

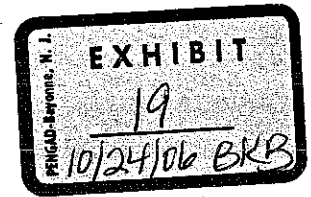
EXHIBIT A

January 7th, 2005



344 Elmira Rd.
Ithaca, NY 14850
607-277-7427

Copies to
• W Russell
• C Vinick
• K Pickens



To whom it may concern:

There are 3 reasons why I was interested in grabbing the "free" Tattler Newspaper, appropriately located in a rack within tossing distance of a garbage can outside of Wegman's Grocery Store.

The first reason being I was curious as to what all the Hooplah was about {don't try looking that up Ted or Alex, it's not in the dictionary. It means, excitement.} with the new Principal and all his ungodly rules at Ithaca High School. I read something about him in the Ithaca Times, a reputable Ithaca Newspaper.

The second reason was, "Oh My God, it would fit perfectly in the bottom of my parakeet's cage! Cool! {or is that Kool?}"

The third and most important reason was that right smack dab {not dap} on the front page of that beast of a tabloid was reference to a "Review" about my place of employment, Ralph's Ribs! The "Meh" part confused me but I was definitely excited about reading what these expert diners had to say about the best place I've ever had the pleasure of working at. Opinions are a good thing!

However, after reading the article, 3 times, I'm still not sure if they liked it or not. It was very confusing and a little contradictive. Reminds me of when I had to follow McGovern's campaign back in the 70s for World History class. They made fun of the brown paper {nothing at all like "construction paper"} we use for tablecloths and the rolled paper towels on each table. This is very common in a Rib Shack and if they'd ever traveled any farther South than their basements, they'd know that. But that's ok, jokes are fun! Kindergarten Art Class, ha ha, very good! Next, "the Gumbo sucked!" Hmm didn't say why but hey, that's ok too, everyone's entitled to their opinion. Next they made fun of the waitress, "Four Fingers". Not sure what that meant either. I've been in the Hospitality business for 30 years now and I've never heard of a "dap". Nor have I ever used tongs to set food in front of a customer whether it be a gentleman or some smart-ass kid chugging Hot Sauce from a bottle. Consuming a placemat seems a little far-fetched too seeing how you can't even find one in the place. Nice touch, though!

Ralph's Ribs has had many reviews in the first year we've been open, we just celebrated our first Anniversary, and they've been mostly favorable. Regardless of good or bad, reviews are always welcome, that's how we better ourselves and learn to better serve our customers. We are never concerned about someone who wants to critique the restaurant.

What does concern me about this article are all the racial slurs and overtones. "Pimpin' Cane" and "Smackin' a Ho". I for one found these remarks to be very hurtful if not hateful. People who are familiar with Ralph's Ribs and its owners, including myself, agree that Chef Ralph Moss is one of the kindest, gentlest as well as one of the most talented men Ithaca has ever known. When he says, "Come taste the love" he truly means it. Ralph also happens to be black.

Chef Ralph gives all the credit for the success of his award winning Gourmet Sauces and his Restaurant to the teachings of his beloved mother and grandmother. They taught him to cook and to be the wonderful person he is today. "Momma" was his mentor and her face is clearly displayed throughout the restaurant. Ralph lost his mother a few years ago but her spirit lives on with us here at Ralph's Ribs. She also happened to be black.

In closing, I'm all for freedom of speech and freedom of the press but I also believe we should have concern for the feelings of others. That's just the way I was raised I guess. There's Journalism and there's malicious slander. I realize these two are young and that they are just voicing their opinions, unfortunately they still lack the skills to do it properly and in good taste. That's where a "grown-up" editing their work would come in handy. That's what an Editor's job is after all. So I guess I agree with a little control being used in their work. I'm not sure if they set out to seriously critique Ralph's Ribs or just be funny -- they succeeded at neither. Of course, that's just my opinion!

Ardell Alling
Shift Supervisor
Ralph's Ribs, Ithaca, NY

* These opinions are shared by all of the staff at Ralph's Ribs. I give credit to all of my co-workers in the writing of this letter.

William R. Moss

EXHIBIT B

File
Tattler

Guidelines for the advisor to The Tattler

At its current status, with a stipend of approximately \$1,000 and a release period from teaching a class, *The Tattler* will be published _____ times per year.

The Tattler web page will have its homepage on the district web site and will not include information that is not in the print version of *The Tattler*. Last names of students will not be used on the website unless the student and his/her parents have signed a consent release form. There will not be an online forum for *The Tattler* since it will not be possible for the advisor to monitor.

The advisor to *The Tattler* will be given a list of story ideas before stories are distributed to writers. The advisor will need to clear all stories before they are assigned.

In addition to the staff editors, the advisor to *The Tattler* will read and edit the articles before publication. The advisor has the right to change, edit or remove stories that are not suitable for a high school audience due to obscene or vulgar images, language or content. The advisor reserves the right to remove articles at his/her discretion. Articles or parts of articles should be removed if they are deemed by the advisor to be inaccurate, obscene, slanderous, or unethical.

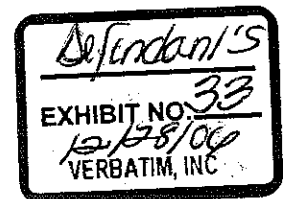
The advisor will determine the layout schedule and meeting times.

2-16-07
EXHIBIT NO. 86
VERBATIM, INC.

EXHIBIT C

Guidelines for *The Tattler* Advisor and Editors

- *The Tattler* is an Ithaca High School-sponsored publication of the Ithaca City School District (the "District"). *The Tattler* is published to inform the school community about matters of news and interest, to serve as a forum for student views and opinion, and to impart journalistic skills to Ithaca High School students.
- *The Tattler* will be published monthly during the school year.
- The faculty advisor to *The Tattler* will be given a list of story ideas before story assignments are distributed to writers. The advisor must approve all stories before they are assigned.
- The advisor to *The Tattler* shall read, edit and approve all articles prior to publication. No issue of *The Tattler* may be sent to the printer without final approval of the advisor.
- In a manner that is consistent with the standards established by the Supreme Court in Tinker and Hazelwood,¹ the advisor has the right to change, edit, or remove content that:
 - would substantially interfere with the District's work or impinge upon the rights of other students; or
 - is inconsistent with the legitimate pedagogical concerns of the District (for example, content that is ungrammatical, poorly written, inadequately researched, inaccurate, libelous, biased or prejudiced, unethical,² vulgar or profane, or is not suitable for immature audiences).
- Submission of story ideas, initial drafts, final drafts, and layout will conform to deadlines agreed to in advance by the editor and the advisor. Failure to meet these deadlines may result in delay in the publication of an issue of the newspaper.
- The on-line version of *The Tattler* will not include information that is not in the print version of the newspaper. Last names and photographs of students will not be published in the on-line version of *The Tattler* without the express written permission of the student and his/her parent(s).



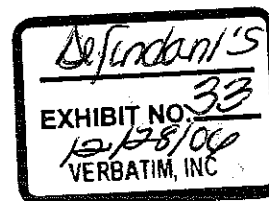
¹ Tinker v. Des Moines Independent Community Sch. Dist., 393 U.S. 503 (1969); Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988).

² *The Tattler* staff and advisor shall follow the "Code of Ethics" of the Society of Professional Journalists (http://www.spj.org/ethics_code.asp).

EXHIBIT D

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EXHIBIT E

THE MARCH ISSUE

Ithaca High School's Independent Student Newspaper

March 3, 2005

To Dr. Russell:

I am writing to officially inform you that 3,000 copies of *The March Issue*, an independent student newspaper created by Ithaca High School students, will arrive from the printer on the evening of Tuesday, March 8, 2005. As it is a student publication, we hope to supplement our off-campus distribution with distribution to homerooms in the same manner that school sponsored publications distribute.

I understand that the Ithaca City School District requires approval of all literature before distribution, I will put a final set of proofs in your mailbox and that of Superintendent Judith C. Pastel by 7:45 a.m. on Monday, March 7.

This literature is a newspaper, and as such, content is time-sensitive. *The Issue* feels it is reasonable to expect approval within 48 hours. However, we understand that you are out of the office on Monday, so as a courtesy, we will extend the District's approval time to 72 hours for this issue. If we do not receive written notification of content that would give the District the ability to deny distribution by 7:45 a.m. on Thursday, March 9, we will assume that the District has approved the publication and will proceed with distribution to homerooms.

Please let me know as soon as possible if there are any problems with the in school distribution plan for *The March Issue*. Please note that distribution off school grounds will commence without District authorization.

Sincerely,



Robert Ochshorn
Editor in Chief
The March Issue

CC:

Judith C. Pastel, ICSD Superintendent
Mike Hiestand, Student Press Law Center
The March Issue Editorial Staff



EXHIBIT F

TO: Dr. Russell
FROM: Eileen Bach
RE: The Tattler
DATE: February 11, 2005

I am putting information in writing prior to our meeting so that I can provide a copy to student editors, administrators and school board members in order to avoid the appearance of tailoring my remarks to suit the audience. I do not want anyone to think that I tell one group one thing and provide another group a different version of events.

I can speak best to my experiences as adviser to *The Tattler*, a position I began in the fall of 1993. I believe the concerns you would like me to address involve control of content and authority over editors. I'd like to preface statements about these issues by saying all decisions I made were made with the welfare of the student paper and the welfare of individual editors uppermost in mind. I was not consciously considering whether my actions were consistent with Hazelwood or Tinker, whose distinctions were familiar to me but not committed to memory.

In terms of determining content, this is the model used most often:

- 1) Editors discussed potential stories informally throughout the course of the month prior to publication. The editor-in-chief ran all meetings, proposing stories as discussed and inviting general staff to make additional suggestions. The last years I advised the newspaper, section editors took part in running the meetings, addressing the needs of their respective sessions, enjoying greater autonomy and responsibility than in previous years when the editor-in-chief shouldered the bulk of the responsibility. Students volunteered or were assigned stories, or stories were dropped for lack of interest or space. I attended meetings and offered suggestions or acted as referee as needed, but I sat with the audience and not in front with the editors. Sometimes I spoke at length and other times I did not speak at all.
- 2) In the early years of the newspaper, all stories came first to me. Once we began electronic submission of stories, the stories initially went to the editor-in-chief and in later years, to the section editor first, the copy editor next, the editor-in-chief and layout editor last. I read all stories except breaking news prior to layout, sometimes as soon as something controversial came along, and sometimes not until layout began. This scenario that involves all editors is best since they then all have a part in shaping the newspaper, and it allows the adviser to concentrate on fact-checking and matters more serious than copy editing since those matters should have been addressed by the editors.
- 3) There was significant discussion regarding all stories since the newspaper was a work in progress at all times. Sometimes it was something as simple as my requesting additional fact-checking, sometimes it was a matter of demanding additional interviews to round out a story, sometimes it was a question of suitable content. I always felt that this was the most important and time-consuming aspect of advising the newspaper. Often discussions carried over several days. I recall only two occasions where we could not reach consensus among the editors. In one case, I deferred to the editor-in-chief who authored the story (tolerance tale) and in one case I told the students I was adamant the story NOT be published but I told them they could appeal to the principal, who invoked the clause stating that the story would have caused substantial disruption to the educational process (teacher arrest when the teacher would have distributed the paper to her second period

class, as per the short-lived homeroom-during-second period failed experiment). I have mistakenly referred to this as a Hazelwood decision, but apparently the language used is actually Tinker language. The principal at the time was interim principal Mark Piechota, who can verify the details (assuming he recalls them!).

Editors as “employees”: I fired editors on two occasions.

- 1) In the first instance, two young women were co-editors-in-chief against my better judgment. When it was clear that one woman was doing all of the work, I spoke with her before firing her best friend since I felt their close friendship was more valuable than worrying over the validity of the job-sharing arrangement. After some discussion with her, she agreed to my speaking with and firing her best friend, whom I demoted to a social position (“Managing Editor”) with no real responsibility, rather than firing her outright. This was a delicate situation that worked out for the best and I have no regrets.
- 2) In the second instance, two editors conspired to malign the principal and yearbook editor using a “dingbats” font that disguised the text. The editor-in-chief did not take part but was complicit. I fired all three, meeting first with the parents and insisting the students read aloud to their parents the obscenities they penned. This was a clear violation of principal and a great breach of the trust placed in them as editors. Before I was aware of their actions, they asked if they could use the dingbats font to frame all senior supplement submissions, clearly intending to malign the entire senior class.
- 3) I believe that I also fired an advertising manager and perhaps one (or more?) other section editor(s) after discussion with the editor-in-chief, all for dereliction of duty. In ALL cases I discussed my intentions with the editor-in-chief since it has always been my firm belief that students take responsibility for their work, and in all cases I discussed my concerns with the editors involved prior to the actual release from duty, as a matter of civility. If the newspaper is to be a tool to engage students in learning, they must take an active part.

Newspaper as a credit-bearing activity

- 1) In the 25 years I have taught at IHS, the school newspaper has always been autonomous and has not been linked directly to the Journalism elective. Previous advisers Martha Obrycki (at least from 1979-1983 estimated), Wendy Buchberg (1983-1985 estimated), and Ian Smail (estimated 1985-1992) all bemoaned the fact that the Journalism elective was just a dumping ground for students who needed credit in English for their sequence. When I taught Journalism, we always used articles from the class for the paper, but the course operated as a feeder for stories and training ground for potential editors. I often had one or two editors in the class, but no editorial decisions were ever made in the class.
- 2) I instituted credit for editors simply because the incredible hours they committed to the newspaper deserved credit, especially since editors arrange their class schedule around this commitment, which does not figure into their GPA despite the huge investment of time and energy. Editors make sacrifices, not taking the additional AP classes that would boost their GPA, and this should be reflected on their transcripts. They do not need the credit per se, but they should get recognition.

Miscellaneous

- 1) I often sat at the computer and made changes to stories, primarily grammatical, and any changes in content were discussed with the editor-in-chief. We rarely had difficulty arriving at consensus over changes.
- 2) I am not above calling students' parents if I feel they have breached a trust in any form, whether as editor or in making remarks that become public record.

The Big Picture

The Tattler has increased exponentially as the staff has increased and as electronic submission and layout has facilitated the process of producing a newspaper, both in terms of the number of issues produced and the number of pages per issue. This increase in work has not led to an accompanying increase in compensation for the adviser, a major factor in my decision to step down as adviser. I was distressed to find that my release from a duty in order to supervise students in the *Tattler* office (in addition to the single period release from class) was denied my successor. This effectively halved her compensation in terms of time working with students and while I understand how this came about, in my opinion it has led to the current situation of having to work in crisis mode instead of putting out sparks before they blaze into public view.

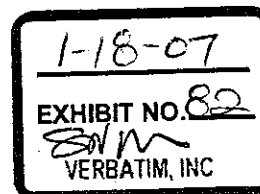
I spent my lunch and preparation periods in the *Tattler* office supervising students, doubling the time allotted to me in order to facilitate the production of the paper and reduce the inordinate number of hours spent after school and weekends here in the *Tattler* office. I still spent each day after school until 5:30 and at least one full weekend per month working on *The Tattler*. Ask the parents of previous editors, and you may find some still disgruntled over their children being here as late as 2 a.m. (I don't think Roric Tobin's parents have forgiven me yet...). And so I have perhaps unfairly bequeathed an impossible task to a young woman who is a single mother and unable to give of her time in that fashion. *The Tattler* used to enjoy two release periods as the yearbook does currently; it must return to that state if we are to avoid the kind of crisis work mode in operation now. *The Tattler* does have an impact on how the community views the school and the work we do, and it deserves greater support in order to do the kind of job it can do well and we all wish to see represent us. Rather than quibble over Hazelwood vs Tinker language (and I most certainly favor Tinker if we wish students to take responsibility for their work), let's allow students and teachers to use the school newspaper as a learning tool by allotting sufficient resources in order to do the job well.

EXHIBIT G

GUIDELINES FOR THE TATTLER

- *The Tattler* is the student newspaper of Ithaca High School and is sponsored and partially funded by the Ithaca City School District (the "District"). *The Tattler* is published to inform the school community about matters of news and interest, to serve as a forum for student views and opinion and to offer an opportunity to students to develop journalistic skills.
- *The Tattler* will be published monthly during the school year.
- The District will appoint a faculty advisor to the newspaper and its student editorial staff.
- The student editorial staff is responsible for the generation of story ideas and preparation of all articles and material to be published in *The Tattler*.
- The faculty advisor to *The Tattler* will be given a written summary of a story idea within 24 hours of the student editorial staff assigning a story to a writer. The editorial staff is encouraged to review a list of story ideas with the advisor before meeting with staff members to assign stories.
- After the editor-in-chief has approved an article for publication, the article must be submitted to the faculty advisor, who shall read, edit and approve all articles prior to publication.
- No issue of *The Tattler* may be sent to the printer without final approval of the faculty advisor of all material in the issue.
- Student editors are encouraged to submit articles and other material to the faculty advisor as soon as possible in the process.
- The faculty advisor has the right to change, edit or remove content that would substantially interfere with the District's work or impinge upon the rights of other

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students, or is inconsistent with the legitimate pedagogical concerns of the District. The advisor will work with the student editors to assure that content is grammatical, well written, adequately researched, accurate, and is free from bias or prejudice. Newspaper content shall not be libelous, vulgar, profane, unsuitable for immature audiences.

- The faculty advisor and the editor-in-chief are encouraged to consider revisions to any article so that it may be published consistently with these guidelines. If the editor-in-chief and the faculty advisor cannot reach consensus on content in *The Tattler*, the editor-in-chief may pursue an expedited appeal process. The material in question should be presented to the Superintendent of Schools or her designee for review. The Superintendent will complete a review of the article within two school days of its submission, and make a determination about whether the content is appropriate for publication. If the disagreement occurs too close to press time for submission to the Superintendent two school days prior to publication, the content in question may not be published.
- The faculty advisor and student editors are encouraged to review the content of articles as early as possible so that if consensus cannot be reached there is time for an appeal to the Superintendent.