

CONFIDENTIAL (SECOND LETTER – REPLACEMENT)

SENT BY OVERNIGHT MAIL AND EMAIL

March 25, 2022

Nancy Rodgers

(address redacted)

Dear Ms. Rodgers:

Please consider this letter to be a replacement to that dated March 21, 2022. That letter was inadvertently mailed. Please ignore that letter. This replacement letter is essentially the same as the March 21 letter with minor additions.

We represent the Interdistrict School for Arts and Communication (the “ISAAC”) with respect to a request to investigate potential defamation and false statements made and being made about ISAAC, directors, employees, and its leader Executive Director Dr. Nicholas J. Spera. It has been brought to our attention that you and others may have made numerous disparaging and defamatory statements about ISAAC and Dr. Spera. While we are aware that both ISAAC and Dr. Spera are likely “public officials” under defamation and false statement law, we are investigating whether or not sufficient malice exists to institute litigation on behalf of ISAAC and Dr. Spera. We believe that numerous disparaging statements are reported as being made to individuals and administrators inside and outside the education world that are possibly actionable as slander per se. The ISAAC Board is extremely pleased with recent positive changes initiated by Dr. Spera and his team. These changes have led to improved programming and education for the students at ISAAC. The Board supports Dr. Spera’s drive to improve student learning and is only seeking through this investigation to make sure that its good name and Dr. Spera’s are not being defamed in the process of advancing the opportunities for students.

Please accept this letter as ISAAC's and Dr. Spera's demand that you preserve all documents, tangible things and electronically stored information ("ESI") (collectively "evidence") that were created within the last 24 months within your possession, custody and control, that in all probability are relevant to any comments or opinions regarding ISAAC, ISAAC directors (current and former) or employees (current and former) and Dr. Spera.

By way of example, and not as an exhaustive or limited list, you are to maintain a "litigation hold" on all relevant evidence including, but not limited to, the following:

- All email, text messages, Slack or other such internal messaging programs messages and other communication between and among you, any former or current member of the ISAAC Board of Directors and current and former ISAAC employees including but not limited to **Barbara Zegarzewski**.
- All documents relating to Dr. Spera, ISAAC and its employees (current and former) and directors (current and former), including all emails and texts that refer to it or them.
- All documents to include email, text messages, Slack or other such internal messaging programs messages and other communication concerning your work at ISAAC and that of any former or current member of the ISAAC Board of Directors and current and former ISAAC employees including but not limited to **Barbara Zegarzewski**. The term work includes, but is not limited to any performance based issues.
- All documents to include email, text messages, Slack or other such internal messaging programs messages and other communication concerning planning to discuss (in any way) ISAAC, ISAAC directors and/or Dr. Spera amongst you, any former or current member of the ISAAC Board of Directors and current and former ISAAC employees including but not limited to **Barbara Zegarzewski**.

You should take the broadest possible view of the potential scope of the potential litigation and the definition of evidence that fall within this demand. The terms "documents," "records" and "ESI" are broadly defined and include, but are not limited to: all correspondence, notes, drafts, memoranda, work papers and other writings; e-mail, text messages, voicemail and other electronic communications (*e.g.*, logged IM); databases, such as Slack; digitized images; database spreadsheets (*e.g.*, Excel®, etc.); materials on hard drives, shared drives, backup tapes, cloud storage, compact discs, thumb drives or on any other type or form of electronic media; PowerPoint® slides and presentations; information maintained or stored on computerized calendars and personal information managers (PIM), cell phones, cloud storage, personal laptops or home computers; internet usage, telephone and network access logs; web sites and web pages; and all similar data

and information that is stored on, maintained on, utilized on, or transmitted via a computer or computer network, including the Internet. ESI includes metadata, which is information about a particular record or data set which describes how, when and by whom it was collected, created, accessed, or modified as well as how it is formatted. All hardware and storage media containing such electronically stored information must be preserved, regardless of whether duplicates of the information exist on other hardware, systems or platforms. All initial, interim, draft and final versions of any of the foregoing materials are within the definitions of "documents," "records" and "ESI."

Be further advised that a mere file backup of a hard drive or similar storage device is inadequate ESI preservation. You must image the hard drive or other storage device in bit-stream copies where all areas, used and unused, of the storage device are copied. Any relevant files that have been deleted that are reasonably recoverable should be immediately undeleted. ESI should be preserved in its native form, and it should not be preserved by such means that would remove or degrade the ability to search the ESI by electronic means or make it difficult or burdensome to access or use the information efficiently in the litigation.

This notice also applies with respect to all documents created from this point forward.

Please send us an email confirm your receipt and understanding of this letter. Thank you for your anticipated cooperation.

Sincerely,

David A. Ryan, Jr.

DAVID A. RYAN, JR.

<image001.png>

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