# InterNACHI’s Template for Cease-and-Desist Letter Regarding Defamation

*Feel free to copy, paste and modify this letter as you see fit. If you want further help, contact InterNACHI® General Counsel Mark Cohen at* *mark@cohenslaw.com*

# Begin your letter with this text, and fill in the necessary details:

[Date]

Dear :

I am writing because you recently made defamatory statements about (me) (my company) (my company and me). I ask that you immediately retract those statements and remove any defamatory statements you made online. Moreover, I ask that you preserve any emails or documents that may be relevant to my defamation claim against you.

On [date], you [summarize what the recipient did that is defamatory. Be specific as to what the person said or wrote, when they did it, who they said it to, and the address of the website or forum that published their statements, etc.]

# Insert this text next when writing to a client who defamed you:

We complied with our contractual obligations and with state law. The contract you signed clearly states that we would perform the inspection in accordance with InterNACHI’s Standards of Practice (SOP) and any applicable state laws. We did that. A copy of the contract you signed is attached. A copy of the SOP is also attached.

Your statements falsely represent that we were negligent and/or that we breached our contract. Your statements hurt us in our profession, which is defamation *per se*. In 2012, a home inspector in Virginia won an $11,000 judgment against a person who had defamed him on Angie’s List. He won another $11,000 in punitive damages. (See *Sessa*

*v. Shaffer*, Circuit Court for Virginia Beach, Case No. CL12-5448.) It is possible that your homeowner’s policy would be required to pay any judgment against you for defamation. (See *Pech v. Racine*, 690 N.W.2d 96, Wisc. App. 2004.)

# Use this text instead when writing to a Realtor, home warranty company employee, or other third party:

We are disturbed that you made your statements without knowing the terms of our contract with [name of client] or the scope of InterNACHI’s Standards of Practice (SOP). The contract clearly states that we would perform the inspection in accordance with

InterNACHI’s SOP and any applicable state laws. We did that. You may view InterNACHI’s SOP at [www.nachi.org/sop.](http://www.nachi.org/sop)

Your statements falsely represent that we were negligent and/or that we breached our contract. Your statements hurt us in our profession, which is defamation *per se*. In 2012, a home inspector in Virginia won an $11,000 judgment against a person who had defamed him on Angie’s List. He won another $11,000 in punitive damages. (See *Sessa*

*v. Shaffer*, Circuit Court for Virginia Beach, Case No. CL12-5448. See also *Porter v. Joy Realty, Inc.*, 872 A.2d 848, Pa. Super. 2005.)

# Closing paragraph for letter:

We take our reputation very seriously. To avoid litigation, you must immediately [state what you want the recipient to do, e.g., remove certain posts or reviews, etc.]. After you have done this, please send an email to [your email address] stating that you have done so. The damage to our business increases each day that you allow these false and misleading statements to remain visible to the public.

Thank you for your prompt attention to this matter. Sincerely,

[your name & contact information]

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