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May 12, 2014

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Dear [REDACTED]

I represent Dan Bilzerian and received your letter on behalf of Janice Griffith.

I am genuinely sorry that your client was hurt. No one wants to see anyone injured. But the suggestion that Mr. Bilzerian is responsible for that injury is embarrassing. I'm sorry she made you suggest it in writing.

The whole tragi-comic thing is of course on tape. Given that you agreed to send Mr. Bilzerian a threat to sue, I can only assume you must not have seen it.

It shows facts your client always omits: she was under contract to Hustler and agreed with Hustler's request that she be photographed while being thrown off the roof. I always thought that this kind of thing was Photoshopped instead. Perhaps Hustler's editorial standards would not permit it. Perhaps she insists on doing all her own stunts. I really do not know.

In all events, she agreed. Very few people I know would make that choice. But there it is. And chronologically, she's an adult competent to make it. Hustler and your client asked Mr. Bilzerian to be the thrower, and we can all agree that was the better end of the deal.

So like your client, the facts of the claim won't, quite, fly. The tape shows the two carefully practicing this flight of fancy under Hustler's direction, and your client expressly agreeing to go ahead. In legal lingo, she assumed the risk.

But maybe I'm not creative enough. Maybe your client's theory is that Mr. Bilzerian negligently violated the established standard of reasonable care for one who throws a porn actor off a roof into a pool during a photo shoot for an adult magazine. I'll let that one sink in for a moment.

But there's more. The tape shows that she did the one thing that she had been explicitly told in advance would stop her from making it to the pool: she grabbed Mr. Bilzerian's shirt. Now, I'm no physicist. And it won't surprise you that I don't have any relevant personal experience. So I don't know the precise amount of thrust it takes to heave someone across to a pool a floor below. But I'm also not blind. And it is apparent that Mr. Bilzerian's *shirt* did not reach out and grab *her*.

As I said, I don't doubt your client was genuinely hurt when she clipped the edge of the pool. But there are some natural questions about just how awful those injuries were. Her prompt text to Mr. Bilzerian's assistant demanding \$85,000 for her hurt foot inevitably leaves the regrettable misimpression that she is nothing more than a crass opportunist.

Thankfully, she does seem to be getting on. I don't run in the same circles, but like a lot of people, I do have Twitter. And with all due respect, she overshares. I can't bear to describe most of what is on her eponymous account, thejaniceXXX. I will save you the embarrassment of looking for yourself. Just trust me that her recent missives with the hashtags "#depththroat," "#fatpussies," and "#NSFW" (the others are SFW?) suggest that her career is gangbusters. Indeed, I doubt the exclusive interviews with TMZ that have come from these events could have hurt.

Maybe your client will think this letter is unduly harsh. After all, I've never met her. I'm not at all familiar with her oeuvre. If my life depended on it, I could not tell you what phrase she has tattooed on her left breast. Nonetheless, I feel my tone is justified. I didn't send a letter threatening to sue her on an obviously ridiculous claim.

So if your client sues Mr. Bilzerian, she will obviously lose. But please don't let her believe that since you may well have a claim against Hustler, there's no downside to tacking him on as another deep-pocketed defendant who might settle just to make her go away. Mr. Bilzerian will never, ever permit the case to be resolved prior to the inevitable judgment in his favor.

If she sues, the complaint will be sanctionably frivolous. Your client should just box up almost every last bit of her property (please exclude all videos and photographs, as well as the seemingly inevitable small yappy dog) and drop it off with you in safe-keeping for Mr. Bilzerian. After he receives the judgment in his favor, he will have it all delivered to him. Then he will probably blow it up with a mortar in the desert.

I enjoyed our brief correspondence.

Very truly yours,

