

Martin D. Singer
Lavelly & Singer

Re: Response to your letter of December 19, 2014

Dear Mr. Singer:

I respond to your letter of late Friday evening, December 19, 2014.

Your letter is remarkable for its dishonesty.

I have reviewed the transcripts of the Burk and Gible interviews and they show that your characterization of CNN's conduct and the discussions themselves is demonstrably false. With respect to Mr. Burk, what becomes clear both from the interview and from our research is that 1) he had no specific knowledge of Ms. Johnson's claims and did not know Ms. Johnson during the time period when she claims she was assaulted and 2) he is far from a disinterested observer.

Mr. Burk essentially says he has no recollection of Ms. Johnson ever mentioning any incidents to him during the time he knew her. He offers generalized statements that Ms. Johnson spoke in support of many different prominent African Americans in their business pursuits, including sometimes Mr. Cosby.

What you neglected to inform CNN about Mr. Burk was that he has a history of threatening and abusive behavior towards Ms. Johnson. Indeed, he is the subject of multiple restraining orders relating to her. This includes choking Ms. Johnson and even threatening to kill her, for which he pled guilty, was convicted and a criminal protective order was issued. Burk suggested to CNN that this conviction was subsequently vacated, but a review of the docket shows only that it was *affirmed* several months later. CNN even had a California attorney search the docket for anything that supported Burk's claim. No record of the conviction being vacated was found.

In assessing Burk's credibility, it is also notable that he filed a legal action seeking "palimony" payments from Ms. Johnson. This lawsuit was dismissed because the court found him to be a vexatious litigant. As I am sure you already know, a vexatious litigant is someone who the court determines repeatedly makes meritless or false claims.

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We also talked with Mr. Gibble and looked into his background. Ms. Johnson says she has no memory of this man who claims to have managed her from 1992-1994. Mr. Gibble was unable to provide any documentary evidence that such a relationship existed. Mr. Gibble gave us the name of a casting agent he said could corroborate his claims but, despite multiple attempts using multiple numbers over the past two days, CNN has been unable to reach her.

As with Mr. Burk, Mr. Gibble admits he did not know Ms. Johnson at the time the alleged incident occurred. And like Mr. Burk, our research shows that Mr. Gibble also has a criminal history. Indeed, he is a convicted felon -- a detail you again omitted in your prior correspondence. CNN learned that around the time period he claims he was managing Ms. Johnson, Gibble was tried and convicted for receiving stolen property and conspiracy to commit the robbery of a former client, for which he spent two years in prison.

In sum, at your request we contacted both Mr. Burk and Mr. Gibble. Neither person had any specific knowledge about the claims Ms. Johnson is making. Both have a history of criminal behavior and engaging in acts involving dishonesty and moral turpitude. None of this information was disclosed by you.

Lastly, I must ask again ask that you refrain from engaging in *ex parte* communications with CNN employees. This includes your letter addressed to Jeff Zucker and me, which somehow was leaked to TMZ. It also includes your previous letter, inappropriately addressed to two CNN staffers, and a late night email pestering one of those staffers.

I trust this concludes our need to correspond, but if you feel you must, please address your correspondence to me and me alone. Of course, this letter is not intended to be an exhaustive recitation of CNN's rights, remedies etc., all of which are reserved.

Sincerely,



David Vigilante