

JOE MANCHIN III
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ENERGY AND NATURAL
RESOURCES COMMITTEE
ARMED SERVICES COMMITTEE
SPECIAL COMMITTEE ON AGING
BANKING, HOUSING, AND
URBAN AFFAIRS COMMITTEE

April 1, 2014

Gailon Totheroh
Producer
Adroit Films, LLC
805 Live Oak Dr #102
Chesapeake, VA 23320

Dear Mr. Totheroh:

I write to demand you cease and desist the distribution of your documentary, "Upper Big Branch – Never Again," posted yesterday, March 31, 2014, remove the documentary from any websites where you posted it, and remove any and all references to my name, image, and likeness from the film.

On March 24, 2014, your firm interviewed me for a documentary, which you claimed was related to "mine safety" and would be "dedicated to the victims' families from [the Upper Big Branch mine disaster.]" In fact, this is a film by Don Blankenship, an individual under investigation for his role in the deaths of 29 brave miners. Your omission of this material fact was a gross misrepresentation of the true purpose of your film. Further, I would never have consented to the interview if I had known of your association with Mr. Blankenship.

Your deliberate acts of omission and misrepresentation are compounded by the final product. Despite my thirty-minute interview, you only dedicated one minute and thirty-two seconds to mine safety – one of the most important issues in West Virginia – in an attempt to vindicate Mr. Blankenship.

Your fraudulent behavior in securing the interview and your misrepresentation of my interview are actionable offenses. I expect you to cease distribution of this film and remove any references to my name, image, and likeness. Please respond to this letter in writing immediately to confirm what actions you are taking in response to my request.

Sincerely,



Joe Manchin III
United States Senator