

# LEWIS BRISBOIS BISGAARD & SMITH LLP

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November 11, 2004

FILE NO.  
26884-02

**VIA FAX AND U.S. FIRST CLASS MAIL**

Mr. Elias T. Danho  
417 E. Fairmont Road  
Burbank, CA 91501

Mr. Simon Shamoun  
18839 Ventura Boulevard  
Tarzana, CA 91356

Re: *The Executive Committee Representing the Signing Petitioners of the  
Archdiocese of the Western United States v. Archbishop C. Eugene Kaplan,  
etc., et al.*  
LASC Case No. BC 304244

Dear Elias and Simone:

As I first told you on Tuesday, the 9<sup>th</sup>, we won. Not only did we win but Judge Feffer granted a nonsuit after the plaintiff put on its case. This means that the plaintiff was unable to present a *prima facie* case and that we did not even have to put on any evidence. Accordingly, the court dismissed their case with prejudice. The judge found the plaintiff's case completely devoid of merit with no evidence of wrong doing.

I have been instructed as counsel for the prevailing parties to prepare a court order. To do this properly, I need a copy of the transcript which I ordered on Tuesday afternoon. I have not yet received it. As you know today is a court holiday and there is no mail service. I therefore will not be able to get a copy of the transcript at least until tomorrow or early next week. At that point, I will prepare and submit an order to the Judge for signature. If he finds the order appropriate, he will sign and file it. This will probably take place sometime next week. Naturally as soon as I have a copy of the signed order I will provide it to you.

As I previously indicated to you, this was a particularly gratifying victory. Clearly, once the Judge saw the facts of this case, he easily and quickly concluded that the plaintiff had no legal or factual support whatsoever for bringing its lawsuit.

LOS ANGELES	SAN FRANCISCO	SAN DIEGO	ORANGE COUNTY	INLAND EMPIRE	SACRAMENTO	NEW YORK	LAS VEGAS	PHOENIX	TUCSON
213.250.1800	415.362.2580	619.233.1006	714.545.9200	909.387.1130	916.564.5400	212.232.1300	702.893.3383	602.385.1040	520.202.2565

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Should you have any questions or desire any additional information, please contact me immediately.

Best wishes and personal regards.

Very truly yours,



Joel A. Goldman of  
LEWIS BRISBOIS BISGAARD & SMITH LLP

JAG:cb

cc: Michael McLain, Esq.