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Petition seeks to expose web posters

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Special to the Countian

A petition seeking damages for libel and libel per se has been filed by three of the four people who received letters from the Fox School District last year warning them to curtail alleged "threats, defamation and harassment."

The three plaintiffs — Sam Ferry, Michelle Tyler and Richard Simpson Jr. — say they have been defamed on the online forum Topix.com. The defendant named in the suit currently is John Doe, as the actual defendants are unknown Internet commenters. However, on Monday, Jefferson County Circuit Judge Gary Kramer ruled in favor of a motion to compel AT&T and Charter Communications to disclose subscriber information to determine who the IP addresses on the site belong to.

Last year, the three plaintiffs, along with Dennis Mueller, had been vocal in their discontent with the school district for hiring the then-school board president's daughter-in-law as the district's food services director. Kelly Nash, daughter-in-law of board president Linda Nash, was hired with a \$65,000-a-year salary.

Although a number of people in the district complained that she was not qualified for the job, four were singled

out to tone down their behavior or face legal action. They were each sent a letter from Ernest Trakas of the law firm Mickes Goldman O'Toole stating that their actions "have been such that they are impeding the ability of the district to accomplish its goal of educating students."

Attorney Daniel Jacob Herman of Schwartz, Herman & Davidson is handling the libel case. He said the allegedly defamatory comments posted on Topix were mostly made under the heading of "Nepotism on Fox School Board." Most of the comments were made last year, and some have been deleted, he said.

Although posts made on Topix are thought to be anonymous, the plaintiffs will be provided with the names, addresses and phone numbers of those who are paying for the Internet services with AT&T or Charter.

"In general, you don't have the right

to injure other people," Herman said. "Anonymity is protected up to a point, but the law allows you to get subscriber information."

Once the identity of those posting is known, Herman said, he plans to update the petition to reflect that information.

Since the hiring of the food services director, the school board has seen many new faces. Two longtime incumbents seeking re-election on the seven-member school board lost last April. Since then, the board approved an anti-nepotism policy that prohibits board members from hiring relatives to supervisory positions such as principals, assistant principals and department directors.

In this year's election, two more new candidates were chosen to serve on the board: Dawn Mullins and Vernor Sullivan. Only incumbent John Laughlin was re-elected after board members Dar

Smith and Nash decided not to run again.

The case is *Samuel Ferry et. al. v. John Doe*, 14JE-CC00092.