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## FACSIMILE TRANSMISSION

**FROM:** *Mary Claire Fischer*

**DATE:** *January 4, 2006*

**TO:** *Mr. Richard M. Scoville*

**FAX:** *(207) 510-9474*

**PAGES (including cover sheet):** *3*

**RE:** CAUSE NO. 2005-CI-19492; RICHARD M. SCOVILLE, ET AL., VS. BRIAN J. BRUNS, ET AL, IN THE 45TH JUDICIAL DISTRICT COURT OF BEXAR COUNTY, TEXAS

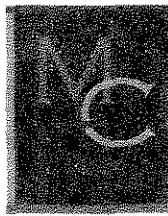
**MESSAGE:**

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\*\*\* TRANSMISSION REPORT \*\*\*

JAN 4, 2006 19:28 Model # 4200 Series 210 541 3906

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Mary Claire Fischer  
Attorney at Law

January 4, 2006  
VIA FACSIMILE

Mr. Richard M. Scoville  
108 West French Place  
San Antonio, Texas 78212-1679

RE: CAUSE NO. 2005-CI-19492; RICHARD M. SCOVILLE, ET AL., VS. BRIAN J. BRUNS, ET AL., IN THE 45TH JUDICIAL DISTRICT COURT OF BEXAR COUNTY, TEXAS.

Dear Mr. Scoville:

I am in receipt of your correspondence dated December 29, 2005 wherein you request that I refrain from disclosing "all my phone numbers, facsimile number, etc." to my client in this case. I must inform you that it is my ethical duty as an attorney to keep my clients reasonably informed of all activities in this case. It has always been my practice (and it is the practice of every attorney I know) to meet this ethical duty by providing my client with a copy of each pleading, correspondence or other written material received by me from the opposing attorney or party and sent by me to the opposing attorney or party, as well as all orders issued by the Court.

Further, pursuant to Rule 57 of the Texas Rules of Civil Procedure, the pleadings of a party represented by an attorney must be signed by at least one attorney of record in her individual name, with her State Bar of Texas identification number, address, telephone number, and, if available, telecopier number. Further, pursuant to this same rule: "A party not represented by an attorney shall sign his pleadings, state his address, telephone number, and, if available, telecopier number."

By filing suit against my client, you have placed the issues in this case in the public forum. Lawsuits filed by anyone are matters of public record, and all of the information contained in pleadings is, thereby, necessarily also of public record. Therefore, by complying with my ethical duty to keep my client informed of the activities in this case, I am providing them with no information other than the information you, yourself have filed with the Court or sent to me in connection with the case.

I do want to point out I have respected your request for privacy as to your cellular phone number. As you will recall, on December 28, 2005, after we appeared in Court on this matter, you called my office following the hearing and requested that I immediately call you on your cell phone, and you gave your cell phone number to my assistant. I called you on that number, and you told me that I had failed to return three pages of documents, which I had borrowed from you in the

courtroom for copying. I informed you that I had, in fact, returned the documents to you and described how I had clipped all of the original documents you loaned to me for copying together. You requested my cell phone number, so you could look through your documents again and call me back.

At that time, I told you that I do not ordinarily release my cell phone number to opposing counsel or an opposing party in a lawsuit, as I prefer that all telephone communication be made office to office. However, under the circumstances I agreed to do so. You called me, after reviewing your documents and let me know that you had located the three pages of documents you originally thought I had failed to return.

At that time, you asked me not to provide your cell phone number to my client in this matter, and I, similarly, asked you not to use my cell phone number again or publish it to anyone else. I immediately deleted your cell phone number from my phone, and destroyed the only piece of paper on which I had written your number. I am assuming that you did the same.

I have respected and honored your wishes to keep your cell phone number private. However, by filing suit against my clients, you have made the other information you seek to keep confidential a matter of public record. I will comply with my duty to keep my clients informed in this matter by forwarding pleadings, Court orders and correspondence related to the suit to my clients. I must do so in order to comply with my ethical duties as an attorney. I will not supply my client with any information about you other than what I obtain within the context of this litigation.

Sincerely,

A handwritten signature in cursive script that reads "Mary Claire Fischer". The signature is written in dark ink and is positioned above the printed name.

Mary Claire Fischer

MCF/jt