

# Akin Gump

STRAUSS HAUER & FELD LLP

JOSEPH L. SORKIN

+1 212.872.7464/fax: +1 212.872.1002

jsorkin@akingump.com

February 15, 2018

VIA HAND DELIVERY AND E-FILING

Hon. Eileen Bransten  
Supreme Court, New York County  
60 Centre Street, Room 521  
New York, NY 10007

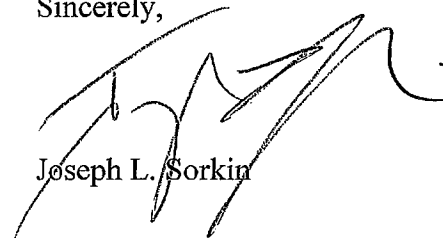
Re: *Eros Int'l PLC v. Mangrove Partners, et al.* (Index No. 653096/2017)

Dear Justice Bransten:

We represent Mangrove Partners and Nathaniel August (the “Mangrove Defendants”). At the end of oral argument on the Defendants’ Motions to Dismiss on February 14, 2018, in the context of discussing the statute of limitations for defamation, you asked whether referring or linking to a prior online statement constitutes a “republication” of that content.

The Mangrove Defendants never referred or linked to their 2015 Reports in their subsequent 2017 Report or 2017 tweets, nor is there any allegation in the Complaint that the Mangrove Defendants ever did. Under these facts, the Court of Appeals has held that the “single publication rule” applies to publications on the internet, such that the mere fact that readers may have continuous access to a report posted online is not considered a republication. *See Firth v. New York*, 98 N.Y.2d 365, 371-72 (2002). Accordingly, there is no potential republication by the Mangrove Defendants, and the 2015 Reports remain outside of the limitations period for any defamation claim.

Sincerely,



Joseph L. Sorkin

*Eros Int'l PLC v. Mangrove Partners, et al.*

Index No. 653096/2017

Page 2 of 3

Cc (all via e-mail and e-filing):

Stephen W. Tountas  
Kasowitz Benson Torres LLP  
1633 Broadway  
New York, NY 10019

*Counsel for Plaintiff Eros International PLC*

Michael B. de Leeuw  
Cozen O'Connor  
45 Broadway, 16<sup>th</sup> Floor  
New York, NY 10006

*Counsel for Defendants GeoInvesting, LLC;  
Christopher Irons; Daniel E. David; FG  
Alpha Management, LLC; FG Alpha  
Advisors; and FG Alpha, L.P.*

Susan M. Davies  
Patrick L. Rocco  
Stone Bonner & Rocco  
1700 Broadway, 41<sup>st</sup> Floor  
New York, NY 10019

*Counsel for Defendants Nathan Z.  
Anderson; ClaritySpring Inc.; and  
ClaritySpring Securities, LLC*

Bryan A. Wood  
Stephen Ryan, Jr.  
Berman Tabacco  
One Liberty Square, 8<sup>th</sup> Floor  
Boston, MA 02109

*Eros Int'l PLC v. Mangrove Partners, et al.*

Index No. 653096/2017

Page 3 of 3

*Counsel for Defendants Nathan Z.  
Anderson; ClaritySpring Inc.; and  
ClaritySpring Securities, LLC*

Mitchell Cantor  
The Law Offices of Mitchell Cantor  
355 Lexington Avenue, Suite 401  
New York, NY 10017

*Counsel for Defendants Manuel P. Asensio;  
Asensio & Company, Inc.; and Mill Rock  
Advisors, Inc.*