

August 13, 2012

VIA E-MAIL

Rob Ross, Esq.
Legal Counsel
Douglas County School District
2812 N. U.S. Highway 85, Bldg. E
Castle Rock, CO 80109

Re: District Restrictions on Constitutional Rights of Brian Malone

Dear Mr. Ross:

This law firm has been retained by Brian Malone; Christopher Beall and I are serving as cooperating attorneys for the ACLU of Colorado on behalf of Mr. Malone. I write in response to the letter sent to Mr. Malone dated August 9, 2012, by Mr. Knapp.

As presently stated in Mr. Knapp's letter, Mr. Malone is prohibited from setting foot on any Douglas County School District ("DCSD") property other than the schools at which his two daughters are students. Moreover, at those schools, Mr. Malone is prohibited from using any device to record any audio or video without prior approval from Mr. Knapp, which must be petitioned for five business days in advance.

As you know, in addition to being a member of the public and a parent of two children enrolled in DCSD, Mr. Malone is a member of the press. As a member of the press, Mr. Malone has videotaped and audio-recorded numerous meetings of the DCSD Board of Education, prior to his removal from the Board meeting on August 7, 2012. Mr. Malone fully intends to continue to exercise his constitutionally-protected right to attend public meetings of the School Board, and to videotape and record those meetings, on the same legal footing as any other member of the public or press.

Accordingly, we hereby demand that DCSD immediately withdraw the directives prohibiting Mr. Malone from *attending* any future School Board meeting, or the meeting of any other local public body conducted on DCSD grounds. We also demand that DCSD immediately withdraw the further directive that requires Mr. Malone (unlike any other member of the public or press) to submit a petition five business days in advance of any such public meeting and receive prior approval before engaging in audio or video recording of such meetings.

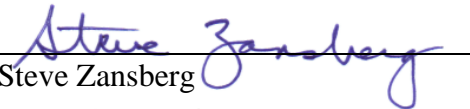
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August 13, 2012
Page 2

Please respond with an affirmative statement that DCSD has lifted these two unconstitutional restrictions on Mr. Malone's rights as a member of the press, no later than close of business on Tuesday, August 14, 2012. If we do not receive such written confirmation from you by that time, we intend to seek judicial relief from the unconstitutional restrictions the District has placed upon Mr. Malone.

Sincerely,

LEVINE SULLIVAN KOCH & SCHULZ, LLP

By: 
Steve Zansberg

SDZ/cdh

cc: Mark R. Knapp, Area Manager, Department of Safety & Security,
Douglas County School District RE-1
Brian Malone
Mark Silverstein, Esq., Legal Director, ACLU of Colorado