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January 22, 2024

VIA EMAIL

Mr. Fairly – Principal
Ms. Greco – Principal
Ms. Nash – Vice Principal (jnash@sandi.net)
Ms. Turnbull – History Teacher (eturnbull@sandi.net)
Ms. Duncan – Administrative Assistant (dduncan1@sandi.net)

Muirlands Middle School
1056 Nautilus St
La Jolla, CA 92037

Re: Immediate Cease and Desist Letter on Behalf of J.A.

Dear Mr. Fairly, Ms. Greco, Ms. Nash, and Ms. Turnbull:

I represent [REDACTED] (“J.A.”) in connection with a lawsuit stemming from Muirlands Middle School’s (“School”) violations of J.A.’s First and Fourteenth Amendment rights under the United States Constitution (“the lawsuit”). This letter, however, pertains to a separate and shocking attempt to intimidate, shame, and retaliate against my client for daring to tell the truth. Direct all communication regarding this matter to me directly.

FACTUAL BACKGROUND

In October 2023, the School falsely accused and suspended J.A. for an act of “hate violence” at a local football game. Notably, J.A.’s friends, many of whom are minorities, know the truth and have not treated J.A. any differently following the School’s false accusation. However, J.A. has not had the same experience with school personnel. In particular, after the suspension, J.A. noted that History teacher Erica Turnbull (“Ms. Turnbull”) seemed to be treating him differently than other students in the classroom. J.A. has perceived that Ms. Turnbull seems to be regularly annoyed and short-tempered with J.A., yet she does not express the same disposition or displeasure with other students.

J.A. filed his lawsuit last week, after which J.A. did one press interview outside of school hours and off school grounds. This interview did not in any way interfere with J.A.’s course work, and, other than the incident described with Ms. Turnbull below, no students or school personnel mentioned the interview to him.

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On Friday, January 19, 2024, J.A. was about to head into his third period history class when he was stopped by Ms. Turnbull about five feet outside the classroom and within ear shot of other students. J.A. had an important test for his class that day, and he thought maybe he was being stopped in connection with some directions for the testing. But Ms. Turnbull had other intentions.

Ms. Turnbull started by telling J.A. that her father had seen J.A. on the news. J.A. was immediately uncomfortable and nervous at the topic of conversation; he believes visibly so. He tried to sidestep the topic by saying something to the effect of “oh cool,” and then trying to get in the classroom. But Ms. Turnbull continued, stating, “**You know you are giving the school a bad rap?**”

To say that J.A. was shocked and appalled would be grossly downplaying what he felt at that moment. Before one of the most important tests he has during the school year, his teacher, who had already been treating him differently since his suspension and who he knew within hours would be grading his work, accused J.A. of hurting the school’s reputation by doing nothing more than airing the true account of what he has been through. He felt personally attacked and vulnerable, and like Ms. Turnbull was trying to intimidate and coerce him into saying what she wanted to hear, all the while holding the fact that she was going to be shortly grading his exam as the not-so-subtle hint as to what she had the power to do to him. While J.A. is not sure what he answered to Ms. Turnbull’s unseemly question, he does know that he was feeling pressure to lie and tell Ms. Turnbull what she wanted to hear so that he could get to his test and not have his grade effected by these outside events.

But Ms. Turnbull continued, and then asked J.A whether he was being forced by his parents to bring the lawsuit and whether he actually wanted to do this. Again, the tone and intention of Ms. Turnbull’s questions told J.A. that she had a predetermined answer she wanted to hear—that J.A. did not *really* want to hold the School accountable for its unconstitutional acts, and he was being pressured by his parents to bring this lawsuit. And faced with the prospect of either confronting his teacher for her wildly inappropriate line of questioning and accusations against his parents, or lying so that he could try to focus on his schoolwork, J.A. lied to end the conversation and be able to get away. J.A. does not remember specifically the nature of his coerced lie, but his response did have its intended effect and Ms. Turnbull then allowed him to enter the classroom. Unfortunately, J.A. was deeply distressed by the entire incident. He immediately regretted the lie he told to try to escape Ms. Turnbull’s interrogation and was not able to concentrate on his exam. Further, J.A. believes this conversation was overheard by other students, further impugning both his and his parents’ character. Ultimately, he got a D on the test.

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J.A., deeply upset by what had occurred, immediately told his parents about what had happened. On behalf of J.A., his parents, and his counsel, we would like to make one thing crystal clear. The school’s “reputation” is not being hurt by J.A. Any harm to the school’s reputation is the sole fault of school officials who chose to scapegoat an innocent child as a racist by a false accusation of “hate violence” that has the potential to haunt him for decades to come. J.A. did nothing more than tell the truth. And it is unconscionable that a grown adult would try to shame and victim-blame a child solely because he had the gall to make the school’s abusive acts public.

As adults deeply concerned for J.A.’s welfare, we have spent the weekend both trying to assure J.A. that he is not to blame for lying in the face of Ms. Turnbull’s egregious and coercive efforts, as well as trying to determine the appropriate steps to take to protect J.A. when his school so evidently has no regard for the welfare, emotions, and well-being of its students. But more than just being immoral and showing a disturbing disdain for her students, Ms. Turnbull’s acts of retaliation against a vulnerable child likely again violated J.A.’s constitutional rights, not to mention California law, and what should be the ethical responsibility of anyone entering the teaching profession.

J.A. and his parents are still considering how to address this situation, including whether or not to amend the complaint to include these most recent violations of J.A.’s rights by yet another member of School staff.

PRESERVATION OBLIGATIONS

Under governing federal court rules, Ms. Turnbull is hereby on notice to maintain hard copies of documents as well as all e-mails and other electronically stored information pertaining to J.A., his parents, J.A.’s lawsuit, and the dispute described above.

Electronically stored information includes e-mail, voicemail, word processing documents, spreadsheets, databases, calendars, networks, computer systems (including legacy systems), servers, archives, backup and disaster recovery systems, tapes, disks, drives, cartridges, other storage media, laptops, internet records (including but not limited to, any postings made to Facebook, Reddit, and other similar social media sites), web pages, personal computers, and other information storage devices. You are instructed to retain any copies you have on any storage medium, including sources of data such as portable hard drives, memory cards, “thumb drives,” blackberry, personal digital assistants, mobile telephones, iPods® and smartphones.

This list is not exhaustive; these potential locations of relevant data are included by way of example only, and all documents relating in any way to the dispute discussed in this letter must be

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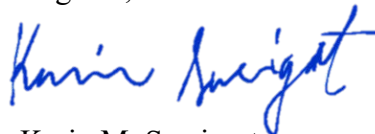
preserved. Your failure to comply with all statutory document and data preservation obligations that now exist may be severe, including monetary sanctions, terminating sanctions, or other sanctions.

CEASE AND DESIST DEMAND

While it was thought this went without saying, Friday’s events show that apparently school administrators and J.A.’s teachers need to be told that no one should be directly communicating to J.A. about the lawsuit. Should anyone have questions about the lawsuit, they may contact undersigned counsel. Under no circumstances should any school employees be interrogating or questioning the motives of a child victim because they are angry that the School’s unconscionable decisions have been publicly aired.

Please confirm to me by close of business today that school administrators have explicitly instructed members of their administration and J.A.’s teachers not to communicate with J.A. regarding the litigation. Included in this confirmation should be an explanation of what was stated, how it was communicated, and to whom it was communicated. If you fail to provide this confirmation, J.A.’s family will consider seeking immediate relief from the courts to protect J.A.’s emotional health and wellbeing. If you would like to discuss this matter, please contact me (KSweigart@dhillonlaw.com) or my colleague Krista Baughman (KBaughman@dhillonlaw.com). All rights reserved.

Regards,



Karin M. Sweigart