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February 12, 2024

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Ms. Monica Johnson


**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND
VIA U.S. REGULAR MAIL**

RE: My Client: Marlin Independent School District ("Marlin ISD")

Dear Ms. Johnson:

Please be advised that this law firm represents Marlin ISD in the above-referenced matter. Please direct all future communication and correspondence to this office only.

It is my understanding that your child was a graduating senior during the 2022-2023 school year at Marlin ISD. As you know, the initial graduation ceremony date of May 27, 2023, was postponed to June 22, 2023. Marlin ISD made this decision because many of the senior students did not meet the requirements for graduation due to attendance or grades. The additional time allowed a majority of these students to meet the necessary prerequisites for graduation. Marlin ISD was committed to provide the necessary resources and support for these graduating seniors. The good news was that all thirty-eight students of the Class of 2023 graduated.

It is required by Marlin ISD to comply with all of its board policies. An audit concerning the Class of 2023 students revealed discrepancies contained within their transcripts. It was incumbent upon Marlin ISD to follow the provisions contained within its Board Policies EIC(Local), EIA(Local), and FEC(Local). Therefore, additional time was necessary for many students to meet the academic standards set by the Texas Education Agency before the graduation ceremony could occur.

On or about May, 2023, to the present, you have continued to publish posts and replies on X (formerly known as Twitter) and Facebook, and also publish interviews on

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YouTube which are defamatory against Marlin ISD and Dr. Darryl J. Henson, who is the Superintendent of Schools at Marlin ISD.

Publication of a false statement of fact to a third party is a threshold requirement for proving defamation. *Dallas Morning News, Inc. v. Tatum*, 554 S.W.3d 614, 623 (Tex. 2018) (citing *Exxon Mobil Corp. v. Rincones*, 520 S.W.3d 572, 579 (Tex. 2017)). Defamation may occur through slander or through libel. *Dallas Morning News*, 554 S.W.3d at 623. Slander is a defamatory statement expressed orally. *Id.* The elements of slander are (1) a defamatory statement, (2) which is orally communicated or published, (3) without legal justification, and (4) which is actionable per se or per quod. *Glenn v. Gidel*, 496 S.W.2d 692, 697 (Tex. Civ. App.—Amarillo 1973, no writ).

By contrast, libel is a defamatory statement expressed in written or other graphic form. See *Tex. Civ. Prac. & Rem. Code Ann. § 73.001*; *Dallas Morning News*, 554 S.W.3d at 623. The elements of libel are (1) the publication of a false statement of fact to a third party, (2) that was defamatory concerning the plaintiff, (3) with the requisite degree of fault, and (4) damages, in some cases. *In re Lipsky*, 460 S.W.3d 579, 593 (Tex. 2015).

You committed slander and libel against Marlin ISD and Dr. Henson through your posts on X (formerly known as Twitter) and Facebook, and publishing interviews on YouTube.

You are instructed to **IMMEDIATELY CEASE AND DESIST** from publishing any additional defamatory statements against Marlin ISD and Dr. Henson. If Marlin ISD is forced to file a lawsuit due to the unlawful conduct identified herein, it will seek not only its actual damages, punitive damages, attorney's fees, court costs, and applicable interest, but also will move to obtain temporary injunctive relief and a permanent injunction against you and all persons/entities acting in concert with you.

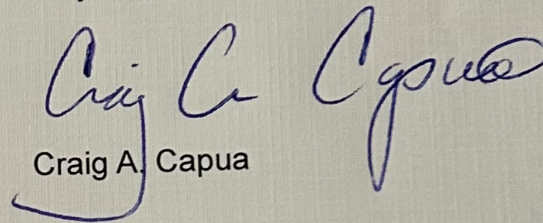
Because this matter may result in litigation, you are hereby given notice not to destroy, conceal, or alter any paper or electronic files, other data generated by and/or stored on your computer systems and storage media (e.g., hard disks, floppy disks, backup tapes, "cloud"/online storage media), or any other electronic data, such as voicemail. This includes but is not limited to: financial records, including bank records; paper correspondence; e-mail and other electronic communications; social media posts; website and other marketing materials; word processing documents; spreadsheets; databases; calendars; telephone logs; contact manager information; Internet usage files; offline storage or information stored on removable media; information contained on

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laptops or other portable devices; and network access information. Please forward a copy of this letter to all persons, attorneys, and/or entities with custodial or other responsibility for the items referred to in this letter.

Your prompt attention to this very urgent matter is much appreciated.

Very truly yours,


Craig A. Capua