

SUMMONS

STATE OF INDIANA )  
JOHNSON COUNTY ) SS.

JOHNSON CIRCUIT  
SUPERIOR COURT  
Franklin, Indiana

BOHLSER, HUNYBERGER, O'DENRINE  
SHELTON, + WAGNER  
Plaintiff

41D010906CC00922  
No.

VS.

COSMAN, BRUNMAN, DRAKE, Penoff  
STEPHENSON, LYONS  
Defendant

THE STATE OF INDIANA TO DEFENDANT W. BRIAN DRAKE

ADDRESS: 111 MONUMENT CIRCLE, STE 3800, INDIANAPOLIS, IN  
46204

You have been sued by the person(s) named "plaintiff", in the court stated above.

The nature of the suit against you is stated in the complaint which is attached to this summons. It also states the demand which the plaintiff has made against you.

You must answer the complaint in writing, by you or your attorney, within twenty (20) days, commencing the day after you receive this summons, (you have twenty-three (23) days to answer if this summons was received by mail), or judgment will be entered against you for what the plaintiff has demanded.

If you have a claim for relief against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

**JUN 25 2009**

Date \_\_\_\_\_, 2009

TAD BOHLSER  
Attorney for Plaintiff

151 N. DELAWARE, STE 1835

INDIANAPOLIS, IN 46204

Telephone: 317-624-1444

*Julie H. Jackson*

Clerk of the Johnson Circuit Court  
Superior

Original summons for Clerk and copy for each defendant to be prepared by attorneys.

If service is by mail, stamped addressed envelope with return receipt attached to be prepared by attorney.

PRAECIPE: I designate the following mode of service to be used by the Clerk.

- 1. By certified or registered mail with return receipt to above address.
- 2. By Sheriff delivering a copy of summons and complaint personally to defendant or by leaving a copy of the summons and complaint at his dwelling house or usual place of abode with some person of suitable age and discretion residing therein.
- 3. By \_\_\_\_\_ delivering a copy of summons and complaint personally to defendant or by leaving a copy of the summons and complaint at his dwelling house or usual place of abode with some person of suitable age and discretion residing therein.
- 4. By serving his agent as provided by rule, statute or valid agreement, to-wit:

Signed \_\_\_\_\_ Attorney

RETURN OF SUMMONS

This summons came to hand on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ and I served the same on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

- 1. By mailing a copy of the summons and complaint personally to \_\_\_\_\_ address \_\_\_\_\_
- 2. By delivering a copy of summons and complaint personally to \_\_\_\_\_
- 3. By leaving a copy of the summons and complaint at \_\_\_\_\_ the dwelling house or usual place of abode of defendant with \_\_\_\_\_ (Name of Person) a person of suitable age and discretion residing therein; and by mailing by first class mail a copy of the summons on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ to \_\_\_\_\_ his last known address.

4. By serving his agent as provided by rule, statute or valid agreement to-wit: \_\_\_\_\_

5. Defendant cannot be found in my bailiwick and summons was not served.

And I now return this writ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Sheriff

Deputy

(Signature of person serving summons if other than sheriff)

Sheriff's Fees \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Note: Affidavit required only if service is made by a person other than Sheriff or Deputy.

STATE OF INDIANA )  
 )§§:  
COUNTY OF JOHNSON )  
 )

IN THE JOHNSON COUNTY CIRCUIT COURT

CAUSE NO.:

41D010906CC00922

TAD BOHLSEN,  
BOB OLDENBURG,  
DALE HUNSBERGER  
BONNIE SHELTON, AND  
MARK WAGNER,

Plaintiffs,

v.

DR. J.T. COOPMAN,  
AS SUPERINTENDENT OF THE  
CLARK-PLEASANT COMMUNITY SCHOOL CORPORATION,  
JEFF BRINKMAN,  
W. BRIAN DRAKE,  
DAVID PENOFF,  
DAVID STEPHENSON, AND  
HOWARD YOUNG,  
AS MEMBERS OF  
THE BOARD OF TRUSTEES OF THE  
CLARK-PLEASANT COMMUNITY SCHOOL CORPORATION,

Defendants,

**FILED**  
JUN 25 2009  
*Frederic B. Jackson*  
CLERK, JOHNSON CIRCUIT & SUPERIOR COURTS

**APPEARANCE**

Party Type: PLAINTIFF

Attorney Information: Self-Represented

Related Cases? Yes \_\_\_ No X ;

Case Number(s): \_\_\_\_\_

Fax Service Accepted: X Y or \_\_\_\_\_ N Fax No.: 317-624-1444



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Signature

T. Tad Bohlsen

151 N Delaware, #1835

Indianapolis, IN 46204

317-513-8044 (V)

317-624-1444 (F)



**I.**  
**Parties**

1. The Clark-Pleasant Community School Corporation (“School Corporation”) is a public corporation that owns and manages the public schools located within the boundaries of said School Corporation. A school corporation is a municipal corporation for purposes of I.C. 34-13-5 (Ind. Code section 34-6-2-86).
2. Dr. J.T. Coopman (“Dr. Coopman”) is the current Superintendent of the School Corporation.
3. Mr. Jim White (“Mr. White”) is the current Director of Information Services for the School Corporation.
4. Ms. Patti Keaton (“Ms. Keaton”), whose initials are P.J.K., is currently the Assistant to the Superintendent for the School Corporation.
5. People for Clark-Pleasant Schools (“People for C-P”) was a Political Action Committee as defined by I.C. 3-5-2-37 that opposed the Tax Levy (see below) in a remonstrance.
6. Tad Bohlsen, Bob Oldenburg, Dale Hunsberger, Bonnie Shelton, and Mark Wagner, are all residents, citizens and taxpayers who reside within the boundaries of the School Corporation. Most were active in People for C-P. The Plaintiffs bring this action as both citizens and taxpayers under I.C. 34-13-5-2. Pursuant to said statute, the Plaintiffs bring this action as a class suit on behalf of all other citizens and taxpayers of said School Corp.
7. Jeff Brinkman, Brian Drake, David Penoff, David Stephenson, and Howard Young are all Members of the Board of Trustees of Clark-Pleasant Community School Corporation (the “Board”).

**II.**  
**Factual Background**

8. On February 22<sup>nd</sup>, 2007, the Board conducted a “1028 Hearing” and approved a bond issue (the “Tax Levy”) in the approximate amount of \$4.95 million (\$4,950,000) per year over 27 years.
9. In March, 2007, remonstrators, including one of the Plaintiffs, filed a petition opposing the proposed Tax Levy. The petition was certified by the County Auditor in March, 2007.
10. Also in March, 2007, Mr. White stated in a newspaper article he was leading a group to promote the Tax Levy, and made statements with regard to his knowledge of the petition/remonstrance rules outlined in IC 6-1.1-20 (see Exh. 4).
11. In May, 2007, a petition/remonstrance signature drive began, ending on June 17<sup>th</sup>, 2007.
12. On July 5<sup>th</sup>, 2007, the County Auditor certified the petitioners had gathered 2,740 signatures, and the remonstrators 1,513. The Board had approximately 110 verified signature gatherers, about 75 of whom were School District employees.
13. On Nov. 15<sup>th</sup>, the Indiana DLGF School Control Board held a public hearing on the proposed Tax Levy. Dr. Coopman presented for the School District. Two representatives representing remonstrators spoke, including Tad Bohlsen, one of the Plaintiffs. The Tax Board voted 5-4 to recommend approval of the proposed Tax Levy to the DLGF Commissioner.

14. On April 8, 2008, the State DLGF Commissioner issued a decision denying the proposed Tax Levy.
15. On May 21<sup>st</sup>, 2008, the School Corporation filed an appeal of the DLGF decision with the State Tax Court.
16. On December 2<sup>nd</sup>, 2008, the State Tax Court issued a ruling reversing the DLGF denial of the Tax Levy.
17. On Dec. 31<sup>st</sup>, 2008, after the completion of the fall elections, People for C-P ceased existence as a PAC, although it continues to exist as an informal group of concerned parents, taxpayers, and citizens.
18. On March 3, 2009, the Board held a bid hearing to review bids for the proposed schools to be built with funds from the Tax Levy. Despite requests from the community to consider changes to the size and expense of the school, due to changes in the district's growth pattern and the economy, the Board did neither, in essence approving the same design they had first voted to approve in November, 2006.
19. On March 17, 2009, the Board approved the sale of bonds to be funded by the proposed Tax Levy.
20. The schools proposed to be built were not approved by the School District's "Decades of Excellence" Task Force (the "Task Force"), which met from November 2005 through June, 2006 at the request of Dr. Coopman to examine building needs and growth.
21. During the remonstrance, repeated allegations of violations of IC 6-1.1-20 were made by various parties to members of People for C-P.
22. During the remonstrance, physical evidence, including emails and letters, and eyewitness reports of infractions were received by members of People for C-P.
23. People for C-P sought legal counsel with regard to the allegations and the evidence they had of infractions of IC 6-1.1-20. Counsel advised the group they should wait until the DLGF and Tax Court processes completed, and then file a public lawsuit, such as the one contemplated in this Complaint, if the State Tax Court reversed the DLGF ruling.
24. The Plaintiffs are concerned that the building program proposed by the Board will not best serve the district, and in particular the tens of thousands of children who will be in District schools in the coming years. The Board is proposing to use the "School Within A School" concept to try to offset the massive school building size increase they are proposing for the District. However, this approach has been tried and abandoned locally by IPS, and has been tried and abandoned nationally by the Gates Foundation. So the Board is proposing the District use a discredited educational approach at a tremendous expense to taxpayers.
25. The Board has repeatedly misled the public about the process which led up to their votes in February, 2007, and May, 2008, to attempt to promulgate the Tax Levy (for instance, Board members would often falsely claim the Task Force had first "approved" the building approach the Board later voted for, and when Task Force members objected to this claim, Coopman and the Board then changed the makeup of the Task Force, after it completed its work, to "stuff" it with those who supported the Board's position on the Tax Levy). The Board repeatedly refused to negotiate with those concerned about this major building project, which will have such long-term ramifications for the district. The Board and Coopman refused to hold a public debate, or information session, at the start of the petition/remonstrance signature period, in May, 2007. Instead of negotiations and fair dealing, the Board and Dr. Coopman have chosen to use litigation, false and misleading statements to the public, and, the Plaintiffs believe, have chosen, with

knowledge, to violate the petition/remonstrance rules as outlined in IC 6-1.1-20 to force their building program through.

26. Therefore, after repeated attempts to work with the Board to find a mutually agreeable solution, Plaintiffs believe it is in the best interest of the residents of the School District to seek court-ordered relief. Plaintiffs seek this relief because they believe the Board and School District employees, including Dr. Coopman and others, violated IC 6-1.1-20 in an attempt to insure the petitioners gathered more signatures in the petition/remonstrance, and therefore unfairly provided the Board with the opportunity to pursue the proposed Tax Levy.
27. Plaintiffs believe the following violations of IC 6-1.1-20 occurred during the period between the 1028 hearing on February 22<sup>nd</sup>, 2007 and the end of the petition/remonstrance period on June 17<sup>th</sup>, 2007. If a Declaratory Judgment is not issued, Plaintiffs are filing a Motion for Discovery, to determine if additional violations occurred:
  - a. Defendants allowed facilities or equipment, including mail and messaging systems owned by the School District to be used to promote the Board's position with regard to the Tax Levy (see Exhibits 1 and 2):
    - i. Exhibit 1: Dr. Coopman sent a letter to an unknown number of community members, dated April 10<sup>th</sup>, 2007 ("the April 10<sup>th</sup> Coopman Letter"), promoting the Board's position and directing readers to a website (see below) also promoting the Tax Levy. The letter was typed (it appears) by Ms. Keaton, and appears to have been addressed using the School Corporation's mailing list. It is unknown how many of these letters were sent, it is possible thousands were sent to all the names in the School Corporation's mailing lists, or to key community members the Board and Dr. Coopman hoped to recruit to help with their petition drive. Absent an immediate Judgment, Plaintiffs will request the opportunity to conduct discovery to determine the number of letters sent, the source of the addresses for all such letters, and the circumstances under which Dr. Coopman and Ms. Keaton (and possibly other School Corporation employees) produced these letters.
    - ii. Exhibit 2: On Friday, April 13<sup>th</sup>, Kristine Dubielak received an e-mail (the "April 13<sup>th</sup> Dubielak E-mail"), ostensibly from "The Decades of Excellence Task Force", which contains evidence of numerous violations of IC 6-1.1-20-10. The email requests recipients visit the same website promoted in the April 10<sup>th</sup> Coopman Letter, *www.everymomentcounts.us* (this website is no longer on the web; it was removed shortly after the remonstrance ended on June 17<sup>th</sup>, 2007). Mr. White (and possibly other School District employees) set up the website to publicize the arguments for the proposed Tax Levy (see Exh. 4). The email purports to be from the Task Force which met regarding building issues from Nov., 2005 through June of 2006. However, the Task Force issued its final report to the Board in June, 2006. Therefore, the email represents a clear attempt by the School Corporation to use its messaging systems to mislead the community and to publicize the Board's position with regard to the Tax Levy (note the header line indicates the email was sent from *automatedmailer@cpsc.k12.in.us*, which Plaintiffs believe indicates an



- origin from one of the School Corporation's email servers, a clear violation of IC 6-1.1-20-10 (1)).
- b. Defendants made expenditures of money, or allowed the use of goods, property and services acquired with School District funds to promote the Board's position on the Tax Levy.
    - i. Exhibit 3: During the petition/remonstrance signature drive, People for C-P members discovered the website, *www.everymomentcounts.us*, promoting the Board's position was built using School District-purchased software. As evidence, Plaintiffs offer the affidavit from a member of the People for C-P group, Chris York ("York") (see Exh. 3), who discovered during the petition/remonstrance that items (in particular Microsoft Powerpoint presentations) on the *www.everymomentcounts.us* website listed the owner of the Powerpoint software as the Clark-Pleasant Community School Corporation, a clear violation of IC 6-1.1-20-10 (2), as well as other sections of IC 6-1.1-20.
  - c. Defendants used School District employees to promote the Board's position on the Tax Levy during work hours, and compelled employees to promote the Board's position:
    1. Employees felt so compelled to get signatures that some sent surrogates out so they would be able to say they had gathered signatures. Plaintiff's have evidence that one School District employee's spouse gathered signatures in the employee's name during the remonstrance. The spouse told those they were soliciting that this employee was afraid not to get signatures. Not only would this be an example of compulsion, it would invalidate the signature sheets which were not "carried" by the individual who signed the affidavit on the signature sheets validating the signatures.
    2. During the remonstrance, a relative of a School District employee told a member of People for C-P "it's not right what they're doing to my [relative]" – in terms of compelling the relative to get signatures and promote the Board's position.
    3. During the remonstrance, an Administration employee reported many mandatory meetings of School District employees regarding the remonstrance occurred during school hours. This employee reported their belief that a number of infractions took place, including work on the petition drive during normal working hours by School District employees.
  - d. Defendants' willingness to use School District employees to promote the Board's position caused teachers to send literature in favor of the Tax Levy home with school children during the petition/remonstrance. Plaintiffs have evidence of several teachers sending information promoting the Tax Levy and directing parents of children in their classes to the *www.everymomentcounts.us* website.
  - e. Defendants allowed gathering of signatures on School District property.
    - i. During the petition/remonstrance, a parent and resident in the School District discovered "yellow" (the color used by those promoting the

- Board's position) signature sheets set up for signatures during work hours in the office of one of the District's schools.
- ii. During the remonstrance, a People for C-P member was told that they could sign a petition sheet at the School District's administration building during school work hours.
  - f. Defendants caused and allowed School District employees to identify children of those opposed to the Board's position on the Tax Levy.
  - g. Finally, Plaintiffs have significant evidence that promoters of the Tax Levy misled property owners. Nearly 40 people went to the trouble to switch their signature from the Board's petition to the remonstrance side. Many more claimed to have been misled (for instance, by signature gatherers who covered the "In Favor Of" heading on their signature sheets, or who claimed they were gathering signatures for other purposes, such as to reduce taxes or "help the schools"). No one who signed opposing the Board's position on the Tax Levy switched to the Board's side. Many of those who switched from the Board's side claimed to have evidence they were misled by Board supporters.
28. Should the Court not issue an immediate Judgment, Plaintiffs will pursue the opportunity for discovery to determine if additional violations occurred, and to determine who was involved in committing such violations, and who had knowledge of these acts.

**III.**  
**Count One**  
**Injunctive Relief**

For Plaintiffs' first cause of action against the Defendants, the Plaintiffs allege and say as follows:

29. The Plaintiffs re-allege and assert herein all of the allegations contained in paragraphs 1 through 28, above.
30. The Defendants have violated IC 6-1.1-20, to the detriment of parents, taxpayers and citizens, including those who have remonstrated against the Tax Levy announced and advocated by said Defendants. They have done so by
  - a. using the School District's messaging systems, including its email servers(s) and traditional mailing lists to distribute letters and emails for public relations purposes to promote a position on the petition/remonstrance, without providing equal access to the facilities or equipment to persons with a position opposite to that of the Board,
  - b. using the School District's employees to promote a position on the petition/remonstrance during the employees' normal working hours or paid overtime.
  - c. compelling School District employees to promote a position on the petition/remonstrance
  - d. using students to transport written materials to their residences

e.. allowing staff and employees of the School District to personally identify students as the children of parents or guardians who opposed the Board's position in the petition/remonstrance

f. using software purchased with money from a fund controlled by the School District to promote a position on the petition/remonstrance

31. Unless restrained, the Defendants will proceed to sell bonds for the Tax Levy, which they may have started already, and thus incur increased tax liability for the School District, thereby harming the community. Unless the Defendants are restrained, the Plaintiffs, and others in the community, including district children, who will face a district saddled with a debt burden higher by almost \$5 million per year over the next 20 years, will suffer irreparable harm. An injunction is the only effective way of addressing the Plaintiffs' complaints, in that by the passage of time, under normal litigation, the harm to be suffered will have suffered by the time non-injunctive relief could be granted.

WHEREFORE, the Plaintiffs pray for a preliminary, followed by a permanent injunction restraining the Defendants or the School District from issuing, or allowing or causing other entities, including the School District's school building corporation, to issue any bonds related to the Tax Levy, or to expend any funds in any way generated or associated with the Tax Levy, and for all other relief just and proper in the premises.

**IV.**  
**Count Two**  
**Declaratory Judgment**

For Plaintiffs' second cause of action against the Defendants, the Plaintiffs allege and say as follows:

32. The Plaintiffs re-allege and assert herein all of the allegations contained in paragraphs 1 through 31, above.
33. Due to the aforesaid acts by the Defendants it is necessary that a declaratory judgment be entered against the Defendants as set forth herein.
34. The Plaintiffs request the Court to enter a declaratory judgment, pursuant to I.C. 34-14-1, et seq. (Declaratory Judgment Act) finding that:
- a) The Defendants' have violated IC 6-1.1-20;
  - b) The violations make it impossible to determine who actually gathered more signatures through legitimate methods during the petition/remonstrance, therefore nullifying the results and removing the opportunity for the Board to promulgate the Tax Levy.
  - c.) The issuance of any bonds related to the Tax Levy, or the expenditure of any funds generated by the Tax Levy, would pose an unwarranted and inappropriate burden on taxpayers in the School District.

d.) any other findings appurtenant to said actions by the Defendants found to be applicable by the Court.

WHEREFORE, the Plaintiffs pray that the Court find and enter a declaratory judgment finding that a.) The Defendants repeatedly violated IC 6-1.1-20 in pursuing the chance to promulgate the Tax Levy; b.) Due to these violations, the sale of bonds, and any expenditures of any funds related to the Tax Levy could harm the entire community and such expenditures should be halted; and any other findings appurtenant to said actions by the Defendants found to be applicable by the Court.

Respectfully Submitted By:

A handwritten signature in black ink, appearing to read 'Tad Bohlsen', written over a horizontal line.

Tad Bohlsen  
151 N Delaware, #1835  
Indianapolis, IN 46204

April 10, 2007

Redacted

Greenwood, IN 46143

Dear Redacted

As you may have heard or read in the newspaper five or six community members, at least two of whom served on our Clark-Pleasant Community School Corporation's long range planning "Decades of Excellence" task force, have circulated a petition opposing the Board of School Trustees's adoption of the Decades of Excellence task force recommendation for building plans to cope with our growing enrollment.

As you may recall, the community-based task force was convened in November of 2005 to begin work on the creation of the long range planning document. They worked tirelessly for 22 sessions over the course of about 8 months to develop the plan presented to the board. Community forums were hosted to share the plan with the community in the developmental stages and other community forums were held pending the board's final adoption of the plan to gather community input. Specifically, the board invited community members and task force members to a board working session on October 17, 2006 to discuss the plan that was going to the board for a final vote for adoption at their November board meeting. Following adoption of the plan, four more community forums were held in January and February to discuss the plan with the community.

On February 22, 2007, a legally required 1028 community meeting was held to discuss the first phase of the long range plan which included the specifics of the projects and the tax rate impact. Essentially, the plan states we will build a new middle school with common core space to be shared with an intermediate school to be built adjacent to it in the future, renovation of the existing middle school for use as a part of the high school, begin renovation of the high school for future expansion. Needless to say, portable learning labs will be required to be used at various locations in the district until funds are available for permanent classrooms, staffing and operational costs in the future. A summary of every meeting was posted on the corporation's web site and reported in the newspaper. Information was put into school newsletters as well.

The administration was approached by two members of the opposition approximately six hours before the 1028 hearing requesting the process be delayed because they did not like the plan. They did not present a plan or put forth a better solution. They were told the plan would not be delayed. The board heard their issues at the 1028 hearing and voted to adopt the plan as presented by the Decades of Excellence Task Force and continue moving forward with the plan. The administration met with members of the opposition several times in the next 30 days and they did not present a plan or a solution. At that

point, the opposition gathered the required 100 signatures of taxpayers to begin the opposition to the adopted plan.

Once the signatures are verified by the assessor's office, a signature drive is instituted. What that means, on a specific date the opposition and the school corporation have 30 days to collect Clark-Pleasant taxpayer's signatures supporting or opposing the plan approved at the 1028 hearing. The group with the most signatures wins. This is where your help is needed. As an active supporter of Clark-Pleasant Community School Corporation and/or member of the task force, once the signature race begins, would you be willing to carry a petition supporting the board adopted plan? It is entirely voluntary. We will host informational meetings to give you more information if you are interested in assisting us with this initiative. Of course, you can go the CPCSC web site and seek information or go to [www.everymomentcounts.us](http://www.everymomentcounts.us) to see a streaming video summary of the plan.

We cannot use school facilities or school funds for this process. If you cannot assist in gathering signatures, perhaps you would consider contributing money or donating a service to our cause. Time is of the essence to insure we have classroom spaces for our students as our enrollment continues to rapidly grow. We cannot afford delays. Delays cost us money and will put more students in portable learning labs which also cost us money. We must prevail in the signature gathering process.

Of course, if you have specific questions, please call me or send me an email. We greatly appreciate your support of Clark-Pleasant Community School Corporation as we continue our Vision - Excellence in Education.

Sincerely,



John T. Coopman, Ed.D.  
Superintendent

JTC/pjk

**From:** <automatedmailer@cpcsc.k12.in.us>  
**To:** <kristine.dubielak@us.army.mil>  
**Sent:** Friday, April 13, 2007 3:29 PM  
**Subject:** Information For Clark-Pleasant Parents

Exhibit 2 - Dubielak Email

Dear Kristine Dubielak:

The purpose of this email is to invite you to visit <http://everymomentcounts.us> to inform you of the details of our upcoming building projects. This website was created by a member of the Decades of Excellence Task Force in order to provide the community an overview of the recent plan recommended by the Task Force and adopted by the Board of Trustees to provide our growing student population with educational space and resources in a cost-effective manner.

To find out more about the Decades of Excellence Task Force, members, and the process by which they arrived at this plan, visit <http://www.cpcsc.k12.in.us/longrange.htm>.

Sincerely,

The Decades of Excellence Task Force

Note: the presentations found at <http://everymomentcounts.us> requires Adobe Flash Player 9 or higher (which should install automatically). If not, you can find the free Flash download at: [http://www.adobe.com/shockwave/download/download.cgi?P1\\_Prod\\_Version=ShockwaveFlash](http://www.adobe.com/shockwave/download/download.cgi?P1_Prod_Version=ShockwaveFlash)

Exhibit 2 - Email Source Code

Return-path: <automatedmailer@cpcsc.k12.in.us>

Received: from mxoutdr1.us.army.mil ([10.240.32.184])

by us.army.mil (AKO MTA - mail4-A)

with ESMTP id <0JGG00EOSBHD3ZG0@mail4.us.army.mil> for

kristine.dubielak@us.army.mil; Fri, 13 Apr 2007 19:29:37 +0000 (GMT)

Received: from e500.cpcsc.k12.in.us (HELO eprism.cpcsc.k12.in.us)

([165.138.65.50]) by mxoutdr1.us.army.mil with ESMTP; Fri,

13 Apr 2007 19:29:35 +0000

Date: Fri, 13 Apr 2007 15:29:27 -0400 (EDT)

From: automatedmailer@cpcsc.k12.in.us

Subject: Information For Clark-Pleasant Parents

To: kristine.dubielak@us.army.mil

Message-id: <10594257.1176492567606.JavaMail.SYSTEM@MANAGEMENT>

MIME-version: 1.0

X-Mailer: ColdFusion MX Application Server

Content-type: text/html; charset=UTF-8

Content-transfer-encoding: 7bit

Received-SPF: none

X-AKO: 272003417:165.138.65.50:13 Apr 2007 19:29:35 +0000:\$ACCEPTED:3.5

X-IronPort-Anti-Spam-Filtered: true

X-IronPort-Anti-Spam-Result: AgAAAGB2H0alikEyh2dsb2JhbACCUjYBi1EvfQEBAQgOKg

X-IronPort-AV: i="4.14,408,1170633600"; d="scan'208";

a="272003417:sNHT1250072010"

Original-recipient: rfc822;kristine.dubielak@us.army.mil



<style type="text/css">

<!--

.style1 {font-size: 12px}

-->

</style>

Dear Kristine Dubielak:<br><br>

The purpose of this email is to invite you to visit <a href="http://everymomentcounts.us" target="\_blank">http://everymomentcounts.us</a> to inform<br>

you of the details of our upcoming building projects. This website was created by a<br>

member of the Decades of Excellence Task Force in order to provide the community an<br>

overview of the recent plan recommended by the Task Force and adopted by the Board of<br>

Trustees to provide our growing student population with educational space and resources<br>

in a cost-effective manner.<br><br>

To find out more about the Decades of Excellence Task Force, members, and the process<br>

by which they arrived at this plan, visit <a href="http://www.cpcsc.k12.in.us/longrange.htm" target="\_blank">http://www.cpcsc.k12.in.us/longrange.htm</a>.<br><br>

Sincerely,<br><br>

The Decades of Excellence Task Force<br><br><br><br><br><br><br>

<span class="style1"><div align="center">Note: the presentations found at <a href="http://everymomentcounts.us" target="\_blank">http://everymomentcounts.us</a> requires Adobe Flash<br>

Player 9 or higher (which should install automatically). If not, you can find the free Flash<br>

download at: <a

href="http://www.adobe.com/shockwave/download/download.cgi?P1\_Prod\_Version=ShockwaveFlash" target="\_blank">http://www.adobe.com/shockwave/download/download.cgi?P1\_Prod\_Version=ShockwaveFlash</a>

</div>

</span>

## **Exhibit 3**

AFFIDAVIT of CHRIS YORK

State of Indiana

County of Bartholomew

BEFORE ME, the undersigned Notary, a Notary Public in and for said County and State,

Christopher S. York, on this 24th day of April, 2009, personally appeared before me, known to me to be a credible person and of lawful age, who being by me first duly sworn, on their oath, deposes and says:

1. I am currently, and was in May and June of 2007, a resident in the Clark-Pleasant Community School District.
2. I am a member of the group People for Clark-Pleasant Schools ("People for C-P").
3. In June of 2007, I was working for People for C-P, reviewing claims made in a Microsoft Powerpoint file on the website set up to promote the Clark-Pleasant School Board's position in the petition/remonstrance occurring then.
4. In the course of my review, I discovered, by looking in "File" and then the "Properties" menu of the Powerpoint files, that the listed owner of the Microsoft software was the Clark-Pleasant Community School Corporation.
5. After discovering this, I informed another member of People for C-P, Tad Bohlsen ("Bohlsen"), about my discovery of this information regarding the ownership of the software..

I do hereby sign and swear:

Christopher S York  
[signature of affiant]

Christopher S York  
1075 Arroyo Rd  
Greenwood IN 46143

Witness my hand and Notarial Seal this 24th day of April, 2009.

Rise Witt

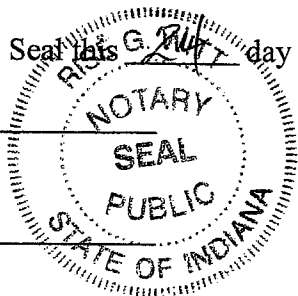
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My Commission Expires

Bartholomew

County of Residence



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**REPORTERS NOTEBOOK**

**C-P tech director creates informational Web site**

A Clark-Pleasant employee hopes to rally support for a new middle school with a Web site explaining the details of the project.

Jim White, technology director for the district, said he became concerned when he heard there were parents who oppose the plans to build a 1,000-student middle school.

The new building is proposed to be built between Sheek Road and Interstate 65, near the cur-



**ON THE WEB**

Visit [www.everymomentcounts.us](http://www.everymomentcounts.us) for updates on the new Clark-Pleasant middle school

rent intermediate school.

White is worried construction would be delayed if someone petitions to stop the project. The district's classroom crunch could get worse if new schools are not built as soon as possible, he said.

His site, called Every Moment Counts, was put together in three evenings on his home computer, where he also recorded himself narrating the slide shows. No one from the district asked him to put the site up or paid for him to do it, he said.

"I am an employee, but I also have a third-grade daughter, and this is going to affect her," White said.

Residents of the district sometimes stop him in public to ask about the middle school project. The site will provide a more in-depth explanation than he could

give in a few minutes at the grocery store, he said.

The site also gives a more simplified account of why the school was proposed, its budget and the effect on taxes than the architect presentations on Clark-Pleasant's Web site, he said.

"There are hundreds of slides on the school's Web site. You can get lost in all of that. My site gets down to the core issues," he said.

White explains the district's plans in his own words through the recordings on his site.

"I hope people will support the project. But if they visit the site and are not convinced, at least they spent some time reviewing it and giving it quality thought," he said.

*Sarah Lipps contributed to this report.*