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Via E-Mail: senatorreeves@gmail.com

August 19, 2021

Senator Bryce Reeves
17th District of Virginia

Re: Mr. Tad Berman

Dear Senator Reeves:

Thank you for your August 18, 2021 email (attached) responding to my letter sent to Mr. Berman yesterday morning (also attached).

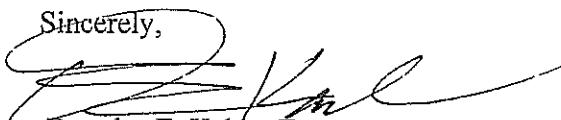
Please be assured I have no intention of interfering with Mr. Berman's First Amendment rights or disregarding his limited immunity from civil liability as provided in Virginia Code § 8.01-223.2. However, I do not believe Mr. Berman's false statements fall within the protection of that Code section.

I believe Mr. Berman has actual knowledge that Mrs. Solares is not, and was not, "conducting illegal poker games" as he recently falsely stated to the committee. At the very least he made those statements with reckless disregard for the truth. As you are aware, the immunity from civil liability provided by Virginia Code § 8.01-223.2 does not extend "to any statements made with actual or constructive knowledge that they are false or with reckless disregard for whether they are false."

I remain comfortable that my cautionary letter to Mr. Berman is sensitive to the concerns you expressed. Meanwhile, I am sure you agree that Mr. Berman's First Amendment rights do not allow him to make knowingly false and malicious defamatory statements about Mrs. Solares, regardless of the forum in which he makes those statements.

Again, thank you for your email.

Sincerely,



Douglas E. Kahle, Esq.

Cc: Amy Solares

Becky Brinn

From: Bryce Reeves <senatorreeves@gmail.com>
Sent: Wednesday, August 18, 2021 3:30 PM
To: Becky Brinn
Cc: Paul Krizek
Subject: Tad Berman

Mrs. Brinn,

I've been made aware of the complaint you have lodged on behalf of your client. Mr. Berman is completely within his first amendment rights and the code of Virginia to testify before the committee. Any interference in his testimony could be construed as coercion and frowned up by myself and others. Please refer your client to VA code 8.01-223.2 Immunity of persons for statements made at a public hearing or communicated to a third party. Perhaps your client would be agreeable to sworn testimony before the committee as to her enterprises with regard to charitable gaming. Please let me know if she is amenable to that request.

Thank you,

Bryce Reeves
Senator 17th District
Virginia

Sent from my iPad