



Fairchild, Price, Haley & Smith L.L.P.

Steven S. Poston, Attorney
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October 10, 2024

Via Email: [REDACTED]
CMRRR 7099 3220 0006 1127 3615
And Regular Mail
Mr. Charles Bradley Ekstam
1162 Las Campanas
Sunrise Beach, MO 65079

Re: *Demand for Correction, Clarification and/or Retraction Under Tex. Civ Prac. & Rem. Code, Sec. 73.055*

Mr. Ekstam:

I represent the general business and personal interests of One Way Diesel Performance, LLC ("One Way") and Tommy "Chase" Wells, III. It is my clients' intent to address the continued defamatory and malicious attacks targeting my clients made, or initiated, by you. This letter shall serve to comply with the requirements under the Tex. Civ Prac. & Rem. Code, Sec. 73.055 and a request on behalf of Mr. Wells and One Way for the immediate correction, clarification and/or retraction of the below described statements published and/or adopted by you about them.

Of the many misleading or outright falsehoods that you are publicizing to third parties via, in part, through social media, I direct you to the following specific and demonstratively untrue statements that was discovered less than thirty (30) days ago:

False Statement(s):

"Everyone with [sic] know the criminal that you are when I'm done with you, Chase Wells who's [sic] name is really Tommy Earl Wells III. Check out Tommies felonies and bankruptcies along with all of the complaints made on One Way Diesel Performance. Don't forget to visit Bewareonewaydieselperformance.com. I was told by former friends at church why you and your family was kicked out of Holy Springs Baptist Church, stealing musical equipment from church? Really." Facebook Post by Ekstam

My client has no "felonies and bankruptcies." My client (or members of his family) was/were not "kicked out" of Holy Springs Baptist Church. Mr. Wells or his family did not steal musical

equipment from any church. Those are objectively untrue statements as it pertains to my client and this demand under Tex. Civ Prac. & Rem. Code, Sec. 73.055 is made accordingly for your immediate correction, clarification and/or retraction of them. A reasonable reader would construe those false comments to refer to Chase Wells as you intended but they are not true of him.

You should be aware that, while one has certain First Amendment rights to free speech under the United States and State of Texas Constitutions, not all speech is protected. Specifically, publications to third parties which incorrectly impute a crime or injures another's occupation is considered defamation per se. See, *Bedford v. Spassoff*, 520 S.W.3d 901 (Tex. 2017) and *Housman v. Publicaciones Paso Del Norte, S.A. de C.V.*, 242 S.W.3d 518 (Tex.App. – El Paso, 2007, no pet.). Mr. Chase Wells can easily prove that the identified statements above are false as it pertains to him. Mr. Tommie Wells (Chase Wells' father) has no association, ownership, authority or employment relationship with One Way. Your post, at the least, conflates the two purposely to cause, as you say, "pressure" on Chase Wells to settle some case filed in the State of Missouri – which will not work.

I must also point out that Texas law also affords my clients recovery of actual and exemplary damages for any defamatory statements made by others which one then adopts and re-publishes, as you have done. *Jacobs v. McIlvain*, 759 S.W.2d 467, 469 (Tex.App. – Houston [14th Dist.], 1988, rev'd on other grounds, 794 S.W.2d 14 (Tex. 1990); *WFAA-TV, Inc. v. McLemore*, 978 S.W.2d 568 (Tex. 1998). I note that the website that you created, *bewareonewaydieselpperformance.com*, contains in the "Customer Stories" section similar examples of defamation per se. Specifically, you created and maintain a publicly accessible website that refers to my clients as "thieves" (Submission date 9/30/2024, screen name: bvar74) (Submission date 10/8/2024, screen name: Mikeassel), fraudulent (Submission date 10/1/2024, screen name: Anonymous), engaged in "stealing" and "scam artists" (Submission date 10/1/2024, screen name: Anonymous)(second post), "robbing parts" and "double charging" (Submission date 10/2/2024, screen name: Wj). Those statements impute crimes implicating Mr. Chase Wells and you created a forum promoting then adopting those crowd-sourced, unverified and untrue collection of labels. The individual narratives are riddled with other inaccuracies which shall also be addressed in the proper forum. You are requested to remove those comments as well.

I believe we both can agree that your expressed intent is to pressure or otherwise harass Chase Wells and his family through a targeted, deliberate campaign directed at them and One Way. You have made it clear that you are coordinating (and will continue to coordinate) with other customers, suppliers and other persons with whom my clients do business in that effort. See attached. Such actions themselves have risen to wrongful conduct by you under Texas law that is actionable under common law or statutory causes of action to include tortious interference with business relations, tortious interference with existing contracts, intrusion on seclusion, conspiracy, stalking (CPRC Chapter 85), nuisance and business disparagement. See, *Richardson-Eagle, Inc. v. William M. Mercer, Inc.*, 213 S.W.3d 469, 475 (Tex.App. - Hous. [1st Dist.] 2006, pet. denied); *Kramer v. Downey*, 680 S.W.2d 524 (Tex.App.-Dallas, 1984, writ ref'd n.r.e.).

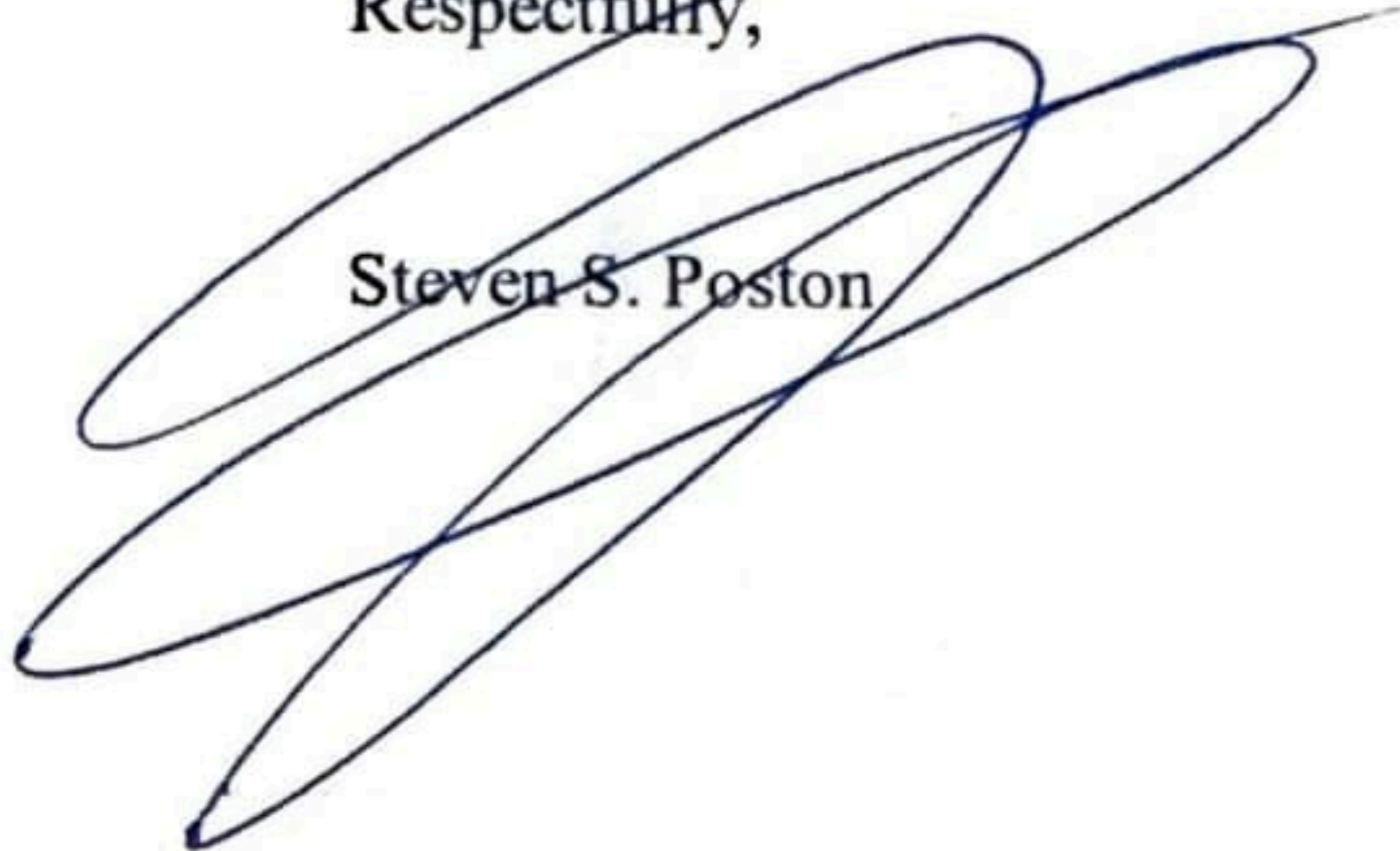
My clients demand that the published or re-published statements be addressed to correct, clarify and/or retract the false and defamatory publications or re-publications made by you immediately but no later than thirty (30) days from the receipt of this notice. This letter is further demand that you immediately refrain from contacting, or causing another to contact, my clients and their

customers and employees whether by phone, digitally or in-person. Unfortunately, you must also be specifically warned away from harassing by recording or other mean Mr. Wells' wife and children (or performing as if you are doing so) which is beyond any boundary of decency and intolerable in any community.

I understand that you are distressed but the outrageous methods you are employing are (1) ineffectual in resolving the issues of which you complain and (2) unlawful. It is my hope that you will take serious note of the legal exposure you face due to this extra-judicial "pressure campaign" that you choose to initiate.

Respectfully,

Steven S. Poston



encl

Stories

Reels



Create story



Mark Pyles



Cody Albrecht



Linsey H



Brad Ekstam ▶ Tommy E. Wells



38m · 👥

Hi Tommie, how do you like being on the receiving end of getting crapped on? What you have done to me and others is sick! What you did to the 69 year old lady that gave you \$30k is even more horrible. You should see what I have in store for you next. Everyone with know the criminal that you are when I'm done with you, Chase Wells who's name is really Tommy Earl Wells III. Check out Tommies felonies and bankruptcies along with all of the complaints made on One Way Diesel Performance. Don't forget to visit Bewareonewaydieselperformance.com. I was told by former friends at church why you and your family was kicked out of Holy Springs Baptist Church, stealing musical equipment from church? Really.



bewareonewaydieselperformance.com

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😂 Dewayne Condry



Like



Comment

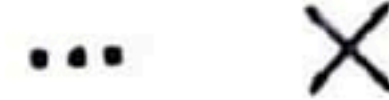


Send



Spelab Racing

Sponsored · 🌐



SPELAB ALL-IN-ONE DELETE KITS... See more

9:27



< 133



2 People

I just wanted you to know the pressure will not stop until this is settled, it will cost you money and peace till we settle. I will entertain offers to right this ship. The ball is in your court and you should see what is next and what is in the pipeline. I am now being contacted by many of your customers, which they are being very helpful.



Friday 12:30 PM

Brad



Message

5:53

5G

119



2 People

Today 5:52 PM

Brad

Chase and Tommie, you need to help your very upset customer James Crooks. You should remember him, you build his Ford Power Wagon on tv into a piece of shit. He is out there trying to pick up his other vehicle and you have it in pieces. I know you have had a ton of upset customers, now is the time to step up to the plate and make it right!! If you don't it will only get worse for you and your families.

