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March 10, 2005

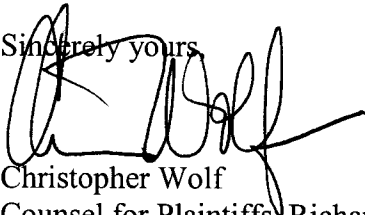
The Honorable Reggie B. Walton  
United States District Court for the District of Columbia  
3rd Street and Constitution Avenues, N.W.  
Washington, D.C. 20001

Re: Richard M. Raymen and Steven P. Hansen v. United Seniors Association, Inc.,  
d/b/a USA Next, and Mark Montini, No. 1:05CV00486

Dear Judge Walton:

Attached, please find Plaintiffs' Supplemental Memorandum of Points and Authorities in Support of their Motion for a Temporary Restraining Order and Preliminary Injunction, as requested by the Court at yesterday's hearing.

Sincerely yours,



Christopher Wolf  
Counsel for Plaintiffs, Richard Raymen and Steven Hansen

Attachment

cc: Robert R. Sparks, Jr., Esq., Counsel for Defendant USA Next  
Mr. Mark Montini

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF COLUMBIA

---

RICHARD M. RAYMEN and  
STEVEN P. HANSEN

Plaintiffs,

v.

UNITED SENIORS ASSOCIATION, INC.,  
D/B/A USA NEXT, and MARK MONTINI,

Defendants.

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) Civil Action No. 1:05CV00486 (RBW)  
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SUPPLEMENTAL MEMORANDUM OF POINTS AND AUTHORITIES  
IN SUPPORT OF MOTION FOR A TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION

Christopher Wolf (DC Bar No. 335885)  
Bruce E. Boyden (DC Bar No. 468710)  
David A. Rappaport (DC Bar admission pending)  
Jerry L. Dasti (not admitted in DC)  
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Plaintiffs, Richard M. Raymen and Steven P. Hansen, respectfully submit this Supplemental Memorandum of Points and Authorities in Support of Their Motion for a Temporary Restraining Order and Preliminary Injunction, as requested by the Court at the hearing held on March 9, 2005.

The Court specifically has asked counsel to focus on the issue of irreparable harm, one of the four requirements for provisional injunctive relief in the continuum to be judicially considered. In this submission we show that in an invasion of privacy/right of publicity case such as this, irreparable harm is to be presumed when considering a request for provisional relief because damages can never be a complete remedy for the harm, and because where there is a threatened loss of an intangible property right such as the right to publicity (just as with a threatened violation of copyright, trademark, patent or trade secret rights) irreparable injury is presumed. And, even if that were not the legal standard, we demonstrate that it is appropriate for the Court to conclude that severe irreparable harm is threatened by the continued use of Plaintiffs as "poster boys" in a homophobic, anti-gay campaign. The link between Internet hate and hate crimes is established, and presents a real and imminent threat here.

At yesterday's hearing:

(1) Defendant United Seniors Association, Inc. ("USA Next"), *conceded* that it did not have any of the legal rights necessary to obtain, copy, and publish the Plaintiffs' image. In short, it is established that the Defendants had no right to use the Plaintiffs' image in any ad campaign. Thus, they have no claim to any future use of their image in an ad campaign or otherwise.

(2) Yet, counsel for USA Next specifically refused to promise Plaintiffs or the Court that it would refrain from using Plaintiffs' image pending completion

of the litigation.<sup>1</sup> Thus, there is the very real threat that Plaintiffs' image will be employed illegally by Defendants in the same or similar mean-spirited and demeaning manner as it was originally used by them, especially given their ample resources to mount a campaign, and their ability to attract free media by employing outrageous advertisements such as that underlying this lawsuit.

(3) It was clearly established that without injunctive relief, the Plaintiffs run the very real risk that their image again will be misappropriated and used in an objectionable manner. Such use (or threat of use) constitutes the irreparable injury necessary for temporary injunctive relief, as we now explain.

### ARGUMENT

#### **I. Irreparable Harm Can Be Presumed From Defendants' Appropriation of Plaintiffs' Likenesses**

An injunction is the normal remedy to prevent misappropriation of an individual's name or likeness, or violation of his or her right to publicity. *See, e.g., Factors Etc., Inc. v. Pro Arts, Inc.*, 579 F.2d 215 (2d Cir. 1978); *Ryan v. Volpone Stamp Co.*, 107 F. Supp. 2d 369, 404

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<sup>1</sup> Although Defendant Montini did not appear at yesterday's hearing, his statement to the press about this lawsuit reflects a similar tack, and a continuing indifference to Plaintiffs' rights. Montini gives no assurance that he will not use their image again in a hate-campaign:

"Asked if he felt badly about using the photos of people who did not agree with his group's agenda, he [Montini] said: "They were posing for pictures in the newspaper. Nobody would know about this if they haven't [sic] made a big deal about it."

A.P., *Gay Couple Sues Group Over Use of Photo*, N.Y. Times, Mar. 9, 2005, available at <http://www.nytimes.com/aponline/national/AP-Social-Security-Lawsuit.html>.

Mr. Montini's mean-spirited logic appears to be that if victims of illegal acts simply remained silent about their mistreatment, they would avoid publicity. And he ignores the fundamental point that there is a vast difference, substantively and legally, between being photographed as part of a news story about gay marriage and having that photograph stolen for use in a money-making hate campaign. *See pp. 6-7 infra*.

(S.D.N.Y. 2000); *Ali v. Playgirl, Inc.*, 447 F. Supp. 723, 729 (S.D.N.Y. 1978). When such an injunction is entered, courts are to presume irreparable harm from the use of a person's name or likeness without their permission because damages can never fully compensate a victim for his loss. See *Bi-Rite Enters., Inc. v. Bruce Miner Poster Co.*, 616 F. Supp. 71, 76 (D. Mass. 1984) (finding irreparable harm); see also *Ali*, 447 F. Supp. at 729 ("Damages from such evident abuse of plaintiff's property right in his public reputation are plainly difficult to measure by monetary standards.") This difficulty "leaves plaintiff[s] without an adequate remedy at law and satisfactorily establishes irreparable injury for purposes [of] preliminary equitable relief." *Ali*, 447 F. Supp. at 729.<sup>2</sup>

The right of publicity is in essence a property right in an individual's name or likeness. See, e.g., *Factors Etc., Inc. v. Pro Arts, Inc.*, 579 F.2d 215, 220-21 (2d Cir. 1978); *Cepeda v. Swift & Co.*, 415 F.2d 1205, 1206 (8th Cir. 1969). It is functionally the same as other intangible property rights, such as copyrights, trademarks, patents, or trade secrets. In all of these contexts, courts have held that a demonstration of likelihood of success on a claim of infringement produces a presumption of irreparable harm for purposes of determining whether an injunction should issue. See, e.g., *Inflight Newspapers v. Magazines In-Flight, L.L.C.*, 990 F. Supp. 119, 124 (E.D.N.Y. 1997) ("A trade secret once lost is, of course, lost forever' and, as a result, such a loss 'cannot be measured in money damages . . . ." ) (quoting *FMC Corp. v. Taiwan Tainan Giant Indus. Co., Ltd.*, 730 F.2d 61, 63 (2d Cir. 1984)); *Tristrata Tech. Inc. v. ICN Pharms., Inc.*, No. 01-150 JJF, 2004 U.S. Dist. LEXIS 655, at \*8-9 (D. Del. April 12, 2004) ("[I]rreparable

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<sup>2</sup> Plaintiffs, of course, intend to pursue vigorously their claims for monetary damages for the right of publicity and emotional distress claims that are the subject of the injunction motions, as well for the libel and false light claims that are not part of the pending motions. The fact that there is irreparable injury supporting an injunction because of the difficulty in fully calculating the harm does not eliminate a defendant's liability for damages. See *Goadby v. Philadelphia Elec. Co.*, 639 F.2d 117, 121 (3d Cir. 1980) (explaining the relationship between monetary damages and irreparable injury, and clarifying that injunctive relief is appropriate when monetary damages will not fully compensate the harm).

No. 01-150 JJF, 2004 U.S. Dist. LEXIS 655, at \*8-9 (D. Del. April 12, 2004) (“[I]rreparable injury is presumed where the evidence strongly shows patent validity and infringement”); *Cerveceria Modelo, S.A. De C.V. v. Brut Cuvee*, 227 F. Supp. 2d 39, 40 (D.D.C. 2002) (trademark); *McNeilab, Inc. v. American Home Products Corp.*, 675 F. Supp. 819, 826 (S.D.N.Y. 1987) (false advertising under the Lanham Act); *see also Mr. Natural, Inc. v. Unadulterated Food Products, Inc.*, 152 A.D.2d 729, 730 (N.Y. App. Div. 1989) (noting that interference with goodwill and reputation of ongoing business venture “risks injury for which monetary damages will be inadequate”).

The reason irreparable harm is presumed is that the loss of control over an exclusive but intangible right is *itself* irreparable harm. *See Ryan v. Volpone Stamp Co.*, 107 F. Supp. 2d 369, 404 (S.D.N.Y. 2000).<sup>3</sup> Once the owner of the right has lost the ability to exclude others from infringing on that right, each infringement displaces the owner’s legitimate activities in the relevant market. *See Novelty Textile Mills, Inc. v. Joan Fabrics Corp.*, 558 F.2d 1090, 1094 (2d Cir. 1977) (holding that a “copyright holder in the ordinary case may be presumed to suffer irreparable harm when his right to the exclusive use of the copyrighted material is invaded”).

Plaintiffs here do not seek to broadcast a commercial message that competes with Defendants’ fundraising activities, but rather they wish to keep themselves removed from the advertising marketplace entirely. That is their right just as much as a right to publicize one’s image. A property owner has the right to exclude others from his or her property; that is what it means to be a property right. *See College Sav. Bank v. Florida Prepaid Postsecondary Educ. Expense Bd.*, 527 U.S. 666, 673 (1999) (“The hallmark of a protected property interest is the

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<sup>3</sup> The right of publicity is subject to exceptions, such as the exception for news reporting. *See* Restatement (Third) of Unfair Competition § 47. And other property rights are subject to exceptions as well; for example, both copyrights and trademarks are subject to “fair use” defenses.

right to exclude others.”). The right of publicity therefore entails a right of “no publicity,” which the Plaintiffs here seek to exercise. See *Waits v. Frito-Lay, Inc.*, 978 F.2d 1093 (9th Cir. 1992) (performer had right to refuse to engage in any advertising activity); *National Bank of Commerce v. Shaklee Corp.*, 503 F. Supp. 533 (W.D. Tex. 1980) (same). Defendants’ breach of that right necessarily is irreparable through money damages, because while a payment of damages will follow, no amount of money can un-ring the bell that Defendants have sounded.

It should be noted that although many of the existing appropriation cases involve the privacy or publicity rights of celebrities, the appropriation claim at issue here is not limited to the rich and famous. The well known and the obscure alike have the right to protect their property interest in their name and likeness from trespass. The “majority view among courts that have considered the issue” is that “non-celebrities may bring an appropriation of publicity claim.” *Fanelle v. Lojack Corp.*, No. 99-4292, 2000 U.S. Dist. LEXIS 17767, at \*34-35 (E.D. Pa. Dec. 7, 2000) (citing Thomas McCarthy, *The Rights of Publicity and Privacy* § 4.3(c) at 4-14-17 (1999)). “[E]ven the identities of non-celebrities have commercial value and . . . all individuals have a publicity right in their identities.” *Id.* at \*34. Plaintiffs, although they do not possess wide notoriety or fame, may therefore properly assert a claim for invasion of privacy under the appropriation of likeness or right of publicity theory.

To the extent that Plaintiffs have now attained some degree of notoriety due to USA Next’s unauthorized use of their images, that actually bolsters their appropriation claim. “[T]he appropriation of the identity of a relatively unknown person may result in economic injury or may itself create economic value in what was previously valueless.” *Motschenbacher v. R.J. Reynolds*, 498 F.2d 821, 824 (9th Cir. 1974). In any event, economic value in an individual’s likeness is not the only interest the appropriation theory seeks to protect. As one Alabama court

has noted, “[f]or a private person, psychological interests [rather than commercial] would likely be the main concern resulting from the appropriation of his or her likeness, even if only their family members or close friends were to recognize their likeness.” *Minnifield v. Ashcraft*, No. 2030328, 2004 Ala. Civ. App. LEXIS 908, at \*16 (Ala. Civ. App. Dec. 10, 2004).

It follows that injunctive relief is available to protect the rights of non-celebrities as well as celebrities. For example, in *Felsher v. University of Evansville*, 755 N.E.2d 589, 599-600 (Ind. 2001), the Indiana Supreme Court upheld an injunction against a defendant who was using e-mail addresses designed to look as though they belonged to the plaintiffs, who were college administrators. As a New Jersey court stated in *Cannessa v. J.I. Kislak, Inc.*, 97 N.J. Super. 327 (N.J. Super. Law Div. 1967), the right to control the commercial use of photographs of oneself is “a property right of value, in that it is one of the modes of securing to a person the enjoyment of life and the exercise of liberty . . . . If this right is . . . invaded, he may have his remedy, either by restraint in equity or damages in an action at law.” *Id.* at 340-41 (quoting *Munden v. Harris*, 153 Mo. App. 652, 660 (Mo. Ct. App. 1911)).

Defendant USA Next has argued that the fact that the image at issue in this case was first published in a local newspaper undermines Plaintiffs’ appropriation claim and their claim of irreparable injury. USA Next is incorrect. “While one who is a public figure or is presently newsworthy may be the proper subject of news or informative presentation, *the privilege does not extend to commercialization* of his personality through a form of treatment distinct from the dissemination of news or information.” *Gautier v. Pro-Football, Inc.*, 304 N.Y. 354, 359 (1952) (emphasis supplied). In *Downing v. Abercrombie & Fitch*, 265 F.3d 994 (9th Cir. 2001), for example, the Ninth Circuit affirmed summary judgment in favor of the plaintiffs when the defendants republished a photograph taken at a surfing competition in their clothing catalog. *See*

*also Factors Etc., Inc. v. Pro Arts, Inc.*, 579 F.2d 215 (2d Cir. 1978) (republishing of photograph after Elvis Presley's death enjoined as not subject to "newsworthy" exception). As these cases recognize, publication of a photograph by a news organization does not mitigate the harm caused by its later commercial appropriation.

Finally, contrary to what USA Next may argue, the fact that USA Next may have stopped its placement of the advertisement is irrelevant to whether irreparable harm is likely and an injunction should issue. "[V]oluntary cessation of illegal conduct does not deprive the court of the power to grant injunctive relief." *Ali*, 447 F. Supp. at 729; *see also United States v. Oregon State Med. Soc'y*, 343 U.S. 326, 333 (1952) ("It is the duty of the courts to beware of efforts to defeat injunctive relief by protestations of repentance and reform, especially when abandonment seems timed to anticipate suit, and there is the probability of resumption.").

**II. Given the Demonstrated Link Between Hate on the Internet and Hate Crimes, the Court May Infer Irreparable Injury Given These Facts**

Gays and lesbians, as a minority group, are targets of hate crimes. *See* Bureau of Justice Statistics, *Hate Crimes Reported in NIBRS, 1997-99*, at 2 (Sept. 2001), available at <http://www.ojp.usdoj.gov/bjs/pub/pdf/hcrn99.pdf>. And it is well established that the identification of individuals belonging to minority groups on the Internet allows those who commit hate crimes to find their targets, and to act on their hate. As recently as Monday of this week, an article entitled "Feeding on Hate and the Internet," attached as Exhibit A to the Supplemental Declaration of Bruce E. Boyden, appeared in the *San Francisco Chronicle* and detailed how hate groups target individuals on the Internet, including a murdered gay couple and the family of federal Judge Joan Lefkow.

It is no great leap of logic to suggest that now that the Plaintiffs have been identified<sup>4</sup> the continued use by Defendants of Plaintiffs' image in an advertisement *specifically intended* to arouse anti-gay sentiments could well lead to those inclined to commit hate crimes against gays and lesbians to target the Plaintiffs specifically. The mere threat of such attack and the stress it induces is enough irreparable injury to justify relief. *See* Raymen Supp'1 Decl. ¶ 5. Irreparable injury may be found where Defendants' wrongful actions produce "emotional stress, depression and reduced sense of well-being, which constitute[ ] 'psychological and physiological distress . . .'" *Chalk v. United States Dist. Ct. Central Dist. of Cal.*, 840 F.2d 701, 709 (9th Cir. 1988). It is easy to say that an attack leading to injury or death is speculative, but no one knows when they may be the victim of a wanton crime. It is never possible to predict with certainty. Once an attack occurs, the proof will exist but it will be too late for a remedy. *See National Wildlife Fed. v. Burford*, 835 F.2d 305, 325 (D.C. Cir. 1987) (value of preliminary injunction "totally eviscerated" if plaintiff must wait until harm has occurred).

### CONCLUSION

All Plaintiffs are seeking in the pending motion (in addition to a return of their image and an accounting of how it was used) is an order preserving the status quo -- insuring that there is no repeat of the advertising campaign using Plaintiffs' images. Plaintiffs have established the strongest possible likelihood of success on the merits of the claims set forth in the Complaint in light of the admissions by Defendants of their theft of the image. Defendants cannot claim any

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<sup>4</sup> At yesterday's hearing, Counsel for Defendant USA Next tried to blame the Plaintiffs for coming forward to protest the use of their image, which led to their names becoming widely known. This "blame the victim" tactic must fail, as Plaintiffs cannot be penalized for vindicating their legal rights. Moreover, the record once developed will show that when their image appeared in the ad, they were identified by name by others without respect to the protest.

injury since they have no right to use of the image, and they are free to communicate their message that the AARP is pro-gay and anti-military in any legal way they choose. The public interest is served by an order preventing invasions of privacy and intentional infliction of emotional distress. Finally, in this submission we have demonstrated how we have fully satisfied the irreparable injury requirement. In the absence of a stipulated injunction from Defendants, this Court must use its equitable powers to protect the Plaintiffs from the demonstrated brazen and craven violation of their rights by the Defendants.

Respectfully submitted,

PROSKAUER ROSE LLP

By: 

Christopher Wolf (DC Bar No. 335885)

Bruce E. Boyden (DC Bar No. 468710)

David A. Rappaport (DC Bar admission pending)

Jerry L. Dasti (not admitted in DC)

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Dated: March 10, 2005

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF COLUMBIA**

**RICHARD M. RAYMEN and  
STEVEN P. HANSEN**

**Plaintiffs,**

**v.**

**UNITED SENIORS ASSOCIATION, INC.,  
D/B/A USA NEXT, and MARK MONTINI,**

**Defendants.**

**Civil Action No. 1:05CV00486 (RBW)**

**SUPPLEMENTAL DECLARATION OF RICHARD M. RAYMEN IN FURTHER  
SUPPORT OF PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION**

RICHARD M. RAYMEN hereby declares as follows:

1. I submit this declaration in further support of Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction.
2. Steven P. Hansen, my co-plaintiff and spouse, and I have been and will be irreparably harmed by any continuation of Defendants' ad campaign using our images.
3. Defendants' advertisement is clearly calculated to appeal to persons who hate gays and lesbians, in an attempt to motivate them to oppose the American Association of Retired Persons. Through Defendants' use of our image, we have unwittingly been placed in the bulls-eye for hate groups, harassers, and gay-bashers.
4. Such hate groups are active in the Portland, Oregon area. For example, a hate group such as that run by the Reverend Fred Phelps, whose website is [www.godhatesfags.com](http://www.godhatesfags.com), visits Portland regularly to protest Gay Pride Day. I have had the misfortune of encountering Reverend Phelps' group personally once.

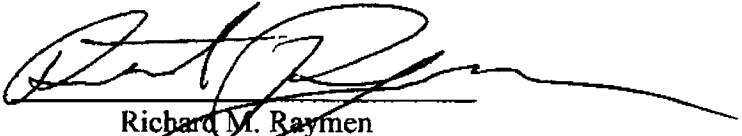
5. As a result of Defendants' conduct, every time we leave our house, we risk identification by someone whose passions and hatreds were intentionally inflamed by Defendants' advertisement. That person would recognize us, but of course we have no way of knowing who has read Defendants' advertisement. That possibility has caused severe anxiety and distress for both Steven and myself. Even if no violence occurs, we have both been irreparably harmed by Defendants' actions, and that harm will grow worse if they or others use our image in a similar way again.

6. I have already been recognized by a stranger in a grocery store due to the advertisement. Fortunately, it was someone supportive of gay rights. However, it could just as easily have been a member of the target audience of Defendants' advertisement.

7. In 1998 or 1999, I was assaulted by a stranger due to my sexual orientation. Even a small chance of repeating that episode causes me great fear and anxiety. I believe Defendants' advertisement greatly increases the chances that Steven or I may be targeted for harassment or violence.

8. It is my belief that the Defendants constructed their advertisement knowing that it would generate controversy and widespread republication, and they knew or should have known that the actual persons in the advertisement would be subject to harassment or worse. The fact that the worst has not yet happened should not allow the Defendants to continue to violate our rights.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 10, 2005.

  
Richard M. Raymen

*Counsel for Plaintiffs:*

Christopher Wolf (DC Bar No. 335885)

Bruce E. Boyden (DC Bar No. 468710)

David A. Rappaport (DC Bar admission pending)

Jerry L. Dasti (not admitted in DC)

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UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF COLUMBIA

RICHARD M. RAYMEN and  
STEVEN P. HANSEN

Plaintiffs,

v.

UNITED SENIORS ASSOCIATION, INC.,  
D/B/A USA NEXT, and MARK MONTINI,

Defendants.

Civil Action No. 1:05CV00486 (RBW)

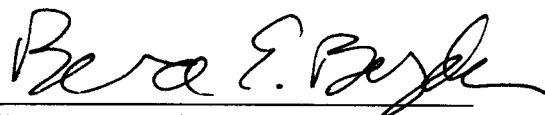
SUPPLEMENTAL DECLARATION OF BRUCE E. BOYDEN  
IN SUPPORT OF PLAINTIFFS' MOTION FOR A  
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

BRUCE E. BOYDEN hereby declares as follows:

1. I am associated with Proskauer Rose LLP, counsel to Plaintiffs in this action. I submit this declaration in further support of Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction.

2. I submit this declaration solely to place before the Court a true and correct copy of the article "Feeding on Hate and the Internet," dated March 8, 2005, published in the *San Francisco Chronicle*, and attached hereto as Exhibit A.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 10, 2005.



Bruce E. Boyden (DC Bar No. 468710)  
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*Counsel for Plaintiffs*

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Scripps Howard News Service

March 08, 2005, Tuesday

**SECTION:** DOMESTIC NEWS

**LENGTH:** 672 words

**HEADLINE:** Feeding on hate and the Internet

**SOURCE:** San Francisco Chronicle

**BYLINE:** STACY FINZ

**BODY:**

Without Matt Hale, the white supremacist who sits in a Chicago jail awaiting sentencing for plotting to kill a federal judge, his once-prominent hate group has splintered and dwindled in size.

But authorities say the white-power movement doesn't need Hale, who once held rock-star status among skinheads, to be dangerous. It has the Internet.

"Someone with a computer and a DSL line who starts following this stuff thinks he's going to be a hero if he kills someone," said Pat Webb, a former San Francisco FBI agent who investigated the Aryan Nation in 1984. "It would be a mistake to underestimate these people's potential for violence."

The Web was where white-supremacist groups posted hateful information about the judge Hale plotted to kill, Joan Humphrey Lefkow, before her husband and mother were slain last week in her home in Illinois.

Hale's now-ragtag group, the World Church of the Creator, has been linked to some of the most vicious and brutal hate crimes in recent years, including a spate of synagogue fires and the murder of a gay couple six years ago.

The California crime spree started after brothers Benjamin and James Williams read the group's Web site and became followers. They shot Winfield Mowder and Gary Matson in their Happy Valley home in 1999 because homosexuality is abhorrent to white supremacists. After Benjamin Williams committed suicide in jail, his brother pleaded guilty to the murders.

The Williams brothers also caused more than \$3 million in damage when they torched three Sacramento synagogues in 1999. When they were arrested, police found they had compiled a list of prominent Jewish leaders who authorities believed may have been future targets.

Some question whether other Internet followers of the World Church of the Creator read the online postings about Lefkow, which included her address in Chicago, and were inspired to kill her husband, Michael, a lawyer and leader in the local Episcopal Church, and her 89-year-old mother, Donna Humphrey.

Lefkow found them shot to death in her basement. She and her four daughters remain under federal protection while police try to solve the crimes.

"It's quite likely that the killers in the Lefkow case were followers or sympathizers of Hale's who came by the judge's address and pictures of her family online," said Mark Potok of the Southern Poverty Law Center, which collects information on hate groups. "The Internet has given rise to the lone wolf. And with the lone wolf comes the potential for greater violence."

Hale was convicted last year of soliciting Lefkow's murder and is awaiting sentencing. The man he approached to be the hit man was an FBI informant.

The white supremacist had gone before Lefkow on a trademark case. A religious group from Oregon was suing the World Church of the Creator, saying it had the name first. Lefkow originally ruled in favor of Hale, but an appeals court overruled her and the judge was forced to order the white-supremacist group not to use the title.

Almost immediately after her ruling, the World Church of the Creator said Lefkow was trying to destroy the group and its Web site, according to Potok. Then other white-supremacist Web sites printed the judge's address.

Although Hale has not been named as a suspect in the killings, police have reportedly interviewed him in jail and are looking at white-supremacist groups.

Hale denies any involvement, calling the killings a "heinous crime" that "only an idiot" would think he had ordered, according to a statement he released through his mother to the Associated Press.

"I totally condemn it and I want the perpetrator caught and prosecuted," he said.

In the meantime, the World Church of the Creator, now called The Creativity Movement, is leaderless. During the group's heyday, the organization had 88 chapters across the country, according to Potok. Now, he said, it has 16.

Hale took over as leader in 1996, when he was just 25 years old.

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