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Recipient Information:
Matador Recordings, LLC
304 Hudson Street
New York, NY 10013

Sent via: email with pdf attachment
Re: Defamation on Earles & Jensen 'Just Farr A Laugh'

March 17, 2008

Re: Defamation Relating to Class Action

Dear Sir or Madam:

The purpose of this Notice is to inform you of a class action lawsuit that is now pending in the United States District Court for the Northern District of Hawaii (the "Court"). The Class certified by Order of the Court is identified below.

In this lawsuit (the "Action"), Lead Plaintiff Scott Dumage (or "Lead Plaintiff") alleges that defendants violated federal law by making materially false and misleading statements and omissions regarding the nature of his professional music career and character, in addition to salaciously recording a phone conversation. Lead Plaintiff contends that consumers were misled by statements which appeared in press releases, recordings and in comments posted on Matadorrecords.com, FailedPilot.com and MySpace.

COMPLAINT

This is an action for libel brought by lead plaintiff Scott Dumage against defendants Matador Recordings, Jefferson Jensen and Andrew Earles ("Defendants") for the publication and broadcasting of statements on their website and recordings impeaching Mr. Dumage in his trade or profession. Mr. Dumage is a professional musician and the statements published by the Defendants falsely assert that he has compromised his professional musicianship, falsely asserting that he has been seeking blues band development and for incompetence, gross negligence, or other insufficient talent in the practice of blues rock.

The plaintiff, complaining of defendants, alleges and says:

JURISDICTION

1. The court has jurisdiction of this action pursuant to G.S. 7A-243.

VENUE

2. Venue is proper in Shelby County pursuant to G.S. 1-82 because defendants are residents of the county.

PARTIES

3. Plaintiff Scott Dumage has been a licensed bass guitar instructor in Tennessee since 1994 and is a resident of Shelby County. He currently practices bass and blues guitar instruction at the American Guitar Institute.

4. Defendant Andrew Earles is a resident of Shelby County and, together with his partner Jefferson Jensen, maintains the web site failpilot.com and record as Earles & Jensen.

5. Defendant Andrew Earles is a resident of Shelby County and, together with partner Jefferson Jensen, constitute Earles & Jensen which are signed to a recording agreement with Matador Recordings LLC which plans to manufacture, promote and distribute a compilation of phone calls entitled "Just Farr A Laugh, Volume 1 and 2" ("the recording") which feature the two phone calls placed to Mr. Dumage in question.

FACTUAL ALLEGATIONS

6. Scott Dumage graduated with high honor from the University of Kentucky in 1980. He received his Doctor of Bass Guitar Degree, with high honors, from Auburn University in 1984. He completed his fellowship at Memphis Howard Vance Guitar Academy in 1985 and his residency at Bartlett Music Academy in 1994.

7. Scott Dumage was licensed to practice bass guitar in Tennessee in 1994 by the Tennessee Blues Society and he has maintained his license since that time.

8. Since his licensing in 1994 Mr. Dumage has practiced bass guitar continuously in Tennessee. From 1994 through 1997 Mr. Dumage owned a instruction school, accepting blues students from general bass and blues instructors. From 1998 through 2004 his practice primarily was as a consulting bass and blues instructor, providing blues scale interpretations and blues scale guided procedures for other bass and blues instructors and otherwise consulting on blues scale and musicianship. Since 2005 he has practiced as a bass and blues instructor in Memphis.

9. Mr. Dumage's professional reputation is important to him as a bass and blues instructor, and any harm to that reputation is damaging to him in his profession.

10. Defendants Earles and Jensen created and maintain and write the copy for a web site found at failedpilot.com, as well as content on the recording.

11. The song titles on the recording reads, "Barbara: A Realistic Portrait". Included in that recordings are the words, "Scott, this is going to be great."

12. Also appearing on the recording are Mr. Dumage saying the following: "I really play anything" and "I like him" (referencing Robert Cray).

13. A true copy of the pages from the recordings and web site are attached as Exhibit A.

14. An ordinary person's understanding of the statements published by the Earles on their web site and in the recordings, and the understanding desired and intended by the Earles, is that Scott Dumage has committed blues malpractice and is incompetent and negligent as a bass and blues instructor. Those statements are false.

15. The statements made by the Earles and published on their web site and the recording have been intentionally published to the public at large and are intended and calculated to impeach Mr. Dumage in his profession and have been made without regard to the truth.

16. The statements made by the Earles and published on their web site and the recording have harmed and injured Mr. Dumage in his profession.

CLAIM FOR LIBEL

17. The allegations of paragraph 1 through 16 are incorporated by reference.

18. The statements made by the Earles and Jensen published on their web site, failedpilot.com, and recording libel Scott Dumage in that they impeach and harm him in his profession.

19. The statements made by the Earles and Jensen and published on their web site and on the recording are libelous per se.

RELIEF REQUESTED

Having stated and shown his claim against defendants Earles and Jensen, plaintiff asks that the court:

1. Hold that the statements made by the defendants and published on their web site are libelous per se and harm the plaintiff in his profession.

2. Order that defendants pay to plaintiff compensatory damages in excess of \$10,000 per plaintiff.

3. Order that the defendants pay to plaintiff punitive damages.

4. Order defendants to cease publication of the libelous statements on their web site in any other publication.
5. Order defendants to replace the current content of their web site with statements approved by plaintiff and the court acknowledging that the incorrectness of their claims and apologizing to plaintiff.
6. Order defendants to make reasonable efforts, approved by the court, to contact and notify readers of the failedpilot.com web site that the statements made on that site concerning Mr. Dumage were false.
7. Enjoin Matador Recordings in ceasing the production, promotion and distribution of the recording.

Tennessee
SHELBY COUNTY

VERIFICATION

Scott Dumage, being first duly sworn, deposes and says that I am the plaintiff in this action; that I have read the foregoing document and that the same is true of my own knowledge except as to those matters and things therein stated upon information and belief, and as to those I believe them to be true.

Scott Dumage
Plaintiff

Sworn to and subscribed before me
this 20 day of March, 2008.
Holly Holloway
Notary Public
My commission expires: 4-22-09

Peter Giftopolous, ESQ
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