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June 3, 2015

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**FILED VIA CM/ECF**

The Honorable J. Frederick Motz  
United States District Court  
for the District of Maryland  
101 W. Lombard Street  
Baltimore, Maryland 21201

**RE:** *GiveForward, Inc. v. Kena Hodges, et al.*, Case No. 1:13-cv-01891-JFM

Dear Judge Motz:

In the potentially dispositive cross-motions for summary judgment on the Communications Decency Act (“CDA”), which are currently pending before the Court in the above-referenced case, the Parties (Plaintiff, GiveForward, Inc., and Defendants/Third-Party Plaintiffs, Kena Hodges and KDH) characterize differently the underlying actions and role of Third-Party Defendant, Kimani Johnson (“Mr. Johnson”) with respect to the KDH Fundraisers on GiveForward’s website (the “KDH GiveForward Fundraisers”).

Because of its potential relevance in this case and to the pending motions, we write respectfully to inform the Court that on May 22, 2015 (after the Parties completed briefing the CDA summary judgment cross-motions), Mr. Johnson entered a plea of guilty in the Circuit Court for Prince George’s County, Maryland, to *Attempted Theft with a value at least \$10,000 but less than \$100,000* for his associated role in the 2013 KDH GiveForward Fundraisers. Mr. Johnson was represented by legal counsel in this criminal matter. If the Court so chooses, it may consider notice of this evidence pursuant to Rule 803(22) of the Federal Rules of Evidence. This information was obtained via Maryland’s Public Records Case Search:

<http://casesearch.courts.state.md.us/casesearch/inquiryDetail.jis?caseId=CT141696X&loc=65&detailLoc=PG>

If the Court requires any additional information or wishes the Parties to further brief this matter by way of supplementation to the briefs in the pending motions, please advise counsel and we will immediately address whatever the Court requests.

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Thank you in advance for your time and your consideration. We greatly appreciate it.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Anne T. McKenna', with a long horizontal flourish extending to the right.

Anne T. McKenna

cc: All counsel (*via* CM/ECF)