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Re: Beck v. DOE, A.C.-03-P-1532

Dear Defense-Appellee Counsels,

Please be advised that appellants in the above action intend to file their appeals brief with the docket, complaint, complete transcript of summary-judgment hearing, selected plaintiff exhibits,¹ all *defense exhibits*, all *memoranda of law*, and other process, presented to the Court by the ten parties, in summary judgment.

Since *each and every defense exhibit* will be included in the records appendix, we have not described in this communication over thirty issues we will assert of court error. However, all such assertions can be reviewed in detail in appellants' so-called *Super Brief*, at <http://BeckvSDoe.wellrock.net/>.

A significant number of the exhibits enumerated herein are recorded as attachments to two or more of eight summary-judgment briefs – four filed by the defendants and four by plaintiffs. Following advice offered by the staff of the Appeals Court, we have organized the evidentiary documents by creation date, sequenced to follow process, in order to eliminate redundancy while still conforming closely with Appeals Court Rules 19 & 20.

We plan to provide cross references among the exhibits both as attached to the original eight briefs in summary judgment and as included in the records appendix of our appeals brief, within a special table immediately following the contents table.

Please let us know if you have any objection to the organization of the records appendix as proposed.

¹ Ten exhibits attached variously to *plaintiffs' briefs* in summary judgment – none of which are attached to or referenced in any of the four defense summary-judgment briefs – are excluded, and will not be cited in the appellants' brief.

Proposed Records Appendix

Process

1. Beck et al. v. DOE et al., Civil Docket in # PLCV2000-00076
2. Beck et al. v. DOE et al., Complaint [# PLCV2000-00076], 01/24/00
3. Decision and Order of Summary Judgment, 02/22/02
4. Transcript of summary judgment hearing, 11/19/ 01
5. Affidavit of Roberta Beck authenticating exhibits submitted to Court, 10/17/01
6. Affidavit of David Higgs authenticating exhibits submitted to Court, 10/17/01
7. Affidavit of Rod Young authenticating exhibits submitted to Court, 10/17/01
8. DOE: Memorandum of law to motion for summary judgment, 08/02/01
9. Memorandum of Law in Support of Plaintiffs' Opposition to defendants DOE, Driscoll, Kirby and Hamilton's Motion for Summary Judgment, 08/29/01
10. Plaintiffs' Concise Statement of Material Facts [DOE], 08/29/01
11. Miles: Memorandum of law, w/ affidavit, to motion for summary judgment, 09/24/01
12. Memorandum of Law in Support of Plaintiffs' Opposition to Defendant Miles' Motion for Summary Judgment, 10/18/01
13. Plaintiffs' Concise Statement of Material Facts [Miles], 10/18/01
14. SSCS' Memorandum of law to motion for summary judgment, 07/23/01
15. Memorandum of Law in Support of Plaintiffs' Opposition to defendants Anderson and Thornton's Motion for Summary Judgment, 08/16/01
16. Plaintiffs' Concise Statement of Material Facts [SSCS], 08/16/01
17. SSCS: Memorandum in support of ... motion for summary judgment as to plaintiff's public figure status, 07/23/01
18. Plaintiffs' opposition to SSCS' motion for summary judgment as to plaintiff's public figure status, 08/16/01

Exhibits

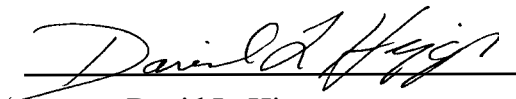
19. EduCore lease 1996-97, 07/09/96
20. Presentation by Young to Trustees regarding curriculum, 09/07/96
21. Minutes of the Board of Trustees, Oct. 30, 1996
22. 'Oops Memo' directing Beck to claim non enrollees for 'tuition reimbursement' by state, January 1997
23. Site-visit evaluation by Chairman of the state legislature's joint education committee, Janet O'Brien, 01/27/97
24. Forty-one "document information sheets" regarding files authored by 'david l. higgs,' March 1997 through February 1998
25. Anderson memo to Young excluding latter from school's Tech Committee meetings, 04/23/97
26. Anderson memo to Young suspending stipend payments, 05/12/97
27. Statement by Young regarding Anderson's fraud, 07/24/97
28. Statement by Beck regarding Anderson's fraud and Miles' actions in response, 07/26/97
29. Hull Times: "... in court over back wages" – unwarranted tuition claims – 07/31/97

30. Complaint #1 filed by Plaintiff Higgs with trustees re fraud, 08/06/97
31. Letter from Young to Miles in response to a request by Miles on 08/10/97 for information on export of data from the EduCore database, 08/12/97
32. Minutes of the Board of Trustees, denying Higgs' August 1997 complaint, 09/16/97
33. Hull Times, "Anderson awarded new pact, pay raise," 09/18/97
34. Letter from plaintiff Higgs to Editor of Hull Times, 10/16/97
35. Letter from plaintiff Young to Editor of Hull Times, 11/06/97
36. CEO/Founder's Update, 11/13/97
37. Request from Higgs to Miles regarding his son Daniel's January 14, 1998 SPED evaluation, 01/07/98
38. Daniel Higgs: SPED evaluation (cover page) 01/14/98
39. DSA report of interview of Miles, 01/27/98
40. Letter from Corie Fehsenfeld to Higgs, 01/30/98
41. Affidavit of Young alleging Hamilton accused Higgs and Young of being "paid agents," 03/23/98
42. Memorandum of service call by telephone company technician Goggin, 04/04/98
43. Letter from Anderson to DOE financial officer Phyllis Rogers: enrollment errors, 04/04/98
44. Memorandum from Anderson to DSA regarding enrollment errors, 04/07/98
45. Affidavit of Plaintiff Higgs' regarding encounter with Hamilton, 04/25/98
46. DSA report of interview of Miles, 04/30/98
47. Letter from Anderson to Police Chief, marked "Draft" and dated "May 4, 1998"
48. DOE Report of site visit to South Shore Charter School, 05/22/98
49. Letter from Anderson to Hamilton, 06/11/98: found site-visit report "fair, constructive, thoughtful, and helpful."
50. Letter of resignation by Miles, 06/19/98
51. Letter from Anderson to Miles regarding headmaster responsibilities for 1998-99, 06/20/98
52. Letter from Anderson to Young, 07/20/98
53. Headcount spreadsheets, 09/01/98 – 02/28/99.
54. Letter from Anderson to DSA, blaming plaintiffs for unsupported tuition claims, 11/23/98
55. Letter from Driscoll to Attorney Alan Karstetter, 11/30/98
56. CEO/Founder's Update, 12/10/98, regarding MCAS scores
57. Letter from Young to Hamilton requesting postponement of quarterly payment to School, 12/16/98
58. Letter from Driscoll to Daniel Higgs, 12/29/98
59. Letter from Young to Thornton complaining of libel in school newsletter, 01/05/98
60. Board of Education Chair John Silber regarding investigation of Charter School Office, 01/14/99
61. Brum v. Dartmouth: diagram of principal text of G.L. c. 258 section 10 (j), 01/21/99
62. Brum v. Dartmouth: comparison table w/ Beck v. DOE, 01/21/99
63. Brum v. Dartmouth, pp. 1, 9-12, 01/21/99: G.L. c. 258 § 10 (j)
64. Hull Times, Police Log: reports of persons watching the school, 01/28/99
65. Facsimile from Jose Afonso of the DOE Charter School Office to Lauren Brown, 02/17/99
66. Letter from Anderson to DOE financial officer Roger Hatch regarding enrollment errors, 03/18/99
67. Excerpt from Phi Delta Kaplan, May 1999 issue

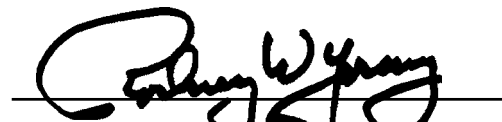
68. Letter from Lauren Brown to Kenneth Woodland, verifying removal of non enrollees from the February, 1997 FY Charter School Claim Form, 05/20/99
69. DSA Audit of SSCS, May 26, 1999
70. Globe: Audit cites charter school's fund use, 05/27/99
71. Open letter from Driscoll to State Auditor DeNucci, May 27, 1999
72. Excerpt (page '11') from DSA Audit of SSCS, May 26, 1999, annotated by Miles and marked "000362."
73. Tinytown newspaper article authored by Thornton and Anderson, 06/16/99
74. Patriot Ledger: "Charter School chief investigated," 06/30/99
75. Globe: "Hull school faces exam," 07/11/99
76. Internal school investigative report by Trustees Pollets and Brownewall, 07/13/99
77. Letter from Young to Driscoll requesting redress of damages, 07/26/99
78. Minutes of SSCS Board of Trustees, 07/28/99
79. Letter from Thornton to plaintiffs denying July 1999 complaint, 08/26/99.
80. Hull Times: "Sloppy paperwork ..." 09/30/99
81. Letter from Gary Kaplan of Jobs for Youth to Thornton, requesting references on Higgs and Young, 10/04/99
82. DOE charter-renewal inspection report submitted to Board of Education, 10/20/99
83. Letter from Plaintiff Young to individual members of the Massachusetts Board of Education, 11/12/99 (mail-merge format)
84. Letter from Ann Hess to SSCS Trustees Chairman Gregory Thornton, 12/30/99, requesting Pollets Report and related documents.
85. Report of re-investigation by DOE attorney Ann Hess, 01/19/00
86. FBI response to Plaintiff Young's Freedom-of-Information-Privacy Act-Request (FOIPA), 01/20/00
87. Letter from DOE attorney Kristin McIntosh to plaintiffs, 03/10/00
88. FBI response to Plaintiff Higgs' FOIPA request, 03/28/00
89. Defendant Thornton's responses to interrogatories, 05/19/00
90. SSCS' response to interrogatories, 05/25/00
91. SSCS' response to document-production request, 06/30/00
92. Anderson's response to interrogatories (excerpts selected by plaintiffs), 07/07/00
93. Secretary of State's order to release Pollets Report as a public document, 07/11/00
94. Hamilton's response to interrogatories, 08/10/00
95. Kirby's responses to interrogatories (excerpts selected by plaintiffs), 08/11/00
96. Beck: deposition, 06/6/01, Vol. I (excerpts selected by defendants), 06/06/01
97. Higgs: deposition, 06/08/01, Vol. I (excerpts selected by defendants), 06/08/01
98. Miles' response to interrogatories (excerpts selected by plaintiffs), 07/01/01
99. Young: deposition, 07/11/01, Vol. I (excerpts selected by defendants), 07/11/01
100. Beck: deposition, 07/13/01, Vol. II (excerpts selected by defendants), 07/13/01
101. Affidavit of Plaintiff Beck that she had produced requested 'EduCore' reports for state auditors, 08/15/01
102. Affidavit of Plaintiff Young regarding requests to assist in generating student-data reports, 08/15/01

103. Affidavit of Elaine Nardo regarding a phone conversation with Anderson, 08/15/01
104. Affidavit of David Beck, husband of Plaintiff Roberta Beck, of a meeting with Anderson and Miles regarding her employment status, 08/15/01
105. Affidavit of George Abdallah, SSCS senior instructor, re Driscoll's published statement, 08/28/01
106. Affidavit of James Fitzpatrick, SSCS parent, part-time instructor, and contractor, regarding Driscoll's published statement, 08/28/01
107. Affidavit of senior SSCS instructor George Abdallah, 08/28/01, regarding DOE site-visit report.
108. Affidavit of Susan Ovans, Editor of Hull Times, re Driscoll's published statement, 08/29/01
109. Affidavit of Roberta Beck, recanting parts of her deposition testimony, 10/01/01
110. Affidavit of Plaintiff Young that he did not obstruct access to or remove attendance data, 10/15/01
111. Higgs' affidavit re document management in MS/Word, 10/15/01: implications regarding 'david l. higgs' authorship string appearing in document-information sheets for files on Defendant Miles' computer.
112. State audit on DOE Charter School Office, 10/23/01
113. Plaintiff Young's affidavit of telephone conversation, 10/25/01

Sincerely,



David L. Higgs, pro se



Rodney W. Young, pro se