

From: Liam's Dad <liamsdad@liamsdad.org>
Subject: **Re: Wesley C. Smith v. Roger Vanderhye**
Date: May 30, 2006 3:03:40 PM EDT
To: "Baroody, Cindy" <cbaroody@hunton.com>



For settlement purposes only:

Cindy,

Please inform Sona Rewari that I received her letter. I too would like to resolve the matter with as little time and effort on both sides as possible, however the best way to do that is not to agree on a change of venue but to agree to a settlement.

The main reason I filed the lawsuit was to encourage the school district to make sure its employee's comply with state law and district policy. If the school district is willing to agree to something so simply as to make sure its employees comply with the law and district policy then perhaps we can reach a settlement and avoid the lawsuit.

If the district does not wish to comply with state law then I have no other option but to pursue the lawsuit. Doing so will require depositions by staff including Mr. Dale who made written statements that conflict with the account by Roger Vanderhye. Both will also be needed at trial. In the past both have claimed they are too busy to attend court but that is unavoidable in this case unless the district wants to work out a settlement.

I'd suggest your staff review the written statements by Mr. Dale, vs the statements by Roger Vanderhye, as well as the tape recording of the incident. It is quite possible you may come to the conclusion that Mr. Vanderhye acted in violation of state law and school district policy and that he provided false information to Mr. Dale. Clearly the written statements by Mr. Dale are easily proved false, thus unless Mr. Dale was intentionally slandering me, he was acting on misinformation by Mr. Vanderhye in attempt to cover up his misconduct.

Also you should be aware that this is not the first time Mr. Vanderhye has acted improperly. He was forced to resign at the international school in Brussels where he was the Elem. Principal... his resignation might not be a bad solution to the current situation.

I think if you review the evidence you will conclude Mr. Vanderhye acted in violation of district policy and state law. If so let me know and we can work out a settlement to ensure other employees are not repeating his mistake.

However if you conclude Mr. Vanderhye acted according to school district policy then I will have no option but to add the district itself as a defendant and ask for larger damages. Should you force me to sue the district I think that may best be done as a class action lawsuit in Federal court (I'm helping organize a class-action lawsuit against Fairfax county, should be much the same plaintiffs to sue the district) so your request to change in venue will be a moot point. Also note that a class action lawsuit will require much more of your staff time as it will involve the conduct of your staff at each and every school not just Spring Hill.

Also you should be aware that Mr. Vanderhye and his staff have also been violating Federal law with respect to IEP's. If you force me to take the district to court that will also be added to the complaint. I'd be more than happy to help review your school's performance for other violations of federal or state laws if that would help persuade you to comply with VA CODE 22.1-4.3

In case you haven't figured it out yet, I intend to make sure the Fairfax school district starts complying with the state law and its own district policy to allow non-custodial parents equal access to their children unless a court order specifically places limits on their involvement in school activities. Its up to you to decide just how much trouble I need to cause in order to get the attention of the district to correct the problem. If filing a lawsuit is enough let me know, if you need me to continue with the lawsuit let me know, if you need a class action lawsuit in federal court, if you need protesters in front of your offices with news crews, etc. You let me know what kind of action I need to take to get the district to comply with state law and I will take it. I can be very persistent, and having spent Fathers Day weekend in jail as a result of Mr. Vanderhye's conduct, this is not an issue I will forget about. I'll keep after it until I can be assured that myself and other parents will be welcomed at their children's activities not harassed by angry staff.

Also note that I consider it improper to have a jury deciding on a case where the jury would have to pay (via taxes) any damages awarded. Thus I don't consider it proper for a jury from Fairfax to hear the case as they would be reluctant to vote to have the school pay damages. I think we should stick with Pulaski, or if you prefer Federal Court.

Liam's Dad - Wesley Smith

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