

Dear All,

As we are filing the amended complaint in our case on Friday, there are two important items of concern that we need to address.

First, some of you may know that Betsy Combier has been publishing material about Ed Fagan and our case on her ParentAdvocates.org web site, and on other blogs as well. While I once thought Ms. Combier was well intentioned in spite of being on the UFT payroll, I now have to acknowledge that is not the case. First, the material that Ms. Combier has published is a collection of malicious lies and innuendo. Second, Ms. Combier has been publishing these lies to undermine our legal action. She states her intention in two places, when she says that while some teachers may need to go to court, the UFT is on the job (a la Randi Weingarten's letter to the media and politicians the days after I circulated our letter asking for help), and at the end of her "article" on her blog when she advises "you make up your own minds." And third, Ms. Combier is not working on her own, but her work is clearly being supported and orchestrated by other parties who have a vested interest in undermining our case. She does not have the time or the resources to invest in putting together the material she published so shortly after our last court hearing. It is also noteworthy, for those of you who don't know, that Ms. Combier appeared at our last court hearing with a former client of Ed Fagan's who claims he damaged her. That act was in and of itself an ethical breach that was inexcusable.

Furthermore, Ms. Combier is attempting to undermine our legal action, not on its merits, but by attacking our attorney and his family in a manner that is so vicious and ugly that it is simply incomprehensible to me that she or anybody else could think the action justified, even if the allegations about Ed Fagan were accurate. Those of you who were at the meeting we conducted in the church basement several weeks ago heard Ed Fagan discuss his misgivings about suing the UFT. He had told us from our first meeting that he would be reluctant to sue the UFT. At first, he was even convinced that the UFT was actually an integral part of the corruption, as some of us were telling him. As the case progresses, however, and new facts came to light, Ed came to see the inevitability of adding the UFT and Randi Weingarten as defendants. What he told us in the church that day was what would happen when we did so. He said that he had no qualms about fighting the UFT, as some of us expressed concern that we did not have the resources to fight so many opponents at once. He made it clear, however, that they would strike back by attacking him personally. As he explained then, Charles Moerdler, the UFT's attorney, at Stroock, Stroock and Levan, also represents defendants in two of Ed Fagan's other cases, the Nazi art theft case and the Kaprun cable car case. Mr. Moerdler has made these cases very personal, and Ed Fagan knew he would continue this personal campaign as soon as we sued the UFT.

Ed Fagan made it clear to us at the meeting in the church that he was willing to sue the UFT knowing that he would be the target of personal attacks, although I don't know whether he would have expressed that had he known his family would be dragged into our case. It is hard, if not impossible, to anticipate such ugliness, even for those of us who have seen it in the past. The only thing he asked was that we stand together if and when the attacks start. That time is now.

What Ms. Combier has done would be serious enough if she was a "private citizen," but that is not the case. She works for the UFT and Randi Weingarten, and as such she is an agent for the

UFT and Randi Weingarten, no matter where she publishes her material. Unfortunately, her actions represent the ongoing failure of our union to protect our rights, and, in fact, our union's deliberate actions on so many fronts to undermine our rights. Ms. Combier has left us no choice but to respond to what she has done. Our response may include:

1. Naming her as a defendant in our action, along with Randi Weingarten, who is already named;
2. Requesting emergency injunctive relief early next week to remove all offending material from her blogs;
3. Requesting emergency injunctive relief early next week to have her issue a retraction regarding all the offending material she published on her blogs;
4. Requesting that damages be assessed; and
5. Any other measures that may be needed;

Ed Fagan and his family will take any legal action they deem necessary in response to Ms. Combier's unprovoked attacks. Beyond a doubt, Ed and his family have been damaged far more severely than we have been. We need to respond, however, not only to protect our own interests, but to stand in solidarity with Ed Fagan, who has stood in solidarity with us from the beginning because he believes in our cause and cares about our plight.

What I am going to request now if you are a plaintiff in our legal action, or if you would like to be a plaintiff, is that you reply to this email acknowledging that you have received and read this material, that you understand the implications of responding to Ms. Combier's attacks, and that you are fully in support of the kinds of responses outlined above.

If you are a plaintiff, and you are not comfortable with this, and you want to withdraw as a plaintiff at this time, please be professional and let us know that as well.

Also, if you are a plaintiff at this time, I will also be sending you under separate cover the biographical material about yourself so you can verify the accuracy of the factual representations we will be making about you in the amended complaint we are filing on Friday. Please respond to that promptly as well.

Fraternally yours,

Florian