

In this letter Mr. Elwell falsely claimed that his client had Joann's account closed in September of 2016. Nothing could have been further from the truth. He attempts to contend that the reason for this was due "disturbing" posts from family and friends. This all too typical and arrogant tactic used to bully others and or influence the perception of others is unfortunate. It is also considered unethical and actionable by the Arizona state BAR.

As can be observed, the true fact is that his client continued to wrongfully use Joann's account from his Michigan home. The records of this activity remain archived and available for review by legitimate authorities who hold standing to do so.

Facebook, not Dennis Kloss, closed the account in November 2016 to put an end to the criminal cyber activity that was originating from an I.P. address in Haslett, Michigan. Dennis Kloss' actions of remotely and unlawfully destroying his sister's intellectual property, and his misuse of HER account to realize personal benefit while claiming to be "acting on his sister's behalf" is a direct violation of Facebook terms of service. Mr. Kloss' actions are not subject to debate, the retained records are clear.

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Our File No.: 17929-00000

September 28, 2016

Via e-mail and Regular U.S. Mail
Tom VanLokeren
40 Opal Street
Sutter Creek, CA 95685-4109

Re: Joann Powers

Tom:

We are aware that you filed a criminal complaint at some point regarding Joann's Facebook page. My client, in consultation with medical professionals and me, determined that your and other postings on her Facebook page were contrary to her best interest. As POA for Joann, it was determined that, because you will not cease-and-desist from your continued harassment in this manner, to preclude harm to her by taking down the page. It is your actions that have caused this to occur.

We remain unconcerned about your criminal complaint. As I noted before, if you believe there is a basis to attempt to set aside my client's power of attorney, stop threatening and file your lawsuit. We welcome the opportunity to explain what is truly going on to a judicial officer. You will, of course, have the opportunity to do the same

Sincerely,


Jerome K. Elwell
For the Firm

cc: Dennis Kloss

This is a blatant and KNOWN lie by Jerome Elwell
Dennis Kloss continued to illegally use Jo's
account as a weapon against those who
questioned his actions through November 8, 2016
at which time FACEBOOK closed the account.

The account data that verifies this fact does remain
safely archived and can be examined by any LEGITIMATE
agency who's involvement may become necessary.

Moreover, it was the actions of Dennis Kloss' using the
account as a weapon as well as him preventing Jo from the use
of her own account is what was damaging and upsetting. NOT the
posts from her friends which only offered love and support to her.

From: "Facebook" <info+u17dy1d5.aearpuxn6pdze@support.facebook.com>
Date: Tuesday, November 08, 2016 5:57 PM
To: <truth@azbar.org>
Subject: Re: Your Loved One's Facebook Account

Hi T■■,

We apologize for you and your family's frustrations.

We've gone ahead and taken additional precautions with the account.

Please let us know if this occurs again.

Thanks,

Barney
Community Operations
Facebook



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Rules of Professional Conduct

4. Transactions with Persons Other Than Clients

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ER 4.1. Truthfulness in Statements to Others

In the course of representing a client a lawyer shall not knowingly:

(a) make a false statement of material fact or law to a third person; or

(b) fail to disclose a material fact when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by ER 1.6.