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August 15, 2024

Via E-mail Delivery Only

James H. McMackin III, Esq.
Morris James, LLP
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Re: **Dr. Daniel C. Shelton v. Donald Patton, Alethea Smith-Tucker, Y.F. Lou, Naveed Baquir, and Board of Education of the Christina School District**

Dear Jim,

Be advised that I represent Superintendent Daniel C. Shelton in all issues arising from his two current employment contracts with the District, who you currently represent. Place the above four individuals and the District on notice of this fact and my demand that they **immediately cease and desist** from violating my client's rights to substantive and procedural due process under the Fourteenth Amendment, as implemented through the Civil Rights Act commonly known as Section 1983. The money damages accruing to my client under the law include lost wages and benefits, but most importantly here unlimited damages to compensate him for the harm to his professional reputation and his emotional and physical distress, together with punitive damages for the intentional, willful, wonton and reckless actions of these persons lawlessly ignoring settled law, as well as the advice of their attorneys.

I attach as Tab A my 2005 verdict totaling \$1,001,533.00 which I obtained against individual school board members and the Sussex Vo-Tech District at that time for a high level administrator.

I also demand that these individuals and the District **immediately stop defaming** my client and injuring his professional reputation, **and apologize** publicly for their wrongful defamatory acts and words, both orally and in writing, over the past several months.

I caution these individuals and the District that the Delaware Constitution has long recognized the importance of protecting an individual's reputation by guaranteeing that "every person" have "remedy by the due course of law" to seek redress for an "injury done him or her in his or her reputation. . . ." Del. Const. Art. I, § 9. Numerous actions and statements adverse to my client have been issued, which became known publicly, on various media, or otherwise, which wrongfully accuses him of grievous misconduct as an educational professional, which makes them and the District open to a claim of unlimited presumed damages for this outrage. All actions which would "lower [him] in the estimation of the community or [] deter third persons

from associating or dealing with him” is wrongful, reckless, malicious and illegal. Spence v. Funk, 396 A.2d 967, 972 (Del. 1978); see Rice v. Simmons, 2 Del. 417 (Del. 1838).

I could go on, but instead will on another occasion address the state law breaches of the July 4, 2020 employment contract with my client, as well as violations of the covenant of good faith and fair dealing by the individuals and the District.

I suggest that you turn this letter over to all the above identified individuals and your insurance carrier.

Be assured that I will not sit idly by and let this man’s good name and career be destroyed.

Very Truly Yours,

A handwritten signature in blue ink, reading "Thomas S. Neuberger". The signature is written in a cursive, flowing style.

Thomas S. Neuberger, Esq.

cc: Client (Via e-mail)
encl.

Tab A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Filed in open court on 3/2/05 03

CAROL C. SCHREFFLER,

Plaintiff,

v.

CHARLES H. MITCHELL, individually
and in his official capacity as the
Vice President of the Board of
Education of the Sussex Technical
School District, JUDY L. EMORY,
TERESA G. CAREY, GREGORY W.
WILLIAMS, RANDALL O'NEAL, and JOHN
E. OLIVER, all individually and in
their official capacities as
members of the Board of Education
of the Sussex Technical School
District, and the BOARD OF
EDUCATION OF THE SUSSEX COUNTY
VOCATIONAL-TECHNICAL SCHOOL
DISTRICT,

C.A. No. 03-781-JJF

Defendants.

SPECIAL VERDICT

As part of your deliberations, please answer the following
questions:

Retaliation For Free Speech

I instruct you that the Court has ruled that plaintiff has
proven that she engaged in protected speech, that is, she spoke
out on matters of public concern. Now answer these questions.

1. Has plaintiff proven by a preponderance of the evidence that her speech was a substantial or motivating factor in the decision not to promote her during the first round of candidate selection?

Yes _____

No X _____

[If you answered "Yes" to question 1, go on to question 2, if you answered "No" go to question 3.]

2. Have the defendants proven by a preponderance of the evidence that regardless of plaintiff speaking out, she still would not have been promoted anyway during the first round of candidate selection?

Yes _____

No _____

[If you answered "Yes" to question 2, go on to question 3. If you answered "No" go to question 5.]

3. Has plaintiff proven by a preponderance of the evidence that her speech was a substantial or motivating factor in the decision not to promote her on October 21, 2003?

Yes X

No _____

[If you answered "Yes" to question 3, go on to question 4, if you answered "No" to question 3 and "No" to question 1, your deliberations have ended.]

4. Have the defendants proven by a preponderance of the evidence that regardless of plaintiff speaking out, she still would not have been promoted anyway on October 21, 2003?

Yes _____

No X

[If you answered "No" to question 2, go on to question 5. If you answered "Yes" to question 4 and "Yes" to question 2 your deliberations are ended.]

Proximate Cause

5. Were the actions of the defendants the proximate cause of any damage to plaintiff?

Yes X

No _____

[If you answered "Yes" to question 5, go to question 6. If you answered "No" your deliberations are ended.]

Damages

6. What dollar amount will fairly compensate plaintiff for any economic losses suffered by her as a result of the violation of her rights?

\$ 176,533.

[Go on to question 7]

7. What dollar amount will fairly compensate plaintiff for any emotional distress, injury to reputation or humiliation suffered by her as a result of the violation of her rights?

\$ 775,000.

[Go on to question 8]

Punitive Damages

8. Do you find that any of the individual defendants acted recklessly, intentionally or maliciously with regard to plaintiff?

Charles H. Mitchell	Yes <u>X</u>	No <u> </u>
Judy L. Emory	Yes <u>X</u>	No <u> </u>
Teresa G. Carey	Yes <u>X</u>	No <u> </u>
Gregory W. Williams	Yes <u>X</u>	No <u> </u>
Randall O'Neal	Yes <u>X</u>	No <u> </u>
John E. Oliver	Yes <u> </u>	No <u>X</u>

If you answered "Yes," and you wish to exercise your discretion to award punitive damages, enter below what you believe to be the amount of punitive damages which you believe is appropriate to punish and deter each defendant's illegal conduct.

Charles H. Mitchell	\$ <u>25,000.00</u>
Judy L. Emory	\$ <u>2,500.00</u>
Teresa G. Carey	\$ <u>2,500.00</u>
Gregory W. Williams	\$ <u>15,000.00</u>
Randall O'Neal	\$ <u>5,000.00</u>
John E. Oliver	\$ <u>Ø</u>

[Your deliberations now have ended.]

THE FOREGOING IS THE VERDICT OF THE JURY.

EACH JUROR MUST SIGN BELOW

Theresa Sampson
Foreperson

Kelly Lawand
Juror

R. J. Paul
Juror

William McCole
Juror

William C. Mellon
Juror

Juror

Mary Anne Caputo
Juror

Dated: 3/2/05