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May 14, 2014

Dan Bennett
Vice President/Market Manager
Cumulus Media
3090 Olive Street
Dallas, Texas 75219

VIA E-MAIL: dan.bennett@cumulus.com

RE: Notice – Cease & Desist Demand Letter

RE: Publication of Defamatory Advertisement – Airing Non-use Texas Right to Life PAC Defamatory Ad attacking the Honorable Texas State Senator Bob Deuell

Anticipated Litigation, Preservation Notice & Demand Letter

Dear Mr. Bennett:

**PLEASE IMMEDIATELY CEASE & DESIST ANY FORM OF PUBLICATION OR
REPUBLICATION OF THE ABOVE & BELOW REFERENCED ADVERTISEMENT**

We represent the Honorable Texas State Senator Bob Deuell, and we have become aware of defamatory advertisements published in certain media outlets which were airing and re-airing a non-use campaign ad by Texas Right to Life PAC (not a candidate ad).

These false and defamatory statements completely and totally misrepresent Senator (and Medical Doctor) Deuell's position on Patient Protection and End of Life Legislation and completely and totally misrepresents Senate Bill 303. Specific FALSE content of this ad includes the following:

Defamation: - "Bob Deuell sponsored a bill to give even more power to these hospital panels over life and death for our ailing family members. Bob Deuell turned his back on life and on disabled patients."

TRUTH: Senator Deuell's bill, Senate Bill 303, is endorsed by the Texas Catholic Conference, The Public Policy Voice of the Catholic Bishops of Texas. A true and correct copy of their statement on the matter is attached as Exhibit A and it illustrates

just how false and defamatory the Texas Right to Life PAC radio ad is. Senate Bill 303 was designed to **add more protection for human life** than the existing Texas Advance Directives Act of 1999 (which was supported by Texas Right to Life PAC).

The reforms in Senator Deuell's Bill address a number of principles, including:

- Improving notification and appeal processes for families or surrogates when a Do-Not-Resuscitate Order is used;
- Ensuring that artificially administered nutrition and hydration cannot be withdrawn from a patient, unless continuing to provide that treatment would harm the patient;
- Ensuring the process is applied only to patients for whom life-sustaining treatment would be medically inappropriate and ineffective, and are difficult for the patient to endure;
- Respecting the conscience of physicians and other health care providers so the law does not require them to provide unethical treatment;
- Extending the notification time to a family or surrogate from 48 hours to seven days in advance of an ethics committee meeting;
- Extending the time to find an alternative willing provider from 10 to 14 days;
- Providing the family or surrogate with a patient liaison to help guide them through the process;
- Providing the family or surrogate with a free copy of the patient's medical record;
- Inviting the family or surrogate to attend the ethics committee meeting at which future care for their loved one will be discussed; and,
- Creating reporting requirements for hospitals or hospital systems that have one or more ethics committee meetings on the process outlined in the bill.

These provisions show that the false and defamatory statements made in Texas Right to Life PAC's radio ad totally and completely misrepresent Senator and Dr. Deuell's position and Senate Bill 303. Additionally, the following groups and individuals will corroborate the false and slanderous nature of the Texas Right to Life PAC's radio ads:

Texas Conference of Catholic Bishops
Christian Life Commission of the Southern Baptist Convention
Texas Alliance for Life (Joe Pojman, PhD (512) 477-1244)

The Coalition of Texans with Disabilities
The Texas Medical Association (Troy Alexander (512) 370-1360)

If your station has been running this ad, you are hereby put on notice of the false and defamatory statements contained therein. Any further publication of this ad will shift your conduct from reckless disregard to intentional and actual malice. “[A] plaintiff can bring a claim for defamation when discrete facts, literally or substantially true, are published in such a way that they create a substantially false and defamatory impression by omitting material facts or juxtaposing facts in a misleading way.” *Turner v. KTRK Television, Inc.*, 38 S.W.3d 103, 115 (Tex. 2000). We will be happy to provide additional backup documentation upon request.

THEREFORE, WE RESPECTFULLY DEMAND THAT YOU IMMEDIATELY CEASE AND DESIST FROM INTENTIONALLY DEFAMING TEXAS STATE SENATOR BOB DEUELL BY REPUBLISHING THESE FALSE AND DEFAMATORY STATEMENTS BY RE-AIRING THE ADVERTISEMENT, AS OUTLINED.

LITIGATION HOLD & PRESERVATION DEMAND

You are hereby on notice and should have reason to believe that litigation may result from the claims described above. This letter does not mean that you will be sued, or that this matter may not be resolved without court intervention; however, pursuant to state and federal law, you are now under a legal duty to preserve all evidence, whether printed or electronic that might become relevant to this matter. Some of this information may be in your possession or control, or in the possession of any and all agents, employees or third-parties under your control. You have a legal duty to preserve that information. The purpose of this letter is to explain to you what that obligation means. Should a claim be made, the lack of documentation that should have been preserved may lead to a presumption that the lack of documentation was an intentional attempt to conceal damaging evidence to your case – an issue described as spoliation.

Information subject to this hold demand may be located anywhere and by anyone connected to this matter. You are required to take the following steps immediately to protect and preserve any of that information that is in your possession or under your control until further notice.

Specifically, you will need to do the following immediately:

1. Suspend deletion, overwriting, or any other destruction of electronic information relevant to this dispute that is under your control. This includes electronic information wherever it is stored – at your work station, on a laptop, or at home. It includes all forms of electronic communication – e.g., e-mail, word processing, calendars, voice messages, videos, photographs, information in your smart

phone. This electronic information must be preserved so that it can be retrieved at a later time.

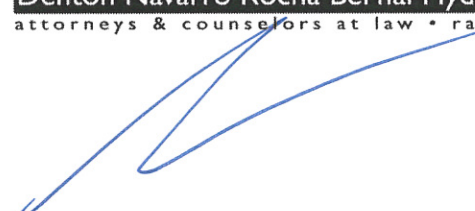
2. The information must be preserved in its original electronic form, so that all information contained within it, whether visible or not, is also available for inspection – i.e., it is not sufficient to make a hard copy of electronic communication. Your IT department may be able to assist you with the preservation of electronic information on the server and on back-up tapes.
3. Similarly, preserve any new electronic information that is generated after you receive this letter that is relevant to this dispute or may lead to the discovery of relevant information related to this dispute.
4. Preserve any “hard copy” information under your control.

CONTACT YOUR LEGAL ADVISOR IMMEDIATELY.

While we are hopeful that this matter can be resolved quickly and without substantial investment of further valuable time and expense by any party, your immediate attention to this matter is necessary and appreciated. We would like to thank you in advance for any consideration you lend to this matter, and look forward to resolution.

Very truly yours,

Denton Navarro Rocha Bernal Hyde & Zech, P.C.
attorneys & counselors at law • rampagelaw.com



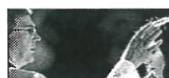
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THE PUBLIC POLICY VOICE OF THE CATHOLIC BISHOPS OF TEXAS



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Lone Star Catholic

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- The Perils Of Payday And Auto Title Lending



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Committee Traveled To U.S.
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Texas Bishops Endorse SB 303 To Improve End-Of-Life Care

January 31, 2013

Texas' Catholic Bishops joined a coalition of the state's largest pro-life organizations, healthcare providers, and religious denominations to endorse legislation introduced by state Senator Robert Deuell (R-Greenville) to improve the state's handling of end-of-life care in a way that balances the protections of human life and a medical provider's conscience (SB 303).

Senate Bill 303 would reform the Texas Advance Directives Act of 1999 (TADA), to improve the statute's clarity and consistency about many ethical decisions amid the complexity of end-of-life care. For instance, the current statute contains definitions that could be interpreted to allow for the premature withdrawal of care for patients who may have irreversible, but non-terminal, conditions; fails to ensure that all patients are provided with basic nutrition and hydration; and falls short in ensuring the clearest and most compassionate communication between medical professionals and patient families when disagreements arise.

The reforms set forth by Sen. Deuell's bill address those shortcomings by empowering families and surrogates, protecting physicians and other providers from having to provide morally unethical treatment, and avoiding the continuing threats of frivolous lawsuits. Senate Bill 303 also earned the endorsement of the Texas Medical Association, Texas Hospital Association, Catholic Health Association-Texas, Texas Alliance for Life, and the Baptist General Convention of Texas.

Reforming the Advance Directive Act has been a top priority for the Texas Catholic Conference in the 83rd Texas Legislature, as the Catholic Church strongly believes that respect for life is lifelong – from conception to natural death.

"The bishops of Texas have long sought to reform end-of-life care laws in a way that promotes and protects the life of individuals in the natural process of dying. We believe that in end-of-life decisions, any legislation should prioritize the patient, while also recognizing the emotional and ethical concerns of patients, families, and health care providers, to provide the most compassionate care possible," said Daniel Cardinal DiNardo, of the Diocese of Galveston-Houston.

"Respect and care for the life and personal dignity of the dying patient should be the goals of every individual and institution involved in the process. We are pleased that Senator Deuell's bill accomplishes these goals by explicitly excluding any form of euthanasia and rejecting an abusive extension of the death process," Cardinal said.

The reforms suggested in Senator Deuell's address a number of principles, including:

- Improving notification and appeal processes for families or surrogates when a Do-Not-Resuscitate Order is used;
- Ensuring that artificially administered nutrition and hydration cannot be withdrawn from a patient, unless continuing to provide that treatment would harm the patient;
- Ensuring the process is applied only to patients for whom life-sustaining treatment would be medically inappropriate and ineffective, and are difficult for the patient to endure;
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- Inviting the family or surrogate to attend the ethics committee meeting at which future care for their loved one will be

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Pope Names Cardinal
DiNardo To New Council
For The Economy

Senate Bill Affirms
Parental Choice In Child
Care Bill

Heritage Edition Of The St.
John's Bible Visits
Houston

Child Protective Services
Introduces CHILD Program
to Amarillo Diocese

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The Texas Catholic Conference is the association of the Roman Catholic Bishops of Texas. We **accredit the state's Catholic Schools, maintain records that reflect the work of the Church in Texas, and represent the Bishops in the public policy sphere.**

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