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February 2, 2001

Gregory J. Bueche
Law Offices of Gregory J. Bueche
184 Shuman Boulevard, Suite 200
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Re: Defamatory Scheme by Don Cunningham in Postings to Budo Kai
Web Site

Dear Mr. Bueche,

We have received your letter of January 24, 2001. First, let us say that we are not surprised by the statement made by your client that Mr. Sacharnoski called him at home and threatened violence. Like many other things your client has said, it is patently false. Mr. Cunningham has apparently made this matter a personal vendetta against our client, while Mr. Sacharnoski is not aware of any action taken against Mr. Cunningham to cause such a conflict to arise. We also understand that Mr. Cunningham has publicly bragged about following an Internet program for smearing anyone and staying within the legal boundaries.

Second, while truth is a defense to defamation, false statements made to harm the business reputation of an individual are per se defamatory and damages are presumed as a matter of law. Mr. Sacharnoski has been harmed by the intentional actions of your client. He continues to be harmed so long as these false statements continue to be made on your client's site.

Due to the overall scheme and plan employed by Mr. Cunningham, we believe that any relief against your client would encompass all statements made by Mr. Cunningham that relate to Mr. Sacharnoski.

Nevertheless, we have outlined the major areas of concern.

a) **Statement:** Mr. Cunningham states that Chicago Judo Yudanshakai did not recognize Mr. Sacharnoski's 8th degree black belt.

Response: Mr. Sacharnoski received his 8th degree black belt in Judo in 1978 through the European Judo Federation by G.J.M. VanZantwijk. That organization was disbanded upon his death. While living in Rockford, IL, Mr. Sacharnoski was approached by Chicago Judo Yudanshakai to join. He gave them copies of his Judo rank diplomas which they verified and processed. For six years, from 1983 to 1988 and before

Letter to Gregory J. Bueche
February 2, 2001
Page 2 of 3

he left their organization, Chicago Judo Yudanshakai issued Mr. Sacharnoski rank cards with his rank of 8th degree black belt.

b) Statement: Mr. Cunningham has stated that the University of Oriental Philosophy Of the Asian Martial Arts was a scam, and that he contacted the Attorney General for the State of Maine. He also states that the Attorney General then forced Mr. Sacharnoski to remove the UOP from his website.

Response: The University of Oriental Philosophy Of the Asian Martial Arts was founded in 1973 as a means of home-study attainment for Juko-Kai members only. It has always been advertised as an in-house, non-credit, non-academic degree program that issues different levels of degrees as Asian martial arts attainments. The degrees are used for reduced time-in-grade promotions to the students' next highest rank. In fact, many other martial arts organizations have the same type of program. Further, the Attorney General for the State of Maine has never contacted Juko Kai or Mr. Sacharnoski in any respect. Juko-Kai has never experienced a problem with state officials in any state regarding the University of Oriental Philosophy Of the Asian Martial Arts.

c) Statement: Mr. Cunningham has attacked Mr. Sacharnoski's personal Ph.D. educational achievement earned by Mr. Sacharnoski in 1982 from Columbia Pacific University in California.

Response: At the time the degree was issued in 1982, Columbia Pacific University was given full institutional approval as a California degree-granting institution. It is a matter of public record that CPU has had later difficulties, and is currently seeking accreditation in the State of Montana. Instead of looking into the underlying facts, Mr. Cunningham has used the later troubles of Columbia Pacific University as part of a false claim that Mr. Sacharnoski received a fraudulent degree.

d) Statement: Mr. Cunningham states that martial arts degrees issued by Juko-Kai contained Japanese characters that translate as either Whorehouse Style Karate or House of Sex.

Response: The original martial arts diplomas issued by Juko-Kai did have a few incorrect Japanese characters on them. They have since been replaced with correct diplomas. Mr. Sacharnoski has had Japanese masters review the lettering on the diplomas, and we understand the diplomas do not say what Mr. Cunningham claims. We also understand that Mr. Cunningham has not only posted the original diplomas on his website, he has put some up for sale on E-Bay. That action makes the damages suffered by Mr. Sacharnoski even more tangible. We now can present evidence that Mr.

DAVIS, MANNIX & McGRATH

Letter to Gregory J. Bueche
February 2, 2001
Page 3 of 3

Cunningham has apparently personally profited from his false claims made as part of this scheme of defamation.

e) **Statement:** Mr. Cunningham states that Juko-Kai has never been recognized by any legitimate Japanese martial arts organizations.

Response: Juko-Kai has written letters of affiliation, recognition and appointment from various traditional Asian masters.

f) **Statement:** Mr. Cunningham states that during a 1991 trip to Japan, Mr. Sacharnoski lied about giving a high-level exhibition of the traditional Okinawan martial arts. Mr. Cunningham claims that Mr. Sacharnoski sat in a chair for the entire exhibition and lied about demonstrating side by side with one of Japan's top martial arts masters.

Response: Videotape exists of the demonstration held at the Nishinomiya Police Headquarters in 1991. We understand that it completely refutes the false claims made by Mr. Cunningham.

In addition to the false claims made by Mr. Cunningham, we have become aware of some other actions taken by him. We understand that he has written letters to Human Kinetics, a publisher in Champaign, Illinois, which may have resulted in the loss of book contracts by both our client and Bill Durbin. As you know, tortious interference with contract is actionable. You may want to discuss this matter with your client as well as provide us with copies of his letters.

While we do not know the reason for this personal vendetta, we request that it be halted and that all website references to our client and his business be removed immediately.

We are hopeful that this matter can be resolved without further action. We see nothing to be gained from its continuation. On a lighter note, Champ Davis tells me he knew you when you were a young lawyer! We hope to hear from you soon.

Very Truly Yours,

DAVIS, MANNIX & McGRATH


Kevin A. Thompson

KAT/st