

Eliot P. Reifkind, Esq.¹
Nicholas R. Thompson, Esq.^{1,2,3,4}
Lance C. Rudzinski, Esq.^{1,2*}
Brian D. Gottlieb, Esq.¹
Shaun M. Serelson, Esq.¹
Matthew A. Rabin, Esq.^{1,2,*}
L. Hope Richards, Esq.¹



Frank Gonzalez, Esq.¹
Brandon J. Gibson, Esq.^{1,5,*}
Gregory J. Blackburn, Esq.^{1*}
Gabriela A. Hidalgo, Esq.¹
Michelle Chase, Esq.¹
David Edwards, Esq.¹
Kurt T. Wilson, Esq.¹

Admitted

¹Florida/ ²Texas

³Massachusetts/ ⁴Michigan/ ⁵Illinois

*Licensed in Federal Court

3333 W. Commercial Blvd., Suite 200 Fort Lauderdale, FL 33309 Tel: (954) 370-5152 Fax: (954) 370-1992

October 5, 2022

Via U.S. Mail and E-Mail: info@dryeyefoundation.org
rebecca@dryeyefoundation.org
aidan@dryeyefoundation.org
Amanda.mott@wisconsin.gov
amandaleigh22@msn.com
A.mott@dewittross.com
sbrownmd@cabarruseye.com

The Dry Eye Foundation
Attn: Rebecca Petris
26273 Twelve Trees Lane N.W.
Ste. M
Poulsbo, WA 98370

Re: Cease and Desist Demand

Dear Ms. Petris:

This firm has been retained to represent Regener-Eyes, LLC (“Regener-Eyes”). It has come to our client’s attention that the Dry Eye Foundation (“DEF”) in connection with Dr. Sandra Brown, M.D. (“Dr. Brown”), from Carrabus Eye Center, have been making defamatory statements and distributing slanderous emails about our client to third parties. This letter is a demand that you, and any other board member, agent, and/or representative of DEF, immediately cease and desist making any defamatory statements regarding our client, including but not limited to, sending emails, making videos, drafting letters, making social media posts, or using any other form of electronic communication, along with deliberately trying to interfere with its business practices and affairs. If the actions continue, our client intends to file a lawsuit against DEF and any member, agent, and/or representative of DEF personally, including yourself.

Your “Open Letter to Regenerative Processing Plant, LLC” is nothing more than a poor attempt to intrude into our client’s products, services, and trade secrets. Your actions clearly display that DEF is not a platform that provides mutual education, support, and/or encouragement for the eye care community but instead are focused on interfering with other businesses within the eye care industry for rivalry purposes. Your lack of knowledge and background in the eye care industry clearly shows you have no idea what our client is lawfully doing and presenting to the community in an effort to help people that suffer from ocular diseases. You are not a Food and Drug Administration (“FDA”) expert so holding yourself and the DEF as parties who know all about FDA regulations and responsible for protecting the public health by assuring the safety, efficacy, and security of human drugs and biological products is improper, against the FDA’s policies, and punishable by law.

Furthermore, in a recent trade show which took place in Las Vegas, Nevada, you along with Aidan Moore (“Moore”) harassed and threatened our client’s employees and stole goods from our client’s trade show table, which is a crime and criminally punishable. The behavior displayed by you and Moore was despicable and so reckless that security from the trade show was forced to escort you and Moore out of the premises along with barring any further interaction between you and any of our client’s employees. Your actions have nothing to do with patient safety or education as someone who cared for the eye care community would not behave in this manner.

Moreover, our client was advised by third parties that you in association with Dr. Brown are contacting its clients and other parties in an effort to not only disparage our client’s business but to obtain business for yourself and/or a third-party you are in association with and away from our client. Any defamatory statements you have made thus far have no validity whatsoever and your behavior is simply unacceptable. What you are doing is engaging in pure fearmongering as your allegations have absolutely no foundation or a legitimate basis.

At this time, you, and any member, agent, and/or representative of DEF, are to immediately stop any and all further contact with our client's customers, business providers and distributors, and/or Regener-Eyes' Clinical Advisory Board. If any agent and/or representative of DEF, including yourself, make any further defamatory statements regarding our client or continue to interrupt its business practices, our client intends to seek all legal remedies available to it, such as filing a lawsuit for intentional interference with a business relationship, conspiracy, tortious interference with advantageous business relationships, misleading advertisement, injunction, and defamation.

In addition, our client demands that you immediately retract the false allegations made to anyone thus far, take down the website known as www.biologiceyedrops.org, and remove any and all videos and/or social media posts in which you or any agent and/or representative of DEF have participated in or contributed to that involve our client or its product in any shape or form, whether it is in association with Cabarrus Eye Center or any other party, including but not limited to the DEF YouTube channel videos. You hereby have three (3) business days from receipt of this letter to comply with the demanded requests.

Furthermore, you and the DEF are hereby on notice to preserve any and all correspondence and documentation regarding, referencing, or relating to our client, including, but not limited to, letters, electronic correspondence, text messages, videos, etc. If you fail to secure and save the information asserted above, then you and the DEF will also be facing a claim for spoliation of evidence.

If you would like to discuss this matter further please contact my office.

Sincerely,

Brian D. Gottlieb

Brian D. Gottlieb, Esq.
For the Firm

cc: Regener-Eyes LLC