

August 16, 2023

**Via Email**

Leigh E. Dalton, Esq.  
Stock and Leader  
Susquehanna Commerce Center East  
221 W. Philadelphia St., Ste. E600  
York, PA 17401

**RE: David a/k/a Shasha Yates**

Dear Attorney Dalton,

I represent Michelle Smyers, individually and as an elected school board member for the Gettysburg Area School District (“School District”). I write regarding the executive session and Board Meeting scheduled for August 21, 2023, whereby the continued employment of David a/k/a Sasha Yates (“Yates”) will be considered.

First, I understand that during executive sessions you have advised school board members that they could be held personally liable in a suit brought by Yates related to his employment with the School District. Accordingly, as the attorneys for Ms. Smyers, we plan to be present at all executive sessions discussing or deliberating the employment of Yates. Obviously, your ethical duties as solicitor to the Board are to the Board. The Board’s interest might diverge from Ms. Smyers’ interest. And you are conflicted in providing legal advice to Ms. Smyers that might be in the best interest of Ms. Smyers but not the Board. Therefore, Ms. Smyers is entitled to independent counsel to assist her in making decisions that might affect her personal liability.

Second, we understand that Ms. Smyers has made repeated requests for a copy of all reprimands issued to Yates and any other relevant documentation that she may request related to Yates’ employment. Ms. Smyers has a duty to be informed of School District affairs. Ms. Smyers needs the information she has requested to make an informed decision concerning Yates’ employment. She “is not restricted to

information furnished at a public meeting ... [but] has the right to study, investigate, discuss and argue problems and issues prior to the public meeting at which [she] may vote.” *Smith v. Twp. of Aleppo*, 2005 WL 4984380, at \*11 (W.D. Pa. 2005) (citations omitted). But we understand the School District has refused to provide this critical information to Ms. Smyers. Neither you nor any other representative of the School District gets to decide what information is available to Ms. Smyers. *Id.*

Ms. Smyers is not an ordinary citizen that must request that information through the Right to Know process. By not providing Ms. Smyers with the necessary information for her to fulfil her official duties she is effectively removed from office.

We trust this matter can be resolved without litigation. However, if the information that Ms. Smyers has requested is not produced by the close of business tomorrow, August 17, 2023, the School District will leave me with no option but to file suit. Please feel free to contact me with any questions.

Respectfully,



Wally Zimolong, Esquire