

**CAPPELLO
& NOËL** LLP
TRIAL LAWYERS

A. BARRY CAPPELLO

June 11, 2008

Via Certified Mail

Sam Tyler
Tyler Productions, Inc.
2190 Alisos Drive
Santa Barbara, CA 93108

Re: "Citizen McCaw" Redux

Dear Mr. Tyler:

This follows our unanswered May 4, 2008, correspondence pointing out the falsehoods and distortions contained within your film as a result of your failure to review readily accessible documents and perform the most basic fact-checking. As a result of your failure to do so, you harmed the reputation of the News-Press and Mrs. McCaw. This correspondence supplements our previous demand for retraction and requires you to make additional corrections to your film *Citizen McCaw*.

Federal Judge Stephen V. Wilson's Order Sheds Additional Light On Falsehoods:

As you are well aware, the recent ruling by United States District Court Judge Stephen V. Wilson sheds additional light on large fictionalized portions of your film that you have passed off as fact to the public. Attached is a copy of his order in case you have not bothered to get one.

Your prominent legally unsupportable portrayal of "Mrs. McCaw acting unlawfully against the Union, which will result in an immediate reinstatement of the fired reporters" must be remedied. Your film also trumpeted as truth the erroneous findings by Administrative Law Judge William Kocol during the labor trial that was held in Santa Barbara. Judge Wilson's order resoundly shatters these portrayals and supports the decisions by Mrs. McCaw and News-Press' management to control the content of the paper. Unfortunately, your film fails to include even token homage to the truth that Mrs. McCaw had a First Amendment right to control the content of the News-Press. This is the same First Amendment right that you bastardized in your film as being a right belonging instead to the union reporters. The very same reporters which you canonized in your film while demonizing Mrs. McCaw are the same former employees that Judge Wilson has held infringed on the First Amendment rights belonging to Mrs. McCaw.

Additional Factual Corrections Are Necessary To Mitigate The Damage You Caused:

In light of Judge Wilson's vindication of Mrs. McCaw and the News-Press, the massive editing that lies before you in order to create an honest product is a formidable task. In addition to accounting for Judge Wilson's order you should account for your own untrue statements and misrepresentations, including, but not limited to:

- You were quoted in an L.A. Times article published on March 8, 2008, describing your film as "a cautionary tale about the 1st Amendment rights of journalists to report the news fairly and objectively, without influence from anyone -- even if that anyone also happens to be their boss." In fact, Judge Wilson's order only reinforced the News-Press position throughout, which is Mrs. McCaw's First Amendment rights were those being trampled by overzealous ideologues and not vice versa. In addition to fact-checking, you should consult with your attorneys prior to making a completely erroneous statement of law.
- In that same article, you were further quoted, stating that "These journalists who stood up to [McCaw], they're heroes." Unless your version of a hero are those who wish to curtail the First Amendment rights of others, perhaps you should be more judicious with such argumentative and totalitarian statements.
- Suggesting to the viewing public that the Union or the reporters owns the news is as erroneous as the findings of Judge Kocol.

Pursuant to your previous statements that you give an "accurate portrayal of [Mrs. McCaw] and events related to her ownership of The Santa Barbara News-Press" I have taken the time to write you so that the most important events do not go unreported and to allow you the opportunity to mitigate the damage you have already caused.

Mrs. McCaw's First Amendment Rights Were Infringed, Not The Reporters' Or The Union's As You Portray:

Thus, while the previous version of your film exalted the fired reporters and touted their right to report whatever they choose, your next attempt should be sure to report the truth of these matters. If you had any inkling about the Constitution, the law, or the truth, you would spend some of your resources to making amends for the blatant misrepresentations you peddled to the public.

Your claims that Mrs. McCaw was a woman run amok about ethics are completely without legal basis. The Union and reporters, which you portray so gallantly in your film, sought nothing more than to make demands "related to content control falling within the publisher's editorial discretion." Essentially, your phrase "journalistic ethics" is nothing more than code for allowing the reporters to write what they want when they want. Mrs. McCaw has always and will continue to fight the tireless efforts of a few to wrest control of the paper's content away from her.

On the whole, you and your film mischaracterized and, in fact, defamed Mrs. McCaw, portraying her as one who would crush the First Amendment rights of her reporters. As is entirely too obvious, both from Judge Wilson's order and from the real facts of this case, Mrs. McCaw has done nothing but champion the First Amendment and the rights of owner/publishers. For this thankless pursuit, she has received nothing but character assassination at the hands of you and your film, in addition to the vitriolic statements directed at Mrs. McCaw by the subjects of your film.

Your consistent refusal to fact check your film and refusing to respond to our demand for retraction further supports our belief that you will continue to disparage Mrs. McCaw and the News-Press. However, you are on notice that your distortions of the truth will not go unchecked.

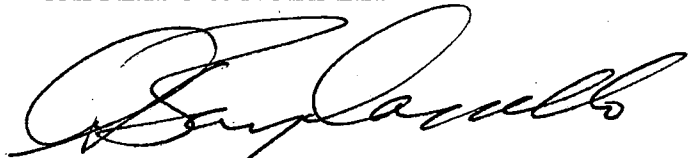
Action Must Be Taken:

Accordingly, by **Monday, June 23, 2008**, we expect to either have: 1) a written response from you acknowledging the clear falsehoods and distortions in your film and an affirmation that you will correct the deficiencies as stated in this and our May 4, 2008, letters; or 2) provide us with a new version of your film.

Silence is not good enough. You have abrogated your duty of honesty long enough. A refusal to comply with either option will serve as further malicious conduct and conscious disregard for the distortions portrayed in your film and will result in our client pursuit of remedies available to her. Nothing contained herein is intended as, nor should it be deemed to constitute, a waiver or relinquishment of any of our clients' rights and remedies, all of which are hereby expressly reserved.

Very truly yours,

CAPPELLO & NOËL LLP



A. Barry Cappello

CC: Client
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