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Letters to the Editor
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There has been a concerted campaign by the Office of the Bishop of San Diego to publically denigrate all persons involved in opposing the Bishop in the lawsuit entitled, The Bishop of San Diego v. Robert Kumpel. I represent Mr. Kumpel in the lawsuit. While it is against my policy to "try cases" in the media, I am compelled to respond to the falsehoods and vicious attacks made against Mark Brooks, a witness in the case. Preliminarily, for the record, the Editor of the San Diego Union Tribune ("SDUT") refers to the Brooks' declaration as "the News Notes affidavit." News Notes is not a party to the lawsuit and did not submit the Brooks' declaration to the court.

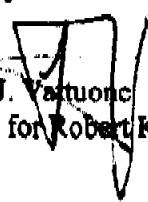
In a recent letter-to-the-editor, Vincent E. Whelan, the former attorney for the Bishop, "put his reputation and integrity on the line for the sake of the truth." (April 7, 2002, Letter to the Editor). Like Mr. Whelan, I will not discuss the details of the Brooks' declaration. Of relevance here, both Whelan and the Editor of the San Diego Union Tribune suggested that Brooks was lying in his declaration when he claimed to have had "ongoing and extensive communications with the former Duluth seminarian [REDACTED]." According to Whelan, "if you're not telling the truth in one matter, it's likely you're not telling the truth at all." I have produced to the Editor of the SDUT a sample of detailed telephone records which prove that, at least, between 1998 and 1999, Brooks engaged in numerous, lengthy telephone conversations with [REDACTED]. I invite any interested persons to review the records to determine what is true.

Very significantly, the only testimony on this issue, under oath, is that provided by Mark Brooks. I invite the Bishop and his attorneys to provide to the court sworn testimony, under penalty of perjury, rather than hearsay "letters to the editor."

Next, in a recent article in a local Catholic newspaper, "The Southern Cross," the attorney for the Bishop of San Diego claimed that it was an "abuse of the legal system" for my client to have filed the declaration of Mark Brooks in his defense to the Bishop's lawsuit. Mark Brooks' sworn statement describes the Bishop's extreme dislike of the News Notes newspaper and its reporters, one of whom is Mr. Kumpel. The Brooks' declaration also provides other evidence that it is the Bishop's modus operandi to retaliate against those who criticize him.

We believe that the Bishop's lawsuit against Mr. Kumpel was brought to retaliate against News Notes and Mr. Kumpel for articles the Bishop and his staff do not like, and not for any legitimate, legal purpose. The Bishop's lawsuit was also brought to tarnish Mr. Kumpel's excellent reputation and to dissuade Mr. Kumpel from engaging in future investigative reporting and article writing involving the Bishop and his employees.

Contrary to the claim of the Bishop's attorney, it is the Bishop who has abused the legal system by filing a meritless lawsuit against Robert Kumpel. Now that the Bishop's lawsuit has been dismissed, Mr. Kumpel is considering bringing a malicious prosecution action against the Bishop, seeking an award of attorney's fees, punitive damages and damages for the emotional distress Mr. Kumpel has suffered as a result of the Bishop's lawsuit and the false allegations made against Mr. Kumpel.


Richard J. Vattuone
Attorney for Robert Kumpel

Enclosure
(6 pages)