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February 16, 2012

Ted Poole  
Via email: [thpool1138@hotmail.com](mailto:thpool1138@hotmail.com)

Re: Three Eagles Communications, Inc.

Mr. Poole:

This firm represents Three Eagles Communications, Inc., the owner of KIBZ FM. The attached email was forwarded to us by Three Eagles, who received it directly from you. Three Eagles has been contacted by several of its advertising partners who received the same or similar emails from you.

Please be advised that the Nebraska Supreme Court has affirmatively recognized legal actions for tortious interference with a business relationship or expectancy and for conspiracy to interfere with business. See, e.g., *Koster v. P & P Enters.*, 248 Neb. 759 (Neb. 1995); *The Lamar Company, LLC v. City of Fremont*, 278 Neb. 485 (Neb. 2009); and *Wiekhorst Bros. Excavating & Equipment Co. v. Ludwig*, 247 Neb. 547 (Neb. 1995).

Your action in targeting this email to Three Eagles' advertisers is actionable because you are intentionally and expressly attempting to damage valid contractual business relationships or expectancies without any justification. Your efforts to get others to join in your tortious actions supports a claim for conspiracy to interfere with business. It is one thing to complain about a radio format change or a change in radio station personalities; it is quite another to target Three Eagles' advertisers. In addition, your statement that the station is not "locally" operated is false and misleading, as several local employees are involved in Three Eagles' operation, management and even ownership. Three Eagles is a significant long-term employer in both Lincoln, as well as the entire state of Nebraska. Advertising revenues drive that employment, and your actions are unjustified and clearly intended to cause economic harm.

The extent of the damage which you have caused is not yet known, but Three Eagles intends to hold you responsible for that damage.

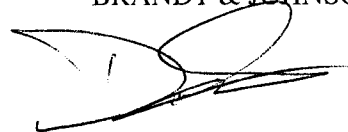
Your activities and statements raise serious concerns for Three Eagles about your understanding of, and/or willingness to abide by, your legal obligations. Three Eagles does not take these obligations lightly. You are hereby directed, consistent with applicable tort and defamation law, to

- (a) cease and desist from any further contact with Three Eagles' advertisers, which contractual relationship is legally protected, and
- (b) cease and desist from any further and defamatory comments about Three Eagles' status as a non-local enterprise whose interests are somehow contrary or harmful to those of Lincoln.

In order to avoid escalation of this matter and to provide assurance to Three Eagles that you are aware of and will abide by your contractual obligations, please send me written confirmation of same no later than close of business tomorrow, February 17, 2012.

Please contact me should you have any questions.

Very truly yours,  
SPARKS WILLSON BORGES  
BRANDT & JOHNSON, P.C.

A handwritten signature in black ink, appearing to read 'David P. Steigerwald', with a stylized flourish at the end.

David P. Steigerwald

DPS/rjo