UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FRANCESCO PORTELOS,

Plaintiff,

12 CV 3141 (LDH)

-against-

CITY OF NEW YORK; NEW YORK CITY DEPARTMENT OF EDUCATION; DENNIS WALCOTT, CHANCELLOR OF NEW YORK CITY DEPARTMENT OF EDUCATION; LINDA HILL, PRINCIPAL OF I.S. 49 IN HER OFFICIAL AND INDIVIDUAL CAPACITIES; ERMINIA CLAUDIO IN HER OFFICIAL AND INDIVIDUAL CAPACITIES AS DISTRICT SUPERINTENDENT,

Defendants.

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PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF FRCP RULE 59 MOTION FOR NEW TRIAL

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PRELIMINARY STATEMENT

Pursuant to Rule 59 of the Federal Rules of Civil Procedure, Plaintiff respectfully requests a new trial on the merits despite the Defendants' verdict, dated August 23, 2016.

ARGUMENT

POINT I

THE TRIAL COURT ERRED BY FINDING PLAINTIFF'S SPEECH AT A UNITED FEDERATION OF TEACHERS (UFT) MEETING AND SUBSEQUENT EMAIL TO UFT STAFF NOT PROTECTED SPEECH UNDER THE FIRST AMENDMENT.

After trial of this action commenced and the trial court asked Plaintiff to identify the particular protected speech in the case at the close of its case in chief, Plaintiff raised the fact that union speech can be considered protected speech and cited *Pekowsky v. Yonkers Board of Education,* 23 F.Supp.3d 269, 277 (S.D.N.Y. 2014), in support of the argument that Plaintiff's speech at a January 27, 2012 UFT meeting and subsequent email to staff was protected speech under the First Amendment. The trial court initially agreed with Plaintiff and allowed Plaintiff to amend the complaint and plead these particular instances of union speech as protected speech under the First Amendment. The trial court then concluded the next morning that these particular instances of speech were not protected as they were not matters of public concern and were instead deemed by the trial court speech concerned with the Plaintiff in his personal interest. However, the January 27, 2012 speech, in a union meeting and subsequent email to union staff, clearly implicates matters of public concern.

In this case, key instances of union speech took place on January 27, 2012, before any adverse action was taken against Plaintiff. Plaintiff's email to UFT staff at the school, dated

January 27, 2012, which was admitted into evidence at trial as Defendants' Exhibit X, squarely raises matters of public concern. In the email to the entire school union membership, Plaintiff highlights that he was obstructed from "*communicating with the staff*" and "*sharing important communication*" with them. As testified to on page 270 of the direct testimony of the Plaintiff, he explains that the UFT consultation committee is "*a group of union members that the union leader selects to talk about 'issues in the school'* and *bring them before the principal and try to remedy them.*" Plaintiff also shares concerns with the UFT members, that his removal from the consultation committee is "*too bad*" as he had some "*great ideas.*" In addition, Plaintiff explains in this email to the staff that he hopes "*for the sake of the community this can be worked out.*" In addition, there is more than a reasonable connection that the Plaintiff's "*great ideas*" he was now prevented from offering, could help *"remedy issues at the school...for the sake of the community*" and all of which implicate matters of public concern.

Furthermore, prior to the email identified as Defendants' Exhibit X at trial being sent by Plaintiff to the UFT staff at the school, there was direct testimony from both Plaintiff, and Principal Hill, that a union meeting took place the morning of January 27, 2012. On page 272 of the trial transcript, Plaintiff testified that that in that meeting, he stood up and "*started explaining that people possibly in this room, instead of being united and helping and supporting each other are stabbing each other, giving administration meaningless Facebook posts to cause issues.*" This clearly implies Plaintiff is discussing problematic issues in the school community and therefore matters of "public concern", in addition to workplace bullying that the Court originally found to be a category of protected speech when Plaintiff was blogging about it. There was also trial testimony that the Plaintiff had Facebook friend connections with colleagues (pages 248-249), and the sharing of Plaintiff's Facebook

posts with administration also meant the staff's commentary and speech was being disseminated as well. This could cause unnecessary strife in the public school and therefore is a matter of public concern, as it is more than reasonable to conclude that this type of strife between administration and staff can be of concern to the public when it takes time and resources away from the focus of public education.

There is also trial testimony that the school had approximately 80 UFT members in total (page 274), and roughly 60 members were at the meeting the morning of January 27, 2012 (page 272), where Plaintiff stood up to speak about matters of public concern. The testimony reflects that only three members left when the Plaintiff stood to speak about these issues. Approximately 95% of the staff in attendance, or 70% of the entire school community staff, were therefore "concerned" enough to stay and listen to Plaintiff, when they had absolutely no obligation to remain. This argument of their concern is further compounded by the testimony on page 272 where attendees state "*...we're not leaving. We want to hear what he [Plaintiff] has to say,*" and page 273 where the Plaintiff adds that throughout the day, between the morning meeting and the email identified as Defendants' Exhibit X, members told the Plaintiff "*keep us posted.*" Especially since Plaintiff thereafter became the school's UFT chapter leader after this meeting following this speech, it is difficult to fathom how this speech could be deemed solely of his own personal interest or a mere "intraunion" dispute.

Deeming this speech solely of Plaintiff's own personal interest and not of public concern is an extraordinarily restrictive reading of Plaintiff's testimony at trial, and this speech should have been allowed to have been considered by the jury in the jury instructions. Deeming this speech protected is especially important to Plaintiff's case, as Plaintiff was directly disciplined for this very speech with a disciplinary charge that was subsequently dismissed by a neutral

arbitrator in his Section 3020-a proceeding as without merit, which raises a very substantial inference of Plaintiff's speech being a substantial and motivating factor for subsequent retaliatory adverse actions in the form of discipline against him. In fact, this could have been a basis to grant summary judgment or a directed verdict to Plaintiff on liability on this limited issue.

Therefore, Plaintiff respectfully requests that these two instances of union speech on January 27, 2012, in the form of the email and Plaintiff's speech at a UFT meeting, be reconsidered as protected speech under the First Amendment, because they in fact address matters of "public concern."

POINT II

THE TRIAL COURT ERRED BY PRECLUDING TESTIMONY ON THE TIMING OF PLAINTIFF'S ANONYMOUS PROTECTED COMPLAINT AGAINST PRINCIPAL HILL'S TIMECARD FRAUD ON JANUARY 26, 2012, AND TESTIMONY ABOUT LINDA HILL'S ACKNOWLEDGEMENT OF SUCH SPEECH ON FEBRUARY 14, 2012, AND THROUGH TEXT MESSAGES GIVEN BY PLAINTIFF TO PRINCIPAL HILL ON JANUARY 30, 2012.

It is well established that complaints to investigative agencies, about matters of public concern, are considered protected speech. Plaintiff made over a dozen legitimate complaints to the New York City Special Commissioner of Investigation (SCI) starting in January 2012. Plaintiff's first complaint to an investigative agency was made on January 26, 2012, under the pseudonym "Liz Simpson", regarding Defendant Principal Linda Hill's practice of double dipping by clocking into two overtime programs at the same time. Plaintiff's initial complaint *preceded* any adverse employment action against Plaintiff, and Defendant Hill was ultimately found guilty of this alleged practice.

During the trial of this action, the trial court decided that since the Plaintiff's initial complaint to SCI in January 2012 was made through an email with the pseudonym "Liz Simpson," and the 3020-a hearing officer wrote a footnote, in her 3020-a hearing decision, indicating Principal Hill had no knowledge of the Plaintiff's complaint against her until mid-April 2012, then Plaintiff's January 26, 2012 complaint to SCI about Linda Hill's timecard fraud could not be deemed protected speech.

Plaintiff disputes the trial court's decision on this issue on several grounds. First, the focus of Plaintiff's 3020-a hearing was to adjudicate 37 disciplinary charges against Plaintiff, not to determine the timing of Principal Hill's knowledge of the investigation Plaintiff initiated

against her. The 3020-a hearing officer's mention of timing is only in a conclusory footnote that cites no evidentiary document, or transcript section, to support the timing of Principal Hill's knowledge of Plaintiff's reports against her. In fact, the hearing officer erred by stating in a footnote that Principal Hill had no knowledge of Plaintiff's SCI complaint about her timecards until mid-April 2012, when in fact the evidence shows otherwise. The NYCDOE's own 3020-a hearing Exhibit 17 (i.e., Principal Hill's log of Plaintiff, shown to Principal Hill at trial to refresh her recollection) indicated Principal Hill was aware Plaintiff made an SCI complaint about her timecards against her *before* April 2012.

Second, the discovery in this federal action continued long after the 3020-a hearing concluded in February 2014 (see, e.g., docket entry in this case on April 18, 2014 ordering the production of investigative files pertaining to Plaintiff). During the trial of this case, Plaintiff proffered to the Court that he had received, from Defendants, an audio recording of Principal Hill's sworn testimony before a Special Commissioner of Investigation (SCI) attorney, Daniel Schlachet. In that interview, Principal Hill explains that she first became aware of Plaintiff investigating her timecards when she received a series of text messages between Plaintiff and teacher and UFT chapter leader Dr. Richard Candia from the Plaintiff himself. Plaintiff provided these text messages to her on January 30, 2012, which would indicate she had knowledge of Plaintiff's SCI complaint almost two and a half months earlier than April 2012, and would squarely precede the first adverse employment action commenced against Plaintiff by Principal Hill on January 30, 2012. In fact, the text messages were given to Principal Hill by Plaintiff before lunch on January 30, 2012, and the first complaint by Principal Hill against Plaintiff was submitted after 1:00 PM the same day (as evidenced by SCI discovery documentation provided by Defendants to Plaintiff).

However, after an extensive colloquy between the trial court, Plaintiff's counsel and Defendants' counsel, the trial court ruled to preclude this line of questioning and thus heavily prejudiced Plaintiff's retaliation theory at this point. Even as Plaintiff's counsel broached the topic during direct examination of Plaintiff, the trial court interrupted by stating "*Okay. I want to caution you, Mr. Glass, to make sure that we don't tread into territory that has been deemed impermissible.*" (Page 382 7-16)

Plaintiff further was prejudiced on this issue when Plaintiff's counsel was not able to question Principal Hill and Superintendent Claudio on the timecard issue as discussed during a February 14, 2012 meeting attended by Plaintiff, Superintendent Claudio, and Principal Hill, as Plaintiff had alleged during direct testimony that Principal Hill knew Plaintiff was looking into his timecards at that meeting. This preclusion was made after the trial court originally responded to the Defendants' opposition to this line of questioning at a sidebar about the February 14, 2012 meeting, by stating to Defendants' counsel: "*then it is a question of credibility for the jury to make the determination whether they believe Ms. Hill or Mr. Portelos on this point; correct?"* (page 60 of trial transcript).

This issue of when Principal Hill had knowledge of Plaintiff investigating her overtime timecard practice became even more significant during the jury's deliberation. The jurors asked only one question during their deliberation and it concerned when Plaintiff testified during his direct testimony about *when* he made the complaint about Linda Hill's timecards.

The Court had already previously precluded testimony about the late January 2012 investigation by Plaintiff due to the 3020-a hearing officer's decision, but then further prevented the jury from considering Plaintiff's trial testimony (page 336 of that transcript), that at least

placed Principal Hill's knowledge of Plaintiff's time card report as occurring on February 14, 2012, when she acknowledged knowing about Plaintiff looking into his timecards at that meeting. This confused the timeline for the jury, as the jury only heard that Plaintiff made his report about the timecard speech in late March 2012 (after Principal Hill's initial attempt to refer Plaintiff for 3020-a charges), when in fact he really had made the complaint against Hill on January 26, 2012, with Principal Hill at least aware of it no later than February 14, 2012. This left the jury with two entire months of adverse employment actions against Plaintiff with no prior protected speech, therefore severely damaging the temporal link before the jury in Plaintiff's First Amendment retaliation theory.

It also should be noted that there is precedent in this Circuit that anonymous speech could be considered protected speech and a basis of retaliation at the time of its occurrence when the retaliating actor became aware of the speech, even if the plaintiff attempted to remain anonymous. *See Walton v. Safir*, 122 F.Supp.2d 466 (S.D.N.Y. 2000) (district court concluded that anonymous speech was still protected at the time the NYPD became aware of the speech of Plaintiff, even where Plaintiff tried to remain anonymous by protesting with a hood over her face).

POINT III

THE TRIAL COURT ERRED BY DISMISSING DEFENDANT NYCDOE FROM THE CASE JUST BEFORE CLOSING ARGUMENTS.

In a pre-trial conference held before the Court on August 4, 2016, Defendants initially sought to dismiss the NYCDOE as a defendant in the case for lack of *Monell* liability. Specifically, Defendants' counsel stated in open court that Plaintiff's counsel already conceded the absence of *Monell* liability during a discovery conference before Magistrate Judge Vera Scanlon. Plaintiff's counsel denied any recollection of such a significant concession taking place, and Defendants' counsel was going to research the transcript before Magistrate Judge Scanlon and provide it to the Court. No such conversation was ever presented by Defendants' counsel and as of the August 4, 2016 pretrial conference, the Court kept the NYCDOE as a Defendant in the case.

The Court issued a written decision on the Defendant's Motion for Summary Judgement on August 13, 2016, on the Saturday before trial was to commence on Monday, August 15, 2016. In the decision, the Court again stated "*Defendants' motion for summary judgment as to Plaintiff's First Amendment claim is denied as to the DOE.*"

On the fifth day of trial, Friday August 19, 2016, Defendants' counsel yet again raised the issue of *Monell* liability with respect to the NYCDOE. The Court gave Plaintiff "a minute and a half" to offer a legal citation as to why the NYCDOE should continue to remain in the case. Unable to find the relevant citation in a minute and a half, the Court dismissed the defendant NYCDOE from the case and had the parties move on to closing arguments.

Plaintiff had time to research the relevant statutes the next day and found authority (N.Y.S. Education Law 2590-j 7b) that Superintendent Claudio was indeed the final policy maker, to explain that NYCDOE should remain in the case as a Defendant on the verdict sheet.

Plaintiff also shared an email from Laura Brantley, Esq. (designee of the chancellor) asking for consent from Defendants Erminia Claudio and Linda Hill, before filing 3020-a charges against Plaintiff. The Court responded that this email is not in evidence. However, at that point of trial, there was no need to produce that email before the jury as the NYCDOE was a Defendant and at the point of the dismissal of the NYCDOE, Plaintiff had already rested his case. Despite the Court agreeing that the Education Law provision was applicable, and that on the merits the NYCDOE should have remained as a Defendant in the case before the jury, the Court incorrectly refused to add NYCDOE back onto the verdict sheet on Tuesday, August 23, 2016, pursuant to F.R.C.P. Rule 54(b), therefore leaving the jury confused why a municipal defendant was not left in the case at the time of its deliberations.

POINT IV

THE TRIAL COURT ERRED BY DISMISSING THE CITY OF NEW YORK AS A DEFENDANT AFTER DEFENDANT'S SUMMARY JUDGMENT MOTION.

This action involved many investigations by the New York City Special Commissioner of Investigation (SCI), where the Plaintiff was both the subject and complainant in complaints made to that entity. In fact, between Plaintiff and Defendants, over 50 investigations were initiated with SCI. Discovery in this action revealed that the investigations by SCI, where Plaintiff was the complainant, were often purposely whitewashed or delayed, whereas the investigations where he was the target of the investigation commenced by the school administration against him were given more credence and pushed to the forefront.

During discovery in this action, Plaintiff requested the outcome of all investigative files that related to him with SCI, regardless of whether the investigations were substantiated or not. Overruling the Defendants' argument that these investigative files should be precluded from discovery as open investigations, Magistrate Judge Vera Scanlon ruled, during a discovery conference on April 17, 2014 (Docket 46 page 24 line 9 to page 25 line 19), that these files should be provided in discovery as relevant because Plaintiff's argument that there was potential whitewashing of allegations by investigative bodies had been made.

Defendants did subsequently furnish all ""Portelos related" files to Plaintiff pursuant to Magistrate Judge Scanlon's ruling. In fact, they furnished 7,000 pages of files. A review of those files showed an overwhelming disregard for Plaintiff's allegations against administration in that these allegations (a) were either bounced to the NYCDOE "legal counsel's office" where they never saw closure; (b) ended with redacted outcomes, sometimes showing handwritten investigator notes that a case was substantiated, when the official outcome of the investigation

showed it was not; (c) follow-up questioning did not take place by investigators; or (d) simply the case file concluded with no outcome whatsoever on Plaintiff's allegations.

Plaintiff raised these concerns (including the fact that SCI admittedly planted evidence against Plaintiff about selling real estate on the job (calling it an *error*) before the Court in pre-trial conferences, and in response to the Defendants' Motion for Summary Judgment. Not only did the Court dismiss the City of New York as a Defendant despite SCI's actions, but also precluded testimony of the investigative case outcome and file review at trial at all. This severely prejudiced the case theory of Plaintiff and prevented the jury from relevant evidence regarding the treatment of which Plaintiff had been subject to by municipal defendants.

POINT V

THE TRIAL COURT ERRED BY DISMISSING OTHER SPEECH OF PLAINTIFF AS NOT PROTECTED BY THE FIRST AMENDMENT.

This action was about a pattern of retaliation for Plaintiff's exercise of protected speech rights, spanning years of speech by Plaintiff through many different venues. Many of his utterances of speech took place in the form of Plaintiff's blog and social media, discussing taxpayer funded waste and mismanagement. Even though Plaintiff wrote over 200 articles on his blog, and the events took place over a 2 year time period, the Court astoundingly restricted the Plaintiff's direct testimony to only approximately 2 hours. This heavily prejudiced Plaintiff in establishing an accurate timeline of speech in relation to adverse employment actions before the jury. It should be noted, that even though, from start to finish and inclusive of redirect, the Plaintiff's testimony did exceed the 2 hour restraint, a search of the transcript found that Defendants' counsel Jessica Giambrone objected 106 times which led to many time-consuming discussions in sidebar.

At the end of day four of the trial, after Plaintiff testified and rested his case, the Court requested that Plaintiff provide exact instances and dates of speech for consideration, with citations to the trial transcript. Plaintiff was given less than three hours to do so, as they were due at 6:30 pm that same night. Under severe time pressure, Plaintiff prepared a chart of 22 instances of alleged protected speech and cited trial testimony to support his claims. *See* chart of protected speech, annexed hereto as **Exhibit A**. All but three instances of speech were then deemed not protected by the Court the next day. This preclusion of the alleged denial of Plaintiff's protected speech included the blogging of workplace bullying and blogging about reassignment, that the Court had stated it would be considered a protected category of speech in

the Court's decision on the summary judgment motion. Plaintiff was only notified of the dismissal of these many instances of speech as not protected, just before the end of cross examination of the last Defendant and after Plaintiff had already rested his case. At the close of the trial, the Court criticized Plaintiff for not putting on enough evidence to support his blogging activities being protected, despite setting time limits on his direct testimony.

The Court also referenced Defendant's interrogatory request 9 that asked what speech the Plaintiff asserts he was retaliated for. Plaintiff originally objected to that interrogatory request "on the grounds that it is overbroad and unduly burdensome," but did mention some of the many instances of speech in that response at the time. The Court admonished the Plaintiff for not being more specific as to the instances of alleged protected speech then, but also admonished the Defendants for not raising this issue until the end of trial.

In any case, Plaintiff was severely prejudiced by the fact that it had only a short time to produce a list of protected speech to the Court and then have only 3-4 instances deemed protected by the Court, the earliest of which occurred two months after the speech mentioned in Part I above.

POINT VI

THE TRIAL COURT ERRED BY DEEMING ALL SCHOOL LEADERSHIP TEAM (SLT) SPEECH NOT PROTECTED AND GRANTING DEFENDANTS SUMMARY JUDGMENT ON THIS POINT AT THE FINAL PRETRIAL CONFERENCE.

At the final pretrial conference on August 4, 2016, the Court issued an oral ruling that it would deem all of Plaintiff's speech related to the School Leadership Team (SLT) as not protected. This severely prejudiced Plaintiff's theory of the case and the retaliation timeline for the jury.

The Court's decision was based on the fact that Plaintiff was sitting on the SLT member as a teacher, was acting in his official duties, and was compensated for it. However, the fact that he was compensated $270 should not diminish his constitutional rights. The parents on the SLT were also compensated and had they raised the same concerns, they would have been afforded protection under the First Amendment. The dismissal of Plaintiff's speech protections while participating in the SLT found by the Court also appears to directly contradict an earlier decision in this case by Judge Roslynn R. Mauskopf on Defendants' motion to dismiss at a very early stage in this action. In denying the Defendants' motion to dismiss the SLT speech, Judge Mauskopf wrote (page 4, February 28, 2013 Docket Entry 25):

"*The complaint supports a reasonable inference that all three instances of speech were made in plaintiff's capacity as a citizen and not pursuant to his employment duties. See Taylor, 2012 WL 3890599, at *7 (denying motion to dismiss when the complaint did not specify the contents of plaintiff's speech, but supported a reasonable inference that the speech was not made pursuant to plaintiff's employment duties). In addition, the complaint and plaintiff's motion papers support a reasonable inference that the SLT, SCI, and OSI are channels through which civilians can voice complaints, suggesting that a relevant civilian analogue exists for plaintiff's speech. See Weintraub v. Bd. of Educ. of City Sch. Dist. of New York, 593 F.3d at 204 (citing with approval Freitag v. Ayers, 468 F.3d 528, 545 (9th Cir. 2006)).*

The complaint also alleges that all three instances of plaintiff's speech involved matters of public concern. The complaint supports a reasonable inference that allegations regarding adoption of the school budget and CEP, budget allocations, possible misconduct by the Principal and Assistant Principal, corporal punishment, and false accusations were not calculated to

redress plaintiff's personal grievances, but instead had a "broader public purpose." See Ruotolo, 514 F.3d at 189 (quoting Lewis v. Cohen, 165 F.3d 154, 163–64 (2d Cir. 1999))."

The Court's very late ruling deeming all of Plaintiff's SLT speech unprotected shortly before trial was to commence unfortunately creates a "chilling effect" for public servants and turns willing speakers into restrained observers that ultimately is of greater concern to the public. It also precluded many instances of protected speech that preceded the retaliatory actions Plaintiff suffered starting in late January 2012, and required Plaintiff to change his theory of the case substantially a week before trial was to commence in this action.

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that the Court grant an Order granting Plaintiff's motion for a new trial (notwithstanding the verdict) pursuant to Rule 59 of the Federal Rules of Civil Procedure, together with such other and further relief as the Court deems just and proper.

Dated: New York, New York
September 18, 2016

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By: _____s/_____
BRYAN D. GLASS, ESQ.
ANDREA MOSS, ESQ.

EXHIBIT A

	Portelos v NYCDOE et al 12 CV 3141		
Date of Protected Speech	**Explanation**	**Transcript Pages**	**Exhibit**
Fri Jan 27, 2012	Spoke up at UFT meeting about workplace bullying and false allegations	272-273, 674	Def Exhibit DD
Fri Jan 27, 2012	Responded to Richard Candia email and copied UFT staff regarding January 27th early morning meeting, telling Candia Plaintiff won't resign	273-275	Def Exhibit X
Wed Feb 1, 2012	Continued Sharing of Workplace Bullying on Social Media for years	372-374	-
Thu Mar 8, 2012	ProtectPortelos.org blog is made public and shares concerns about workplace bullying, financial misconduct safety issues and misappropriation of funds	372-374	-
Fri Mar 16, 2012	NY Post Interview about Blog and financial misconduct allegations against principal.	376	-
Fri Mar 16, 2012	NY Post about blog and financial misconduct allegations against principal published	376	-
Sat Mar 24, 2012	FOIL Time cards	382-383	-
Wed Mar 28, 2012	Updated to new Blog and published workplace bullying	377	
April 2012	Publicly identified Plaintiff's name to timecard investigation to investigators	384	
Wed Apr 18, 2012	Filed Corporal Punishment against AP Denise Diacomanolis moving 8th grade honors student to 6th grade English Language Learner Class for 3 weeks	391-392	-
Wed Apr 18, 2012	Email entire UFT staff about continued workplace bullying and false allegations	577, 671-672	Def Exhibit HH
Wed Apr 18, 2012	Filed False Allegation investigation against Rich Candia and Susanne Abramowitz with DOE OSI	600	
Wed May 16, 2012	Blog about taxpayer waste and workplace bullying	379	
***5/27/2012**	**NY Post Exposes Return of the reassigning of teachers (Rubber Room) paying them to sit and do nothing**	**379-380**	
Tue Jun 12, 2012	SCI investigation to corporal punishment by AP Denise Diacomanolis	555	
Fri Aug 24, 2012	Blog about continued reassignment	372	
October 2012	Created Occupywarrenstreet.org that shared statistical data trends showing increase in incidents, financial misconduct and other concerns. "sinking ship that we need to save."	592	
Thu Oct 4, 2012	Live Streamed from Rubber Room and media coverage	380-382	
Fri Oct 5, 2012	Live Streamed from Rubber Room and media coverage	380-382	
Tue Dec 4, 2012	Spoke at CEC meeting District 31	393-395 & Claudio Cross	
Mon Jan 7, 2013	Spoke at CEC 31	395	-

***4/25/2013**	**Special Commissioner of Investigation publishes a report online referencing investigations initiated Plaintiff lodged against Principal Hill and AP Diacomanolis. The report is emailed by SCI to the press. Articles ensue.**	**386**	**-**
***Note**	**May 27, 2012 and April 25, 2013 were added after the intial print out given during the break for your consideration as well.**		
**	Subject to additional testimony		