz's Program will take at least two years for the initial clean up because he makes few public appearances other than his activities as a poker player.

All SEO companies also charge an additional fee to perform similar services for the two other primary search engines – Yahoo! and Bing. In my experience, that fee would come to at least another \$5,000 per month. To remove such content from the first two pages of each search engine's results would cost significantly more. In sum, an effective initial SEO program for all three primary search engines would cost Mr. Katz at least \$600,000.

Every case is, of course, different. But not long ago I worked on a situation involving a very wealthy individual facing a reputational crisis due to repeated disparagement from an outspoken adversary. Like Mr. Katz, this client was reticent to do additional press, and had no interest in becoming a major presence on social media but needed to mitigate his search results to help his business and personal interests. The campaign that was put into place for him cost more than \$800,000 and, even then, was unable to completely clear the first page of his Google results and undo the damage he had suffered.³

Hiring an SEO firm would not be the end of Mr. Katz's ORM expenses. In order to displace the negative content, he would need to ensure that there was *positive* material available to be deployed. Without that, the hostile articles would remain at the top of his search results, no matter what kind of algorithm optimization was attempted by the SEO programmers.

In order to formulate that material, Mr. Katz would need to hire a strategic communications firm with specific ORM expertise. That firm would need to do the following:

³ I am bound by a non-disclosure agreement to protect my other client's confidentiality and thus cannot reveal his name. I would, however, be willing to ask his permission to disclose his name subject to a strict attorney's eyes only, protective order or an *in camera* disclosure.

- i) Collaborate with SEO firm to identify the specific kinds of content needed by Mr. Katz to improve his online reputation;
- ii) Confer with Mr. Katz, his friends, family and colleagues to research truthful and positive narratives about Mr. Katz;
- iii) Refine those ideas through additional consultation—and identification of appropriate third-party validators—to turn them into potential pieces that might appeal to the media;
- iv) Pitch those stories to a range of carefully-selected print journalists, TV producers and on-air talent and bloggers at appropriate outlets;
- v) Work with those journalists to shepherd them through the reporting and editing process;
- vi) Develop “owned media” properties for Mr. Katz (personal and corporate websites, social media, LinkedIn pages, etc.);
- vii) Manage those owned media properties in such a way as to maximize their SEO value;
- viii) Continually liaise with the SEO firm to ensure all owned or earned media pieces gain traction and prominent placement online to assist with that process.

The cost of such a firm would vary, based on the quantity of research required and the ease of article placement, as the time it takes a publication to pick up a story varies. Top-tier crisis communications firms nearly all bill on an hourly basis—like lawyers—so the most effective way to estimate cost is to calculate the time needed and work from there. I estimate that an assignment here would involve between 50-70 hours of work, at a minimum.

Given that Mr. Katz is a private individual who makes few public appearances it will be more difficult to generate a substantial volume of positive newsworthy content about him than it would be to generate such content for a celebrity. This means Mr. Katz will likely need well more than 100 hours of communications counsel. Currently, reputable firms in this arena charge a minimum of \$350 per hour, meaning that, even if he uses them for only 100 hours—a very conservative estimate—Mr. Katz would have to pay such a firm at least \$35,000.

In sum, given the situation in which he finds himself, Mr. Katz will have to pay at least **\$635,000** to complete an initial ORM Program⁴ with a decent chance of success to mitigate and

⁴ Several companies offer to provide this service for as little as a few thousand dollars per month. In my time working in the crisis communications industry, I have found these services to be misleading in their marketing, ineffective in their short-term results, and disastrous when it comes to long-term change. As soon as a customer stops paying for their services, his or her results will go back to where they were at the start—or, quite often—to an even worse place. These companies are, for example, www.reputationbuilder.com and www.reputation.com. Therefore, one is much better off doing it right and engaging a reputable SEO and communications firm from the beginning.

rectify the damage to his reputation that he would otherwise incur in the future. This amount is separate and distinct from any general damages that may be proven at trial.

The Cost to Engage an SEO Firm and a Communications Firm After the Initial ORM Program to Maintain the Program's Success

Despite the best efforts of the most reputable SEO and communications firms, one cannot ever completely eradicate online reputational damage because the information still exists online; it just appears lower in the search results. Negative search hits can and will begin to appear higher on the list of search hits if the individual fails to generate frequent, positive news content.

It is important to keep all hostile statements undetectable by the public and low on the list of search hits to capitalize on—and protect the gains made by—the initial clean-up efforts. ORM programs require maintenance into the future after the initial two years to update algorithms, provide algorithm maintenance, displace additional negative content that may arise, and maintain the individual's social media personae.

Accordingly, based on my extensive experience in assisting clients with long-term reputation rehabilitation, even once the two-year “intensive” Program is over—assuming it is successful, which is far from certain, given the potency of Mr. Steyn's attacks—Mr. Katz will need to invest in ongoing ORM Program maintenance. My experience with individuals and companies in similar situations, leads me to conclude that such work will need to continue for at least two additional years. Between the SEO and communications firms, an *extremely* conservative estimate of the cost of that work is \$6,000 per month—in other words, an additional \$144,000 total.

Conclusion

In sum, it will likely cost Mr. Katz at least **\$779,000** to implement and maintain a successful ORM Program to mitigate and rectify damage he would otherwise be subjected to due to Mr. Steyn's pervasive attacks on his reputation. All of my opinions and conclusions are to a reasonable degree of probability based on my experience within the field of communications, review of objective data sources and discussions with SEO and communications professionals. All of my opinions and conclusions are reasonably supported by data typically surveyed by other people in the industry.

/s/ Tony Freinberg.

EXHIBIT 1

Tony Freinberg

3612 Lowry Road
Los Angeles, CA 90027

(310) 614-1435
tony@edendalestrategies.com

Work History

- President* **EDENDALE STRATEGIES** **Los Angeles, CA August 2018 – Present**
Founded consulting firm to supply comprehensive crisis support, communications counsel and strategic guidance. Clients include some of the most recognizable corporations, sports franchises, entertainment stars and civic institutions in the world. In addition to specializing in providing C-suite executives and A-list celebrities with communications guidance – leveraging crisis management experience and media connections – Edendale assists clients with business strategy development, litigation support, personnel decisions and risk management.
- Senior Executive* **G.F.BUNTING + CO** **Los Angeles, CA July 2015 – August 2018**
Working at a leading communications firm, served as point executive for prominent clients including Fortune 50 companies, major civic institutions, colleges and universities, high net-worth individuals and major sports franchises. Headed entertainment practice, working with Oscar-winning actors, directors and producers. Generated suggested communications strategies, talking points, media training, story placement, press releases, correction demands and draft op-eds. Supplied litigation support in numerous complex, high-profile matters.
- Associate Producer* **“TODAY,” NBC NEWS** **Universal City, CA Nov. 2009 – July 2015**
Produced taped and live segments for “Today.” Wrote, researched and cut pieces. Booked exclusive guests (Valerie Harper, Conrad Murray, the Manti Te’o “girlfriend,” the Christopher Dorner manhunt witness, among others). Also produced for “Nightly News” and MSNBC, working both in the news bureau and on location. Covered disasters (mudslides, floods, wildfires) breaking news (plane crashes, shootings, politics), court cases (Ryan O’Neal, Lindsay Lohan, Robert Durst) and Hollywood award shows (Golden Globes, Oscars, Emmys).
- VP, Content* **YOUTUBE GOLD** **Beverly Hills, CA Feb. 2009 – Nov. 2009**
Managed start-up partnership between WMA and Google to create premium content for YouTube and other platforms. Ran point on all content initiatives, supervising acquisitions and creative development. Interacted with A-list talent, advertisers and technical partners at Google. Designed and implemented new financial models and term-sheets. Worked on business development and fund-raising. Directly supervised team of full-time employees.
- Agent (previously Assistant to the CEO)* **WILLIAM MORRIS AGENCY** **Beverly Hills, CA Oct. 2005 – Jan. 2009**
Clients included A-list actors, directors, writers and producers. Negotiated complex television contracts and worked to structure innovative deals for new media ventures. Sold projects to networks and studios, dealing with industry players at the highest level. Previously, assistant to Jim Wiatt, Chairman and CEO, helping oversee a company of 1,000 employees. Formulated strategy documents, handled client and management issues and conducted talent negotiations as well as preparing press releases, deal memos, follow-up documents and policy speeches.
- Journalist* **THE SUNDAY TELEGRAPH** **London, Summer 2002 and Aug. 2004 – Sept. 2005**
Political and national news reporter for a newspaper with a circulation of over 700,000. Had over 30 pieces published, including front-page articles and full-page news analyses. Articles followed up on television and radio news as well as in other British and international papers.

Education

HARVARD COLLEGE **Cambridge, Mass., 2000 – 2004**
B.A. History *cum laude*.
Harvard College Scholarship for superior academic performance. GPA: 3.7. Executive Board member, Staff Director and bi-weekly Editorial Columnist for Harvard Crimson.

ETON **Eton, England, 1995 – 2000**
Oppidan Scholar for academic achievement. Sixth Form Select, prefect society for scholastic excellence and leadership qualities. Squash team. Oxford Union national debating finalist.

EXHIBIT 2

I have relied on the following materials to formulate my opinions contained in this report:

- Mark Steyn's Twitter Account as of October 1, 2018, showing 221,000 Twitter followers;
- Mark Steyn's Facebook Account as of October 1, 2018, showing 138,135 Facebook followers;
- Mark Steyn's YouTube Channel as of October 1, 2018, showing 49,877 YouTube channel subscribers (with videos viewed 3,745,872 times);
- The website SimilarWeb reporting that SteynOnline.com had an average of 766,000 viewers per month during a period of high volume of hostile comments made by Defendants in early 2018;
- Talkers article showing the Rush Limbaugh Show has 14,000,000 listeners;
- TV Newser article showing Hannity has 3,100,000 viewers in First Quarter 2018;
- TV Newser article showing the Tucker Carlson Show has 2,900,000 viewers in First Quarter 2018;
- CNN article showing lifespan of average man in the United States is 76.1 years;
- The First Amended Complaint filed in this action;
- Comments for SteynOnline.com articles: *Life Belongs Only to the Strong, Pictures from an Exhibitionist*, and *Mark Levin and his Great Patriot*;
- A timeline of events provided by counsel.