

July 25, 2007

Office of the Disciplinary Counsel  
4000 S. Sherwood Forest Blvd., Suite 607  
Baton Rouge, Louisiana 70816

Dear Sir(s) or Madam(s):

I am writing the Disciplinary Counsel to file a complaint against the following attorney:

Stephen Mark Klyza  
The Kullman Firm  
1100 Poydras St, Suite 1600  
New Orleans, LA 70163-1600

I received a letter from Mr. Klyza dated August 25, 2006. Mr. Klyza sent the letter in response to an issue that The Kullman Firm's client (Terrebonne General Medical Center) wanted to be addressed. In the letter, Mr. Klyza stated that their client found my communications to be harassing and my statements to be libelous and slanderous.

This letter was the attempt of a scare tactic perpetrated by Phyllis Peoples CEO, Phyllis Peoples and Mr. Klyza. The letter had no legal merit whatsoever. Any statements I posted were backed by links to court documents that I had researched. In regards to the threat of suit for harassment, there was no legal merit as well. I contact Ms. Phyllis Peoples, she responded to my letter, and I responded back. At no time did Ms. Peoples request that I cease and desist communications. Therefore, Mr. Klyza threat of a suit was without legal merit.

I feel that Mr. Klyza and The Kullman Firm have violated at least three provisions of the Louisiana Rules of Professional Conduct. I have outlined the provisions below with explanations of my accusations.

*1.) RULE 3.1. MERITORIOUS CLAIMS AND CONTENTIONS*

Under this provision, it states that a lawyer may not "...defend a proceeding..."

"...unless there is a basis in law and fact for doing so that is not frivolous..." Mr. Klyza knowingly threatened a lawsuit when there was no legal merit for a lawsuit or legal proceeding. The threat of a frivolous lawsuit was nothing more than a scare tactic. The claim for libel and slander were based upon my posting on RipOffReport.com (<http://www.ripoffreport.com/reports/0/205/RipOff0205255.htm>).

*2.) RULE 3.8. SPECIAL RESPONSIBILITIES OF A PROSECUTOR*

*The prosecutor in a criminal case shall:*

*(a) refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause.*

Similar to my previous statement, Mr. Klyza threatened with the intention of filing a lawsuit where there was no support or probable cause.

*3.) RULE 4.1. TRUTHFULNESS IN STATEMENTS TO OTHERS*

*In the course of representing a client a lawyer shall not knowingly:*

*(a) make a false statement of material fact or law to a third person; or*

At the bottom of the letter, it shows that a carbon copy of this letter was sent to the Terrebonne and St. Mary Parish Sheriff's Office. This is a violation of 4.1(a) as Mr. Klyza made a "false statement of material fact to a third person."

4.) **RULE 4.1. TRUTHFULNESS IN STATEMENTS TO OTHERS**

*(b) fail to disclose a material fact when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by Rule 1.6.*

Similar to complaint three, Mr. Klyza stated the harassment issue as a fact. Mr. Klyza failed to provide neither of the Sheriff's Offices with the facts of the case (i.e. the only communication in regards to the harassment claim was the letter I sent to Phyllis Peoples, her response, and my response to her letter). Mr. Klyza failed to mention that at no time prior to his letter did Phyllis Peoples, any representative of Terrebonne General Medical Center, et al made any cease and desist requests.

I respectfully request that the Disciplinary Board look in to the unethical behavior of Mr. Stephen Mark Klyza and The Kullman Firm.

Respectfully,

Nicholas P. Hillebran

Enc: Letter from S. Mark Klyza  
Posting from RipOffReport.com website  
First case mention in RipOffReport (Suit No. 125,232)  
Second case mentioned in RipOffReport (No. 00-31145/USDC No. 99-1266)