

# LEWIS BRISBOIS BISGAARD & SMITH LLP

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February 5, 2008

FILE NO.  
 26648-04

	Phone Number	Fax Number
<b>To:</b> Juan C. Antunez, Esq. Stokes McMillan Maracini & Antunez P.A.		(305) 379-4848
<b>From:</b> Gary M. Lape 714.668.5527		
<b>Pages:</b> 5		
<b>File No.:</b> 26648-04		
<b>Re:</b> Turner v. Patrick		

**Message:** See attached

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VIA FACSIMILE (305) 379-4848

Juan C. Antunez, Esq.  
Stokes McMillan Maracini & Antunez P.A.  
One Southeast Third Avenue  
Suite 1750  
Miami, FL 33131

Re: Turner v. Patrick

Dear Mr. Antunez:

Your "The Florida Probate & Trust Litigation Blog" has posted an article which you have stated originated with the Orange County Business Journal on-line article, an article which was posted by Mike Lyster, a reporter and editor with that Journal.

As you know, or should know, that article was pulled by the Journal because of false statements contained in it.

Enclosed are copies of an email string between reporter Lyster and myself, reflecting that the article was pulled, and why.

As I stated in my January 22, 2008 email to Mr. Lyster, his article falsely stated that the 2004 tax return of the Estate of James Patrick was filed by "Directors of Alacer" and elsewhere falsely stated that the return was filed by James D. Turner and Thaddeus Smith, as well as Ronald Patrick

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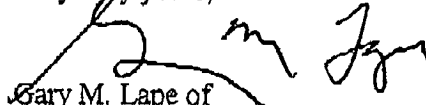
Juan C. Antunez, Esq.

February 5, 2008

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Given the false and defamatory statements made in the OCBJ about attorney James D. Turner, I request that you remove the posting from your blog forthwith.

Very truly yours,



Gary M. Lape of  
LEWIS BRISBOIS BISGAARD & SMITH LLP

GML:gj

Encl.

**GARY LAPE - RE: OCBJ on-line Article re James W. Patrick Estate and Trust**

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**From:** GARY LAPE  
**To:** Lyster, Mike  
**Date:** 1/29/2008 11:23 AM  
**Subject:** RE: OCBJ on-line Article re James W. Patrick Estate and Trust  
**CC:** jforer@handwlaw.com

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Mike:

Pulling the story will suffice. However, I am advised that as of Sunday the article was still available on-line. Please confirm that the story has been pulled and is not available for review on-line.

Thanks.

Gary M. Lape  
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>>>

**From:** "Mike Lyster" <lyster@ocbj.com>  
**To:** <LAPE@lbbslaw.com>  
**Date:** 1/24/2008 5:38 PM  
**Subject:** RE: OCBJ on-line Article re James W. Patrick Estate and Trust

Gary, let me know if our pulling of the story suffices. Otherwise, I'd repost an edited version with corrected details and indicate it's been corrected from an earlier version.

Your call. If I correct it, the story would stay on the site and in the archive.

If I leave it pulled, it won't be on the site or archive.

Thanks

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**From:** Mike Lyster [mailto:lyster@ocbj.com]  
**Sent:** Wednesday, January 23, 2008 8:41 AM  
**To:** 'GARY LAPE'  
**Subject:** RE: OCBJ on-line Article re James W. Patrick Estate and Trust

Thank you for your input. I'll take the story off the site.

**From:** GARY LAPE [mailto:LAPE@lbbslaw.com]  
**Sent:** Tuesday, January 22, 2008 5:59 PM  
**To:** lyster@ocbj.com  
**Subject:** OCBJ on-line Article re James W. Patrick Estate and Trust

Dear Mr. Lyster:

Demand is hereby made that you correct and retract the erroneous and defamatory statements made in today's online version of the OCBJ about attorney James D. Turner, who I represent.

Your article falsely stated, as fact, that a "federal grand jury is looking into a tax return [sic] was filed by Ronald Patrick, Ymelda Patrick's stepson, and James D Turner and Thaddeus Smith, two trustees of Jay Patrick's estate." Your article falsely stated, elsewhere, that the estate tax return was filed in 2004 by Ronald Patrick "and two other directors of Alacer." Your article, by direct implication and innuendo, suggests that Mr. Turner is the focus of a criminal proceeding initiated by the United States.

In fact, Mr. Turner played no role in the filing of the estate tax return, which was filed by the administrator of the estate of Jay Patrick. Nor did Mr. Smith play any role in the filing of that return.

Whatever federal investigation may or may not be ongoing with respect to the 2004 return has no relationship to the civil litigation erroneously referenced as an "Estate Case" in your headline. Your stated source is attorney Hess-Verdon, who represented Ymelda Patrick in litigation which went to trial in August, 2006. In that case, Ymelda Patrick was removed as a co-trustee of the James W. Patrick Trust for breach of trust, hostility towards and lack of cooperation with her co-trustees which impaired the administration of the trust, failing and declining to act, and other good cause, including but not limited to, breach of fiduciary duty. Ymelda Patrick has appealed that determination by the superior court, but must demonstrate to the court of appeal that the superior court abused its discretion in making the above determinations.

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