



BRYAN CAVE LEIGHTON PAISNER LLP  
Three Embarcadero Center, 7th Floor, San Francisco, CA 94111-4070  
T: 415 675 3400 F: 415 675 3434 [bcblplaw.com](http://bcblplaw.com)

Roger Myers  
Direct: 415.268.1955  
[roger.myers@bcblplaw.com](mailto:roger.myers@bcblplaw.com)

October 9, 2023

Mr. Fred Norton  
The Norton Law Firm, P.C.  
299 Third Street, Suite 200  
Oakland, CA 94607

Re: Your Letter of September 29 to Alex Halperin and WeedWeek

Dear Mr. Norton:

We are the attorneys for Alex Halperin and WeedWeek (collectively “WeedWeek”) and write in response to your above-referenced letter on behalf of your client, Eaze Technologies, Inc.

We are heartened to hear your client agrees that WeedWeek “should publish the facts [it] learn[s] through [its reporting] efforts, whether Eaze likes them or not.” But your letter reflects a misunderstanding about the facts WeedWeek is constitutionally protected to gather and publish.

The First Amendment’s protections for news gathering “bars interference with this traditional function of a free press in seeking out information by asking questions.” *Nicholson v. McClatchy Newspapers*, 177 Cal. App. 3d 509, 519 (1986). This “news gathering component of the freedom of the press – the right to seek out information – is privileged at least to the extent it involves ‘routine ... reporting techniques.’” *Id.* (quoting *Smith v. Daily Mail Publ’g Co.*, 443 U.S. 97, 103 (1979)). “Such techniques, of course, include asking persons questions, including those with confidential or restricted information.” *Id.* at 514, 519 (affirming dismissal of case seeking to impose liability on newspaper for publishing information “required to be kept absolutely confidential” by law).

Contrary to the assertions in your letter, this protection is not lost because Eaze claims some of the information provided WeedWeek was “stolen” by someone else. *Ass’n of L.A. Deputy Sheriffs v. L.A. Times Commc’ns*, 239 Cal. App. 4th 808, 818-19 (2015) (rejecting argument that constitutional protection was lost because plaintiff asserted “the Times’s possession of the files constitutes the crime of receiving stolen property”). It also is not lost by a claim a newspaper knew a source was bound by a duty of confidentiality. *Trump v. Trump*, 189 N.Y.S.3d 430, 440 (N.Y. Sup. Ct. 2021) (“courts have consistently rejected efforts to impose tort liability on the press based on allegations that a reporter induced a source to breach a non-disclosure agreement”); *Seminole Tribe v. Times Pub. Co.*, 780 So. 3d 310, 317 (Fla. Dist. Ct. App. 2001 (First Amendment barred claim that newspaper “solicited employees and agents of [plaintiff] to reveal confidential and proprietary information”).

Mr. Fred Norton  
The Norton Law Firm, P.C.  
October 9, 2023  
Page 2

In light of the litigation against it referenced in your letter, it would seem Eaze has better ways to spend its time and legal resources than threatening WeedWeek and Mr. Halperin with liability for publishing Eaze's alleged "privileged or confidential information" when the very case Eaze cites mandates the opposite result. "The United States Supreme Court has held that disclosure of truthful information of public concern may not be prohibited if obtained in a lawful manner, even if obtained from a source that has obtained it unlawfully." *Lieberman v. KCOP Television, Inc.*, 110 Cal. App. 4th 156, 167 n.4 (2003) (citing *Bartnicki v. Vopper*, 532 U.S. 514, 528, 534-35 (2001)).

Sincerely,

  
Roger Myers

cc: WeedWeek