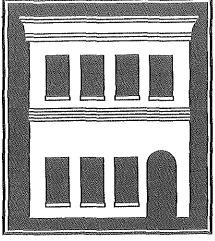


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Dear members of the O'Neal School Board and Administration,

I have been retained to represent the Stefanik family (The Family.) The O'Neal School and its Administrators treatment of [REDACTED], Cassie, and Rick Stefanik over the past six months is not only a breach of the contract the Stefanik's signed with the school but also tortious. Those torts include but are not limited to intentional infliction of emotional distress, negligent infliction of emotional distress, and defamation. Since the school's behavior in this matter was extreme and outrageous, the family will also be seeking punitive damages.

As the Head of School is aware, this matter began when [REDACTED] Stefanik was assaulted by another student at the O'Neal School in the spring of 2023. [REDACTED] was seriously injured in the assault. That assault was investigated by law enforcement, which found probable cause that the assault occurred. The student that assaulted [REDACTED] is currently dealing with the consequences of his actions in the criminal justice system. Unfortunately, from the moment law enforcement became involved in this matter the school has blamed and punished [REDACTED] and his family, rather than supporting and accommodating someone who, *according to a law enforcement investigation*, was the victim of a physical assault. [REDACTED] was denied reasonable accommodations and access to extracurricular activities. In addition, the school became unwilling to communicate with the family in an open and timely manner.

The Family was concerned for their son's safety and distraught at the way [REDACTED], the victim of a criminal assault, was being treated by O'Neal's administration. They appealed the school's behavior to the board of trustees (Attachment A). The Family was assured that this appeal would be distributed to the entire board for consideration. However, upon information and belief, it was not provided to the entire board. The family received no help from the members of the board and the administration who considered the appeal. The family heard from what purported to be the full board that their concerns would not be addressed. Shortly after, they received a letter from John Elmore (Attachment B). That letter was the first of a

series of communications that appear to be designed to frighten, intimidate, and ultimately force the family to leave O'Neal. The Head of School's letter and the communications that followed it claimed that not only [REDACTED] but the family's other two children would be removed from the school if the family made "negative comments about O'Neal faculty or staff." The letter does not document nor has the school ever provided an example of any inappropriate comments the family has made about the O'Neal School or its staff. The communication from the school appears to indicate that the administration's main goal was silencing any potential criticism of the school. The family was left with the impression that the school cared much more about appearing to provide a safe environment for its students than actually providing a safe environment.

That letter was followed up with additional communications which among other things barred the family from speaking with any of [REDACTED]'s teachers unless an administrator was present and barred the family from speaking with any of their younger children's teachers without an administrator. The communications continued to threaten and berate the family for not maintaining a positive attitude, without specifying any actions the family had taken that were objectionable. The school also began to unilaterally attempt to renegotiate the family's agreement with them by demanding that the family sign what amounted to a non-disparagement agreement by September 15, 2023 or [REDACTED] would be expelled. (Attachment C). The family reached out to the board again to attempt to resolve the escalating situation (Attachment D). They received no response from the board.

Shockingly, the school began to paint [REDACTED], a strong student with no significant disciplinary history, as a problem child who needed to be expelled. [REDACTED] has been a student at O'Neal since Pre-K. In that time, he had little to no disciplinary history. It took the school 32 days from the start of the 2023-2024 school year to expel him. (Attachment E) The charges that made up his expulsion ranged from small classroom behaviors that would not ordinarily have resulted in serious discipline, like eating a pop-tart that did not belong to him, to behavior that should not have resulted in discipline at all, like using a bathroom commonly used by students in the school. No disciplinary hearings involving [REDACTED] or his family were held by the school before summarily expelling [REDACTED] for minor infractions. It is important to note that during this same time children who committed much more serious disciplinary infractions, such as the child who assaulted [REDACTED], were not expelled. Additionally, it is telling that [REDACTED] was expelled on September 18, 2023 the first school day after the September 15<sup>th</sup> deadline. The expulsion letter itself references the fact that the family was unwilling to sign the school's demand letter sent September 12. The fact that the family was unwilling to sign the demand letter sent September 12<sup>th</sup> was explicitly referenced as a basis for expulsion. It appears based on these communications that the School attempted to concoct a disciplinary history as a fig leaf for expelling a student because his parents would not agree to a non-disclosure agreement. The school's interactions with the Family have been outrageous and have inflicted severe emotional distress.

To effectively represent our client, we hereby request that you preserve the following documents, data, and equipment that relate to the school's policies, discipline, and its administration's behavior towards the Stefanik family:

1. All communications including emails, texts, memos, letters or any other type of written communications that reference any member of the Stefanik family created by a member of the O'Neal school administration, employee or board member since April 2023.
2. All communications including emails, texts, memos, letters or any other type of written communications that reference [REDACTED] created by a member of the O'Neal school administration, employee or board member since April 2023.
3. All phone records for the O'Neal school since April of 2023.
4. All cellphone records and data for John Elmore since April of 2023.
5. All cellphone records and data for Miryah Walters since April of 2023.
6. All video recordings including recordings of zoom or other web conference platforms of board meetings since May 1, 2023.
7. All video recordings including recordings of zoom or other web conference platforms of any meetings where any member of the Stefanik family was discussed.
8. All communications including emails, texts, memos, letters or any other type of written communications that reference changes to the school's disciplinary policy since April of 2023.
9. All records regarding student discipline of any O'Neal Student since April of 2023. Including, but not limited to, the school's handling of serious disciplinary infractions such as physical assault, sexual assault, bullying, harassment, or bringing a dangerous weapon on a school trip.
10. All written communications between John Elmore and parents or guardians of students at O'Neal that require the parents/guardians to refrain from speaking with the students' teachers unless an administrator is present.
11. All communications including emails, texts, memos, letters or any other type of written communications that reference Cassie Stefanik's removal from her position as class parent in September 2023.
12. [REDACTED] Stefanik's entire education record including his disciplinary history since he entered O'Neal.
13. All school surveillance video of [REDACTED] Stefanik since April 2023 which is available at the time this letter is received.
14. All physical devices including but not limited to computers, laptops, cell phones, and physical servers that belong to the O'Neal school.

We anticipate litigation wherein the above-referenced materials will be relevant. We further request that The O'Neal School board members, John Elmore, and Miryah Walters maintain all personal telephone and computer(s) in the same condition as they are now, so a forensic digital examiner may retrieve relevant information from the devices. If this is a burden to maintain the equipment in the present condition, we will gladly have a forensic examiner download the information we need now if you are willing to allow us to do so.

Pursuant to North Carolina's law prohibiting spoliation of evidence as enunciated in McLain v. Taco Bell, 137 N.C. App. 179, 527 S.E.2d 712 (2000), please accept this as written notice that we intend to obtain this evidence from you in litigation. Thus, please do not destroy such materials as they are very important to our investigation and presentation of the family's claims. In the event you are unsure of any of the information we are requesting to be preserved and secured, please let me know.

If the school has legal counsel, please provide them this letter. I am available to speak with them if they have any questions. Thank you for your attention to this matter.

Sincerely,



Emilia Beskind

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