



Lowry Heussler
General Counsel
617/245-8567
lowry.heussler@botecanalysis.com

June 3, 2016

Dorian E. Turner, Esq.
Dorian E. Turner, PLLC
300 W. Capitol Street, Ste. 200
Jackson, MS 39203

Re: Jackson Public School District v. BOTECH Analysis Corporation,
United States District Court for the Southern District of Mississippi, Northern
Division, Civil Action No. 3:16-CV-00371-WHB-JCG

Dear Ms. Turner:

This letter is addressed to you as counsel to the School Board for the Jackson Public School District. Although your office does not appear to have any role in the above-referenced case, (copy enclosed, exclusive of attachments) the school board may have some liability for action taken in the name of the district. Additionally, I have some concern about authorization. At present there is no publicly available record to confirm whether the school board voted to commence this litigation. According to the docket, the action was filed on May 17, 2016. A school board meeting commenced after the close of business on the same day, and I am aware that an executive session was held prior to closing, but minutes have not yet been posted, so I do not even know whether the board ratified action already taken by the superintendent. I am informed that the secretary of the board has declined to produce the minutes to the Attorney General's Office without permission from Attorney Shepherd, which has apparently not been given, since the public record continues to be withheld.

I invite your attention to the following:

- The report at issue in the litigation was funded by a legislative grant administered by the Office of the Attorney General. All ownership rights in the report are held by the OAG, which office exclusively controls the publication and distribution. While plaintiff's demand for injunctive relief restraining publication raises serious constitutional issues, any such claim lies against that office, not BOTECH.

- The secretary of the school board, Mr. Jed Oppenheim, was interviewed twice as part of the research leading to the report. Thereafter, BOTEC provided Mr. Oppenheim with a preliminary draft and actively sought his comments, which he kindly provided. Among other things, Mr. Oppenheim wrote: "I have reviewed the draft you sent. Thank you for thinking of me to look this over. I will try to provide some feedback as far as I saw it. Overall, it was very helpful, though mostly not surprising (sadly). There are a lot of great ideas and recommendations made. Hopefully, we can strategize to make it a usable document since I can see this information just leading to more barriers for action (bureaucracies hate looking in the mirror)."
- BOTEC's researchers requested an interview with the superintendent, but were referred to an administrator instead. Had Dr. Gray chosen to meet with us, he would have been provided an advance copy and invited to comment as was done with Mr. Oppenheim.
- This is not the proper forum to contest factual allegations made in the complaint, but you may wish to review them with your client and provide information about the elements of defamation and false light publicity, as well as legal defenses to such claims, which do not appear to have been researched before commencing litigation.

Counsel of record in this litigation will soon receive notice of appearance from local counsel. Decisions about counterclaims and impleading of third parties will be made at that time.

Very truly yours,



Lowry Heussler

by e-mail to deturner@detpllc.com and by regular mail

copies: JoAnne N. Shepherd, Esq. (jnelson@jackson.k12.ms.us, without enclosure)

KaShonda L. Day, Esq. (kaday@jackson.k12.ms.us, without enclosure)

Assistant Attorney General Harold Pizzetta (HPIZZ@ago.state.ms.us)