



DAVID HUTCHINSON
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May 29, 2018

***Sent VIA Certified Mail, Return-Receipt Requested
and Regular Mail***

Historic Eastmoreland Achieving Results Together
4207 SE Woodstock #567
Portland, Oregon 97206

Manda Bonilla Blum
Derek Blum
7920 SE Reed College Pl
Portland, OR 97202

CEASE AND DESIST

Re: *False and Defamatory Statements Regarding Patrick Cummings.*

Dear Mr. Blum:

This office represents Patrick Cummings with regard to the most recent failed nomination of Eastmoreland to the National Register of Historic Places (“National Register”). It has recently come to our attention that you, in your individual capacity and also as a representative of Historic Eastmoreland Achieving Results Together, have made a number of troubling statements regarding Mr. Cummings. **Mr. Cummings hereby demands you cease and desist all false and defamatory statements made against him immediately, and confirm your acquiescence to this demand in writing by Tuesday, June 5, 2018.** If you do not so confirm, my office has advised Mr. Cummings to file an action against you for damages resulting from your defamation and defamation per se, as discussed further below.

As you know, the Eastmoreland Neighborhood Association recently forced a nomination of Eastmoreland to the National Register despite the majority of the neighborhood expressing dissent. That nomination, a bastardization of democratic process in any case, failed in this particular instance when the overwhelming majority of eligible “owners” objected. Mr. Cummings understands that outcome is likely frustrating to you and your constituents at HEART. That said, your vitriol, to the extent it is directed at Mr. Cummings and similarly situated individuals in the Eastmoreland neighborhood, is misplaced.

Whether or not it conforms to your idea of fairness, the Oregon Department of Justice interprets multiple trusts as resulting in multiple owners for the purpose of National Register nominations. This is true without regard to whoever the respective trustee of each trust may be. As such, each of Mr. Cummings votes was legitimate, and legitimately counted by the Oregon State Historic Preservation Office.



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HEART
May 29, 2018
Page 2

Despite the above, you have apparently taken it upon yourself to decry Mr. Cummings' objections as "illegitimate" and to characterize Mr. Cummings himself as an unethical and dishonorable person. Mr. Cummings takes these misstatements and accusations extremely seriously. Your statements are clearly defamatory as that term is defined under Oregon law, and intended only to subject Mr. Cummings to ridicule and diminish his esteem throughout the Eastmoreland community and beyond. The damage Mr. Cummings has sustained already as a result of your defamatory statements is extensive.

Perhaps most concerning, however, are the statements you have made regarding Mr. Cummings's professionalism in the workplace in your "A Matter of Trusts" post published on the HEART website and elsewhere. The only conceivable reason to make such statements is to lead people to question Mr. Cummings' fitness to perform his job as a financial planner. You even took the extraordinary step of suggesting people in the community contact Mr. Cummings's employer to inform them of his alleged moral turpitude. These statements constitute blatant defamation *per se* under Oregon law, and Mr. Cummings is extremely likely to prevail should he bring such a claim against you in a court of law. Mr. Cummings hereby demands you cease and desist making such statements immediately. Mr. Cummings also demands you remove this post from the HEART website and wherever else it can be found immediately upon receipt of this letter, and in any case no later than **Tuesday, June 5, 2018**. As discussed above, if you do not comply with these demands my office has advised Mr. Cummings to file an action against you for whatever claims may be available to him under Oregon law.

I look forward to your written acquiescence to the above demands. Thank you in advance for your anticipated cooperation.

Sincerely,

/s/ David B. Hutchinson

David B. Hutchinson

DBH/rh