



*Law Offices of Eric S. Block, P.A.*

Trial Attorney

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March 17, 2008

**VIA FACSIMILE AND US MAIL**

**(813)221-8850**

Stephen C. Diaco, Esq.

Bank of American Plaza

101 E. Kennedy Blvd., Ste. 2175

Tampa, FL 33602

Re: My Client: *Mark Lunsford, Ruth Lunsford and Patricia Ryan*  
Your Client: *Todd Alan Clem a/k/a Bubba The Love Sponge and  
Bubba Radio Network*

Dear Mr. Diaco:

First, let me sincerely and gratefully complement you on the hard work that you have so obviously done in such a short period of time. I am quite sure that any resolution of this matter will be as a direct result of your work and influence. That is precisely why I am extremely concerned that we have a very clear understanding of how this matter can be resolved, and your hard worked achieve its intended goal.

In that regard, I think that it is unlikely that we can sign any settlement agreement unless and until we are able to include the Sheriff in a global settlement. In other words, as I understand your position, the settlement of any and all claims between your client and mine necessarily requires a settlement between my client and the Sheriff. If I am correct in this understanding, then we will need to effect a settlement with the Sheriff, and that cannot happen for at least another week, as his counsel is unavailable.

Any other arrangement would render it extremely possible that we might enter into a settlement regarding all past claims against your client, then fail to reach a settlement with the Sheriff, and then expose Mr. Lunsford to further abuse by your client in the future. That is obviously unacceptable.

Therefore, the way I see it, we have a couple of options here:

1. Your client and mine could enter into a binding settlement of all potential claims, however, that settlement would have to unconditionally prevent Bubba from ever making any further adverse comments about Mr. Lunsford in public, regardless of whether we settle with the Sheriff or not; or

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2. Extend our "quiet period" until we can determine the Sheriff's willingness to enter into a binding settlement agreement upon mutually agreeable terms.

I understand that Bubba is unavailable next week, however, that cannot be helped. Steve, you and I are the only ones available this week, and that simply is not enough to get this deal done.

Now to the nuts and bolts of it. As I told you by phone, we very much understand and sincerely appreciate everyone's need to save face here. However, we are simply going to have to agree upon specific methodology in that regard. As to the Sheriff:

1. By no means do we expect the Sheriff to admit specific failures or that Jessica would have lived had the Sheriff's office properly done its job. On the other hand, the Sheriff's office is definitely going to have to make some sort of statement to the effect that "mistakes were made" or "we would have done things differently had we been aware of certain information" or "had we been aware of all of the policies and procedures that we are now proposing to law enforcement all over this country regarding searching for missing children, things would have been done differently," or words to that effect;
2. To be sure, the Sheriff simply saying that he ". . . supports the policies and procedures proposed by Mark Lunsford and the Center for Missing and Exploited Children" is insufficient and unacceptable;
3. Please know that we have no intention whatsoever other than to praise the Sheriff for his willingness to work with us to save missing children. However, the Sheriff has been on national television claiming that he would not do it differently (by the way, we have been contacted by private individuals who will testify that the Sheriff has told them that he *would* do it differently), and it was the Sheriff who told the nation that Mark Lunsford's criticisms had no merit. That being the case, we simply must find an acceptable way for the Sheriff to say that Mark Lunsford was never the pariah as he was portrayed in the media.

As for Bubba:

1. While we certainly do not expect Bubba to apologize and retract every statement he made every day for three weeks, the fact is, Bubba unfairly, and we believe unlawfully, criticized Mr. Lunsford, his attorneys, his family and his friends for that period of time. Therefore, it is simply unfair and unacceptable that he would come on the air, make one apology/retraction on one day and be done with it;

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2. Our settlement with Bubba would have to include the following:
  - A. There would need to be a few days of promotion wherein Bubba would announce to the public that Mr. Lunsford's attorneys are coming on the show and that there would be a "spectacular announcement" or words to that effect;
  - B. Mr. Gelman and I would come on the show one day for a substantial period of time and address facts and issues which have been "misunderstood" by the public. We would then announce Mr. Lunsford's appearance on the show for the following day;
  - C. That day, Bubba would explain to his listeners that he was "not aware of all of the facts and circumstances," or that he had "been misled," or that "he misunderstood," or words to that effect. In any event, after explaining that, he would apologize to Mr. Lunsford and confirm to the public that Mr. Lunsford's intentions were pure all along, the dialog can turn to the cooperative efforts between them to educate law enforcement all across the United States as to the proper and most efficient methodology to find missing children;
  - D. Approximately one or two weeks later, Mr. Lunsford would appear back on the Bubba show with the Sheriff (or the Sheriff's blessing) to discuss joint efforts in that regard;
  - E. Approximately one month later, Mr. Lunsford and his attorneys would appear back on the show to advise Bubba on the progress of those efforts;
  - F. Between the appearances on the air, Bubba would need to make some announcement on a daily basis apprising the public of Bubba's efforts with Mark Lunsford to keep the children of this country safe;
  - G. In addition to all of the foregoing, an acceptable effort via Bubba's website would be maintained which would include soliciting donations as a result of Bubba's effort.

In that regard, I have spoken at length with Mr. Lunsford regarding donations. As you know, due to either the Sheriff's negligence and/or the public treatment by your client of mine, we have incurred hard costs to date in the amount of approximately \$15,000.00. Neither Mr. Gelman nor Mr. Block have been, nor will be, paid anything. You have graciously committed to using your efforts to raise donations to cover our hard costs within thirty days of settlement. You certainly have our sincere and heartfelt thanks for that.

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In addition, however, please know that Mark has unequivocally stated that after our costs are paid, any and all donations that would be raised as a result of his joint effort with Bubba would be made directly payable to the Child Advocacy Center in the county from which the funds were donated. Mark does not want a dime.

Steve, again, I sincerely commend you for your hard work. I just want to make sure that we are not wasting each other's time here. Concessions are going to have to be made. I have communicated your perspective that the Sheriff and Bubba were only responding from a defensive position, having been placed there by Mr. Lunsford and his attorneys through out notice letter. With all respect, we do not agree. All anyone had to do is pick up the phone and call us, or email us, or show the slightest bit of sincere curiosity, and we would have answered all questions and soothed all concerns. Instead, we were viciously, unfairly, and we sincerely believe unlawfully attacked. I promise you that we will work with you and your client in every reasonable way to settle this matter in a joint, "team spirit." As long as all of the foregoing is acceptable, let us move forward.

In that regard, as I said, unless we can agree to settle with Bubba irrespective of any settlement with the Sheriff, I propose that our "quiet period" continue while we hammer this out. I look forward to discussing this with you further at your earliest convenience. I am and remain,

Very truly yours,



Eric S. Block

Dictated by MR. BLOCK  
& SIGNED IN HIS ABSENCE  
TO AVOID DELAY

ESB/djc

cc: Gregory Hearing, Esq.  
Mark Gelman, Esq.  
Mark Lunsford