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October 12, 2006

Mr. Robert Ochshorn  
150 Triphammer Road  
Ithaca, New York 14850

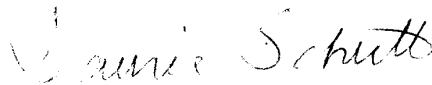
Re: **The Tattler/Ithaca City School District**

Dear Robert:

As per our telephone conversation on this date, enclosed please find the Defendants' Second Request for Documents.

Please review these as soon as possible and call me or Ray following that review.  
Thank you.

Respectfully yours,



Laurie Schutt, R.N./Paralegal  
[laurie@ithacalaw.com](mailto:laurie@ithacalaw.com)

/lfs  
Enc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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R.O., a Minor, by his parent and guardian JONATHAN OCHSHORN; T.S., a Minor, by his parent and guardian MARK E. SORRELLS; ANDREW M.H. ALEXANDER; HARRY T. STINSON; L.F., a Minor, by her parent and guardian ELIZABETH A. FATTARUSO; A.H., a Minor, by his parent and guardian TERESA HALPERT DESCHANES; BRYAN ELLERBROCK; and P.P., a Minor, by his parent and guardian RAMESH RAJ POKHAREL,,

Plaintiffs,

-against-

Civil Action No.  
5:05-CV-695(NAM/GDB)

ITHACA CITY SCHOOL DISTRICT; JUDITH C. PASTEL, Superintendent, in her official and individual capacities; WILLIAM RUSSELL, Assistant Superintendent, in his official and individual capacities; and JOSEPH WILSON, Ithaca High School Principal, in his official and individual capacities,

Defendants.

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**DEFENDANTS' SECOND REQUEST FOR DOCUMENTS**

Defendants, the Ithaca City School District (hereinafter "District"), Superintendent Judith C. Pastel (hereinafter "Superintendent Pastel"), Assistant Superintendent William Russell (hereinafter "Assistant Superintendent Russell"), and Principal Joseph Wilson (hereinafter "Principal Wilson"), by and through their attorneys Girvin & Ferlazzo, P.C., hereby demand pursuant to FRCP 34, that Plaintiffs make available for inspection and copying to the

undersigned, or furnish copies upon the undersigned, within thirty (30) days each document described below.

**DEFINITIONS:**

1. As used herein, the term "document" shall include: the original and any non-identical copy (wherever different from the original because of notes made on such copy or otherwise) of any written, recorded, taped, graphic or other matter, however produced or reproduced, including, but not limited to, notes, agendas and minutes of meetings, letters, **telegrams, memoranda, reports, transcripts** or recordings of any conversations, records or notes of any conversations, records, photographs, correspondence, diaries, notebooks, applications, agreements, appointment calendars, work papers, written policies, emails, instant messages, and all other documents or material of any nature whatsoever, together with any drafts thereof, attachments thereto or enclosures therewith, and all other photographic retrievable data (where encoded, taped, or coded electrostatically, electromagnetically, or otherwise) in the possession, custody, or control of Plaintiffs.
2. As used herein, "concerning" means relating to, referring to, describing, evidencing, constituting, or in any way dealing with.
3. As used herein, "or" means "and/or."
4. As used herein, "person" means or shall include natural persons or any business, legal, or governmental entity.
5. As used herein, the singular form of any word includes the plural and vice versa.
6. As used herein, the terms "Plaintiff(s)" and "Defendant(s)" as well as a party's full or abbreviated name, or a pronoun referring to a party mean the party and, where applicable, its

officers, directors, employees, agents (including attorneys), and subdivisions. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.

7. As used herein, the term "District" as well as a Defendant's full or abbreviated name, or a pronoun referring to a Defendant means the Ithaca City School District and, where applicable, its officers, Board, board members, employees, agents (including attorneys), departments, and subdivisions.

***INSTRUCTIONS:***

In accordance with the FRCP these Demands for the Production of Documents shall be deemed continuing so as to require further and supplemental responses as the Plaintiffs receive, gain control over, or become aware of additional information or documents between the time of original response and the time of trial. Any response to this Request for the Production of Documents shall clearly indicate which documents are responsive to which of the numbered requests set forth below.

**DOCUMENT REQUESTS:**

**DOCUMENT REQUEST #1:** Provide a copy of each and every document located in the "Tattler Legal Database" relating to any of the events underlying the claims in this action.

**DOCUMENT REQUEST #2:** Provide a copy of all communications between any student editor of *The Tattler* and Ben McKee in or around December of 2004, with respect to the cartoon(s) McKee submitted to *The Tattler*, including but not limited to communications between Robert Ochshorn and/or Laura Fattaruso and Ben McKee.

**DOCUMENT REQUEST #3:** Provide a copy of each and every version of news stories, articles, drawings, photographs, or any other content that was rejected from *The Tattler* and from the *March Issue*, the *April Issue*, the *May Issue*, and the *June Issue*.

**DOCUMENT REQUEST #4:** Provide a copy of each and every document and email, not previously disclosed, in the possession of each named Plaintiff with respect to the issues presented in the instant matter.

**DOCUMENT REQUEST #5:** Provide a copy of all documents which evince payments made by any Plaintiff to Raymond M. Schlather and/or LoPinto, Schlather, Geldenhuys & Salk (formerly known as LoPinto, Schlather, Solomon & Salk).

**DOCUMENT REQUEST #6:** Provide a copy of all documents which constitute "survey instruments and related documentation concerning student survey and proposed faculty and staff survey" not heretofore disclosed, as identified in Plaintiffs' Rule 26 Initial Disclosure.

**DOCUMENT REQUEST #7:** Provide a copy of all "checks, invoices, receipts or other financial documents which evidence the expenditures by Plaintiffs in producing newspapers during the Spring semester of 2005" not heretofore disclosed, as identified in Plaintiffs' Rule 26 Initial Disclosure.

**DOCUMENT REQUEST #8:** Provide a copy of all "model guidelines developed by the Student Press Law Center for high school publications" not heretofore disclosed, as identified in Plaintiffs' Rule 26 Initial Disclosure.

**DOCUMENT REQUEST #9:** Provide a copy of the November 1998 article that Elaine Bach allegedly did not want printed in *The Tattler*, but was allegedly printed nonetheless, as identified in an email sent by Andrew Alexander to "Tattler Editors" on February 13, 2005.

- DOCUMENT REQUEST #10:** Provide a copy of a letter written by Raymond Schlather, Esq. to Dr. Judith Pastel, as identified in an email sent by Robert Ochshorn to Andrew Alexander dated April 20, 2005.
- DOCUMENT REQUEST #11:** Provide an un-redacted copy of two letters, each dated March 8, 2005, sent by Robert Ochshorn to Dr. Judith Pastel regarding the reasons for a teacher's departure and the distribution of the *March Issue*.
- DOCUMENT REQUEST #12:** Provide a copy of each and every document or email sent by Robert Ochshorn, or any Editor of *The Tattler*, to the Student Press Law Center.
- DOCUMENT REQUEST #13:** Provide a copy of any and all documents in the possession of any Plaintiff related to the web-site "<http://www.myihigh.org>."
- DOCUMENT REQUEST #14:** Provide a copy of any and all documents evidencing communications between any Plaintiff and the Ithaca Reform Temple, Judy Saul, and/or Regi Teasley.
- DOCUMENT REQUEST #15:** Provide a supplement for additional emails from other sources as identified in Plaintiffs' Response to Document Request #5 in Defendants' First Request for Documents.
- DOCUMENT REQUEST #16:** Provide a supplement for documents concerning the money spent by the families of the Plaintiffs in providing work space, heat, electricity, equipment, computers, software, and related machinery, transportation, education, and school taxes as identified in Plaintiffs' Response to Document Request #51 in Defendants' First Request for Documents.

PLEASE TAKE FURTHER NOTICE that all of the above are continuing demands in effect throughout the pendency of this action and any information which is not presently in the possession of the Plaintiffs shall be furnished to the undersigned whenever so obtained.

PLEASE TAKE FURTHER NOTICE that upon your failure to respond to the aforementioned demands within the time requested in this notice, Defendants will move for any and all appropriate remedies set forth in the Federal Rules of Civil Procedure and the Local Rules of this Court.

DATED: September 26, 2006

GIRVIN & FERLAZZO, P.C.

By: 

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