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March 3, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Julianna Rice, Esq.
Town Counsel
50 Pleasant Street
Arlington, MA 02476

Re: **NOTICE OF CLAIM**
PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 258

Dear Attorney Rice:

Please be advised that this office represents Charles E. Coughlin, Jr. of Tewksbury, Massachusetts (hereinafter "Coughlin") and Stavroula Bouris, of Natick, Massachusetts (hereinafter "Bouris"). This is a notice of claim pursuant to Massachusetts General Laws Chapter 258, Section 4.

Coughlin and Bouris contend that the Town of Arlington (the "Town") acting through its School Committee was negligent in its failure to properly train, control, discipline, and supervise Superintendent of Schools, Nathan Levenson (hereinafter "Levenson"). Coughlin and Bouris further contend that the Town, acting through Levenson was negligent in its failure to properly train, control, discipline, and supervise Tracy Buck (the Arlington High School Network Technician) and other subordinates whose names are currently unknown.

In support of these contentions, Coughlin and Bouris offer the following facts:

The Attempt to Oust Bouris:

Levenson was hired by the Arlington Public Schools in July of 2005. Shortly thereafter, and absent any legitimate cause, Levenson embarked on a course of action

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designed to oust Bouris from her position as Principal of the Ottoson Middle School in Arlington. For example, before Levenson had ever worked with Bouris he hired a "mentor" to work with her who in reality functioned like a spy. Over a period of time, Levenson raised numerous imagined issues with Bouris in an apparent attempt to create the false impression that Bouris' job performance was deficient.

In January 2007, Levenson secured approval from the School Committee to offer Bouris a one year severance package. On or about February 12, 2007, Levenson attempted to coerce a resignation out of Bouris. He suggested that a story, even if untrue, regarding the fondling of a child, could ruin a career and suggested it would be in Bouris' best interest to resign as opposed to having him not renew her contract. Levenson did not communicate the severance package to Bouris and Bouris was unaware that it was available to her. Bouris refused to resign.

Retaliation Against Bouris:

When Bouris refused to resign, Levenson commenced a campaign of retaliation against her designed to damage her reputation, force her resignation, and hamper her ability to find suitable, alternative employment. For example, *inter alia*, he released personal information about her to the public and he refused to respond to inquiries by the Superintendent of the Natick Public Schools who was considering an application by Bouris for the position of Middle School Principal. On or about March 7, 2007, Levenson made public his decision not to renew Bouris' contract by releasing a memo concerning his decision to the Ottoson staff and the community. On September 5, 2007, Levenson retaliated against Bouris by terminating her without just cause.

Notice to the Town and School Committee:

The release of the memo provoked an immediate public outcry. On March 13, 2007, members of the Ottoson staff, students and parents from the district appeared at a televised School Committee meeting. At that meeting the representative of the Ottoson Middle School announced a 100% vote of confidence for Bouris and a 100% vote of no confidence for Levenson.

Also at that meeting the Ottoson representative and a then sitting member of the School Committee publicly accused Levenson of professional intolerance; callous and immoral acts, engaging in campaigns of slander, creating a climate of fear that encouraged silence and demoralized and intimidated his staff, engaging in threats of

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retribution, repeated mistakes borne of inexperience or arrogance, and of losing the trust of the staff. Questions were raised publicly about the motives behind his decision not to renew Bouris' contract, his ability to function as a manager and a leader, his personal integrity, his poor interpersonal and communication skills, his questionable respect for the little people, his ham handed implementation methods, his lack of understanding of the community, and his self promotion and hubris.

During the course of subsequent school committee meetings supporters of Bouris, and Coughlin in particular, brought certain information to the attention of the School Committee. Specifically, Coughlin learned and publicly reported that Levenson had never been appointed as Assistant Superintendent of the Harvard Public Schools as he had claimed on his resume.

The events of March 13, 2007, and those that followed, clearly put the School Committee on notice that Levenson had been and was pursuing a course of conduct/misconduct that required immediate remediation if not sanction and that he had misrepresented his credentials to secure the position of Superintendent of Arlington Public Schools. Despite such notice, the School Committee made no effort to supervise, discipline, or control Levenson.

The aforementioned backlash ultimately forced Levenson to change his decision and to renew Bouris' contract. But, Levenson in concert with others wanted to ensure that the process of renewing Bouris' contract would be humiliating to Bouris, and at the same time Levenson in concert with others now sought ways to retaliate against Bouris and Coughlin. As previously stated, on September 5, 2007, Levenson retaliated against Bouris by terminating her without just cause.

The Illegal Access of Private Email Accounts:

Emboldened by the lack of any oversight or control, Levenson acting alone or in concert with Tracy Buck and/or others, whose identities are unknown, accessed the private e-mail account of Bouris and the Arlington K12 e-mail accounts of Coughlin and Bouris in March, April, or May of 2007. This was in contravention of policy, practice, law, and criminal statute.

On June 6, 2007, Levenson acting alone or in concert with Tracy Buck and/or others whose identities are unknown, accessed and printed e-mails between Coughlin and Bouris which, *inter alia*, contained a private e-mail user name and password and then used the private e-mail account password to criminally access Bouris' private e-mail account.

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Retaliation Against Coughlin:

Levenson acting alone or in concert with certain School Committee members also retaliated against Coughlin by divesting him of his lead teacher position and then refusing to hear a retaliation grievance filed by Coughlin in connection therewith.

Levenson acting alone or in concert with Julia McLaughlin cancelled Coughlin's health insurance even though he was entitled to the benefits until the start of the next school year.

On August 9, 2007, Levenson retaliated against Coughlin by terminating him without just cause.

The Miller Investigation:

In furtherance of his plan to terminate Bouris and Coughlin, Levenson retained Attorney Alan Miller of Stoneman, Chandler & Miller LLP to conduct an investigation into "inappropriate conduct" by Coughlin and Bouris. He informed the School Committee of the investigation before Coughlin and Bouris knew they were going to be investigated. Levenson, through Miller, attempted to persuade Coughlin to resign by informing him that the investigation would become public, would be bad for his family, and would ruin his career.

Levenson manipulated the investigation into the conduct of Bouris and Coughlin in order to create the appearance of legitimacy to the decision he had already made to terminate them. Such manipulation included, *inter alia*, the making of false statements; the fabrication of documents; the use of documents obtained in violation of criminal law, policy and practice; the alteration of documents; the destruction of evidence; and, the failure to reference any of the exculpatory explanations provided by Coughlin and Bouris as part of the investigation.

Levenson offered Bouris' job to other individuals before the so called investigation into her conduct was completed and concomitantly before the decision to fire her was theoretically, possible. Levenson acting alone or in concert with others knowingly sent a bus driver to deliver sensitive information about Bouris and Coughlin which should have been kept confidential to facilitate the circulation of defamatory and intentionally harmful rumors.

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The Surreptitious Release of Emails:

On or about July 15, 2007, before the investigation was completed, Levenson acting alone or in concert with School Committee Member, Jeffrey Thielman and/or others, surreptitiously released both the criminally obtained private e-mails of Bouris' and the Arlington K12 e-mails between Coughlin and Bouris to the press together with false allegations that Bouris and Coughlin had committed the crime of forgery. This surreptitious release was done with the full knowledge of the perpetrators that they, for numerous reasons, were obliged to prevent further dissemination of the criminally obtained private e-mails. The release of these e-mails was intended to ruin the respective careers of Bouris and Coughlin and to inflict upon them extreme emotional distress. In fact, all of this material was ultimately published in the local Arlington e-media as well as the local Arlington print media. Levenson published his false allegations of forgery orally and in writing to the Arlington School Community, the educational community at large, and the public at large.

Manipulation of Subsequent Proceedings:

Levenson acting alone or in concert with others whose identities are unknown, fabricated evidence, suppressed a contemporaneous log of purported events surrounding the illegal access of email accounts, perjured himself in related administrative and arbitration proceedings, manufactured false documents, modified documents, destroyed evidence/documents, suppressed documents and manipulated witnesses with half truths and lies. All of the foregoing was done to create the appearance of legitimacy in Levenson's conduct/misconduct toward and decisions to fire both Coughlin and Bouris.

It is the responsibility of the School Committee to train, control, discipline, and supervise Levenson. It is indisputable that the School Committee knew or should have known of the scope of Levenson's misconduct on or after March 13, 2007. The School Committee's failure to properly discharge its responsibilities after notice constitutes negligence under Massachusetts Law.

It is the responsibility of Levenson to train, control, discipline, and supervise his subordinates. It is indisputable that Levenson knew or should have known of the scope of his subordinate's misconduct on or after March 13, 2007. Levenson's failure to properly discharge his responsibilities after notice constitutes negligence under Massachusetts Law.

As a direct and proximate result of the negligent failure of the School Committee and of Levenson's to properly supervision, discipline, control, and train those under their

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supervision and control Bouris and Coughlin have suffered and will continue to suffer damages in the form of emotional distress, economic loss, attorney's fees, costs and expenses. Those damages were the foreseeable consequence of the negligence of the School Committee and/or Levenson and for which the Town of Arlington is responsible.

Barring the resolution of this matter within the next six months, Bouris and Coughlin will pursue their redress pursuant to the provisions of M.G.L. c. 258.

Thank you for your attention to this matter.

Very truly yours,



Frank Mondano

cc: *Via certified mail:*
Brian Sullivan, Town Manager
Clarissa Rowe, Board of Selectmen, Chair
Corrine Rainville, Town Clerk