

**From:** Paul Ramundo  
**To:** Citizen Complaint Act  
**Subject:** Paul Ramundo - CalPERS On-Line Web Site - Ask CalPERS # 579565  
**Date:** Thursday, June 22, 2017 11:00:29 AM

---

To: Citizen\_Complaint\_Act@calpers.ca.gov  
Ask CalPERS #: 579565  
Date Submitted: 2017-06-22 11:00:25  
Date Of Birth -  
Social Security #:  
Status - Interested Party  
Last Name: Ramundo  
First Name: Paul  
Phone #: 2126177816  
Extension #:  
Respond By: email  
E-Mail Address: pramundo@bloomberg.net

Date Sent: 2017-06-22 11:00:25  
Subject: Complaint(89)

Street:  
City:  
State: California  
Zip Code:  
Organization: Bloomberg L.P.  
Question: Re: Copyright Concerns

Hi. I work in the Legal Department at Bloomberg. Can you please direct this request to your legal department?

My News team here at Bloomberg informed me that Calpers was redistributing Bloomberg News over a Calpers web site. I have since read some news articles concerning this issue. I would like to understand if that is happening or has happened. Can you please contact me? Thank you.

Paul Ramundo  
Bloomberg Legal  
Bloomberg L.P.  
pramundo@bloomberg.net  
212-617-7816  
Web Browser: Mozilla/5.0 (Windows NT 6.1; WOW64; Trident/7.0; rv:11.0) like Gecko

**From:** Jacobs, Matthew  
**To:** Pacheco, Brad; Hammond, Lisa; Singal, Vishali; Quail, Chloe  
**Subject:** Fwd: Emailing: CALPERS.pdf  
**Date:** Tuesday, June 20, 2017 8:05:12 AM  
**Attachments:** CALPERS.pdf  
ATT00001.htm

---

Begin forwarded message:

**From:** "LoBue, Robert P. (x2596)" <[rplobue@pbwt.com](mailto:rplobue@pbwt.com)>  
**Date:** June 20, 2017 at 6:45:16 AM PDT  
**To:** "[matthew.jacobs@calpers.ca.gov](mailto:matthew.jacobs@calpers.ca.gov)" <[matthew.jacobs@calpers.ca.gov](mailto:matthew.jacobs@calpers.ca.gov)>  
**Subject:** FW: Emailing: CALPERS.pdf

Resending with corrected email address

Robert P. LoBue  
Patterson Belknap Webb & Tyler LLP  
1133 Ave. of the Americas  
New York, New York 10036  
v: 212-336-2596  
f: 212-336-2395

-----Original Message-----

**From:** LoBue, Robert P. (x2596)  
**Sent:** Monday, June 19, 2017 5:26 PM  
**To:** '[matthew.jacobs@calpers.ca](mailto:matthew.jacobs@calpers.ca)'  
**Subject:** FW: Emailing: CALPERS.pdf

Please see the attached correspondence.

Robert P. LoBue  
Patterson Belknap Webb & Tyler LLP  
1133 Ave. of the Americas  
New York, New York 10036  
v: 212-336-2596  
f: 212-336-2395

---

Privileged/Confidential Information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to

such person), you may not copy or deliver this message to anyone. In such case,  
you  
should destroy this message and kindly notify the sender by reply email. Please  
advise  
immediately if you or your employer do not consent to Internet email for  
messages of this  
kind.

---

# Patterson Belknap Webb & Tyler LLP

1133 Avenue of the Americas New York, NY 10036-6710 212.336.2000 fax 212.336.2222 www.pbwt.com

June 19, 2017

Robert P. LoBue  
Partner  
(212) 336-2596  
rplobue@pbwt.com

[matthew.jacobs@calpers.ca.gov](mailto:matthew.jacobs@calpers.ca.gov)

Matthew Jacobs  
General Counsel  
CALPERS  
400 Q St., Lincoln Plz.,  
Sacramento, CA 94229-2707

**Re: Infringement of Dow Jones's Copyrighted News Articles**

Dear Mr. Jacobs:

We are litigation counsel for Dow Jones, which owns and operates *The Wall Street Journal*, *Barron's*, Dow Jones Newswires, MarketWatch and other publications including those listed in Schedule A. Our client is deeply concerned that CALPERS appears to have been committing pervasive and willful infringement of Dow Jones's copyrights in its publications (collectively, "Dow Jones Content").

We have learned that CALPERS has displayed on a public-facing website at [www.calpers.ca.gov/apps/news/default.asp](http://www.calpers.ca.gov/apps/news/default.asp) numerous full-text articles reproduced from the *Journal* and other Dow Jones publications. We understand, for example, that approximately 9,000 *Journal* articles and 250 *Barron's* articles, dated from 2009 to the recent past, were reproduced and displayed. The articles represent a selection of the content of the *Journal* and other publications that was evidently curated by someone acting on behalf of CALPERS, and therefore the dissemination of these articles must have been intentional. The CALPERS-controlled URL at which this content was made available has only been taken down within the last few days.

These acts, unless licensed by Dow Jones, are violations of Dow Jones's rights under the Copyright Act of 1976, including Dow Jones's exclusive rights of reproduction, *see* 17 U.S.C. § 106(1), distribution, *id.* § 106(3), and public display, *id.* § 106(5), and analogous provisions of non-U.S. law. In addition, by inducing viewers to further disseminate *Journal* articles without Dow Jones's authorization, CALPERS would be liable for contributory copyright infringement and/or inducement to infringement. *See Metro-Goldwyn-Mayer Studios Inc. v. Grokster, Ltd.*, 545 U.S. 913, 934-37 (2005). You should be aware that Dow Jones consistently and rigorously enforces its intellectual property rights. *See, e.g., Dow Jones & Company v. Real-Time News & Analysis, Ltd.*, 14-Civ-131 (S.D.N.Y. 2014); Press Release, Dow Jones & Company, Dow Jones Successfully Resolves Major Copyright Infringement Claim,

(June 12, 2012); Jonathan Stempel, *Dow Jones, Briefing.com Settle 'Hot News' Lawsuit*, Reuters (Nov. 16, 2010).

CALPERS's apparent copyright infringement would entitle Dow Jones to substantial damages under U.S. law, including, at Dow Jones's election, (a) CALPERS's profits and Dow Jones's actual damages, or (b) statutory damages of \$750-\$30,000 per work infringed, increased to up to \$150,000 per work infringed if the infringement was willful, as CALPERS's infringement appears to have been. *See* 17 U.S.C. § 504(a)-(c). CALPERS's infringement would also entitle Dow Jones to recover its attorney's fees and costs of suit. *See* 17 U.S.C. § 505.<sup>1</sup>

In addition, CALPERS's reproduction and display of Dow Jones Content stripped the copyright notice from each article. Under the Digital Millennium Copyright Act (codified within Title 17), Dow Jones is entitled to statutory damages of up to \$25,000 and attorney's fees for each act of stripping such "copyright management information" from the copyrighted work. *Id.* § 1203(c)(3).

If CALPERS believes it has been licensed by Dow Jones to reproduce Dow Jones Content as described above, we demand to know the basis for such claim. If not, we hereby demand that CALPERS immediately cease and desist from all unauthorized uses of the copyrighted material in Dow Jones's publications and services. We also demand that CALPERS immediately remove all Dow Jones Content from all computer systems, web sites and other facilities within its control, and direct all to whom Dow Jones Content has been made available by CALPERS, to remove such content from their systems and files. We also demand that CALPERS immediately take appropriate affirmative steps to preserve, and to cause its agents to preserve, all electronic and paper documents that relate to CALPERS's reproduction and display of Dow Jones Content.

Furthermore, to assist in determining the harm that has been done by the aforementioned activities of CALPERS, we demand that, within ten days, CALPERS produce to us the following information, including documentation sufficient to evidence the accuracy and completeness of CALPERS's responses:

- (1) confirmation that CALPERS has complied and will continue to comply with the preceding demands;
- (2) a complete description of how it came about that CALPERS reproduced and made Dow Jones Content available;
- (3) a complete description of all web addresses, platforms, services, devices and methods by which CALPERS made available Dow Jones Content;

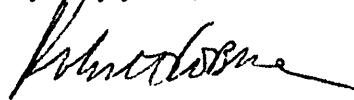
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<sup>1</sup> Dow Jones regularly registers content with the United States Copyright Office, as is required pursuant to 17 U.S.C. § 412 for the recovery of statutory damages and/or attorney's fees.

- (4) a complete description of the time period within which CALPERS has disseminated Dow Jones Content;
- (5) a complete description of the universe of persons to whom CALPERS has made available Dow Jones Content;
- (6) a complete description of the users who accessed Dow Jones Content made available by CALPERS, including the number of such users and their location;
- (7) a complete description of any restrictions regarding use or further distribution that CALPERS purported to apply to its dissemination of Dow Jones Content;
- (8) the title and publication date of each article of Dow Jones Content that CALPERS has made available via any website or other platform or service provided by CALPERS; and
- (9) the identity of each individual or entity employed by or otherwise acting on behalf of CALPERS who was involved in the selection and dissemination by CALPERS of any Dow Jones Content, including that person's title, position or relationship to CALPERS and full contact information.

Upon receipt of this information, we will be in a position to determine the amount of compensation that is required for CALPERS's extensive – and apparently unauthorized – use of Dow Jones's copyrighted content. If no response is received within ten days, Dow Jones is fully prepared to pursue all available remedies at law and equity. This letter does not purport to be a complete statement of the relevant facts or law, and is without prejudice to Dow Jones's legal and equitable rights, all of which are expressly reserved.

Very truly yours,



Robert P. LoBue

## **SCHEDULE A**

Barron's  
Daily Bankruptcy Review  
Dow Jones Newswires (including Dow Jones Institutional News and Dow Jones News Service)  
Financial News  
Heat Street  
MarketWatch  
Moneyish  
Private Equity News  
SmartMoney  
VentureSource  
The Wall Street Journal (including WSJ Pro)

**XAVIER BECERRA**  
**Attorney General**

**State of California**  
**DEPARTMENT OF JUSTICE**



300 SOUTH SPRING STREET, SUITE 1702  
LOS ANGELES, CA 90013

Public: (213) 897-2000  
Telephone: (213) 897-2479  
Facsimile: (213) 897-5775  
E-Mail: [Laura.Robbins@doj.ca.gov](mailto:Laura.Robbins@doj.ca.gov)

June 28, 2017

Robert P. LoBue  
Patterson Belknap Webb & Tyler LLP  
1133 Avenue of the Americas  
New York, NY 10036-6710  
[rplobue@pbwt.com](mailto:rplobue@pbwt.com)

RE: CalPERS

Dear Mr. LoBue:

I am a Deputy Attorney General with the California Department of Justice who is counsel for the California Public Employees' Retirement System (CalPERS), an agency of the government of the State of California. My colleague Peter Chang and I will be representing CalPERS in this matter. My contact information is listed above. Mr. Chang's contact information is:

Peter H. Chang  
Deputy Attorney General  
Department of Justice  
Office of the Attorney General  
455 Golden Gate Ave., Suite 11000  
San Francisco, CA 94102-7004  
Direct: 415-703-5939

We write in response to your June 19, 2017 letter. CalPERS takes the allegations in your letter seriously, and although we have just been retained by CalPERS, we are diligently investigating this matter so we can work to address the issues you have raised. We can confirm that the website mentioned in your letter is no longer accessible. We will respond in greater detail to your letter after we have completed our investigation.

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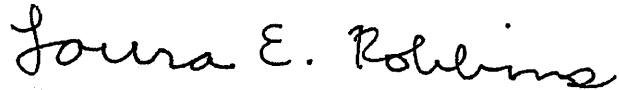


June 28, 2017

Page 2

Please direct your further inquiries about this matter to me or to Mr. Chang. We are gathering information as quickly as we can. We will respond in more detail as soon as we are able to do so.

Sincerely,

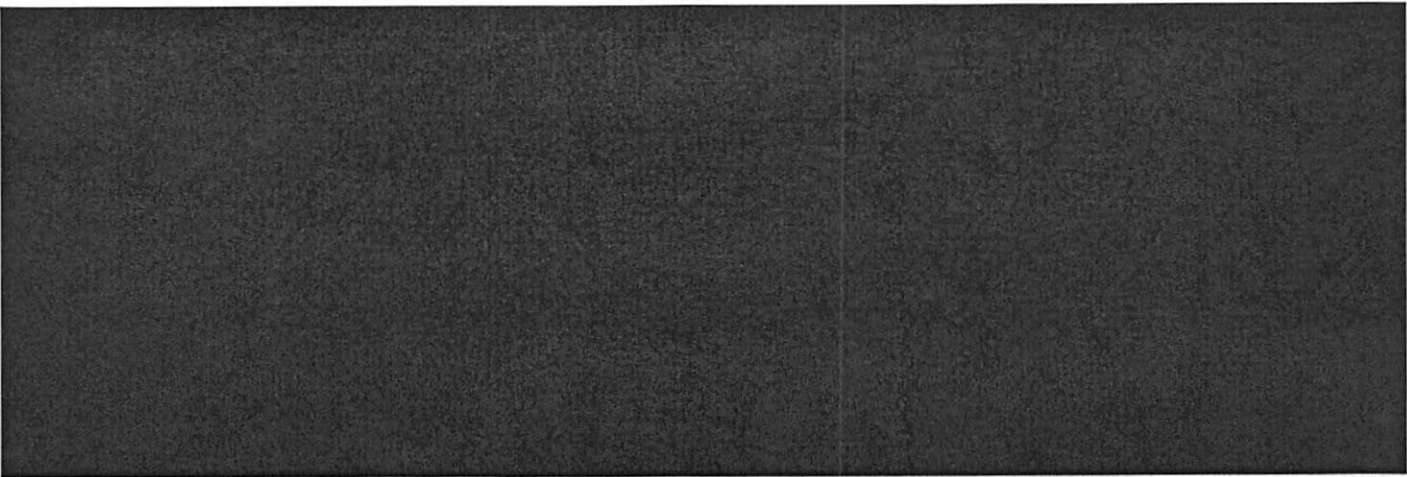
A handwritten signature in cursive script that reads "Laura E. Robbins".

LAURA E. ROBBINS  
Deputy Attorney General

For XAVIER BECERRA  
Attorney General

LER:

LA2017604574  
52539538.doc



---

**From:** LoBue, Robert P. (x2596) [mailto:rplobue@pbwt.com]  
**Sent:** Tuesday, July 11, 2017 6:21 AM  
**To:** Laura E. Robbins <Laura.Robbins@doj.ca.gov>  
**Cc:** Peter Chang <Peter.Chang@doj.ca.gov>  
**Subject:** RE: CalPERS

Dear Ms. Robbins and Mr. Chang:

Our client Dow Jones expects an expeditious resolution of this matter including answers to the questions posed in our letter to CALPERS. Please advise when we may expect your substantive response.

Thank you.

Robert P. LoBue  
Patterson Belknap Webb & Tyler LLP  
1133 Ave. of the Americas  
New York, New York 10036  
v: 212-336-2596  
f: 212-336-2395

---

**From:** Laura E. Robbins [mailto:Laura.Robbins@doj.ca.gov]  
**Sent:** Wednesday, June 28, 2017 6:34 PM  
**To:** LoBue, Robert P. (x2596)  
**Cc:** Peter Chang  
**Subject:** CalPERS

Counsel,

Please see the attached correspondence, which is only being sent by email.

Regards,

Laura E. Robbins

Deputy Attorney General  
Office of the Attorney General  
300 S. Spring Street, Suite 1702  
Los Angeles, CA 90013  
Tel (213)897-2479  
Fax (213)897-5775  
Email [laura.robbyns@doj.ca.gov](mailto:laura.robbyns@doj.ca.gov)


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**From:** Buchanan, Kara  
**Sent:** Thursday, June 15, 2017 9:41 AM  
**To:** Frost, Marcie; Pacheco, Brad; Jacobs, Matthew  
**Subject:** FW: Infringing Use of New York Times Content on  
<https://www.calpers.com.gov/apps/news/default.asp>  
Hi, please see attached cease and desist letter from NYT.

---

**From:** Deborah Beshaw-Farrell [<mailto:beshadl@nytimes.com>]  
**Sent:** Thursday, June 15, 2017 8:45 AM

**To:** Buchanan, Kara  
**Cc:** Gretchen Morgenson; David McCraw; Samson, Richard; Timothy Arena  
**Subject:** Infringing Use of New York Times Content on  
<https://www.calpers.com.gov/apps/news/default.asp>

Dear Ms. Buchanan:

Attached please find my letter to Ms. Marcie Frost, CEO of California Public Employees' Retirement System, with regard to the referenced subject.

Sincerely,

**Deborah Beshaw-Farrell**

Legal Department

The New York Times Company

620 Eighth Avenue

New York, NY 10018

(T) 212-556-1789

(F) 212-556-4634

(E) [beshadl@nytimes.com](mailto:beshadl@nytimes.com)



Legal Department  
620 Eighth Avenue  
New York, NY 10018

tel 212.556-1789  
fax 212.556-4634  
beshadl@nytimes.com

**Diane Brayton**  
Executive Vice President,  
General Counsel & Corporate Secretary

Tara M. Hereich  
Marcijane Kraft  
David E. McCraw  
Brian Rideout  
Lee K. Riffaterre  
Richard S. Samson  
Judy W. Tieh

June 15, 2017

**VIA Email:**

Ms. Marcie Frost  
CEO  
California Public Employees'  
Retirement System (CalPERS)

Re: **Infringing Use of *New York Times* Content**  
**on <https://www.calpers.ca.gov/apps/news/default.asp>**

Dear Ms. Frost:

I am with the Legal Department of The New York Times Company ("The Times").

It has come to my attention that something over six thousand (6,000) *New York Times* articles have been posted to the captioned website (Daily News Summary compiled by PAOF). We have no record that anyone from CalPERS ever received permission to post the referenced articles.

Please note that The Times owns the copyright in its content; CalPERS' current use thereof constitutes an infringement of The Times's rights under U.S. Copyright law. Accordingly, we hereby demand that you immediately remove all currently-posted *New York Times* content from the site and cease and desist from any further use of any *New York Times* content in any manner whatsoever.

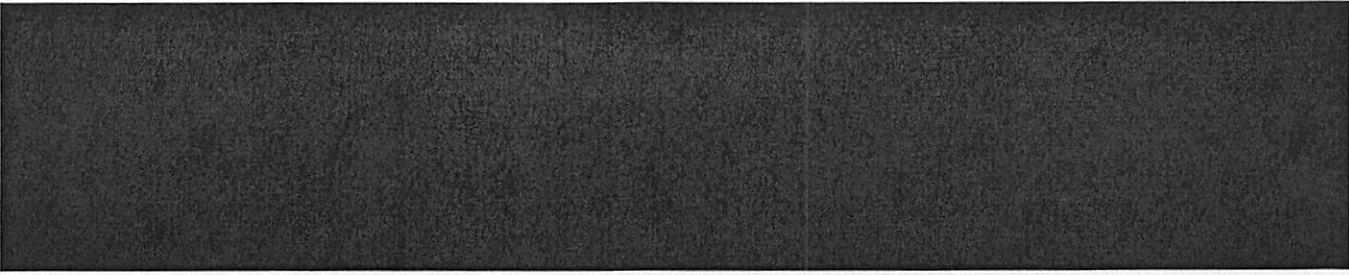
We encourage linking and you can find our guidelines for doing so appropriately at <http://www.nytimes.com/ref/membercenter/help/linkingfaq.html>. Also, if you wish to post a legal eprint of a *New York Times* article on your web site, we invite you to contact Leigh Russo at PARS International (phone: 212-221-9595, x400 / email: [leigh.russo@parsintl.com](mailto:leigh.russo@parsintl.com)), who will be happy to assist you.

If all *New York Times* content has not been removed within three (3) business days of receipt of this letter, we will have no choice but to pursue all available legal remedies. The demands made herein shall not prejudice or waive any rights or remedies that The Times may have in respect of the subject matter set forth herein, all of which rights and remedies are hereby expressly reserved.

Sincerely,

Deborah Beshaw-Farrell

cc: Gretchen Morgenson  
Richard Samson, Esq.  
David McCraw, Esq.



---

**From:** Buchanan, Kara  
**Sent:** Tuesday, June 20, 2017 9:18 AM  
**To:** Frost, Marcie; Jacobs, Matthew; Pacheco, Brad  
**Subject:** FW: Infringing Use of New York Times Content on <https://www.calpers.com.gov/apps/news/default.asp>  
They are asking for a response today.

---

**From:** Richard Samson [<mailto:richard.samson@nytimes.com>]  
**Sent:** Tuesday, June 20, 2017 9:17 AM  
**To:** Buchanan, Kara  
**Subject:** Fwd: Infringing Use of New York Times Content on <https://www.calpers.com.gov/apps/news/default.asp>

Dear Ms. Frost-

We have been contacted by various media outlets about discussing this matter. Please let me know today if you plan to respond to my email so that we know how to proceed.

Richard Samson

Sent from my iPhone

Begin forwarded message:

**From:** "Samson, Richard" <[richard.samson@nytimes.com](mailto:richard.samson@nytimes.com)>  
**Date:** June 19, 2017 at 5:33:08 PM EDT  
**To:** [kara.buchanan@calpers.ca.gov](mailto:kara.buchanan@calpers.ca.gov)  
**Cc:** "Beshaw-Farrell, Deborah" <[beshadl@nytimes.com](mailto:beshadl@nytimes.com)>  
**Subject:** Fwd: Infringing Use of New York Times Content on <https://www.calpers.com.gov/apps/news/default.asp>

Dear Ms. Buchanan:

This matter has been brought to my attention, as I handle intellectual property matters for The New York Times Company.

The scope of this infringement of our rights is quite outrageous and possibly unprecedented. The fact that it was done by a California state government agency is unbelievable. We expect to be compensated for this brazen and widespread use of our content, regardless of whether you have taken the site down.

<http://www.nakedcapitalism.com/2017/06/new-york-times-sends-cease-desist-letter-over-calpers-massive-copyright-infringement.html>

I look forward to hearing from you promptly.

This Email is sent without waiver of or prejudice to our rights and remedies, all of which are hereby reserved.

Sincerely,

Richard Samson

---

Richard Samson  
Vice President & Assistant General Counsel  
The New York Times Company  
620 Eighth Avenue  
New York, New York 10018  
[Richard.Samson@nytimes.com](mailto:Richard.Samson@nytimes.com)  
tel: [212/556-7602](tel:2125567602)  
fax: [212/556-4634](tel:2125564634)

----- Forwarded message -----

**From:** Deborah Beshaw-Farrell <[beshadl@nytimes.com](mailto:beshadl@nytimes.com)>  
**Date:** Thu, Jun 15, 2017 at 11:45 AM  
**Subject:** Infringing Use of New York Times Content on  
<https://www.calpers.com.gov/apps/news/default.asp>  
**To:** [kara.buchanan@calpers.ca.gov](mailto:kara.buchanan@calpers.ca.gov)  
**Cc:** Gretchen Morgenson <[gretchen@nytimes.com](mailto:gretchen@nytimes.com)>, David McCraw  
<[mccrad@nytimes.com](mailto:mccrad@nytimes.com)>, "Samson, Richard" <[richard.samson@nytimes.com](mailto:richard.samson@nytimes.com)>,  
Timothy Arena <[timothy.arena@nytimes.com](mailto:timothy.arena@nytimes.com)>

Dear Ms. Buchanan:

Attached please find my letter to Ms. Marcie Frost, CEO of California Public Employees' Retirement System, with regard to the referenced subject.

Sincerely,

**Deborah Beshaw-Farrell**

Legal Department  
The New York Times Company  
620 Eighth Avenue  
New York, NY 10018  
(T) [212-556-1789](tel:2125561789)  
(F) [212-556-4634](tel:2125564634)  
(E) [beshadl@nytimes.com](mailto:beshadl@nytimes.com)

--



Legal Department  
620 Eighth Avenue  
New York, NY 10018

tel 212.556-1789  
fax 212.556-4634  
beshadl@nytimes.com

**Diane Brayton**  
Executive Vice President,  
General Counsel & Corporate Secretary

Tara M. Herelch  
Marcijane Kraft  
David E. McCraw  
Brian Rildeout  
Lee K. Riffaterre  
Richard S. Samson  
Judy W. Tieh

June 15, 2017

**VIA Email:**

Ms. Marcie Frost  
CEO  
California Public Employees'  
Retirement System (CalPERS)

Re: Infringing Use of *New York Times* Content  
on <https://www.calpers.ca.gov/apps/news/default.asp>

Dear Ms. Frost:

I am with the Legal Department of The New York Times Company ("The Times").

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We encourage linking and you can find our guidelines for doing so appropriately at <http://www.nytimes.com/ref/membercenter/help/linkingfaq.html>. Also, if you wish to post a legal eprint of a *New York Times* article on your web site, we invite you to contact Leigh Russo at PARS International (phone: 212-221-9595, x400 / email: [leigh.russo@parsintl.com](mailto:leigh.russo@parsintl.com)), who will be happy to assist you.

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Sincerely,

Deborah Beshaw-Farrell

cc: Gretchen Morgenson  
Richard Samson, Esq.  
David McCraw, Esq.



**From:** [Buchanan, Kara](#)  
**To:** [Hammond, Lisa](#)  
**Subject:** FW: Infringing Use of New York Times Content on <https://www.calpers.com.gov/apps/news/default.asp>  
**Date:** Tuesday, June 20, 2017 11:13:11 AM  
**Attachments:** [ATT00001.htm](#)  
[3381\\_001.pdf](#)

---

---

**From:** Richard Samson [mailto:[richard.samson@nytimes.com](mailto:richard.samson@nytimes.com)]  
**Sent:** Tuesday, June 20, 2017 9:17 AM  
**To:** Buchanan, Kara  
**Subject:** Fwd: Infringing Use of New York Times Content on <https://www.calpers.com.gov/apps/news/default.asp>

Dear Ms. Frost-

We have been contacted by various media outlets about discussing this matter. Please let me know today if you plan to respond to my email so that we know how to proceed.

Richard Samson

Sent from my iPhone

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**Date:** June 19, 2017 at 5:33:08 PM EDT  
**To:** [kara.buchanan@calpers.ca.gov](mailto:kara.buchanan@calpers.ca.gov)  
**Cc:** "Beshaw-Farrell, Deborah" <[beshadl@nytimes.com](mailto:beshadl@nytimes.com)>  
**Subject:** Fwd: Infringing Use of New York Times Content on <https://www.calpers.com.gov/apps/news/default.asp>

Dear Ms. Buchanan:

This matter has been brought to my attention, as I handle intellectual property matters for The New York Times Company.

The scope of this infringement of our rights is quite outrageous and possibly unprecedented. The fact that it was done by a California state government agency is unbelievable. We expect to be compensated for this brazen and widespread use of our content, regardless of whether you have taken the site down.

<http://www.nakedcapitalism.com/2017/06/new-york-times-sends-cease-desist-letter-over-calpers-massive-copyright-infringement.html>

I look forward to hearing from you promptly.

This Email is sent without waiver of or prejudice to our rights and remedies, all of which are hereby reserved.

Sincerely,

Richard Samson

---

Richard Samson  
Vice President & Assistant General Counsel  
The New York Times Company  
620 Eighth Avenue  
New York, New York 10018  
[Richard.Samson@nytimes.com](mailto:Richard.Samson@nytimes.com)  
tel: [212/556-7602](tel:212-556-7602)  
fax: [212/556-4634](tel:212-556-4634)

----- Forwarded message -----

From: **Deborah Beshaw-Farrell** <[beshadl@nytimes.com](mailto:beshadl@nytimes.com)>  
Date: Thu, Jun 15, 2017 at 11:45 AM  
Subject: Infringing Use of New York Times Content on  
<https://www.calpers.com.gov/apps/news/default.asp>  
To: [kara.buchanan@calpers.ca.gov](mailto:kara.buchanan@calpers.ca.gov)  
Cc: Gretchen Morgenson <[gretchen@nytimes.com](mailto:gretchen@nytimes.com)>, David McCraw  
<[mccrad@nytimes.com](mailto:mccrad@nytimes.com)>, "Samson, Richard" <[richard.samson@nytimes.com](mailto:richard.samson@nytimes.com)>,  
Timothy Arena <[timothy.arena@nytimes.com](mailto:timothy.arena@nytimes.com)>

Dear Ms. Buchanan:

Attached please find my letter to Ms. Marcie Frost, CEO of California Public Employees' Retirement System, with regard to the referenced subject.

Sincerely,

**Deborah Beshaw-Farrell**  
Legal Department  
The New York Times Company  
620 Eighth Avenue  
New York, NY 10018  
(T) [212-556-1789](tel:212-556-1789)  
(F) [212-556-4634](tel:212-556-4634)  
(E) [beshadl@nytimes.com](mailto:beshadl@nytimes.com)

--



Legal Department  
620 Eighth Avenue  
New York, NY 10018

tel 212.556-1789  
fax 212.556-4634  
beshadl@nytimes.com

**Diane Brayton**  
Executive Vice President,  
General Counsel & Corporate Secretary

Tara M. Herelch  
Marcijane Kraft  
David E. McCraw  
Brian Rideout  
Lee K. Riffaterre  
Richard S. Samson  
Judy W. Tieh

June 15, 2017

**VIA Email:**

Ms. Marcie Frost  
CEO  
California Public Employees'  
Retirement System (CalPERS)

Re: Infringing Use of *New York Times* Content  
on <https://www.calpers.ca.gov/apps/news/default.asp>

Dear Ms. Frost:

I am with the Legal Department of The New York Times Company ("The Times").

It has come to my attention that something over six thousand (6,000) *New York Times* articles have been posted to the captioned website (Daily News Summary compiled by PAOF). We have no record that anyone from CalPERS ever received permission to post the referenced articles.

Please note that The Times owns the copyright in its content; CalPERS' current use thereof constitutes an infringement of The Times's rights under U.S. Copyright law. Accordingly, we hereby demand that you immediately remove all currently-posted *New York Times* content from the site and cease and desist from any further use of any *New York Times* content in any manner whatsoever.

We encourage linking and you can find our guidelines for doing so appropriately at <http://www.nytimes.com/ref/membercenter/help/linkingfaq.html>. Also, if you wish to post a legal eprint of a *New York Times* article on your web site, we invite you to contact Leigh Russo at PARS International (phone: 212-221-9595, x400 / email: [leigh.russo@parsintl.com](mailto:leigh.russo@parsintl.com)), who will be happy to assist you.

If all *New York Times* content has not been removed within three (3) business days of receipt of this letter, we will have no choice but to pursue all available legal remedies. The demands made herein shall not prejudice or waive any rights or remedies that The Times may have in respect of the subject matter set forth herein, all of which rights and remedies are hereby expressly reserved.

Sincerely,

Deborah Beshaw-Farrell

cc: Gretchen Morgenson  
Richard Samson, Esq.  
David McCraw, Esq.

**From:** Samson, Richard  
**To:** Hammond, Lisa  
**Cc:** Frost, Marcie  
**Subject:** Fwd: Infringing Use of New York Times Content on <https://www.calpers.com.gov/apps/news/default.asp>  
**Date:** Tuesday, June 20, 2017 6:07:29 PM

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Dear Ms. Hammond:

I have been contacted by in-house counsel for other media companies affected by this infringement, and by members of the press writing stories about this issue, asking for my cooperation. I need to know CalPERS' position on this issue so that I can make an informed decision about how to respond to these requests and so that The New York Times can take appropriate action to redress this infringement of its rights. Will you please let me know as soon as possible?

Thank you--I look forward to hearing from you promptly..

Richard Samson

---

Richard Samson  
Vice President & Assistant General Counsel  
The New York Times Company  
620 Eighth Avenue  
New York, New York 10018  
[Richard.Samson@nytimes.com](mailto:Richard.Samson@nytimes.com)  
tel: 212/556-7602  
fax: 212/556-4634

----- Forwarded message -----

**From:** Frost, Marcie <[Marcie.Frost@calpers.ca.gov](mailto:Marcie.Frost@calpers.ca.gov)>  
**Date:** Tue, Jun 20, 2017 at 7:57 PM  
**Subject:** RE: Infringing Use of New York Times Content on  
<https://www.calpers.com.gov/apps/news/default.asp>  
**To:** Richard Samson <[richard.samson@nytimes.com](mailto:richard.samson@nytimes.com)>

Dear Mr. Samson,


I write in response to your June 20, 2017 email to Kara Buchanan, in connection with Deborah Beshaw-Farrell's June 15, 2017 letter to CalPERS Chief Executive Officer Marcie Frost. As Ms. Beshaw-Farrell's letter requested, CalPERS immediately removed all *New York Times* articles from the website referenced in Ms. Beshaw-Farrell's letter. With respect to your June 20, 2017 email, CalPERS has retained the California Office of the Attorney General as outside counsel. A more detailed response will be forthcoming from the Deputy Attorney General. In the meantime, any further inquiries may be directed to CalPERS Associate General Counsel

Lisa Marie Hammond in our in-house legal department. Ms. Hammond may be reached at [lisa.hammond@calpers.ca.gov](mailto:lisa.hammond@calpers.ca.gov).

Regards,

Marcie Frost

--



**From:** Samson, Richard [mailto:[richard.samson@nytimes.com](mailto:richard.samson@nytimes.com)]  
**Sent:** Thursday, June 29, 2017 3:38 PM  
**To:** Laura E. Robbins <[Laura.Robbins@doj.ca.gov](mailto:Laura.Robbins@doj.ca.gov)>  
**Cc:** Peter Chang <[Peter.Chang@doj.ca.gov](mailto:Peter.Chang@doj.ca.gov)>  
**Subject:** Re: CalPERS

Ms. Robbins:

It's been nearly a week since I left a voicemail message for you. When can we expect a substantive response regarding the massive, flagrant infringement by Calpers of The Times's intellectual property rights?

I look forward to hearing from you and hope that we can resolve this matter amicably and quickly.

Sincerely,

Richard Samson

On Thu, Jun 22, 2017 at 5:29 PM, Samson, Richard <[richard.samson@nytimes.com](mailto:richard.samson@nytimes.com)> wrote:

Thank you for your Email. I will give you a call tomorrow.

---

Richard Samson  
Vice President & Assistant General Counsel  
The New York Times Company  
620 Eighth Avenue  
New York, New York 10018  
[Richard.Samson@nytimes.com](mailto:Richard.Samson@nytimes.com)  
tel: [212/556-7602](tel:2125567602)  
fax: [212/556-4634](tel:2125564634)

On Thu, Jun 22, 2017 at 5:27 PM, Laura E. Robbins <[Laura.Robbins@doj.ca.gov](mailto:Laura.Robbins@doj.ca.gov)> wrote:

Dear Mr. Samson,

I am following up on the voicemail I just left for you. My office has been retained by CalPERS in conjunction with the cease and desist letter it received from the *New York*

*Times*. My colleague Peter Chang (copied on this email) and I are the assigned attorneys. Please feel free to contact us about this matter.

Best,

Laura E. Robbins  
Deputy Attorney General  
Office of the Attorney General  
300 S. Spring Street, Suite 1702  
Los Angeles, CA 90013  
Tel (213)897-2479  
Fax (213)897-5775  
Email [laura.robbsins@doj.ca.gov](mailto:laura.robbsins@doj.ca.gov)

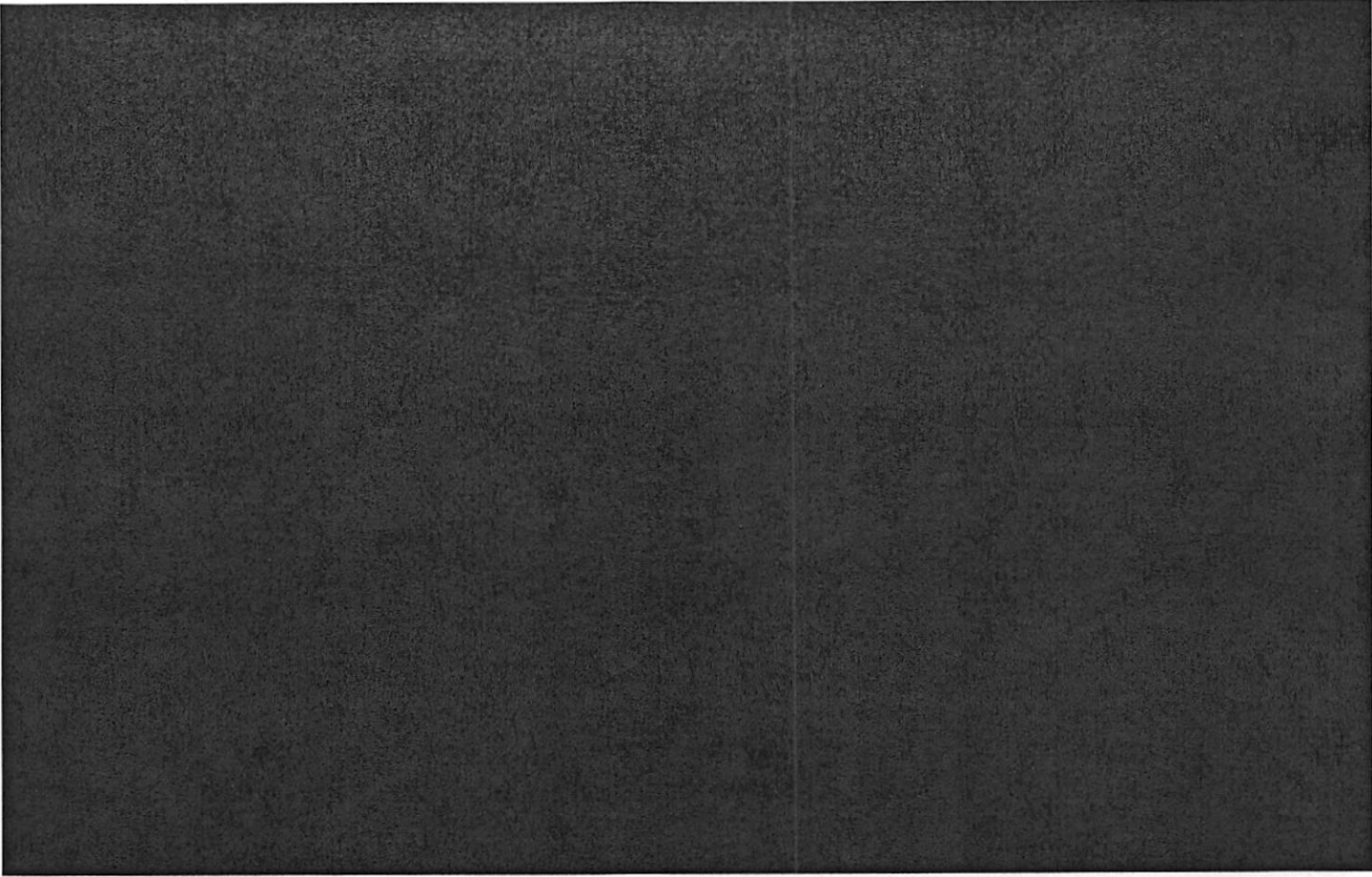
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Richard Samson  
Vice President & Assistant General Counsel  
The New York Times Company  
620 Eighth Avenue  
New York, New York 10018  
[Richard.Samson@nytimes.com](mailto:Richard.Samson@nytimes.com)  
tel: 212/556-7602  
fax: 212/556-4634

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**From:** Laura E. Robbins  
**Sent:** Thursday, June 29, 2017 3:45 PM  
**To:** [richard.samson@nytimes.com](mailto:richard.samson@nytimes.com)  
**Cc:** Peter Chang <[Peter.Chang@doj.ca.gov](mailto:Peter.Chang@doj.ca.gov)>  
**Subject:** CalPERS

Dear Mr. Samson,

Please see the attached correspondence, which is only being sent by email.

Best,

Laura E. Robbins  
Deputy Attorney General  
Office of the Attorney General



300 S. Spring Street, Suite 1702

Los Angeles, CA 90013

Tel (213)897-2479

Fax (213)897-5775

Email [laura.robbers@doj.ca.gov](mailto:laura.robbers@doj.ca.gov)

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Richard Samson  
Vice President & Assistant General Counsel  
The New York Times Company  
620 Eighth Avenue  
New York, New York 10018  
[Richard.Samson@nytimes.com](mailto:Richard.Samson@nytimes.com)  
tel: 212/556-7602  
fax:212/556-4634

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**XAVIER BECERRA**  
**Attorney General**

*State of California*  
**DEPARTMENT OF JUSTICE**



300 SOUTH SPRING STREET, SUITE 1702  
LOS ANGELES, CA 90013

Public: (213) 897-2000  
Telephone: (213) 897-2479  
Facsimile: (213) 897-5775  
E-Mail: [Laura.Robbins@doj.ca.gov](mailto:Laura.Robbins@doj.ca.gov)

June 29, 2017

Richard Samson  
The New York Times Company  
620 Eighth Avenue  
New York, NY 10018  
[Richard.Samson@nytimes.com](mailto:Richard.Samson@nytimes.com)

RE: CalPERS

Dear Mr. Samson:

As I shared last week in my voicemail and email to you, I am counsel for the California Public Employees' Retirement System (CalPERS), an agency of the government of the State of California. My colleague Peter Chang and I will be representing CalPERS in this matter. My full contact information is listed above. Mr. Chang's full contact information is:

Peter H. Chang  
Deputy Attorney General  
Department of Justice  
Office of the Attorney General  
455 Golden Gate Ave., Suite 11000  
San Francisco, CA 94102-7004  
Direct: 415-703-5939

We want to assure you that we are diligently investigating this matter so we can work to address the issues you have raised. However, having just recently been retained by CalPERS, we have more to do before we can productively discuss this matter. We can confirm that the website mentioned in your June 19 email is no longer accessible. We will reach out to you after we have completed our investigation.

///

///

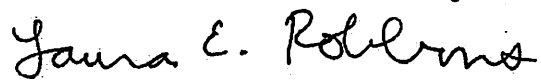
///

June 29, 2017

Page 2

Please direct your further inquiries about this matter to me or to Mr. Chang.

Sincerely,

A handwritten signature in cursive script that reads "Laura E. Robbins".

LAURA E. ROBBINS  
Deputy Attorney General

For XAVIER BECERRA  
Attorney General

LER:

LA2017604574  
Letter to the New York Times (v2).doc

**From:** [Pacheco, Brad](#)  
**To:** [Hammond, Lisa](#)  
**Subject:** Fw: Google Alert - calpers  
**Date:** Friday, June 30, 2017 4:35:17 AM

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Fyi

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**From:** Google Alerts  
**Sent:** Thursday, June 29, 2017 9:49 PM  
**To:** Pacheco, Brad  
**Subject:** Google Alert - calpers



## calpers

As-it-happens update · June 30, 2017

### WEB

#### **CalPERS' Massive Copyright Infringement Strongly Resembles Case That Awarded \$19.2. Million ...**

Naked Capitalism

Below are the publications from which CalPERS misappropriated the most ... Even though CalPERS took down the site at that point, we had already ...

☐ ☐ ☐

Flag as irrelevant

#### **Employee Benefits**

City of Pasadena

We offer several Health Maintenance Organization (HMO) and Preferred Provider Organization (PPO) plans administered by CalPERS. We currently ...

☐ ☐ ☐

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#### **CalPERS Just Lost A Lawsuit At The US Supreme Court**

Trusted Insight

CalPERS lost a big case at the U.S. Supreme Court this week. The decision will cost California government retirees around \$300 million. The court ...

☐ ☐ ☐

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## Mola, Katherine (Katie)

---

**From:** Mola, Katherine (Katie)  
**Sent:** Thursday, June 22, 2017 12:38 PM  
**To:** Chaussee, Kathleen (Kat)  
**Subject:** RE: Job Security



**Katherine (Katie) Mola**  
Senior Staff Attorney | CalPERS Legal Office | (916) 795-3485

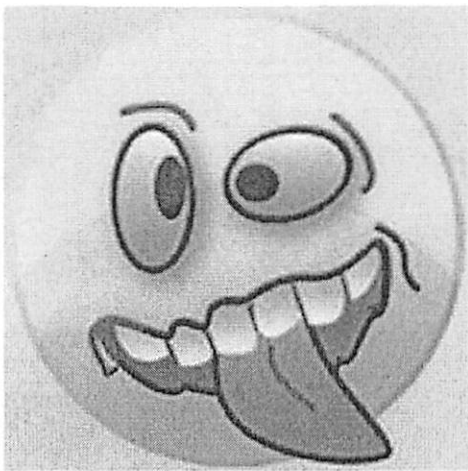
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---

**From:** Chaussee, Kathleen (Kat)  
**Sent:** Thursday, June 22, 2017 11:07 AM  
**To:** Mola, Katherine (Katie)  
**Subject:** Job Security

Just in case you need a little sensationalist propaganda to get your blood boiling on a hot day...

<http://www.nakedcapitalism.com/2017/06/new-york-times-sends-cease-desist-letter-over-calpers-massive-copyright-infringement.html>



OY!

~ kat

**Kat Chaussee**  
Assistant Chief | CalPERS Human Resources | 916.795.3638

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***What we do for ourselves dies with us. What we do for others & the world remains & is immortal. ~ Albert Pine***

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