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January 6, 2009

Mr. Joel L. Wohlgemuth
Norman, Wohlgemuth, Chandler & Dowdell
2900 Mid-Continent Tower
Tulsa, Oklahoma 74103

Re: Councilor Eric Gomez

Dear Joel:

This will acknowledge receipt of your letter of October 10, 2008 asserting that our client, Julie Hall, a stay-at-home mother and homemaker, has libeled your client, City Councilor Eric Gomez. Ms. Hall is a constituent of Councilor Gomez, the President of the White City Neighborhood Association, and the Chair of a grass roots citizens' advocacy organization, Who Owns Tulsa, Inc. (WOT). At our request, you forwarded examples of the materials that your client believes to be libelous. These materials included the preliminary recall petition naming Councilor Gomez, a legal process that is authorized by the Tulsa City Charter; and also included emails and website statements attributed to Ms. Hall that express critical opinions about Councilor Gomez's job performance as a city councilor.

We have now carefully reviewed every document that you forwarded to us. In addition, we went to the WOT website and reviewed every entry. We also asked Ms. Hall to provide us the e-mails she sent that mention Councilor Gomez. We were unable to find a single written statement or series of statements that could even remotely be considered false and defamatory, particularly in light of Councilor Gomez's status as an elected public official. Moreover, everything that Ms. Hall has written and published relating to Councilor Gomez is also privileged as part of a proceeding authorized by law and/or protected as political speech or opinion.¹

Given the character of the materials you sent and our own review of the WOT website and other materials, we do not understand what written statements you and your client

¹ / See Title 12 Okla. Stat. Section 1443.1 - A privileged publication or communication is one made in any legislative or any other proceeding authorized by law. It includes any and all expressions of opinion in the proceeding, criticisms of the proceeding, and any and all criticisms upon the official acts of any public officer, except where the matter stated falsely imputes a crime to the officer so criticized. Every publication falling under this section would be privileged and shall not be punishable as libel.

find to be false, defamatory and libelous. We understand that Councilor Gomez disagrees with Ms. Hall's opinion about his performance as a City Councilor. Such a disagreement, however, cannot form the basis of a valid libel lawsuit by an elected official. Ms. Hall expressly denies that she has defamed and libeled Councilor Gomez in any way, and she intends to continue exercising her right to free speech in relation to elected public officials. This is the United States of America where these kinds of expressions of opinion are protected; and rightly so, because of the "realization that there exists a profound national commitment to the principle that debate on public issues should be uninhibited, robust and wide open, and that the discussion may well include vehement, caustic and sometimes unpleasantly sharp attack on public officials." *Price v. Walters*, 1996 OK 63 ¶31, 918 P.2d 1370.

It would be very helpful if you can point us to *specific* written statements, other than what you have already provided, that your client considers false, defamatory and libelous. It would also be helpful if you can provide us with any legal authority that supports your client's position. This would enable us to more carefully and thoroughly evaluate your client's claims.

As a postscript, we note our client's belief that a libel lawsuit for damages on behalf of Councilor Gomez, as threatened in your October 10, 2008 letter, would clearly be designed to impose the emotional and financial burdens of litigation upon her for the purpose of silencing her lawful criticism of Councilor Gomez. Such a lawsuit would have no basis in fact or law. If Councilor Gomez commenced such a lawsuit, Ms. Hall would have no choice but to attack it as frivolous, assert counterclaims, and seek damages, including an award of attorney's fees, against Councilor Gomez.

If your client has specific additional materials he believes are false, defamatory and libelous and/or if you have any supporting legal authority for your client's claims, please share the same with us. Otherwise, we suggest that Councilor Gomez focus his energies on representing his constituents rather than on suing them.

Sincerely,

Steven A. Novick