

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

DAVID FLYNN,	)	
	)	
<i>Plaintiff,</i>	)	
	)	Civil Action Number: 1:21-cv-10256-IT
v.	)	
	)	
MICHAEL J. WELCH, <i>et al.</i> ,	)	
	)	
<i>Defendants.</i>	)	
_____	)	

**Plaintiff David Flynn’s Memorandum of Points and Authorities  
in Opposition to Defendants’ Motion for Summary Judgment**

This is a civil rights action brought by David Flynn against Michael J. Welch, Jim Forrest, and Stephen Traister. In the Fall of 2020, Flynn was a parent of two Dedham Public Schools students and a lifelong Dedham resident. He also was the head football coach at Dedham High School. Concerned about the content of his seventh-grade daughter’s “World Geography and Ancient History I” class as well as the way it was being taught, Flynn and his wife Ann spoke with their daughter’s teacher. Because the teacher did not resolve their concerns, the Flynns reached out to the middle school principal. Dissatisfied with the principal’s response, Flynn emailed the superintendent of Dedham Public Schools. After the Flynns met with the superintendent, the Flynns remained concerned about their children’s education, how their concerns were responded to, and the direction of Dedham Public Schools under the superintendent’s supervision. Based on discussions with other parents and citizens, the Flynns believed it was necessary to raise their concerns with the Dedham School Committee and others within the community. Flynn therefore expressed his concerns in an email dated October 22, 2020, which he sent to several school committee members and approximately twenty other members of the community. A few months later, Defendants Superintendent Michael J. Welch,

Dedham High School Principal Jim Forrest, and Athletic Director Jim Traister decided not to reappoint Flynn as head football coach. After informing Flynn of their decision, Defendants emailed football players informing them of their decision. They also issued a press release to the media.

Although Defendants contend that Flynn was speaking as a public employee and that their interests in the efficient performance of Dedham Public Schools' public services outweighed Flynn's interest in exercising his First Amendment rights, abundant record evidence would permit a jury to find otherwise. The October 22, 2020 email at issue in this case makes clear that Flynn was speaking as a parent-citizen, not as an employee. In addition, there is no evidence whatsoever that Flynn's First Amendment activities would have had any impact in the efficient performance of Dedham Public Schools.

Accordingly, Flynn respectfully submits this memorandum and accompanying statement of disputed facts in opposition to Defendants' motion for summary judgment. For the reasons stated below, Defendants' motion should be denied.

## **Argument**

### **I. Summary Judgment Standard.**

"Summary judgment is appropriate when the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. A dispute is genuine if the evidence about the fact is such that a reasonable jury could resolve the point in the favor of the non-moving party. A fact is material if it has the potential of determining the outcome of the litigation. All reasonable inferences must be drawn in favor of the non-moving party." *Doherty v. American International College*, 2019 U.S. Dist. LEXIS 55774, \*11-12 (D. Mass. Mar. 31, 2019) (internal citations and quotation marks omitted).

## II. Defendants violated Flynn's First Amendment rights.<sup>1</sup>

To prevail on a First Amendment retaliation claim, a public-employee plaintiff must establish that (1) he spoke as a citizen on a matter of public concern; (2) that his interest in commenting upon those matters outweighed the defendant's interests in the efficient performance of its public services; and (3) that his protected speech was a substantial or motivating factor in the defendant's adverse employment actions. *Buldoc v. Town of Webster*, 629 F. Supp. 3d 132, 145 (D. Mass. 2009) (citing *Lewis v. City of Boston*, 321 F.3d 207, 218-19 (1st Cir. 2003)). Defendants do not dispute that Flynn's speech was a substantial or motivating factor in their decision not to reappoint Flynn. Nor do they dispute that their decision not to reappoint Flynn was an adverse employment action. In addition, the evidence with respect to the first two prongs is such that a reasonable jury could resolve them in favor of Flynn.

### A. Flynn spoke as a parent-citizen on a matter of public concern.

"The first step itself has two subparts: the plaintiff must establish (a) that [t]he spoke as a citizen and (b) that the speech was on a matter of public concern." *Buldoc*, 629 F. Supp. 3d at

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<sup>1</sup> Defendants assert, "As an initial matter, the undisputed facts demonstrate that it was only Plaintiff's October 22, 2020 email that resulted in Defendants' decision not to reappoint Plaintiff as football coach." Defs' Mem. at 6. However, Defendants own interrogatory answers prove this assertion is incorrect. Welch's Interrogatory Answers (Ex. L) at 4 ("The decision not to reappoint Plaintiff as football coach was made based on the statements made and positions taken in Plaintiff's October 2020 *emails* sent to members of the School Committee." (emphasis added)); Forrest's Interrogatory Answers (Ex. M) at 2 ("The decision not to reappoint Plaintiff as football coach was made based on the statements made and positions taken in Plaintiff's October 14 and 23, 2020 emails sent to members of the School Committee."); Traister's Interrogatory Answers (Ex. N) at 3 ("The decision not to reappoint Plaintiff as football coach was made based on the statements made and positions taken in Plaintiff's October 2020 *emails* sent to members of the School Committee." (emphasis added)). Because there is a factual dispute as to the reasons why Defendants decided not to reappoint Flynn, Defendants' motion for summary judgment should be denied.

146. Although it does not appear as though Defendants dispute that Flynn's speech was a matter of public concern, out of an abundance of caution, Flynn will address the issue below.

**1. Flynn spoke as a parent-citizen, not as head football coach.**

In determining whether a public-employee plaintiff spoke as an employee or a citizen, a court must ask whether the speech underlying the claim was made pursuant to the employee's official duties. *Gilbert v. City of Chicopee*, 915 F.3d 74, 82 (1st Cir. 2019). "In considering this question, [the First Circuit] look[s] to several 'non-exclusive factors,' which help distinguish speech by a public employee in a professional versus a private capacity." *Id.* They include: whether the employee was commissioned or paid to make the speech in question; the subject matter of the speech; whether the speech was made up the chain of command; whether the employee spoke at his place of employment; whether the speech gave objective observers the impression that the employee represented the employer when he spoke (lending it "official significance"); whether the employee's speech derived from special knowledge obtained during the course of his employment; and whether there is a so-called citizen analogue to the speech. *Id.* (citing *Decotiis v. Whittemore*, 635 F.3d 22, 32 (1<sup>st</sup> Cir. 2011)).

In their memorandum, Defendants contend that three of the factors favor them: the subject matter of the speech, the speech was made up the chain of command, and the speech gave objective observers the impression that the employee represented the employer when he spoke. The evidence however does not support Defendants' assertion, and the other four factors favor Flynn.

Defendants assert that Flynn's October 22, 2020 email "went beyond the areas of concern that could reasonably be attributed to another parent or member of the community." Defs' Mem. at 8. However, the plain language of the email speaks for itself. For example, the first sentence

of the email states, “Ann and I had a sit-down meeting with the Dedham Public Schools Superintendent Michael Welch today regarding the issues involved with the Middle School.” Emails (Ex. B)<sup>2</sup> at P00033-P00037. Flynn then proceeded to describe not only what he and his wife discussed with Superintendent Welch during the meeting but also their concerns about the information that the superintendent shared with them during this meeting. *See generally id.* Later in the email, Flynn even wrote, “I will sum up the Superintendents [sic] meeting with my wife and I.” *Id.* The evidence shows that the subject matter of Flynn’s speech concerned the meeting he and his wife had with Superintendent Welch and the Flynn’s belief that Superintendent Welch was not the right person to lead Dedham Public Schools. The evidence – namely the October 22, 2020 email – would permit a jury to find that such speech does not go beyond the areas of concern of a parent-citizen.

Defendants also assert that the speech was directed up the chain of command. However, neither the Dedham School Committee nor other members of the community are Flynn’s ultimate supervisor. Defs’ Mem. at 8. Under Massachusetts law, only “a principal may dismiss or demote any teacher or other person assigned full-time to the school, subject to the review and approval of the superintendent.” G.L. c. 71, § 42. In addition, a “superintendent may dismiss any employee of the school district” (*id.*), which includes athletic coaches. G.L. c. 71, § 47A. School committees, on the other hand, only “have the power to select and to terminate the superintendent, [] review and approve budgets for public education in the district, and [] establish educational goals and policies for the schools in the district consistent with the requirements of law and statewide goals and standards established by the board of education.” G.L. c. 71, § 37.

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<sup>2</sup> “Ex.” citations refer to exhibits to the Declaration of Michael Bekesha in Support of Plaintiff David Flynn’s Opposition to Defendants’ Motion for Summary Judgment.

The Dedham School Committee does not have the authority over athletic coaches as members of the committee confirmed in testimony.<sup>3</sup> White Dep. (Ex. H) at 8:14-15 (When asked if the school committee had hiring and firing authority over athletic coaches, White testified, “absolutely not.”); *id.* at 64:9-10 (“I have no decisionmaking as far as that goes.”); LaPrade Dep. (Ex. G) at 50:11-12 (“ultimately it was his decision.”). Because Flynn did not send his October 22, 2020 email to Superintendent Welch, Principal Forrest, or Athletic Director Traister, his speech was not made up the chain of command.<sup>4</sup>

Defendants also assert that Flynn’s speech gave objective observers the impression that he represented Dedham Public Schools when he spoke. The evidence however would permit a jury to find otherwise. As Athletic Director Traister testified, Flynn’s October 22, 2020 email “had nothing to do with being the football coach.” Traister Dep. (Ex. D) at 74:6-7. The email did contain an automatic signature at the end of it, which included “Head Football Coach – Dedham High School.” Defs’ Mem. at 9. But it also included additional information. The entire automatic signature block reads:

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David M. Flynn

M.Ed – Moderate Special Needs (5-12) – BHS: LECE Program

Head Football Coach – Dedham High School

Go Marauders!

Teamwork-Optimism-Unity-Guts-Heart

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<sup>3</sup> Superintendent Welch also testified, “[T]he school committee knows that these are personnel decisions [and] that they are not in control over” them. Welch Dep. (Ex. C) at 62:17-19.

<sup>4</sup> This fact further strengthens Flynn’s assertion that he was engaging in protected petitioning of the government when he sent his October 22, 2020 email to school committee members.

Emails (Ex. B) at P00033-P00037. The first sentence under his name refers to his teaching position in another school district (Braintree, Massachusetts). Traister Dep. (Ex. D) at 81:12-92:4. Importantly, when Athletic Director Traister saw the first sentence, he did not think Flynn sent the email as a special needs teacher for Braintree High School. *Id.* at 92:17-22. In addition, Flynn's signature block also included a reference to the Dedham High School mascot, Marauder. Since he grew up in Dedham and played football for Dedham High School, Flynn always considered himself a lifelong Marauder, even when he was not living or working in Dedham. *See* Flynn Dep. (Ex. F) at 164:3-14. Moreover, although Flynn "cited his professional experience as an educator and football coach of 27 years" (Defs' Mem. at 9), he did so in one sentence out of a five-page email. The entire sentence reads, "I told him that I have been a teacher for 22 years and have coached football at every level for 27 years." Emails (Ex. B) at P00033-P00037. Flynn did not identify himself as the Dedham High School Football coach in that sentence, and he has never been a teacher within the Dedham Public Schools. In short, neither of those two instances would prevent a jury from finding that an objective observer would believe that Flynn was speaking as a parent-citizen, not as a representative of Dedham Public Schools, when he sent his October 22, 2020 email.

Furthermore, the remainder of the factors demonstrate that Flynn was speaking as a parent-citizen. *Gilbert*, 915 F.3d at 82. Flynn was not paid by Dedham Public Schools to send the October 22, 2020 email. Welch Dep. (Ex. C) at 60:18-20. Nor did Flynn speak at the place of his employment. He did not use his Dedham Public Schools' email account or speak about the issues addressed in the email on the football field or in the locker room with the players. *Id.* at 60:12-17; 61:11-14. Nor did the content of Flynn's email derive from special knowledge obtained by him as football coach. *Id.* at 61:15-19. All the information contained in the email

was learned by the Flynns during their meeting with the superintendent. *See* Emails (Ex. B) at P00033-P00037; Welch Dep. (Ex. C.) at 61:20-23. Moreover, there is a so-called citizen analogue to the speech. Flynn wrote to the superintendent's supervisors about concerns he and his wife had after meeting with the superintendent. *Id.* at 61:3-10; 61:20-23.<sup>5</sup> Any parent-citizen can undertake such speech. *Decotits*, 635 F.3d at 34.

In sum, the evidence would permit a jury to find that the subject matter of the speech was that of a parent-citizen, not a football coach; that the speech was not directed up the chain of command; and that an objective observer would not have the impression that Flynn represented Dedham Public Schools. Summary judgment in Defendants' favor should be denied.

## **2. Flynn spoke on a matter of public concern.**

Again, it does not appear as though Defendants dispute that Flynn's speech was a matter of public concern. Nor could they. The evidence plainly shows that his speech "relate[s] to any matter of political, social, or other concern to the community." *Davignon v. Hodgson*, 524 F.3d 91, 101 (1st Cir. 2008).<sup>6</sup>

In his email, Flynn discussed numerous issues of concern to the Dedham community. They include: (1) Dedham Middle School changing the seventh-grade social studies curriculum

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<sup>5</sup> Athletic Director Traister described the October 22, 2020 email as "a lengthy email . . . about the issues that went on at the middle school. It went on about a meeting that Mr. Flynn and his wife had with Mr. Welch. It went on about how that Mr. Flynn did not think that meeting went well. . . . I believe it had more about the things that went on at the middle school, things that went on with his daughter[.] . . . And then it went into the meeting itself that him and – Mr. Flynn and Mrs. Flynn had with Mr. Welch, and then it spoke of things that Dave didn't agree with the schools and didn't agree with Mr. Welch." Traister Dep. (Ex. D) at 50:3-19.

<sup>6</sup> Even if it were disputed, whether his speech was a matter of public concern "is a case-specific, fact-dependent inquiry," which would be best left for a jury to decide. *Davignon*, 524 F.3d at 101.

without informing parents; (2) a teacher using a Memoji wearing a Black Lives Matter t-shirt; (3) Dedham Public Schools hiring based on race and teaching critical race theory in the classroom; and (4) the Superintendent's response to the Flynns' concerns.

With respect to the first two issues, Superintendent Welch agrees that they are matters of public concern. He believes the Flynns' concerns about the failure to notify parents about the curriculum change were valid, and Dedham Public Schools changed their policies in the months after the October 22, 2020 email. *See* Welch Dep. (Ex. C) at 18:18-20; *id.* at 46: 11; *id.* at 37:7-14 (“We’ve made changes in policy at the school committee level. We’ve established a curriculum advisory that incorporates parent and community members to broadly review any changes around curriculum or concerns that may arise. And I made it clear to [the Assistant Superintendent] that if there changes that were occurring in curriculum, we should be notifying parents in advance so they’re aware.”). Superintendent Welch, like the Flynns, also had concerns about the teacher’s use of a Black Lives Matter Memoji. *Id.* at 20:17-21:13. Several school committee members also agreed with the Flynns’ concerns. LaPrade Dep. (Ex. G) at 11:21-12:1; *id.* at 94:4-8; White Dep. (Ex. H) at 23:14-16; Briggs Dep. (Ex. I) at 43:24-45:4.

With respect to the other two issues, they too are a matter of public concern. Whether critical race theory should be taught in public schools and whether race should be a factor in hiring were – and still are – topics being debated across the country.<sup>7</sup> Similarly, whether a

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<sup>7</sup> *See e.g.*, Richard L. Cravatts, *There’s cause for concern in teaching critical race theory*, The Boston Globe (Jul. 5, 2021, available at <https://www.bostonglobe.com/2021/07/05/opinion/theres-cause-concern-teaching-critical-race-theory/>) (“Since the Minneapolis police murder of George Floyd last spring, the ascent of the Black Lives Matter movement, and a renewed emphasis on teaching critical race theory in public schools, school systems nationwide have been adding diversity, equity, and inclusion offerings. But as they do so, districts find themselves

public official, like the superintendent, is adequately performing his duties is a matter of inherent public concern. *Davignon v. Hodgson*, 524 F.3d 91 at 102. In addition, the content of Flynn’s emails were topics of discussion at school committee meetings. White Dep. (Ex. H) at 75:23-76:5 (Q: “Has the content of Mr. Flynn’s emails been a topic of discussion at any school committee meetings?” A: “Yes.” Q: “Do you know how many school committee meetings?” A: “A few. I don’t know exactly.”). The issues of concern to the Flynns and raised in the October 22, 2020 email were matters of public concern.

**B. Flynn’s interest in commenting upon those matters outweighed Defendants’ interests in the efficient performance of Dedham Public Schools’ public services.**

Citing *Garcetti v. Ceballos*, 547 U.S. 410 (2006), the First Circuit has held:

Government employers, like private employers, need a significant degree of control over their employees’ words and actions; without it, there would be little chance for the efficient provision of public services. Because public employees often occupy trusted positions in society, when they speak out, they can express views that contravene governmental policies or impair the proper performance of governmental functions. However, because a citizen who works for the government is nonetheless a citizen, so long as employees are speaking as citizens about matters of public concern, they must face only those speech restrictions that are necessary for their employers to operate efficiently and effectively.

*Curran v. Cousins*, 509 F.3d 36, 47 (1st Cir. 2007). Because Defendants do not seriously challenge – nor could they – the value of Flynn’s October 22, 2020 email, Defendants justify their decision to not reappoint Flynn on two grounds. First, Defendants argue that they had a legitimate interest in protecting Dedham Public Schools’ educational mission. Second, they argue that they were entitled to a modicum of respect and decorum. Neither has any merit.

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butting heads with parents and others alarmed at the extent to which discussion of race has been forced into schools.”). Furthermore, Defendants’ repeated use in their brief of intemperate language such as “xenophobic” to describe the Flynns’ sincere personal beliefs is misplaced and inappropriate.

In support of their assertion that they were justified not to reappoint Flynn because he expressed views held by him and his wife that were contrary to the school district's educational mission, Defendants rely on two cases: *Hennessey v. City of Melrose*, 194 F.3d 237 (1st Cir. 1999) and *Griswold v. Driscoll*, 625 F. Supp. 2d 49 (D. Mass. 2009). However, both cases concern classroom speech, which is not present here.

In *Hennessey*, the adverse action against a student teacher took place after four incidents: a conversation in school with a teacher, which frightened the teacher (194 F.3d at 247); “audible denigration and visible petulance in the learning environment, in front of students and others” (*id.* at 248); calling an art exhibition “disgusting” and “obscene” during class and in front of parents and pupils (*id.*); and “challeng[ing] the propriety of permitting such activities to occur in the public schools and remain[ing] adamant about the moral correctness of his position” during a meeting with the principal. *Id.* As the First Circuit succinctly stated, the adverse action taken against *Hennessey* “had nothing to do with the content of [his] statements, and everything to do with the time, place, and manner in which he communicated his sentiments.” *Id.* at 249. The facts in *Hennessey* could not be more inapposite. Here, Flynn communicated with members of the school committee and other members of the community. He did not email any of the defendants, who he reported to as football coach. Nor did he email other coaches, teachers, or any students. He also did not let his long-held, sincere personal views interfere with his job.<sup>8</sup> As all Defendants acknowledged, there has never been a concern that Flynn was treating players differently based on race, because English was not their first language, or based on their economic status. Welch Dep. (Ex. C) at 86:2-5; *id.* at 88:20-89:6; Traister Dep. (Ex. D) at

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<sup>8</sup> As Welch even testified, it is possible for an individual to have personal beliefs but also perform a job separate and distinct from those personal beliefs. Welch Dep. (Ex. C) at 90.

125:17-21. Nor are Defendants aware of any instances where Flynn was not being equitable on the football field towards players. Welch Dep. (Ex. C) at 85:6-16; Traister Dep. (Ex. D) at 125:10-16; Forrest Dep. (Ex. E) at 82:22-83:15. Nor are they aware of any instances where Mr. Flynn did not embrace, support, or welcome a player or potential player on his football team. Welch Dep. (Ex. C) at 91:1-5. Simply put, the evidence would permit a jury to find that Flynn would not be a hindrance to the efficient operations of Dedham Public Schools or its educational goals, like the student teacher in *Hennessey* was to his school district.

Similarly, with respect to their reliance on *Griswold*, Defendants cherry pick a sentence out of that decision and misapply it. Defs' Mem. at 10. The entire paragraph reads:

A state or local school board has a greater right to restrict speech by a teacher, who is one of its representatives, if the teacher's statements are contrary to the lessons that it has decided students should be taught or is otherwise inappropriate. As the First Circuit has written: A teacher's classroom speech is part of the curriculum. Indeed, a teacher's principal classroom role is to teach students the school curriculum. Thus, schools may reasonably limit teachers' speech in that setting.

*Griswold v. Driscoll*, 625 F. Supp. 2d 49, 60 (D. Mass. 2009) (internal quotation marks and citations omitted). Flynn's speech did not take place in a classroom or even on the football field. It was contained within an email sent from his personal email account to school committee members and members of the community. The assertion that *Griswold's* recitation of a school district's authority to restrict a teacher's speech in the classroom has any relevance to this case cannot withstand minimal scrutiny.

Defendants' argument that they were justified in their action because Flynn expressed strong views of the superintendent faces a similar fate. Defendants again rely on *Hennessey*, which simply does not apply because Flynn's email was sent to school committee members and members of the community from his personal email account. It was not sent as part of his

official duties as football coach. Nor did it concern a disagreement Flynn had with Superintendent Welch related to football or even Dedham High School, where he was employed.

As Superintendent Welch testified:

Q: [W]hen Mr. Flynn wrote “he acted like a weak soft canary, he did nothing about the issues in the schools that will become a major problem involving hatred and violence very soon.” He again refers to you?

A: That’s my understanding, yes.

Q: And acted refers to how Mr. Flynn viewed you act[ing] during your meeting with him as well as I guess in response to the emails we talked about previously?

A: I took that to mean the interaction within the meeting.

Q: And that was the meeting with him and his wife?

A: Yes.

Welch Dep. (Ex. C) at 59:20-60:17.

In addition, *Curran v. Cousins*, 509 F.3d 36 (D. Mass. 2007) does not save their argument. In *Curran*, the plaintiff was a corrections officer who “made highly inappropriate and violent comments regarding Adolf Hitler and the Nazis on the [union’s] website.” 509 F.3d at 47. Specifically, “Curran identifies Hitler as the Sheriff, the Jews as the Correctional Officers, the Nazi generals as the Department’s deputies and captains, and another group – including himself – as those who may attack the Nazis.” *Id.* at 47-48. Moreover, Curran’s posting discussed “violent and reference plots against Hitler, whom Curran has repeatedly identified as the Sheriff.” In other words, “Curran urged a similar secret [assassination] plot against the Sheriff” by sheriff department employees. *Id.* at 48. After reviewing such facts, the First Circuit concluded that the plaintiff’s speech “directly went to impairing discipline by superiors, disrupting harmony and creating friction in working relationships, undermining confidence in the

administration, invoking oppositional personal loyalties, and interfering with the regular operation of the enterprise.” 509 F.3d at 50.<sup>9</sup>

Here, Defendants, without any evidence whatsoever, allege that Flynn’s speech “show a severe lack of respect for Superintendent Welch and were an attempt to undermine his authority and control.” Defs’ Mem. at 14. That is it. Such a bare allegation does not even compare to the serious concerns in *Curran*. They do not allege that Flynn advocated for employees of Dedham Public Schools to assassinate – or even disobey – Superintendent Welch. Nor could they. Flynn’s October 22, 2020 email simply raises concerns the Flynns had about Superintendent Welch after they met with him about their daughter’s education.

Importantly, there were no disruptions to Dedham Public Schools. Flynn’s email was sent on October 22, 2020. Until Defendants informed the public on January 20, 2021 that Flynn would not be reappointed, no disruptions occurred. Welch 72:22-73:4 (Ex. C); Forrest Dep. (Ex. E) at 71:21-72:11; Traister Dep. (Ex. D) at 55:15-59:5. In addition, Defendants did not believe the email would affect how Flynn would coach football. *Id.* at 51:21-52:1; *id.* at 70:13-71:5; *id.* at 106:7-10; Welch Dep. (Ex. C) at 84:17-20; 87:19-3. The evidence would permit a jury to decide that Defendants were not justified in their action.

### **III. Defendants are not entitled to qualified immunity.**

“A plaintiff may overcome qualified immunity by first making out the violation of a constitutional right, and second, establishing that the right was clearly established at the time of

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<sup>9</sup> The First Circuit also recognized “the ‘heightened need for order, loyalty, morale and Harmony’ in a law enforcement agency affords it ‘more latitude in responding to the speech of its officers than other government employers.’” *Curran*, 509 F.3d at 50 (citing *Oladeinde v. City of Birmingham*, 230 F.3d 1275, 1293 (11th Cir. 2000)). A school district is not a law enforcement agency.

the defendant's alleged violation." *Decotiis*, 635 F.3d at 36 (internal quotation marks and citations omitted). "The clearly established step comprises two subparts: first, whether the contours of the right were sufficiently clear that a reasonable official would understand that what he is doing violates that right, and second, whether in the specific context of the case, a reasonable defendant would have understood that his conduct violated the plaintiffs' constitutional rights." *Id.* (internal quotation marks and citations omitted).

"A right is considered clearly established if viewed objectively at the time the defendant acted, he was on clear notice that what he was doing was unconstitutional." *Id.* at 37 (internal quotation marks and citations omitted). "For a constitutional right to be clearly established there does not need to be a prior case with factually identical circumstances finding such a right." *Id.* (internal quotation marks and citations omitted). "Rather, notable factual differences may exist between prior cases and the circumstances at hand as long as the state of the law at the time gave the defendant fair warning that his action or inaction was unconstitutional." *Id.* (internal quotation marks and citations omitted).

In addition, "[q]ualified immunity is often applicable in cases of alleged First Amendment retaliation by a government employer. That is because the first two elements of the three-part test – whether the plaintiff spoke as a citizen on a matter of public concern and whether his interest in commenting outweighs the government's interest in promoting efficiency – are fact-intensive and can 'rarely be considered 'clearly established' for purposes of the *Harlow* qualified immunity standard.'" *Ballinger v. Town of Kingston*, 2019 U.S. Dist. LEXIS 213122, \*\*49-50 (D. Mass. Dec. 10, 2019) (quoting *McGunigle v. City of Quincy*, 132 F. Supp. 3d 155, 176 (D. Mass. 2015)).

This case is the exception. Abundant evidence demonstrates that at the time Defendants decided not to reappoint Flynn, Flynn's rights were clearly established. First, Defendants do not dispute that they took an adverse employment action because of Flynn's speech. Second, not a single factor supports the proposition that Flynn was speaking as a public employee and not as a parent-citizen. Based on the four corners of Flynn's October 22, 2020 email, no objective observer would believe Flynn was speaking as anything but a parent-citizen. Third, Defendants have not demonstrated a legitimate reason why Dedham Public Schools' interests outweighed Flynn's First Amendment rights. No case has even come close to suggesting speech outside the confines of the classroom (or football field) could be a disruption to the educational mission of the school district. Similarly, no case comes close to concluding that parents' strong views of how a school district handled concerns about their child's education is not protected speech. Fourth, according to Superintendent Welch's testimony, when he asked Flynn what his intentions were in sending the October 22, 2020 email, Flynn stated:

[H]e sent it to a whole bunch of people in the community that he felt were similarly aligned with his thinking, and he intended for that to spark a discussion with the school committee around some of the goals and values and direction the district was taking.

Welch Dep. (Ex. C) at 92:1-7. Flynn's speech was so clearly protected that a reasonable official would have understood that what he was doing would violate Flynn's First Amendment rights. *See e.g., Mullen v. Tiverton School District*, 504 F. Supp. 3d 21, 33 (D.R.I. 2020); *see also Gustafson v. Jones*, 290 F.3d 895, 913 (7th Cir. 2002) ("Instead, the issue is whether any employer could have thought it was entitled to punish an employee for speech on a matter of public concern where the speech caused no actual disruption of any kind for four months, and where the employer neither articulates a belief that the speech has the potential to be disruptive

in the future, nor has evidence to support the reasonableness of such a belief. We need look no further than *Connick* to know that the answer to that question is no. The law to that extent was clearly established, and thus the district court properly denied qualified immunity to the defendants.”).

In a last-ditch attempt, Defendants contend that they are entitled to qualified immunity because they relied on counsel and that they made the decision not to reappoint Flynn together. Neither strengthens their claim. “Reliance on advice of counsel alone does not per se provide defendants with the shield of immunity.” *Sueiro Vazquez v. Torregrosa de la Rosa*, 494 F.3d 227, 235 (1st Cir. 2007). This is especially true when a jury could find that a defendant did not actually rely on the advice of counsel. *Borges Colon v. Roman-Abreu*, 438 F.3d 1, 19 (1st Cir. 2006). Here, Defendants allege that they relied on the advice of counsel; however, the evidence says otherwise. When asked, “Did you speak to anybody about Mr. Flynn’s First Amendment rights before you decided not to reappoint him,” Superintendent Welch testified, “No.” Welch Dep. (Ex. C) at 83:8-11. In addition, Superintendent Welch testified that he spoke with counsel concerning “contractual issues.” Welch Dep. (Ex. C) at 74:7-75:17. In other words, Defendants could not have relied on the advice of counsel with respect to Flynn’s First Amendment rights because they did not speak with counsel about such rights.<sup>10</sup>

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<sup>10</sup> To the extent the Court intends to rule that Defendants are entitled to qualified immunity because of their reliance on counsel, Flynn would respectfully request an opportunity to conduct discovery about the conversations Superintendent Welch had with counsel as well as Principal Forrest’s and Athletic Director Traister’s understanding of such conversations. *United States v. Locascio*, 357 F. Supp. 2d 536, 550 (E.D.N.Y. 2004) (“[C]ourts have repeatedly concluded that, where a party places matters which would be covered by the attorney-client privilege at issue, such as by asserting a reliance on counsel defense, the attorney-client privilege will be waived in order to prevent the privilege from being used for the purpose of prejudicing an opponent’s case by providing only selective disclosure.”). Prior to Defendants’ motion for summary judgment, Defendants had not asserted a “reliance on counsel” defense.

Similarly, Defendants suggest that because “multiple officials made this decision together,” “not every reasonable official would have understood” not reappointing Flynn because of his speech was a First Amendment violation. Defs’ Mem. at 17. First, the test is not “every” reasonable official but rather “a” reasonable official. *Decotiis*, 635 F.3d at 36. Second, Superintendent Welch did not discuss Flynn’s First Amendment rights with the other defendants or even the school committee members. Welch Dep. (Ex. C) at 82:11-14; *id.* at 83:8-11. Nor is there any evidence that Principal Forrest, Athletic Director Traister, or the school committee members even considered Flynn’s First Amendment rights before they agreed with the decision not to reappoint Flynn because of his October 22, 2020 email.<sup>11</sup> Defendants are not entitled to qualified immunity.

#### **IV. Plaintiff has suffered damages.**

Defendants assert that Flynn cannot show any damages. Defs’ Mem. at 18. The evidence, however, would permit a jury to find otherwise. First, it is indisputable that Flynn was informed of the decision not to reappoint him approximately one month before the high school football season was to take place. It is also indisputable that both he and Dedham Public Schools believed he would be the football coach for that upcoming season and that he was to be paid \$9,944.00 to coach that season. Plf’s Initial Disclosures (Ex. A) at 14. In response to this, Defendants allege that Plaintiff failed to mitigate his damages. The evidence does not support their allegation. Flynn did not receive offers to coach the season that was to begin in February 2021. He received offers to coach the season beginning in September 2021. Flynn Dep. (Ex. F)

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<sup>11</sup> In addition, to the extent there is a dispute of material facts concerning what information Defendants possessed at the time they decided not to reappoint Flynn, such issues must be decided by the trier of fact, i.e. the jury. *Kelley v. Laforce*, 288 F.3d 1, 7 (1st Cir. 2002).

at 167:4-168:1 (Flynn testifying on August 26, 2021 why he decided not to coach “this fall” and how he had “been offered different positions throughout the spring and the summer.”); *id.* at 169:2-4 (Flynn testifying on August 26, 2021 that he has received offers to coach football “*this year.*”) (emphasis added). Since his appointments have always been one year, any mitigation would have had to occur in February 2021, not September 2021. Regardless, the evidence shows that he was only offered assistant coaching positions (*id.* at 169:11-17), which would have been a demotion from his prior position as head coach.

The evidence also would permit a jury to find that Flynn has suffered emotional distress from Defendants’ action. Flynn testified:

- “My heart was broken. I’ve been involved in football my entire life. And for this to be taken away from me in such a manner, it devastated me.” Flynn Dep. (Ex. E) at 167:6-9.
- “I couldn’t bring myself to be involved with football. It just hurt.” *Id.* at 167:13-15.
- “I can’t even drive by the high school. I drove by that school every day of my life. I don’t do it anymore. I had to find a new route because it hurts me so bad driving by that field of the school.” *Id.* at 167:16-19.
- “I didn’t know if I was going to be able to put my whole heart and soul into the job. And I have a hard time watching football. I never miss a game on TV. There’s certain games in the spring league and stuff, when they’re doing college football previews, I have a hard time watching it. I’m not interested in it anymore. I’m not the same person.” *Id.* at 167:23-168:7.

Similarly, the evidence would permit a jury to conclude that Flynn’s reputation has suffered because of Defendants’ action. Flynn’s Dep. (Ex. E) at 154:23-155:2 (“I was let go as the football coach of Dedham High School. And my reputation as a good football coach I believe has been tarnished due to it.”). The evidence also would permit a jury to conclude that Flynn suffered harassment because of Defendants’ action. Flynn sent his email to school committee members and other members of the community on October 22, 2020. On January 20, 2021,

Defendants sent a letter and released a press release the following day. For three months between Flynn’s speech and Defendants’ actions, he was not called a racist or white supremacist. It was only after Defendants publicly announced that Flynn was not reappointed because he “expressed significant philosophical differences with the direction, goals, and values of the school district” that he was called those names. Initial Disclosures (Ex. A) at 15-16; Flynn Dep. (Ex. E) at 142:18 -144:23; *id.* at 155:9-10. Although it was unusual for the school district to publicly announce a reason for why an athletic coach was not reappointed, Defendants insisted they do so, even against the advice of school committee members and counsel. Welch Dep. (Ex. C) at 94:5-12; *id.* at 95:14-18 (Welch testifying that the school committee chair preferred that Defendants “say [Flynn was] not being reappointed without any type of cause” and that the school district’s attorney “did not believe that [such language] was necessary.”). The abundant evidence would permit a jury to find Flynn suffered damages.

### **Conclusion**

For the reasons stated above, Flynn respectfully requests the Court deny Defendants’ Motion for Summary Judgment.

Dated: February 17, 2022

Respectfully submitted,

/s/ Michael Bekesha  
Michael Bekesha (BBO No. 675787)  
JUDICIAL WATCH, INC.  
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Tel: (202) 646-5172

*Counsel for Plaintiff*

**Certificate of Service**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 17, 2022.

/s/ Michael Bekesha

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

DAVID FLYNN,	)	
	)	
<i>Plaintiff,</i>	)	
	)	Civil Action Number: 1:21-cv-10256-IT
v.	)	
	)	
MICHAEL J. WELCH, <i>et al.</i> ,	)	
	)	
<i>Defendants.</i>	)	
_____	)	

**Plaintiff David Flynn’s Statement of Disputed Facts**

Plaintiff David Flynn, by counsel and pursuant to Rule 56.1 of the Local Rules of Civil Procedure submits this concise statement of the material facts of record as to which it is contended that there exists a genuine issue to be tried. Below, Flynn reproduces the numbered paragraphs appearing in Defendants’ statement of undisputed facts, together with subparagraphs and record citations concerning material disputes raised by Flynn.

1. David Flynn is a resident of the town of Dedham. Flynn Dep., 8:3-4. From 2011 to 2019, Flynn was the head football coach for Dedham High School. Flynn Dep., 19:9-12.

**Response: Not Disputed.**

2. Michael Welch is the Superintendent for Dedham Public Schools. Complaint ¶ 4. Jim Forrest is the Principal at Dedham High School. Complaint ¶ 5. Stephen Traister is the Athletic Director for Dedham High School. Complaint ¶ 6.

**Response: Not Disputed.**

3. As head football coach for Dedham High School, Flynn received yearly appointments from Dedham High School to coach the football team. Flynn Dep., 29:1-18. Flynn’s most recent yearly appointment was for the 2019 football season. Flynn Dep., 19:9-12.

As head football coach, Flynn received a stipend. Plaintiff's Initial Disclosures, Pg. 14. In 2019, the stipend was \$9,936. *Id.*

**Response: Disputed. In addition to the facts identified in this paragraph, Flynn estimates he would have earned \$9,944.00 during Fiscal Year 2021. Plf's Initial Disclosures (Ex A<sup>1</sup>) at 14.**

4. In the fall of 2020, Flynn's two children were enrolled in the Dedham public schools. Complaint ¶ 10. Specifically, Flynn's daughter was enrolled in 7<sup>th</sup> grade at the Dedham Middle School. Complaint ¶ 17.

**Response: Not Disputed.**

5. Because of COVID 19, at that time, Dedham public schools were operating remotely. Complaint ¶ 17.

**Response: Not Disputed.**

6. In addition, because of COVID 19, there was no high school football season in fall of 2020. Welch Dep., 52:18-22.

**Response: Not Disputed.**

7. In September 2020, Flynn expressed concern about the lessons being taught to his daughter in 7<sup>th</sup> grade social studies class. Complaint ¶¶ 20-22. Specifically, Flynn (and his wife) were concerned about the change in curriculum from World Geography and Ancient History to issues involving the unit on "identity," which discussed, among other things, citizenship and race relations, topics connected to the protests after George Floyd's murder. *Id.*

**Response: Disputed. Flynn disputes Defendants' characterizations of his and his wife's concerns. He also disputes that the concerns identified above are inclusive of all of their**

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<sup>1</sup> "Ex." citations in Flynn's responses refer to exhibits to the Declaration of Michael Bekesha in Support of Plaintiff David Flynn's Opposition to Defendants' Motion for Summary Judgment.

**concerns. Flynn's emails speak for themselves. See Emails (Ex. B).**

8. Flynn and his wife contacted Kim Randall, their daughter's 7<sup>th</sup> grade social studies teacher and Karen Hillman, the principal of Dedham Middle School, to discuss their concerns. Complaint ¶ 22. After communicating with the Middle School, Flynn did not feel that his concerns were being addressed. *Id.*

**Response: Disputed. Flynn disputes Defendants' characterizations of his and his wife's communications. Flynn's emails speak for themselves. See Emails (Ex. B).**

9. As such, on October 7, 2020, Flynn sent an email to Michael Welch. Welch Exhibit 1; October 7-13, 2020 Emails. In the email, Flynn asked Welch for advice on how he should proceed with his concerns. *Id.* at 2. Some of Flynn's identified concerns were that the middle school's website did not have an updated curriculum for the 7<sup>th</sup> grade class and that parents were not informed about the change in curriculum. *Id.* at 2.

**Response: Disputed. Flynn disputes Defendants' characterizations of his and his wife's concerns. He also disputes that the concerns identified above are inclusive of all of their concerns. Flynn's email speaks for itself. See Emails (Ex. B).**

10. On October 8, 2020, Welch responded to Flynn, stating that the school district did not do a great job informing the community about the curriculum changes for the 7<sup>th</sup> grade class. Welch Exhibit 1; October 7-13, 2020 Emails; pg. 4.

**Response: Disputed. Flynn disputes Defendants' characterization of Superintendent Welch's email. Superintendent Welch's email speaks for itself. See Emails (Ex. B).**

11. Flynn responded to Welch on October 8, 2020. In his response, he expressed his concern that Ms. Randall, the 7<sup>th</sup> grade teacher, was not being objective in instructing the class on these issues. Welch Exhibit 1; October 7-13, 2020 Emails; pg. 4-5. Flynn believed Ms.

Randall was not being objective, as her “avatar” during on-line lessons was wearing a “Black Lives Matter” t-shirt. *Id.* at 5. On October 13, 2020, Welch responded to Flynn, thanking him for his perspective. *Id.* at 5.

**Response: Disputed. Flynn disputes Defendants’ characterizations of his and his wife’s concerns. He also disputes that the concerns identified above are inclusive of all of their concerns. Flynn’s email speaks for itself. See Emails (Ex. B). Flynn also disputes Defendants’ characterization of Superintendent Welch’s email. Superintendent Welch’s email speaks for itself. See *id.***

12. The next day, October 14, 2020, Flynn sent Welch another email, informing him that he and his wife were removing their children from the Dedham Public Schools. Welch Exhibit 3; October 14, 2020 Email; pg. 1. Upon receiving the email, Welch responded and asked to meet with Flynn and his wife to discuss his concerns. *Id.* at 3.

**Response: Disputed. Flynn disputes Defendants’ characterizations of his and his wife’s concerns. He also disputes that the concerns identified above are inclusive of all of their concerns. Flynn’s emails speak for themselves. See Emails (Ex. B). Flynn also disputes Defendants’ characterization of Superintendent Welch’s email. Superintendent Welch’s email speaks for itself. See *id.***

13. On October 21, 2020, Flynn and his wife met with Welch to discuss the situation involving their daughter’s class. Flynn Dep., 84:18-85:24; Welch Exhibit 6; October 22, 2020 Email; pg. 1.

**Response: Not Disputed.**

14. After that meeting, on October 22, 2020, Flynn sent an email to several members of the Dedham School Committee as well as his family and friends. Flynn Dep., 92:15-93:6;

132:8-21. The title of the email was “This is the final draft of my entire message—please share.” Welch Exhibit 6; October 22, 2020 Email; pg. 1. In the email, Flynn made the following statements about the Dedham Public Schools and Superintendent Welch.

- a. “It was very clear that he [Welch] was only there to hear Ann [Flynn] and myself so he can say he listened to us.”
- b. “He [Welch] then started on about how Dedham Schools must be committed to being more involved with Diversity, Equity and Inclusion. . . . Equity is not humanly possible Equity is a word used by socialist [sic].”
- c. “He [Welch] said that Dedham schools are open to people expressing themselves in ways they feel will help the students. He then said that there are no restrictions to that but I said, but you will not let a kid wear a Budweiser shirt in school when Bud never killed anyone and BLM has.”
- d. “He [Welch] said that we need to understand the cultures of all these families from around the globe such as some cultures may not look people in the eye if its offensive to their culture. I interjected and said, not when they are in this country. I understand if I traveled there but now they are here. I should not have to adapt to their culture, they should adapt to America.”
- e. “I told him [Welch] that the truth about the hatred and violence involved in the BLM movement will all come out and everyone will see for themselves very soon. I told him that I believed that celebrating Thanksgiving and Christmas in peace and harmony this year may be in jeopardy. He [Welch] told me that he did not believe that and that was only my opinion. I also said, there is a right way to go about teaching young minds about the issues and differences in the world and a

wrong way to do it. DPS [Dedham Public Schools] is wrong at this time. They are creating separation. They are starting the process of division which leads to civil unrest.”

f. “I will sum up the Superintendent’s meeting with my wife and I.

- He supports BLM
- He thinks Dedham is “astronomically white”
- He allows politics in the classroom.

....

- He thinks every employee of the schools need to be taught how to care for, communicate with and understand the lives of people from all races/cultures

- He did not care that his teachers are indoctrinating 12 year old children
- He did not care that the Middle School principal lied to us twice

....

- He doesn’t care about the people in this town.”

g. “He [Welch] acted like a weak, soft canary and did nothing about the issues in the schools that will all become a real major problem involving hatred and violence very soon.”

h. “He [Welch] is the wrong man for the job. Every kid in the Dedham Public Schools is in for a rude awakening in some of their classes.”

Welch Exhibit 6; October 22, 2020 Email; pg. 2-5.

**Response: Disputed. Flynn disputes Defendants’ characterizations of his and his wife’s concerns. He also disputes that the concerns identified above are inclusive of all of their concerns. Flynn’s email speaks for itself. See Emails (Ex. B).**

15. Welch received a copy of the October 22, 2020 email from a school committee member. Welch Dep., 48:1-4. In reviewing the email, Welch was concerned that given Flynn's public statements about the school district and himself, he could no longer represent the school as the head football coach at Dedham High School. Welch Dep., 48:20-49:5; 78:12-79:15.

**Response: Not Disputed.**

16. In November and December 2020, Welch discussed his concerns with Traister, Forrest and other members of the School Committee. Welch Dep., 50:16-53:1, 63:20-65:7. All of the individuals with whom Welch discussed the October 22, 2020 email with had similar concerns about Flynn. Welch Dep., 63:20-65:7, 76:19-77:6.

**Response: Disputed. Defendants' decision not to reappoint Flynn was made based on more than just Flynn's October 22, 2020 email. Welch's Interrogatory Answers (Ex. L) at 4 ("The decision not to reappoint Plaintiff as football coach was made based on the statements made and positions taken in Plaintiff's October 2020 *emails* sent to members of the School Committee." (emphasis added)); Forrest's Interrogatory Answers (Ex. M) at 2 ("The decision not to reappoint Plaintiff as football coach was made based on the statements made and positions taken in Plaintiff's October 14 and 23, 2020 emails sent to members of the School Committee."); Traister's Interrogatory Answers (Ex. N) at 3 ("The decision not to reappoint Plaintiff as football coach was made based on the statements made and positions taken in Plaintiff's October 2020 *emails* sent to members of the School Committee." (emphasis added)). For this reason alone, Defendants' motion for summary judgment should be denied.**

17. In addition, Welch discussed his decision not to reappoint Flynn with legal counsel for Dedham Public Schools. Welch Dep., 74:1-21.

**Response: Disputed. Superintendent Welch only spoke with legal counsel for Dedham Public Schools about "contractual issues." Ex. C (Welch Dep.) at 74:7-75:17; He did not**

**speak to him about Flynn's First Amendment rights. *Id.* at 83:8-11.**

18. At that time, due to COVID, there was no decision whether there would be a high school football season in 2020-2021. Welch Dep., 52:16-22. As such, Welch did not take any action in response to Flynn's email in November or December 2020. Welch Dep., 63:8-19.

**Response: Not Disputed.**

19. In December 2020, Welch learned that there would be a football season in the spring of 2021. Welch Dep., 63:12-15. As such, Welch, after consultation with Forrest and Traister, made a preliminary determination that Flynn would not receive an appointment to be the head football coach. Welch Dep., 75:18-77:6.

**Response: Disputed. Defendants, not Welch alone, made the decision not to reappoint**

**Flynn. Traister Dep. (Ex. D) at 69:7-70:2; Welch's Interrogatory Answers (Ex. L) at 3**

**("Defendants Michael Welch, Jim Forrest, and Steve Traister jointly made the decision not to reappoint Plaintiff as football coach."); Forrest's Interrogatory Answers (Ex. M) at 3; Traister's Interrogatory Answers (Ex. N) at 2.**

20. Welch, Forrest and Traister asked to meet with Flynn to discuss his October 22, 2020 email. Welch Dep., 91:6-19, 96:12-18. On January 20, 2021, the four individuals met at Dedham High School. Welch Dep., 92:11-13; Flynn Dep., 130:4-12.

**Response: Disputed. Prior to the meeting, Flynn did not know the purpose of the meeting.**

**Flynn Dep. (Ex. F) at 127:15-17.**

21. During the meeting, Welch, Forrest and Traister gave Flynn an opportunity to modify and/or apologize for his statements in his October 22, 2020 email. Welch Dep., 83:12-84:16, 91:6-92:13, 98:5-21. Flynn reiterated his opposition to the school's commitment to equity and did not apologize for his actions or the statements made in the email. Welch Dep., 98:5-21; Flynn Dep., 125:5-23. During this meeting, Forrest informed Flynn that he would not

be reappointed as the head football coach. Welch Dep., 97:13-22.

**Response: Disputed. During the meeting Flynn did not reiterate his opposition to the school's commitment to equity, he stated that he does not believe equity works in certain situations. Flynn Dep. (Ex. F) at 133:22-134:1.**

22. Prior to the meeting, Defendants had prepared a letter to be mailed to Dedham High School football students and parents, informing them that Flynn would not be reappointed as the football coach. Welch Dep., 93:16-23. After the meeting ended, Forrest sent the letter to the intended recipients. Welch Dep., 105:18-106:10, Flynn Exhibit 5.

**Response: Not Disputed.**

23. If Flynn apologized or expressed remorse about his actions during the January 20, 2021 meeting, Welch, Forrest and Traister may have reconsidered their decision not to reappoint Flynn. Welch Dep., 84:11-16, 96:8-11, 105:23-106:5.

**Response: Not Disputed.**

24. After sending the letter to Dedham High School football students and parents, Forrest and Traister made no other public statements about the decision not to reappoint Flynn as the head football coach and Welch coordinated the release of a single media statement reiterating the statements made in the letter. Welch Dep., 106:16-21, 108:8-109:4; Welch Exhibit 10; January 21, 2021 Media Statement.

**Response: Disputed. Both the letter and the media statement did more than just announce the decision not to reappoint Flynn as head football coach. The letter stated, in pertinent part:**

**We are also writing today and are sorry to inform you that Dave Flynn will not be reappointed as the Head Coach of Dedham High School football. We met with Mr. Flynn today because he has expressed significant philosophical differences with the direction, goals, and values of the school district. Due to**

these differences, we felt it best to seek different leadership for the program at this time.

**Ex. J. In the media statement, Superintendent Welch is quoted as stating:**

**The difficult decision not to reappoint Coach Dave Flynn as the Head Football Coach of Dedham High School was made due to significant, repeatedly expressed, philosophical differences with the direction, goals, and values of the school district. As a district, we actively try to encourage our staff and students to give constructive voice to their opinions, but must also ensure we stay true to our overarching mission and vision for the district – in the classroom, on the field, and in our community. We want to thank Coach Flynn for his years of coaching leadership for our student athletes at Dedham High School.**

**Ex. K.**

Dated: February 17, 2022

Respectfully submitted,

/s/ Michael Bekesha  
Michael Bekesha (BBO No. 675787)  
JUDICIAL WATCH, INC.  
425 Third Street, S.W., Suite 800  
Washington, DC 20024  
Tel: (202) 646-5172

*Counsel for Plaintiff*

**Certificate of Service**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 17, 2022.

/s/ Michael Bekesha

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

DAVID FLYNN, )  
)  
*Plaintiff,* )  
) Civil Action Number: 1:21-cv-10256-IT  
v. )  
)  
MICHAEL J. WELCH, *et al.*, )  
)  
*Defendants.* )  
\_\_\_\_\_ )

**Declaration of Michael Bekesha in Support of Plaintiff David Flynn’s  
Opposition to Defendants’ Motion for Summary Judgment**

I, Michael Bekesha, hereby state under oath:

1. I am a member in good standing of the bar of the Commonwealth of Massachusetts and this Court, and am an attorney at Judicial Watch, Inc. I am one of the counsels representing Plaintiff David Flynn in the above-captioned matter. I submit this declaration in support of Plaintiff David Flynn’s Opposition to Defendants’ Motion for Summary Judgment.
2. Attached as Exhibit A is a true and accurate copy of pages 14-16 of Plaintiff’s Initial Disclosures, which were served on Defendants’ counsel on May 17, 2021.
3. Attached as Exhibit B is a true and accurate copies of emails exchanged between Flynn and Dedham Public Schools in September and October of 2020, which are Bates stamped P00001-P00016 and P00033-P00037.
4. Attached as Exhibit C is a true and accurate copy of excerpts of the November 9, 2021 deposition of Michael Welch.
5. Attached as Exhibit D is a true and accurate copy of excerpts of the September 13, 2021 deposition of Stephen Traister.

6. Attached as Exhibit E is a true and accurate copy of excerpts of the September 20, 2021 deposition of Jim Forrest.

7. Attached as Exhibit F is a true and accurate copy of excerpts of the August 26, 2021 deposition of David Flynn.

8. Attached as Exhibit G is a true and accurate copy of excerpts of the September 23, 2021 deposition of Lisa LaPrade.

9. Attached as Exhibit H is a true and accurate copy of excerpts of the September 22, 2021 deposition of Tracey White.

10. Attached as Exhibit I is a true and accurate copy of excerpts of the September 24, 2021 deposition of Mayanne Briggs.

11. Attached as Exhibit J is a true and accurate copy of the January 20, 2021 letter sent to Dedham High School football players and families by Superintendent Welch, Principal Forrest, and Athletic Director Traister, which is Bates stamped D0001.

12. Attached as Exhibit K is a true and accurate copy of the Media Statement released by Dedham Public Schools on January 21, 2021, which is Bates stamped D0274.

13. Attached as Exhibit L is a true and accurate copy of pages 1, 3, and 4 of Defendant Michael J. Welch's Answers and Objections to Plaintiff's First Set of Interrogatories, dated July 21, 2021.

14. Attached as Exhibit M is a true and accurate copy of pages 1 and 2 of Defendant Jim Forrest's Answers and Objections to Plaintiff's First Set of Interrogatories, dated July 21, 2021.

15. Attached as Exhibit N is a true and accurate copy of pages 1 through 3 of Defendant Stephen Traister's Answers and Objections to Plaintiff's First Set of Interrogatories.

I declare under penalty of perjury on this 17<sup>th</sup> day of February 2022 that the foregoing is true and correct.

/s/ Michael Bekesha

**Certificate of Service**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 18, 2022.

/s/ Michael Bekesha

# **EXHIBIT A**

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

DAVID FLYNN,	)	
	)	
Plaintiff,	)	
	)	Civil Action Number: 1:21-cv-10256-IT
v.	)	
	)	
MICHAEL J. WELCH, et al.,	)	
	)	
Defendants.	)	
_____	)	

**Initial Disclosures**

Plaintiff David Flynn, by counsel and pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Local Rule 26.2, and the Court’s March 18, 2021 Notice of Scheduling Conference, makes the following Initial Disclosures.

**General Limitations and Exceptions**

1. These disclosures are made based upon a good faith review of facts and information readily available to Plaintiff at this time. Plaintiff reserves the right to modify, amend, or supplement his Initial Disclosures pursuant to Rule 26(a)(1)(E).

2. In providing the disclosures, Plaintiff does not waive any applicable privileges or objections, including privileges or objections based upon relevance, materiality, hearsay, confidentiality, attorney-client privilege, work product doctrine, overbreadth, or undue burden or other proper grounds.

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Plaintiff had been given no reason to believe his contract would not be renewed. In June and July 2020, Athletic Director Traister informed Plaintiff that, due to the Covid-19 pandemic, it had not been determined whether the season would take place in the Fall of 2020 or the Winter/Spring of 2021. On September 3, 2020, Athletic Director Traister sent Plaintiff a notice that Traister sent to all DHS athletic coaches. Also in September 2020, Athletic Director Traister asked Plaintiff if he could act as site coordinator for DHS athletic events on weekends because Traister was unavailable to attend. On January 15, 2021, Athletic Director Traister sent Plaintiff the schedule for the upcoming football season, scheduled to begin on February 22, 2021. The Dedham Public Schools website even listed Plaintiff as the head football coach in its “2020-2021 Coaches Directory Dedham” as of February 15, 2021.

Plaintiff estimates he would have earned \$9,944.00 during Fiscal Year 2021. Based on the Town of Dedham’s Open Finance website, Plaintiff earned \$9,936.00 during Fiscal Year 2020, and the interim head football coach is currently earning \$9,944.00.

2. Emotional Distress, Loss of Reputation, and Harassment.

Plaintiff seeks an additional \$600,000.00 to compensate him for the significant emotional distress, loss of reputation, and harassment he has endured.

Prior to January 20, 2021, Plaintiff was a well-known and well-respected member of both the Dedham community and the Massachusetts football community. Plaintiff graduated from Dedham High School in 1989. As a senior and a Boston Globe All-Scholastic, he led DHS to an undefeated season, a Bay State League Championship, and a trip to the Eastern Massachusetts Super Bowl at Foxboro Stadium. He was inducted into the DHS Athletic Hall of Fame in 2002.

After playing football at Union College, Flynn became an assistant football coach at Worcester Polytechnic Institute. Thereafter, he coached football at Harvard University from

1995 to 1998 and Fitchburg State University from 1998 to 2001. He was an assistant football coach at DHS from 2002-06 and at Braintree High School from 2006 to 2011.

Subsequently, Plaintiff was hired as head football coach at DHS in March 2011. Asked about returning to his alma matter as head coach, Plaintiff stated, "This is my hometown. This is where I want to live and raise my family. When the opportunity arose, I knew it was really special." In 2010, the DHS football program suffered a 1-10 season and barely had enough players to field a competitive team. Plaintiff advanced the program dramatically. Since 2017, the team has compiled an overall 19-14 record, with an 8-3 record and a victory in the playoffs in 2018. Numerous students who played football for Plaintiff have gone on to play at the collegiate level.

Plaintiff rebuilt his hometown team by dedicating his life to his players. He not only gave them a substantial amount of his time on the field but also provided rides and equipment to players in need. Plaintiff also is supportive of all members of the community. He invited a female student to join the JV football team and welcomed a student with special needs to serve as team manager.

Since January 20, 2021, Plaintiff and his family have been called racists and white supremacists on social media, in letters to the Dedham Times, at school committee meetings, and while living their lives. Recently, Plaintiff was called a racist while walking into a store by an individual in a passing car. In addition to this open and hostile harassment, Plaintiff has suffered emotional distress. Coaching at Dedham High School was his dream job, and it was taken from him. He views his team as his family, and the retaliation to which he was subjected has caused him to feel as though he has lost his family. Plaintiff has also suffered a loss of reputation within

the Dedham community and the greater Massachusetts football community because of the retaliation to which he was subjected.

**IV. Insurance Agreements.**

Not Applicable.

**V. Names, Addresses, and Telephone Numbers of Individuals Likely to Have Discoverable Information Relevant to Disputed Facts.**

1. David Flynn  
c/o Michael Bekesha, Judicial Watch, Inc.  
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Washington, DC 20024  
(202) 646-5172

Plaintiff David Flynn possesses discoverable information about his residency in the Commonwealth of Massachusetts; his hiring as head football coach at DHS; the history of the DHS football program; his tenure as head football coach at DHS; the instruction materials for his daughter's seventh grade "World Geography and Ancient History I" class; his and his wife's outreach to his daughter's principal and the "World Geography and Ancient History I" teacher about the curriculum and instruction; his October 14, 2020 email to Defendant Welch; his discussions with other parents about the instruction materials for his daughter's seventh grade "World Geography and Ancient History I" class; his forwarding of the October 23, 2020 email to approximately twenty other concerned parents; the removal of his children from Dedham Public Schools; Dedham Public Schools giving him every indication that his contract would be renewed for the 2020-21 season, if it had not been renewed already; his January 20, 2021 meeting with Defendants, including what was discussed and said to him; and Defendants not providing any other indication about the reason for his firing and/or the nonrenewal of his contract other than Superintendent Welch's comments at the January 20, 2021 meeting about the October 23, 2020 email.

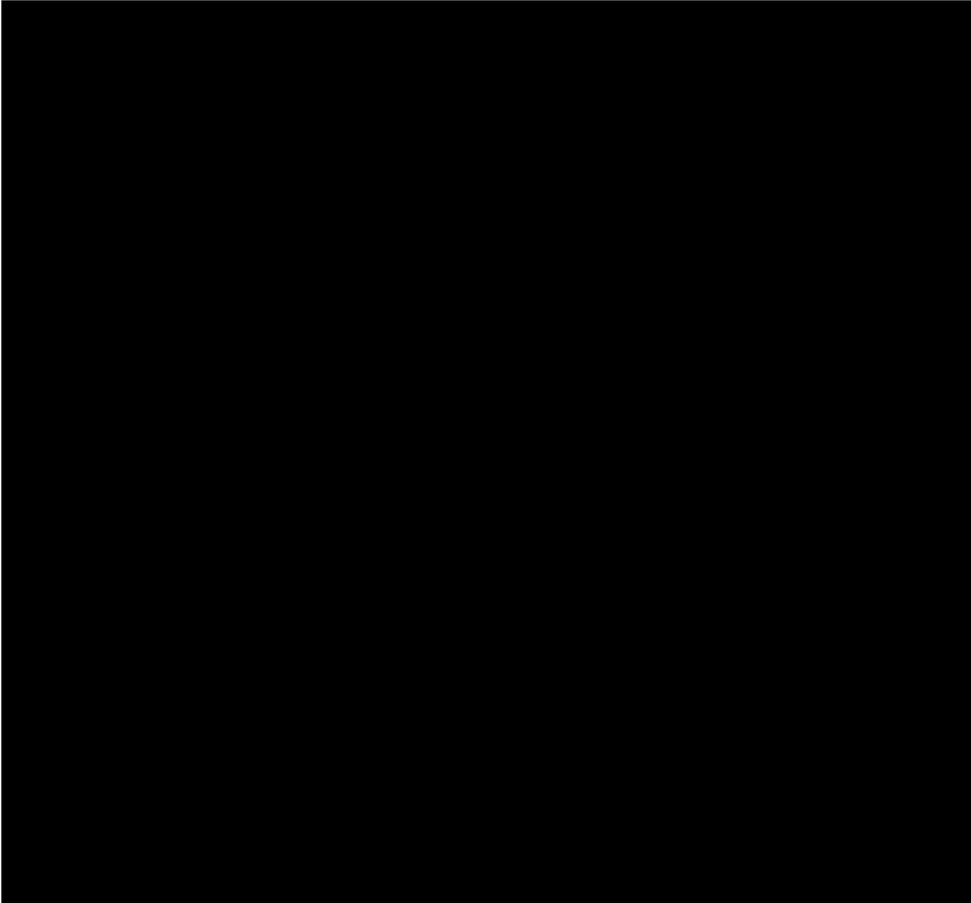
**CERTIFICATE OF SERVICE**

I hereby certify that I served this document by electronic mail on May 17, 2021 to:

Brian E. Lewis  
Jackson Lewis P.C.  
75 Park Plaza, 4th Floor  
Boston, MA 02116  
Brian.Lewis@jacksonlewis.com

/s/ Michael Bekesha

# **EXHIBIT B**



----- Forwarded message -----

From: **Karen Hillman** <[khillman@dedham.k12.ma.us](mailto:khillman@dedham.k12.ma.us)>

Date: Mon, Sep 14, 2020 at 9:17 PM

Subject: Re: Allison Flynn

To: Ann Flynn [REDACTED] >

CC: David Flynn <[flynny44@gmail.com](mailto:flynny44@gmail.com)>, Elizabeth Pedersen <[epedersen@dedham.k12.ma.us](mailto:epedersen@dedham.k12.ma.us)>

Hi Ann,

Thank you for reaching out. In response to your question regarding curriculum, please refer to our district website which includes course descriptions: <https://sites.google.com/dedham.k12.ma.us/cia-families/secondary-gr-6-12>

I've also included Ms. Pedersen, Allison's school counselor who can be in touch with Allison regarding third trimester elective options.

Karen

On Fri, Sep 11, 2020 at 9:08 AM Ann Flynn <[REDACTED]> wrote:

Good morning Karen,

I hope all is well with you during this trying time. I would like to ask for a copy of each subject's syllabus for the academic year and a brief description of each subject that Allison will be taking.

I would also like to state that I have fundamental differences in the VITAL course and choosing to opt Allison out of that elective for her 3rd term and request a replacement course that is mutually agreed upon that best suits her academic needs and personal growth.

Please feel free to contact me via email or my cell 617-620-9448.

Sincerely,

Ann Flynn

--

*Karen R. Hillman*  
Principal

Dedham Middle School  
[70 Whiting Avenue](#)  
[Dedham, MA 02026](#)  
781-310-7000

--

Go Marauders!  
"Teamwork-Optimism-Unity-Guts-Heart"

David M. Flynn  
M.Ed. Moderate Special Needs-Braintree HS  
Head Football Coach-Dedham HS

----- Forwarded message -----

From: **Ann Flynn** <[REDACTED]>

Date: Fri, Oct 2, 2020 at 7:24 AM

Subject:

To: Kimberly Randall <[krandall@dedham.k12.ma.us](mailto:krandall@dedham.k12.ma.us)>

CC: David Flynn <[flynn44@gmail.com](mailto:flynn44@gmail.com)>

Hi. I am just following up to our conversation from Monday where you stated I would get an immediate response to our concerns. It is now Friday and I have yet to hear anything. Please let me know when I can expect to hear from someone.

Thank you

Ann Flynn

----- Forwarded message -----

From: **David Flynn** <[flynn44@gmail.com](mailto:flynn44@gmail.com)>  
Date: Wed, Oct 7, 2020 at 1:27 PM  
Subject: Dedham Middle School Social Studies  
To: <[melch@dedham.k12.ma.us](mailto:melch@dedham.k12.ma.us)>

Michael,

I want to ask your professional opinion regarding a matter I am dealing with concerning my 7th grade daughters Middle School Social Studies Course.

Prior to her starting school, on September 11th, my wife contacted the Dedham Middle School Principal and requested the curriculums and syllabuses of her courses because there was a controversial course being introduced as an elective for students and we did not want my daughter in the class. The principal directed my wife to the school website. I checked on the Social Studies course for 7th graders and the Middle School Curriculum website lists the following course:

*Grade 7*  
**World Geography and Ancient History I**

Grade seven is the continuation of the Ancient History and World Geography curriculum. Students resume where they left off in grade six, and continue to produce work in their interactive notebooks.

Regions and units taught in grade seven include- Review of Geography and Civilizations, Rome, Europe, Africa, Latin America, North America, and South America.

On the first day of school the teacher had an assignment that is shown below:



[image.png](#)

and I contacted the teacher to ask what this had to do with Ancient History and World Geography, how it reflects current state curriculum frameworks and is presented objectively to the students. The teacher informed me that the class has been changed to **Social Science/World Geography**. This was done without notifying any parent. I do not believe that it is acceptable to have a course changed without notifying parents, providing an explanation, providing course curriculum and a course syllabus. I had requested that from this teacher immediately and she directed me to the website that still has the old information on it and nothing regarding this new class. I explained to her that the website does not have that class listed. That was more than 10 days ago and I still have not received anything. I am very concerned about the level of critical thinking that is expected from my 12 year old daughter which is why I am requesting this information. I want to be assured that the work they are doing with the students is based on and reflects current state curriculum frameworks and is presented objectively. As you know there are many issues taking place all around our country that are extremely controversial. The class lessons do not seem to relate to each other so far. I have seen a vocabulary lesson involving stereotyping, discrimination.. then I was helping my daughter with a lesson regarding the presidential race and aspects such as the electoral process. I have not even been introduced to the learning objective of the course. The more I know about what the learning goal is for this course, the more I can assist my daughter successfully when she may need support while working independently. I am only hoping that the Dedham Middle School teaches these subjects correctly, objectively and with the understanding that they are 12 -13 year old kids. I look forward to seeing the updated website and having the syllabus sent to me directly, but have no idea when that is going to be and why. The principal sent me an email 10 days after I spoke with the teacher and it does not refer to my request at all. I put our correspondence below.  
Do you have any advice for me?

On Mon, Oct 5, 2020 at 5:59 PM Karen Hillman <[khillman@dedham.k12.ma.us](mailto:khillman@dedham.k12.ma.us)> wrote:

Dear Mr. and Mrs. Flynn,

Ms. Randall has brought to my attention your concerns regarding a recent class. Social Sciences and History are critically important subjects for our students and we always appreciate it when parents engage in dialog about this content. Understanding our own identity, the identities of others and the perspectives that shape our reality are critical skills in developing students who can understand history, its lessons and how they shape and inform the current social and political context.

While the subject matter is critically important it is also, at times, the most controversial content that we teach in schools as it touches on real issues that adults, like you, have opinions about and histories with. This has always been and will continue to be the case as our curriculum standards and local curriculum adjust to reflect the current context of the world and new understandings about our collective history.

I can appreciate that you may have strong feelings about or disagree with some of the subject matter we cover. I hope you understand that the content we are sharing with students is based on and reflects current state curriculum frameworks and is presented objectively to our students. We fully recognize the importance of being neutral adults in the lives of children. Our role is to support them in making sense of the world, being informed consumers of information, and drawing their own conclusions.

Thank you again for sharing your concerns. If you have any other questions or would like to discuss further please let me know.

Sincerely,  
Karen

--

*Karen R. Hillman*  
Principal

Dedham Middle School  
70 Whiting Avenue  
Dedham, MA 02026  
781-310-7000

From: David Flynn <[flynny44@gmail.com](mailto:flynny44@gmail.com)>  
Date: Mon, Oct 5, 2020 at 6:49 PM  
Subject: Re: Social Science Follow-Up  
To: Karen Hillman <[khillman@dedham.k12.ma.us](mailto:khillman@dedham.k12.ma.us)>  
Cc: Ann Flynn [REDACTED]

Karen,

I hope that the Dedham Middle School is off to a good start and will continue to improve with time, cooperation and effort.

I want to let you know that I am disappointed in a few issues at the moment. I am concerned that it took 10 days for you, Ms Randall or the Social Studies Department Head to get back to my wife and me regarding my daughter Allison's "new" Social Studies Course. Nevertheless, you have responded so I am going to accept that and move on.

My first issue is that I was never notified that my daughter was taking a new Social Studies course. My wife first emailed on September 11th and you directed her to the Dedham Middle School Website. We went to that site and it states that Allison would be taking class listed below:

(\*This class is still listed on your website)

#### *Grade 7*

#### **World Geography and Ancient History I**

Grade seven is the continuation of the Ancient History and World Geography curriculum. Students resume where they left off in grade six, and continue to produce work in their interactive notebooks.

Regions and units taught in grade seven include- Review of Geography and Civilizations, Rome, Europe, Africa, Latin America, North America, and South America.

I have since been informed that the class has been changed to **Social Science/World Geography**. I do not believe that it is acceptable to have a course changed without notifying parents, providing an explanation, providing course curriculum and a course syllabus. I had requested that from Ms. Randall 10 days ago and still have not received anything. I am very concerned about the level of critical thinking that is expected from my 12 year old daughter which is why I am requesting this information. I want to be assured that the work you are doing with the students is based on and reflects current state curriculum frameworks and is presented objectively. As you know there are many issues taking place all around our country that are extremely controversial. The class lessons do not seem to relate to each other so far. I have seen a vocabulary lesson involving stereotyping, discrimination.. then I was helping my daughter with a lesson regarding the presidential race and aspects such as the electoral process. The more I know about what the learning goal is for this course, the more I can assist my daughter successfully when she may need support while working independently. I am only

hoping that the Dedham Middle School teaches these subjects correctly, objectively and with the understanding that they are 12 -13 year old kids.

I look forward to seeing the updated website and having the syllabus sent to me directly. If you have any questions and/or concerns please do not hesitate to set up an in person meeting with my wife and myself. Thank you.

Go Marauders!

**Teamwork-Optimism-Unity-Guts-Heart**

David M. Flynn

M.Ed - Moderate Special Needs (5-12) - BHS LECE Program

Head Football Coach - Dedham High School

--

Go Marauders!

"Teamwork-Optimism-Unity-Guts-Heart"

David M. Flynn

M.Ed. Moderate Special Needs-Braintree HS

Head Football Coach-Dedham HS

Date: Wed, Oct 7, 2020 at 4:48 PM Obtained via FOIA by Judicial Watch Inc.

Subject: Re: Social Science Follow-Up

To: David Flynn <flynny44@gmail.com>

CC: Ann Flynn [REDACTED] Michael Welch <mwelch@dedham.k12.ma.us>

Hi David,

I can certainly understand and respect your frustration regarding the update to our social studies course. Unfortunately, we had not updated our website to reflect the changes and I take full responsibility for that. And for that, I'm sincerely sorry.

The Department of Elementary and Secondary Education revised the frameworks for social sciences and history in 2018. The changes in our curriculum reflect the revisions from the state most significantly in 7th and 8th grade (which now has a focus on civics). In response to these changes, the information we share publicly should reflect our current courses.

We are working to update them now so that we are completely clear with our families.

I would be happy to speak with you if you'd like to discuss further.

And I hope your year is off to a great start! I'm not totally sure about the status of your football season but Go Marauders!

Best,  
Karen

P00009

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**From:** Michael Welch [mwelch@dedham.k12.ma.us] on behalf of Michael Welch <mwelch@dedham.k12.ma.us>  
**Sent:** Wednesday, October 14, 2020 5:03 PM  
**To:** Karen Hillman  
**Subject:** Fwd:

Keeping you in the loop.

Nothing back from Kim yet.

Mike

----- Forwarded message -----

**From:** Michael Welch <mwelch@dedham.k12.ma.us>  
**Date:** Wed, Oct 14, 2020 at 5:00 PM  
**Subject:** Re:  
**To:** [REDACTED] >

Hi [REDACTED],

I am sad and surprised to read this. I would like to learn more about your perspective and deepen my own understanding. Obviously, you are under no obligation to do so, but if you are willing I would ask my assistant Amy Hicks to reach out to you and find a time that would work for you both.

Please let me know.

Thanks

Mike Welch

On Wed, Oct 14, 2020 at 11:20 AM [REDACTED] > wrote:

October 14, 2020

Superintendent Welch,

I am very disappointed to have to let you know that my wife and I decided to remove our children, [REDACTED] from the Dedham Public Schools at the end of this week. Our decision was made after several, long, heartfelt discussions with our family and friends regarding the issues we have had with the Dedham Middle School Principal, Karen Hilman and 7th Grade, Social Science Teacher Kim Randall. We have come to the conclusion that at this point in time, the Dedham Public School System failed to provide us with the proper leadership and did not prove to have the ability to follow the written statement they made in the school handbook,

*"The overarching purpose of all schooling in our society is to help students become good citizens, lifelong learners, and healthy caring, ethical, and intellectually reflective individuals. The skills, knowledge, and personal competence that students acquire in school should enable them to be successful now and in the future."*

I have been an educator for the past 22 years and know first hand that professional educators cannot model and teach students about citizenship, ethics, or life learning by purposely misleading parents and children with lies and deception. The two Dedham Middle School Staff Members purposely mislead my wife and myself as well as lie to the both of us regarding [REDACTED] 7th Grade Social Studies Course. which was changed from **Ancient History/World Geography** to **Social Sciences/World Geography** without proper notifications to parents, without a curriculum, without a course

syllabus and without a course learning objective. Prior to my [REDACTED] starting school, on September 11th, my wife contacted the Dedham Middle School Principal and requested the curriculums and syllabuses of her courses. The principal directed my wife to the school website when she knew there was no information listed there for us to view. I checked on the Social Studies course for 7th graders and the Middle School Curriculum website lists the following course: **Social Studies: Ancient History and World Geography: Grade seven is the continuation of the Ancient History and World Geography curriculum. Students resume where they left off in grade six, and continue to produce work in their interactive notebooks. Regions and units taught in grade seven include- Review of Geography and Civilizations, Rome, Europe, Africa, Latin America, North America, and South America.**

I did not become aware of the course change until the first week the students worked remotely. This is where I noticed that [REDACTED] work was not related to Ancient History or Word Geography. Instead I saw my [REDACTED] having to explain what are risk factors and mitigating factors when a white man meets a black man on the street and the illustration even had the police listed as a risk factor. Next, [REDACTED] had to define stereotype, prejudice and discrimination. [REDACTED] also had a lesson asking [REDACTED] about how familiar [REDACTED] is with political parties, policies and the electoral process. These lessons were presented to the students on the class website where the teacher used an emoji teacher wearing a black lives matter shirt. I contacted the teacher, Kim Randall to ask what these lessons had to do with Ancient History and World Geography. I asked how they reflect current state curriculum frameworks, how they are presented objectively to the students and taught with the understanding that they are 12 -13 year old kids. My wife and I, as well as a large group of concerned parents, do not believe that pushing support for black lives matter on a class website is presenting material objectively. At this time in the world, the black lives matter movement is a highly questioned and controversial movement relating it much more than peaceful protests. The blm movement has been associated with rioting, looting, destruction of property, anti police, anti religion, anti family and extreme violence. My family has always believed in equity, diversity and inclusion. My wife and I have taught our kids these morals and values since the day they were born. We teach our kids right from wrong, good from bad and honest from dishonest. The last thing we need in this world are educators who try to push their own beliefs and support for issues that do not belong in middle school, on our children. I asked Ms. Randall if she wouldn't mind using another emoji due to blm being so controversial, maybe one stating "Go Marauders" or one that builds pride in their school/community. I also explained to her that my family has a good deal of law enforcement professionals in it and we teach our kids to respect law enforcement, but she did not seem to care. If equity, diversity and inclusion is to be taught, then cooperation and compromise must go hand in hand with it. But apparently these kind, helpful words are not part of the program in the Dedham Middle School. Mrs. Randall then informed me that the class has been changed to **Social Science/World Geography**. This was done without notifying any parent. I do not believe that it is acceptable to have a course changed without notifying parents, providing an explanation, providing course curriculum, a course syllabus and a learning objective of the course. I had requested that from her immediately and she, knowing there was no information posted about the new course, again, directed me to the website that still has the old information on it and nothing regarding this new class. I explained to her that the website does not have that class listed and she acted as if she did not know that. Ms. Randall said she would contact the Principal and the Department Head regarding the issue and get back to us. It took the Principal of Dedham Middle School ten days to respond to us. Ten days after my original request, the Dedham Middle School Principal, Karen Hillman, responded with a letter that was an exact duplicate to one that had been sent out to another concerned parent but one was signed by Karen Hillman, the other was signed by Kim Randall. What is so bothersome to my wife and myself is that Mrs. Hillman responded without ever mentioning that there was no curriculum posted on the Dedham Website, there was no syllabus and no learning objective of the course. She was also obviously not concerned with the controversial blm slogan on the class website that is creating an unsafe enviroment and is the polar opposite of teaching lessons objectively.

Dear [REDACTED],

*Ms. Randall has brought to my attention your concerns regarding a recent class. Social Sciences and History are critically important subjects for our students and we always appreciate it when parents engage in dialog about this content. Understanding our own identity, the identities of others and the perspectives that shape our reality are critical skills in developing students who can understand history, its lessons and how they shape and inform the current social and political context.*

*While the subject matter is critically important it is also, at times, the most controversial content that we teach in schools as it touches on real issues that adults, like you, have opinions about and histories with. This has always been and will continue to be the case as our curriculum standards and local curriculum adjust to reflect the current context of the world and new understandings about our collective history.*

*I can appreciate that you may have strong feelings about or disagree with some of the subject matter we cover. I hope you understand that the content we are sharing with students is based on and reflects current state curriculum frameworks and is presented objectively to our students. We fully recognize the importance of being neutral adults in the lives of children. Our role is to support them in making sense of the world, being informed consumers of information, and drawing their own conclusions.*

*Thank you again for sharing your concerns. If you have any other questions or would like to discuss further please ~~tes~~ me know.*

Sincerely,

*Karen*

Since this, I sent all the information to Superintendent Michael Welch to see if I could get some support. Mrs. Hillman immediately responded to us this time with an apology stating it was all her fault that the Middle school has failed to put together a proper curriculum, syllabus and learning objective and have it on the school website for all parents and students to be aware of. I am upset that it took a message to the Superintendent for Mrs. Hillman and Mrs. Randall to act in a professional manner and tell the truth. This was unacceptable to us, so my wife and I have decided to have our children educated outside of the Dedham Public School System at this time. This is due to the lack of character I have experienced from people who should be role models for my children. Instead, Dedham Middle School is losing a quality young [REDACTED] and Oakdale School is losing a fine young [REDACTED]. It is a sad day in America and it is especially sad in the Town of Dedham.

Sincerely,

Parents of: [REDACTED]

--

Go Marauders!

Teamwork-Optimism-Unity-Guts-Heart

----- Forwarded message -----

From: **David Flynn** <[flynn44@gmail.com](mailto:flynn44@gmail.com)>

Date: Wed, Oct 14, 2020 at 5:41 PM

Subject: Fwd:Sad day

To: [mayanne.briggs@gmsil.com](mailto:mayanne.briggs@gmsil.com) <[mayanne.briggs@gmsil.com](mailto:mayanne.briggs@gmsil.com)>, [stevebiafer@gmsil.com](mailto:stevebiafer@gmsil.com) <[stevebiafer@gmsil.com](mailto:stevebiafer@gmsil.com)>, [traceyaswhite@gmail.com](mailto:traceyaswhite@gmail.com) <[traceyaswhite@gmail.com](mailto:traceyaswhite@gmail.com)>

Hello All,

I know that you are all busy and do not want to take up your valuable time but I feel obligated to let you know that I removed my children from the Dedham Public School System today.

My letter to the a superintendent explains my reasons in detail.

----- Forwarded message -----

From: **David Flynn** <[flynn44@gmail.com](mailto:flynn44@gmail.com)>

Date: Wed, Oct 14, 2020 at 11:20 AM

Subject:

To: <[mwelch@dedham.k12.ma.us](mailto:mwelch@dedham.k12.ma.us)>

CC: Ann Flynn [REDACTED], <[ikelly@dedham.k12.ma.us](mailto:ikelly@dedham.k12.ma.us)>, Karen Hillman

<[khillman@dedham.k12.ma.us](mailto:khillman@dedham.k12.ma.us)>, <[krandall@dedham.k12.ma.us](mailto:krandall@dedham.k12.ma.us)>

October 14, 2020

Superintendent Welch,

I am very disappointed to have to let you know that my wife and I decided to remove our children, Allison and Nolan Flynn from the Dedham Public Schools at the end of this week. Our decision was made after several, long, heartfelt discussions with our family and friends regarding the issues we have had with the Dedham Middle School Principal, Karen Hilman and 7th Grade, Social Science Teacher Kim Randall. We have come to the conclusion that at this point in time, the Dedham Public School System failed to provide us with the proper leadership and did not prove to have the ability to follow the written statement they made in the school handbook,

*“The overarching purpose of all schooling in our society is to help students become good citizens, lifelong learners, and healthy caring, ethical, and intellectually reflective individuals. The skills, knowledge, and personal competence that students acquire in school should enable them to be successful now and in the future.”*

I have been an educator for the past 22 years and know first hand that professional educators cannot model and teach students about citizenship, ethics, or life learning by purposely misleading parents and children with lies and deception. The two Dedham Middle School Staff Members purposely mislead my wife and myself as well as lie to the both of us regarding Allison's 7th Grade Social Studies Course. which was changed from **Ancient History/World Geography** to **Social Sciences/World Geography** without proper notifications to parents, without a curriculum, without a course syllabus and without a course learning objective. Prior to my

daughter starting school, on September 11th, my wife contacted the Dedham Middle School Principal and requested the curriculums and syllabuses of her courses. The principal directed my wife to the school website when she knew there was no information listed there for us to view. I checked on the Social Studies course for 7th graders and the Middle School Curriculum website lists the following course: **Social Studies: Ancient History and World Geography**: *Grade seven is the continuation of the Ancient History and World Geography curriculum. Students resume where they left off in grade six, and continue to produce work in their interactive notebooks. Regions and units taught in grade seven include- Review of Geography and Civilizations, Rome, Europe, Africa, Latin America, North America, and South America.*

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Dear Mr. and Mrs. Flynn,

Ms. Randall has brought to my attention your concerns regarding a recent class. Social Sciences and History are critically important subjects for our students and we always appreciate it when parents engage in dialog about this content. Understanding our own identity, the identities of others and the perspectives that shape our reality are critical skills in developing students who can understand history, its lessons and how they shape and inform the current social and political context.

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I can appreciate that you may have strong feelings about or disagree with some of the subject matter we cover. I hope you understand that the content we are sharing with students is based on and reflects current state curriculum frameworks and is presented objectively to our students. We fully recognize the importance of being neutral adults in the lives of children. Our role is to support them in making sense of the world, being informed consumers of information, and drawing their own conclusions.

Thank you again for sharing your concerns. If you have any other questions or would like to discuss further please let me know.

Sincerely,

Karen

Since this, I sent all the information to Superintendent Michael Welch to see if I could get some support. Mrs. Hillman immediately responded to us this time with an apology stating it was all her fault that the Middle school has failed to put together a proper curriculum, syllabus and learning objective and have it on the school website for all parents and students to be aware of. I am upset that it took a message to the Superintendent for Mrs. Hillman and Mrs. Randall to act in a professional manner and tell the truth. This was unacceptable to us, so my wife and I have decided to have our children educated outside of the Dedham Public School System at this time. This is due to the lack of character I have experienced from people who should be role models for my children. Instead, Dedham Middle School is losing a quality young lady and Oakdale School is losing a fine young man. It is a sad day in America and it is especially sad in the Town of Dedham.

Sincerely,

David and Ann Flynn

Parents of: Allison (7th Grade - DMS) and Nolan (3rd Grade - Oakdale)

--

David M. Flynn

M.Ed - Moderate Special Needs (5-12) - BHS: LECE Program

Head Football Coach - Dedham High School

Go Marauders!

**Teamwork-Optimism-Unity-Guts-Heart**

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Go Marauders!

"Teamwork-Optimism-Unity-Guts-Heart"

David M. Flynn

M.Ed. Moderate Special Needs-Braintree HS

Head Football Coach-Dedham HS

--

Go Marauders!

"Teamwork-Optimism-Unity-Guts-Heart"

David M. Flynn

M.Ed. Moderate Special Needs-Braintree HS

Head Football Coach-Dedham HS

# Fwd: This is my final draft of my entire message-please share

email: "mwelch@dedham.k12.ma.us Michael Welch" Wednesday, January 20, 2021 at 6:50:51 PM Eastern Standard Time

To: email: "tdwyer@dedham.k12.ma.us Timothy Dwyer"

----- Forwarded message -----

From: **Mayanne Briggs** <[REDACTED]@gmail.com>

Date: Fri, Oct 23, 2020 at 9:22 AM

Subject: Fwd: This is my final draft of my entire message-please share

To: Michael Welch <mwelch@dedham.k12.ma.us>, Lisa Laprade <[REDACTED]@gmail.com>, Tracey White <[REDACTED]@gmail.com>

Mayanne

Begin forwarded message:

From: David Flynn <[REDACTED]@gmail.com>

Date: October 22, 2020 at 3:36:51 PM EDT

To: [REDACTED]@gmail.com

Subject: Fwd: This is my final draft of my entire message-please share

----- Forwarded message -----

From: **David Flynn** <[REDACTED]@gmail.com>

Date: Thu, Oct 22, 2020 at 3:19 PM

Subject: This is my final draft of my entire message-please share

To: Ann Flynn <[REDACTED]@gmail.com>

October 11, 2020

Ann and I had a sit down meeting with the Dedham Public Schools Superintendent Michael Welch today regarding the issues involved with the Middle School:

- Changing the seventh grade social studies course from Ancient History and World Geography to a Social Science course concerning issues involving :Politics, race, gender, equality, diversity, inclusion and many other topics that are not quite appropriate for 12 year olds.
- Not notifying any parents about the change in course
- Not having curriculum syllabus or learning objective available for parents

P00033

- Middle School Principal lying twice to us about the curriculum being available for parents.
- The teacher of the course posts support for BLM on a teacher emoji in class every day.
- The material of the course labels cops as "a risk to black people", labels white people only seeing blacks through a lens as "drug dealers and hoods"

After meeting with Mr Welch it was very clear that he was only there to hear Ann and myself so he can say he listened to us. He never once mentioned that the goal of this meeting was to find out how to keep our kids in the Dedham Schools. Nor was he there to offer any kind of support or mediation. He started off the meeting talking about Covid and how Dedham is dealing with many issues but in the long run, it's all about the kids. We agreed with that. But he then started on about how Dedham Schools must be committed to being more involved with Diversity, Equity, and Inclusion. I asked him to think about changing the word equity to equality. This is one of the many issues I have with BLM. Equity is not humanly possible. Equity means that people will all be the same. Equity means that if one person has a job, another person can have that job too. This will never happen. People are individuals. No two people can ever be the same. But, Equality means that everyone has the same opportunities as each other to reach their goals. Equity is a word used by socialist. Throughout our meeting it has become abundantly clear that he supports the BLM movement and spent a good deal of time talking about how they hired a woman, Oneida Fox Roy as the Diversity, Equity and Inclusion Officer to come in and fix the problems all employees of Dedham Public Schools are supposedly having interacting with students of color and other cultures. I was not aware of any problems until now. I have never read an email, letter or any correspondence informing me that there were major problems in the Dedham Schools so where is the problem? He told me that in 1993 Dedham educators were 97% white and now they are in the 70% area. I said, "Great. As is said before, I believe that the world has never been less racist than it is now but it will not continue in that direction if schools keep creating differences and putting ideas in peoples heads that they are racist and make people think they need to be fixed." I also said to him that he keeps talking about relating with all the cultures in the world but it seems to me that all they are focusing on is the black and white issues. What about all the other students? Where is the equality in that?

He kept bringing up reasons for the hiring of Oneida Fox Roye as the new Diversity, Equity and Inclusion Officer. I, once again, told him that the hiring of this person is not my concern at this moment. That is out of my hands. My concern is the fact that Dedham Public Schools seems to be supporting the BLM movement. I told him we are all for equality, diversity and inclusion but will not support hatred of police, hatred of religion, destruction of property and violence. He believes that the teachers have every right to do as they please in terms of making all non "astronomically white" students feel more comfortable in their surroundings. I asked "what does astronomically white mean?". He never answered me. He just shook his head and smiled at us. I told him that it should not take a shirt or skin color to earn respect from someone and to make them feel safe and secure with you. If they do they are in the wrong position. He said that Dedham schools are open to people expressing themselves in ways they feel will help the students. He then said that there are no restrictions to that but I said, but you will not let a kid wear a Budweiser shirt in school when Bud never killed anyone and BLM has. He again changed the subject to why they hired Oneida Fox Roye to start doing all the work she believes needs to be done in Dedham. He said that we need to understand the cultures of all these families from around the globe such as some cultures may not look people in the eye if it's offensive to their culture. I interjected and said, not when they are in this country. I understand if I traveled there but now they are here. I should not have to adapt to their culture, they should adapt to America. He thought that I was wrong with my statement. I then said, we are not here to discuss your new

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hire. That is out of my control. I'm here to let you know that the BLM emoji scares my daughter every day in that class because she witnessed the mayhem that has been associated with it.

I asked the following questions that he did not answer. How can a teacher earn trust or respect that way? How can a teacher teach civics without understanding compromise?

Why can't the teacher promote community, unity, school pride in other manners?

He agreed that it was wrong that the school changed the social studies course without notifying parents. He also said that there is a curriculum but it's just not posted for anyone to see. He did not say when that will be available to parents. He stated that these new civics courses and the new hiring of the equality, culture diversity and inclusion officer was to teach administrators, teachers, custodians, nurses, cafeteria workers and all other employees of the schools how to teach kids from different cultures.

He said that they are also striving to hire more teachers that are not white, so the non white kids can understand and be inspired in ways that help them believe they can be a teacher too. He then said to Ann and I, "how would you feel if you were a black student and only had all white teachers? Would that hinder your ability to be inspired to become a teacher?" I said, "absolutely not. I would look at the situation in another way where I would see a huge opportunity for me to take advantage of. I would be inspired that there are positions available for someone like me to succeed in. I would learn from my teachers, prepare myself and be the best black teacher I could be." Ann finished my statement by telling him that if a teacher has to wear a shirt or have a certain color of skin to be respected by students then they are in the wrong profession. He disagreed with me. I said, "So Dedham is hiring based upon race now?" He said that they do have a goal to hire more non-white teachers in the Dedham School System. What ever happened to Dr. Martin Luther King's famous words, "I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character."

One of the most bothersome things about our meeting was the fact that Mr. Welch kept mentioning to us that we need to look through the "lens". Which means that white people don't see things the way non white people do. We explained to him that Ann has lived in the city for 47 years and worked in Boston Public Schools, on Columbia Road, for 20 years. She has never once had to look through a lens or wear a BLM shirt to make a kid feel safe around her and respect her. I told him that I have been a teacher for 22 years and have coached football at every level for 27 years. During this time I have enjoyed a tremendous amount of experiences working with young men and women from all over the world without any racial or cultural issues. During all of these years, we never discussed politics with anyone we were associated with during work. All staff members, whether they are teachers, adminstartators, administrative assistants, other school employees or even coaches, should not talk about politics nor religion with students. When did this understanding change? The fact that he is allowing teachers to show the students that they support controversial political movements is beyond me. The whole time he acted as if BLM causes no threat to anybody. I explained to him the anti police, anti church, anti family, the destruction of property and the vast amount violence associated with BLM across the country. I said that I could sit here and show hlm hours of video footage portraying the hatred and violence BLM is associated with. A BLM group started trouble in Boston this past Sunday. I asked him, would you want your teachers to be on film squeaking a toy pig in the faces of police officers while calling them pigs. At the same time groups of BLM chanting in the streets "what do we want? Dead Cops. When do we want it? Now!" I told him that this is what students may think your teachers do on their weekends if they support BLM in the class. I said that he needs to understand BLM has no real leadership. It is a widespread group that is financially backed, fundamentally instructed when to create mayhem and is in our own backyard. I told him about one leader of BLM (Monica Cannon Grant) that is 3 miles from us right now and she will flat out

tell you she hates cops, especially white cops. She refers to black cops with the N word. She verbally assaulted a black woman with nasty, vile accusations because she was running for a major political office and married to a white man. She is a nasty woman, full of hatred towards police officers, white people, and black people who have relationships with white people. It is clear that there are many issues of controversy surrounding race and culture at this time. It should be taught to the students objectively only. I then told him that the truth about the hatred and violence involved with the BLM movement will all come out and everyone will see for themselves very soon. I told him that I believe that celebrating Thanksgiving and Christmas in peace and harmony this year may be in jeopardy. He told me that he did not believe that and that was only my opinion. I also said, there is a right way to go about teaching young minds about the issues and differences in the world and a wrong way to do it. DPS is wrong at this time. They are creating separation. They are starting the process of division which leads to civil unrest. I thought educated people were smarter than this.

I will sum up the Superintendents meeting with my wife and I.

- He supports BLM
- He thinks Dedham is "Astronomically White"
- He allows politics in the classroom
- He thinks every employee of the schools need to be taught how to care for, communicate with and understand the lives of people from all races/cultures.
- He has a goal to higher more "non-white" teachers
- He did not care that my daughter is scared when she sees the BLM logo in her class
- He did not care that I expressed how much it hurts me to have to remove my children from the schools I attended in the town I grew up in
- He did not care that his teachers are indoctrinating 12 year old children
- He did not care that the Middle School Principal lied to us twice
- He did not care that the the school system still has not provided important information on the new controversial classes they are pushing on our kids
- He doesn't care about the people in this town.

Also, on a couple of occasions he tried to throw a jab at my wife and me as if he was above us. This happened when he said to my wife regarding the racist cartoon illustrated by the new diversity, equity and inclusion officer "how did you get that if you said you are not on social media?" Ann simply replied, it was sent to me. Ann had previously explained to him that she had to get off social media 5 months ago because of all this controversy. He did exactly what I said he was going to do. He acted like a weak, soft, canary and did nothing about the issues in the schools that will all become a real major problem involving hatred and violence very soon. He also told me that was only my opinion.

He is the wrong man for the job. Every kid in the Dedham Public Schools is in for a rude awakening in some of their classes. He did tell us that the health classes are changing too and they did not notify anyone and did not post any information about what they are teaching. I hope the students all stand up for what they believe in.

The meeting concluded with Welch wishing us luck in our new schools and said he hopes that we find the new school accommodating. I said, "Mike, if the school does not associate with BLM, then I believe it will be perfect."

**The bottom line is this.**

The Superintendent has had the opportunity to make sure the Dedham teachers conduct themselves as professionals and to teach the courses objectively and without biased opinions. He chose not to.

I believe that the real men and women in the world are the ones who have the ability to compromise, especially in extremely controversial situations. Compromise allows people to experience life as a team. This is where unity brings individual pride together and relationships begin to strengthen. I believe all relationships are based on compromise.

The Superintendent was not willing to compromise. I explained to him that if the teacher teaches the course objectively and removes the BLM logo from the class, people will soon get over the fact that the class was purposely created without notifying parents and without having a visible course curriculum, syllabus and learning objective.

Apparently it does not mean much to him that the Dedham Public School System is losing two wonderful students.

--

David M. Flynn  
M.Ed - Moderate Special Needs (5-12) - BHS: LECE Program  
Head Football Coach - Dedham High School

--

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M.Ed - Moderate Special Needs (5-12) - BHS: LECE Program  
Head Football Coach - Dedham High School

Go Marauders!  
**Teamwork-Optimism-Unity-Guts-Heart**

--

David M. Flynn  
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Head Football Coach - Dedham High School

Go Marauders!  
**Teamwork-Optimism-Unity-Guts-Heart**

# **EXHIBIT C**

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THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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DAVID FLYNN, :  
Plaintiff, :  
v. : Civil Action No.  
MICHAEL J. WELCH, et al., : 1:21-cv-10256-IT  
Defendants. :

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Deposition of MICHAEL WELCH  
Conducted Virtually  
Tuesday, November 9, 2021  
10:01 a.m. EST

Job No.: 402223  
Pages: 1 - 133  
Reported By: Paul P. Smakula

Transcript of Michael Welch  
Conducted on November 9, 2021

1 some information about what was going on and how  
2 this sequence had occurred and trying to figure  
3 out how we were addressing the concerns raised by  
4 Mr. Flynn in his email.

5 Q Okay. After speaking with the assistant  
6 superintendent and the principal, did you have a  
7 better understanding of what was going on?

8 A I did. I learned that the content of the  
9 course had been modified based on changes to the  
10 2018 curriculum frame works published by the  
11 Department of Education. And there were some  
12 series of events realignment of course content in  
13 curriculum in both seventh grade and eighth grade,  
14 and I also learned that our website did not have  
15 accurate information about how the course was  
16 currently -- and the sequence was currently being  
17 conducted.

18 Q After having these conversations, did you  
19 feel that Mr. Flynn's concerns were valid?

20 A Yes.

21 Q Did you speak with the middle school  
22 principal about -- actually, strike that.

23 Suzie, let's pull up what's been marked as  
24 10/7/20 Flynn email.

Transcript of Michael Welch  
Conducted on November 9, 2021

1 concerned parents do not believe that Ms. Randall  
2 should be portraying a teacher wearing a Black  
3 Lives Matter shirt on her classroom teacher emoji,  
4 do you see that?

5 A Yes.

6 Q Okay. Did you speak with either the  
7 middle school principal or Ms. Randall about the  
8 Black Lives Matter shirt on the teacher emoji?

9 A Yes.

10 Q Okay. Do you know when you spoke to them  
11 about that?

12 A I don't remember. It was during this  
13 sequence. This email was my -- I think the  
14 seventh was the first time I was getting  
15 information about this and I was trying to find  
16 out more.

17 Q Okay. Is it appropriate for a teacher to  
18 be wearing a Black Lives Matter shirt on I guess  
19 -- or have the shirt on an emoji?

20 A At this time emojis and remote teaching  
21 were very new for our teachers, and many of them  
22 were making decisions about how to portray  
23 themselves in these situations. And there were a  
24 number of instances where teachers were putting

Transcript of Michael Welch  
Conducted on November 9, 2021

1 their process at all about informing parents about  
2 curriculum changes since this learning experience?

3 A Yes.

4 Q And what does Dedham Public Schools now do  
5 when it comes to curriculum changes and making  
6 that information available or known?

7 A We've made changes in policy at the school  
8 committee level. We've established a curriculum  
9 advisory that incorporates parent and community  
10 members to broadly review any changes around  
11 curriculum or concerns that may arise. And I made  
12 it clear to Dr. Kelly that if there were changes  
13 that were occurring in curriculum we should be  
14 notifying parents in advance so they're aware.

15 Q Okay. Thank you.

16 MR. BEKESHA: We can take that document  
17 down, Suzie.

18 Q Mr. Welch, did you receive any other  
19 complaints about the Black Lives Matter T-shirt by  
20 -- either directly or indirectly?

21 MR. LEWIS: Other than the Flynn's?

22 Q Other than the Flynn's, yes.

23 A I can't be sure. There may have been one  
24 other one.

Transcript of Michael Welch  
Conducted on November 9, 2021

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1 to be in touch with them, and they were very  
2 disappointed about that. I spoke to her about the  
3 perception that what is being taught in 7th grade  
4 is not a part of the curriculum. I talked to her  
5 about why is the curriculum wrong on the website?  
6 Why is this unit being taught at this time? Even  
7 though it's part of the content, why is it being  
8 moved to the beginning of the year? And all of  
9 those different pieces because really it was clear  
10 to me that the Flynns had significant concerns  
11 that were valid and we needed to be able to  
12 address them.

13 Q And what did you spoke to Dr. Kelly about?

14 A Similar issues, and really more about the  
15 way that the course was being taught primarily  
16 about the sequencing and why was this not accurate  
17 on our website, particularly when we were doing  
18 primarily remote instruction into people's homes  
19 when it's very clear that this is being broadcast  
20 throughout homes in the community, and people are  
21 paying attention. And when it is out of alignment  
22 with what we're indicating on our website, that's  
23 a problem.

24 Q After the meeting concluded did you think

Transcript of Michael Welch  
Conducted on November 9, 2021

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1 care about the people in this town. He acted like  
2 a weak soft canary and did nothing about the  
3 issues in the schools that will all become a real  
4 major problem involving hatred and violence very  
5 soon. I believe that the real men and women in  
6 the world are the ones that have the ability to  
7 compromise, especially in extremely controversial  
8 situations.

9 That's all.

10 Q Okay. Thank you. That's helpful.

11 Numerous passages or sentences you wrote started  
12 with, "He said." "He" was referring to you in  
13 that email; is that correct?

14 A Yes.

15 Q And said was referring to what Mr. Flynn  
16 believed you said during the meeting you had with  
17 him and his wife that we discussed previously; is  
18 that correct?

19 A Yes.

20 Q Okay. And when Mr. Flynn wrote he --  
21 sorry, I just lost -- he acted like a weak soft  
22 canary, he did nothing about the issues in the  
23 schools that will become a major problem involving  
24 hatred and violence very soon. He again refers to

Transcript of Michael Welch  
Conducted on November 9, 2021

1 you?

2 A That's my understanding, yes.

3 Q And acted refers to how Mr. Flynn viewed  
4 you acted during your meeting with him as well as  
5 I guess in response to the emails we talked about  
6 previously?

7 A I took that to mean the interaction within  
8 the meeting.

9 Q Okay. And that was the meeting with him  
10 and his wife?

11 A Yes.

12 Q Did he use his personal or Dedham Public  
13 Schools email to write this email?

14 A I believe it was his personal email. Most  
15 of our coaches do not have Dedham Public Schools  
16 emails, but I learned later that evidently  
17 Mr. Flynn did have a Dedham Public Schools email.

18 Q Okay. Did Dedham Public Schools pay for  
19 him to write this email?

20 A No.

21 Q Okay. Is writing to a school committee  
22 member -- I guess he wrote this to -- you said he  
23 wrote this email to school committee members?

24 A As I understand it he wrote it to quite a

Transcript of Michael Welch  
Conducted on November 9, 2021

1 few people, and school committee members were  
2 included.

3 Q Okay. And school committee members are --  
4 you report to school committee members; correct?

5 A Yes.

6 Q And so if he wanted to raise issues about  
7 what he viewed about you during the meeting he  
8 had, the appropriate place to express those  
9 concerns would be to the school committee?

10 A Yes.

11 Q Did he speak about these issues addressed  
12 in the email on the football field or in the  
13 locker room with his players?

14 A I don't know.

15 Q Okay. Is there anything in this email  
16 that -- the content of this email that would have  
17 been of special knowledge to Coach Flynn because  
18 he was the football coach?

19 A I don't know.

20 Q Is it fair to say almost this entire email  
21 is a response to the meeting you had with him and  
22 his wife?

23 A Yes.

24 Q All right. Going back to Ms. LaPrade, you

Transcript of Michael Welch  
Conducted on November 9, 2021

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1 said you had conversations with her about what  
2 your options were, and you mentioned potential  
3 sanctions.

4 Did Ms. LaPrade provide you with her  
5 opinion on the matter?

6 A We had -- as I mentioned, we had meetings  
7 every other week, and I think this came up on a  
8 regular basis. And rather than providing an  
9 opinion, I think the two school committee members  
10 that I met with provided different thought strings  
11 around -- and questions around how were we as a  
12 school district going to respond.

13 Q Okay. And specifically with Ms. LaPrade,  
14 what thought streams or questions did she raise?

15 A How are we going to respond? And really  
16 that was it. She wanted to know how we were going  
17 to respond to this as a district. And they -- the  
18 school committee knows that these are personnel  
19 decisions that they are not in control over and  
20 they were simply asking what was I going to do,  
21 had I had conversations with the athletic director  
22 and the principal, yes. I told them I was  
23 interacting with our attorney to make sure  
24 whatever we did, it was going to be legal.

Transcript of Michael Welch  
Conducted on November 9, 2021

1 MR. LEWIS: Before we start, I just forgot  
2 to mention this morning, we're agreeing to the  
3 usual stipulations here regarding reserving  
4 objections until the time of trial and giving  
5 Mr. Welch the ability to review and sign his  
6 transcript within 30 days after the depo?

7 MR. BEKESHA: Yeah, that's fine.

8 MR. LEWIS: Sorry. I forgot the mention  
9 it this morning. Thank you.

10 MR. BEKESHA: Absolutely.

11 Q Welcome back, Mr. Welch.

12 Besides Mr. Lewis did you talk to anybody  
13 during the break about the deposition?

14 A I spoke to my secretary just to catch up  
15 on what had happened this morning and mentioned  
16 that we had another two and a half hours. I did  
17 not talk about anything around the content.

18 Q Okay, perfect. And did you review any  
19 documents during the break related to the  
20 deposition?

21 A No.

22 Q Okay, great. Between October and December  
23 of 2020 did you speak to any parents about  
24 Mr. Flynn?

Transcript of Michael Welch  
Conducted on November 9, 2021

1           A No. Other than, again, the two school  
2 committee members who I've been talking with about  
3 this along the way are both parents, but not in  
4 their capacity as parents did I speak with them.

5           Q Okay. Thank you. Did you speak to any  
6 players -- sorry, any football players, varsity  
7 football players between October and December of  
8 2020 about Coach Flynn?

9           A No.

10          Q Okay. I think you mentioned earlier  
11 sometime around Christmas break you had decided  
12 that Coach Flynn couldn't -- that Coach Flynn  
13 shouldn't be reappointed.

14                 Was that your testimony earlier?

15          A Yes.

16          Q Okay. And was that a decision you made or  
17 was that decision at the time made jointly with  
18 Mr. Traister and Mr. Forrest?

19          A I think I had come around to this  
20 conclusion about the incompatibility with  
21 Mr. Flynn's views and positions at his position as  
22 football coach in that time frame and had a  
23 conversation collectively with Mr. Traister and  
24 Mr. Forrest right around that time.

Transcript of Michael Welch  
Conducted on November 9, 2021

1 Q Okay. So what specifically led -- when  
2 you internally made that decision or you  
3 personally made that decision, was there one  
4 specific thing that led you to that decision or  
5 was it more general related to the issues we  
6 discussed previously?

7 A General in relation to the issues we  
8 discussed moving up to that decision, all of the  
9 pieces that we had been discussing. In addition  
10 the conversation with our attorney that he  
11 indicated to me that we were within our rights to  
12 nonreappoint him legally.

13 Q Okay. How many conversations did you have  
14 with the attorney in October, November, and  
15 December of 2020 about Mr. Flynn?

16 A Again, three or four, I had mentioned it  
17 to him. He had done some research and we went  
18 back and forth on a number of occasions with me  
19 just trying to make sure that there weren't any  
20 reasons why we were not within our rights to  
21 nonreappoint him.

22 Q Did you have any concerns that you weren't  
23 within your rights to not reappoint Mr. Flynn?

24 A Yes.

Transcript of Michael Welch  
Conducted on November 9, 2021

1 MR. LEWIS: Objection.

2 Go ahead. Sorry, Mike.

3 A Yes. I did have concerns. I had been a  
4 principal in a number of other districts and had  
5 occasions to nonreappoint coaches, and in some  
6 instances there would be reasons why that would've  
7 not been permitted based on contractual issues.

8 Q Okay. Sorry, what is the attorney's name  
9 that we've been referring to?

10 A Kevin Bresnahan from Murphy, Hesse, Toomey  
11 & Lane.

12 Q Okay. And he is the attorney for the  
13 Dedham school district?

14 A Correct.

15 Q Okay. Did you speak to any other  
16 attorneys about Mr. Flynn?

17 A No.

18 Q Do you recall when your meeting with  
19 Mr. Traister and Mr. Forrest took place after the  
20 Christmas break?

21 A I don't know the date. I would say it was  
22 the first few days after the return from December  
23 break.

24 Q Okay. So that would've been the first few

Transcript of Michael Welch  
Conducted on November 9, 2021

1 Q Sorry, not reappointed, my apologies.

2 A So, the way I phrased it to them was I  
3 believe it's in our -- it's appropriate to  
4 nonreappoint Mr. Flynn. And we had a discussion  
5 about it, and they both agreed.

6 Q Did the three of you vote on it?

7 A No.

8 Q You just had a discussion where each of  
9 you discussed your views?

10 A Yes.

11 Q During that conversation was there any  
12 discussion about Mr. Flynn's First Amendment  
13 rights?

14 A No.

15 Q Prior to that meeting had you thought  
16 about Mr. Flynn's First Amendment rights?

17 A Yes.

18 Q And what did you -- and when did you --  
19 and what were those thoughts?

20 A Well, certainly Mr. Flynn has a right to  
21 his opinions and he has a right to be critical of  
22 the issues around his daughter's education, and he  
23 has a right to those opinions.

24 Q Did you think about whether or not

Transcript of Michael Welch  
Conducted on November 9, 2021

1 reappointing Mr. Flynn would impact his First  
2 Amendment rights?

3 A Yes.

4 Q And were you concerned that a decision to  
5 not reappoint him would harm his First Amendment  
6 rights?

7 A No.

8 Q Did you speak to anybody about Mr. Flynn's  
9 First Amendment rights before you decided not to  
10 reappoint him?

11 A No.

12 Q At the end of your meeting with  
13 Mr. Forrest and Mr. Traister did you decide on  
14 what the next steps would be with respect to  
15 Mr. Flynn?

16 A Yes. Much of our conversations was about  
17 how to proceed, how Mr. Flynn would have the  
18 opportunity to be heard and how we would  
19 collectively let him know.

20 Q And did you believe it was necessary to  
21 give Mr. Flynn an opportunity to be heard?

22 A Yes.

23 Q And why is that?

24 A I had not had a conversation with him

Transcript of Michael Welch  
Conducted on November 9, 2021

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1 about whether or not he had actually authored that  
2 email. That was not something that I could be  
3 certain of. It was not sent to me. And I wanted  
4 him to be able to answer that question as well as  
5 what his intentions were. Why did he send it?  
6 Why did he send it to the people he did? What did  
7 he expect to happen? Was he aware of the school  
8 committee goals and the goals of our district? So  
9 all of those questions I felt he had a right to be  
10 heard.

11 Q Was it possible for your mind to be  
12 changed about not reappointing him after that  
13 opportunity to be heard?

14 A I think it could have been, and that's why  
15 we wanted to have a meeting collectively together  
16 to address those issues.

17 Q And during that January meeting with  
18 Mr. Forrest and Mr. Traister did you have  
19 conversations about how that final email would  
20 impact the football field in the upcoming season?

21 A We talked about the content of the email  
22 and how it was incompatible with the goals of the  
23 district.

24 Q And specifically what goal -- what goals

Transcript of Michael Welch  
Conducted on November 9, 2021

1 in particular were going to be affected on the  
2 football field?

3 A The idea of equity, that everybody gets  
4 what they need to succeed, and Mr. Flynn's stated  
5 belief that he did not believe in equity.

6 Q Prior -- at any point during your tenure  
7 as superintendent did you hear concerns from  
8 anyone that Mr. Flynn was not being equitable on  
9 the football field towards players?

10 A No.

11 Q Do you know if any concerns were ever  
12 raised about Mr. Flynn not being equitable on the  
13 football field while he was head football coach of  
14 the -- the varsity head football coach at Dedham  
15 Public Schools?

16 A I don't know.

17 Q Do you know if Mr. Flynn helped players  
18 get equipment that they for whatever reason  
19 weren't able to get themselves?

20 A I don't know.

21 Q Do you know if Mr. Flynn while he was head  
22 football coach helped players get rides when for  
23 whatever reason they weren't able to secure rides  
24 on their own?

Transcript of Michael Welch  
Conducted on November 9, 2021

1 A I don't know.

2 Q As superintendent, did you ever hear  
3 concerns that Mr. Flynn was treating players  
4 differently based on their race?

5 A No.

6 Q Did you ever hear -- while you were  
7 superintendent hear concerns that Mr. Flynn was  
8 treating certain athletes -- certain players  
9 differently than others?

10 A In previous conversations with the former  
11 high school principal there were concerns about  
12 who was playing, who was playing what positions,  
13 what decisions were being made, but those concerns  
14 were not raised to me by parents.

15 Q And what were the nature of those  
16 concerns? Was it that he thought he was playing  
17 the wrong players or somebody would have been  
18 better at a different position? I'm just trying  
19 to get a sense of what the concerns were by the  
20 former principal.

21 A Yes, I think that's accurate. Who's  
22 playing what position, who's playing how many  
23 downs, things of that nature.

24 Q Okay. During your time as superintendent

Transcript of Michael Welch  
Conducted on November 9, 2021

1 did you ever hear concerns about Mr. Flynn as  
2 coach from parents of football players?

3 A No.

4 Q Did you ever hear concerns while you were  
5 superintendent from players about Mr. Flynn as  
6 football coach?

7 A No.

8 Q During your time as superintendent did you  
9 ever hear people speak positively of Mr. Flynn as  
10 head football coach?

11 A No. It's not typical for me to receive  
12 those types of comments about our coaches unless  
13 there's a specific incident that occurred, and I  
14 did not have that occasion with Mr. Flynn.

15 Q Okay. So the discussion on -- in January  
16 with Mr. Traister or Mr. Forrest was focused  
17 around that final email and the content of it?

18 A Yes.

19 Q Okay. There was no -- there was no  
20 discussion about concerns of Mr. Flynn on the  
21 football field interacting with students, was  
22 there?

23 A I raised the issue that Mr. Flynn's stated  
24 beliefs and the vision of the school district in

Transcript of Michael Welch  
Conducted on November 9, 2021

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1 terms of the school committee goals were not  
2 aligned. It was not raised in the sense of a  
3 specific incident on the football field.

4 Q Okay. Did you have concerns that if  
5 Mr. Flynn remained football coach that he would  
6 treat students differently based on race going  
7 forward?

8 A I think I had concerns about Mr. Flynn's  
9 views around he would treat some students then  
10 others not specifically narrowed to just race.

11 Q Could you just explain that answer a  
12 little bit more?

13 A Yeah. So in terms of how different  
14 students, for instance, students whose language is  
15 not English, how would they be treated? Students  
16 who were economically disadvantaged, how would  
17 they be treated? Students who were of different  
18 ethnicities and how they would be treated, not  
19 necessarily just narrowed to race.

20 Q Okay, thank you. And based on -- had you  
21 heard any concerns or problems with Mr. Flynn  
22 previously about treating students where English  
23 was not their first language, treating them  
24 differently from players where their first

Transcript of Michael Welch  
Conducted on November 9, 2021

1 language was English?

2 A No.

3 Q Did you hear any concerns about how  
4 Mr. Flynn treated players that were economically  
5 disadvantaged compared to other students?

6 A No.

7 Q Okay. Did you discuss during that January  
8 meeting with Mr. Forrest and Mr. Traister about  
9 the fact that those concerns hadn't risen during  
10 Mr. Flynn's long tenure as head football coach?

11 A No.

12 Q Did you -- while you were personally  
13 thinking about these issues and making a decision  
14 not to reappoint Mr. Flynn, did you think about  
15 fact that you hadn't heard of any concerns about  
16 how Mr. Flynn was adversely treating players  
17 during his long tenure as head football coach?

18 A Yes, I had thought about that. And I  
19 thought about the impact of Mr. Flynn's words and  
20 beliefs in that email and how that did or did not  
21 align with my understanding of his work as our  
22 head football coach.

23 Q Do you believe it's possible for an  
24 individual to have personal beliefs but also

Transcript of Michael Welch  
Conducted on November 9, 2021

1 perform on the job separate and distinct from  
2 those personal beliefs?

3 A Yes.

4 Q Did you think it was possible for  
5 Mr. Flynn to continue performing as head football  
6 coach as he had done all along during his long  
7 tenure without changing what he was doing even  
8 though he had expressed those beliefs to the  
9 school committee in that email?

10 A No.

11 Q And why is that?

12 A I think the beliefs that Mr. Flynn  
13 expressed were not just about football and his  
14 interactions with kids, but more broadly about the  
15 way he fit into the district and where the  
16 district was headed collectively.

17 Q And where was the district headed  
18 collectively?

19 A Wanting to make sure that equity was a key  
20 part of how everyone in the district was accepted,  
21 kids who are -- kids and families who are  
22 different and how they would be embraced and  
23 accepted and supported and feel welcome in our  
24 district.

Transcript of Michael Welch  
Conducted on November 9, 2021

1 Q As superintendent did you hear of any  
2 instances where Mr. Flynn did not embrace,  
3 support, or welcome any player or potential player  
4 on his football team?

5 A No.

6 Q You testified a moment ago that you wanted  
7 to give Mr. Flynn an opportunity to be heard. Did  
8 Mr. Flynn have that opportunity?

9 A Yes.

10 Q And do you recall when -- how did he have  
11 that opportunity?

12 A When we met in January with Mr. Forrest,  
13 Mr. Flynn, and Mr. Traister, I asked him  
14 specifically if he wrote the email in question,  
15 what his intentions were in sending that email,  
16 what he expected to happen after he sent that  
17 email, and if he still believed that the school  
18 district's goal of equity was something that he  
19 believed in.

20 Q And did you get answers to those questions  
21 from Mr. Flynn?

22 A Yes.

23 Q How did you did he respond to those  
24 questions by you?

Transcript of Michael Welch  
Conducted on November 9, 2021

1           A He answered that he did author the email,  
2 he sent it to a whole bunch of people in the  
3 community that he felt were similarly aligned with  
4 his thinking, and he intended for that to spark a  
5 discussion with the school committee around some  
6 of the goals and values and direction the district  
7 was taking. And he did not believe in equity.

8           Q In your mind how do you define equity?

9           A Equity means that everyone gets what they  
10 need to succeed.

11          Q When did this meeting take place with  
12 Mr. Flynn?

13          A I think the date was January 20th, 2021.

14          Q Okay. Prior to -- following your meeting  
15 with Mr. Traister and Mr. Forrest and your meeting  
16 with Mr. Flynn did you speak to anybody about  
17 Mr. Flynn?

18          A I want to make sure I understand your  
19 question. It was one meeting with everyone in the  
20 room at the same time, I think on January 20th.

21          Q Okay. I guess my question was the meeting  
22 that we were talking about previously in earlier  
23 January when you had it -- when you had a meeting  
24 with Mr. Forrest and Mr. Traister and decided not

Transcript of Michael Welch  
Conducted on November 9, 2021

1 letter besides yourself?

2 A Yes. I also sent it to Mr. Traister and  
3 Mr. Forrest and to the chair of the school  
4 committee.

5 Q Did any of them have any input with  
6 respect -- or comments with respect to the letter?

7 A Yes, I think the chair of the school  
8 committee indicated she would rather just see us  
9 say he's not being reappointed without any type of  
10 cause, and I felt strongly that having an  
11 additional set of words about the reason would be  
12 appropriate because everyone would ask.

13 Q Did Mr. Traister or Mr. Forrest have any  
14 comments about the letter?

15 A No.

16 Q Did you send the letter to the attorney as  
17 well?

18 A I don't remember. I think I would have,  
19 yes.

20 Q Why don't we --

21 MR. BEKESHA: Suzie, let's pull up draft  
22 letter email.

23 (WELCH Deposition Exhibit 8 marked for  
24 identification and attached to the transcript.)

Transcript of Michael Welch  
Conducted on November 9, 2021

1 Q Mr. Welch, do you recognize what's been  
2 marked as Welch 8?

3 A Yes.

4 Q And what is this email?

5 A This is an email I sent to the chair of  
6 the school committee. I assume there was an  
7 attachment here. And it was what I felt was the  
8 way to word a nonreappointment letter that would  
9 go to parents and students.

10 Q Okay. And the second line of the email  
11 says, I think we are easily justified in using  
12 this language.

13 What did you mean by easily justified?

14 A I meant that I felt strongly that we  
15 needed to have some kind of reasoning about why  
16 this was the case, even though I think our  
17 attorney did not believe that that was necessary.  
18 I felt it was important to have that.

19 Q And then the fourth line, meeting with  
20 Dave Flynn is at 3:00 p.m. I intend to send this  
21 out as soon as our conversation is finished. Do  
22 you see that?

23 A Yes.

24 Q So going into the meeting, is it fair to

Transcript of Michael Welch  
Conducted on November 9, 2021

1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

2 I, PAUL P. SMAKULA, the officer before whom  
3 the foregoing deposition was taken, do hereby  
4 certify that the foregoing transcript is a true  
5 and correct record of the testimony given; that  
6 said testimony was taken by me stenographically  
7 and thereafter reduced to typewriting under my  
8 direction; that reading and signing was not  
9 requested; and that I am neither counsel for,  
10 related to, nor employed by any of the parties to  
11 this case and have no interest, financial or  
12 otherwise, in its outcome.

13  
14 IN WITNESS WHEREOF, I have hereunto set my hand  
15 and affixed my notarial seal this 16th day of  
16 November, 2021.

17  
18 My commission expires: June 18, 2023.

19  
20 *Paul P. Smakula*  
21 \_\_\_\_\_



22 NOTARY PUBLIC IN AND FOR  
23 THE STATE OF MARYLAND

24

# **EXHIBIT D**

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THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

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DAVID FLYNN, :  
Plaintiff, :  
v. : Civil Action No.:  
MICHAEL J. WELCH, : 1:21-cv-10256-IT  
et al., :  
Defendants. :

- - - - -x

Deposition of STEPHEN TRAISTER

Conducted Virtually

Monday, September 13, 2021

10:01 a.m. ET

Job No.: 396568

Pages: 1 - 134

Reported By: Victoria Lynn Wilson, RMR, CRR

Transcript of Stephen Traister  
Conducted on September 13, 2021

1 Q Okay. Do you recall what the email was  
2 about?

3 A Yes, it was a lengthy email. It was about  
4 the issues that went on at the middle school. It  
5 went on about a meeting that Mr. Flynn and his  
6 wife had with Mr. Welch. It went on about how  
7 that Mr. Flynn did not think that meeting went  
8 well. I think it had some stuff about Karen  
9 Hillman, our middle school principal, obviously,  
10 because it -- I mean it was more -- at the  
11 beginning, I believe it had more about the things  
12 that went on at the middle school, things that  
13 went on with his daughter, I think. I think his  
14 son was in elementary.

15 And then it went into the meeting itself  
16 that him and -- Mr. Flynn and Mrs. Flynn had with  
17 Mr. Welch, and then it spoke of things that Dave  
18 didn't agree with with the schools and didn't  
19 agree with with Mr. Welch.

20 Q What was your -- did you have a reaction  
21 when you read the email?

22 A Yeah, I -- I thought a lot what was

Transcript of Stephen Traister  
Conducted on September 13, 2021

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1 written -- again, the beginning part and with his  
2 sons -- son and daughter, I had no issue with any  
3 of that. I thought it was very harsh towards our  
4 boss and the school system, you know, for what we  
5 stood for.

6 Q And what do you mean by that?

7 A Well, it had a lot of stuff that, you  
8 know, the schools have in their mission statement  
9 and things and that Mr. Flynn didn't agree with,  
10 and then it was some harsh words about Mr. Welch,  
11 like, personal words that I thought were -- that I  
12 thought that was harsh.

13 Q After -- after reading the email, did you  
14 think you could still work with Mr. Flynn for the  
15 upcoming season?

16 A Yep, I didn't know how that was going to  
17 go. I mean it wasn't an issue with me in terms of  
18 he didn't write anything about me, but he wrote  
19 stuff about our boss, so that was -- I didn't  
20 think that was going to go well.

21 Q Did you think he would still be able to  
22 coach player students after reading the email?

Transcript of Stephen Traister  
Conducted on September 13, 2021

1 A I probably didn't think in that term.

2 Q Okay.

3 A Honest, at that point, like, they -- it  
4 was not positive we could run football still.

5 Q Okay.

6 A Like, there was still no definitive --  
7 like, it hadn't gone through all the processes of  
8 what are the modifications, can we run football  
9 safely.

10 Q So, after -- what happened after you read  
11 the email?

12 A So, that would have been, again, right  
13 after Thanksgiving or so, and I didn't bring it up  
14 with anybody. I just asked -- I saw Forrest,  
15 Mr. Forrest, and I said, "Did you read it," or he  
16 asked me if I read it, and it was just  
17 conversation, like, "What did you think?" I'm,  
18 like, "I thought that was harsh."

19 And, you know -- and then the other part  
20 that was brought up is, with all that he wrote,  
21 you know, that's a personal thing or whatever, but  
22 then he signed it as the head football coach of

Transcript of Stephen Traister  
Conducted on September 13, 2021

1 didn't start until, like, in the early teens of  
2 December.

3 Q Okay. And, so, when did -- when did the  
4 meeting take place?

5 A So, again, in -- right after that or  
6 before Christmas, again, there was a conversation  
7 in passing and -- or maybe the three of us ran  
8 into each other and said, "We need to discuss  
9 this -- this email."

10 Q Okay. Do you recall if there was anything  
11 else discussed --

12 A No.

13 Q -- during that run-in?

14 A No.

15 Q Okay. During this period of time, did you  
16 talk about Coach Flynn with -- with anyone besides  
17 Mr. Welch and Mr. Forrest?

18 A No. I heard things but I didn't say  
19 anything.

20 Q What did you hear?

21 A I heard from my coaches or parents, "Oh,  
22 did you see the email," or, "What's going to" -- I

Transcript of Stephen Traister  
Conducted on September 13, 2021

1 said, "I didn't" -- I just said, "I didn't see  
2 anything."

3 Q Do you know who you -- do you know  
4 specifically what coaches you heard from?

5 A Nope, I just heard that there was -- so,  
6 this was -- this would have been actually in  
7 November, that there was -- no, this would have  
8 been in December, that there was a meeting that  
9 didn't well -- go well. I didn't know -- I mean I  
10 knew about the meeting from the email.

11 Prior to that, I didn't know there was a  
12 meeting with Mr. Flynn and Mr. Welch, sorry,  
13 Mr. Flynn and Mrs. Flynn and Mr. Welch. So, I  
14 guess, it became a rumor.

15 Q Okay. Do you recall who you heard the  
16 rumors from?

17 A Different coaches and parents.

18 Q Football coaches or other sports coaches?

19 A No, other -- I don't -- I didn't -- I  
20 don't think any of our football coaches coach  
21 anything else, no.

22 Q Okay. And do you know -- do you recall

Transcript of Stephen Traister  
Conducted on September 13, 2021

1 what -- who these other coaches were?

2 A Not specifically. It might have been -- I  
3 don't want to say because I don't know for sure.  
4 It might have been our basketball coach or people  
5 in passing or it actually might have been a  
6 teacher from our middle school, as well.

7 Q Do you recall what they --

8 A In passing.

9 Q Sure. Do you recall what they said?

10 A Just that there was a meeting and an email  
11 that went out.

12 Q Okay. You said you heard from some  
13 parents?

14 A Yep, I forget where I heard that because  
15 we didn't have parents in the school. That might  
16 have been at Dunkin' Donuts.

17 Q Did -- were they parents of football  
18 players; do you recall?

19 A No, they actually weren't.

20 Q And what -- what did these parents say?

21 A Just, "I heard there was a" -- again,  
22 "Heard there was a meeting and that there was an

Transcript of Stephen Traister  
Conducted on September 13, 2021

1 email that went out."

2 Q Did they elaborate any -- any further?

3 A No, they were just kind of seeing if I  
4 knew about it, and I played dumb.

5 Q Okay.

6 A I didn't want to engage in any  
7 conversation.

8 Q Do you recall who these parents were  
9 specifically?

10 A Nope, and, actually, I -- I don't because  
11 they weren't football parents. I just remember  
12 somebody saying, "Oh, Mr. Traister," and they  
13 said, "Oh, how is the things going with the winter  
14 season," or whatever. I don't know who they were  
15 specifically.

16 To be honest, I assumed they were parents  
17 because they were talking about their kids were,  
18 you know, hoping that the seasons would go. So, I  
19 assumed they were parents.

20 Q Was there any discussion from the parents  
21 that Coach Flynn shouldn't be the coach?

22 A No, it was very quick and they could tell

Transcript of Stephen Traister  
Conducted on September 13, 2021

1 I wasn't talking about it.

2 Q What about when you spoke to a coach or  
3 coaches, did any of them indicate they had  
4 concerns about Flynn being coach in the future?

5 A No.

6 Q Eventually, did a meeting between you,  
7 Mr. Forrest, and Mr. Welch take place?

8 A Yep. So, as we got into January, a  
9 meeting still did not take place and,  
10 unfortunately for Mr. Welch and Mr. Forrest, they  
11 had a lot of personal stuff. They had some family  
12 deaths that they dealt with. They were not in  
13 school at the same time for weeks. Excuse me.

14 And then, by that time, we knew, excuse  
15 me, there was going to be a -- a Fall II season  
16 with football and volleyball and stuff like that.  
17 So, in January, we knew football was going to be  
18 able to run, assuming it got through, like, one  
19 more committee detail through the state with  
20 medical.

21 Q Okay.

22 A So, we had the meeting, I would -- I

Transcript of Stephen Traister  
Conducted on September 13, 2021

1 whatever, there might be a chance, you know, like,  
2 but going out of that meeting, I thought we were  
3 going to have to make a change to the football  
4 coach.

5 Q And in your mind, why did you think you  
6 needed to make a change to the football coach?

7 A Because of the contents of that email.

8 Q What -- what specifically about -- about  
9 the contents?

10 A Sure. So, Mr. Welch really talked about  
11 how it was not in line with what the school  
12 believed in. More on my end, it was the -- I mean  
13 he didn't talk about it. I thought the way he  
14 talked about our boss was bad, and Mr. Forrest  
15 agreed with that, as well.

16 Q Okay. Were you concerned that Coach Flynn  
17 couldn't be an effective coach on the field  
18 because of the content of his email?

19 A Yeah, I was worried, you know, if this is  
20 what he -- like, I just thought if he wrote that  
21 about me, I would be -- I would have a problem.  
22 I'm, like, his -- you know, the chain of command,

Transcript of Stephen Traister  
Conducted on September 13, 2021

1 you know.

2 Q Sure.

3 A To be honest, I thought, in my mind, like,  
4 if a coach said that stuff to me or whatever, we'd  
5 have a problem and we'd probably have to move on.  
6 I -- in my mind, not during that meeting but in my  
7 mind either driving home or whatever during this,  
8 I'm, like, if somebody had written -- one of his  
9 assistant coaches had talked that badly about him  
10 or an assistant coach had talked that badly about  
11 a head coach, they probably wouldn't be -- you  
12 know.

13 Q Sure. I guess I should -- were you  
14 concerned that because of the content of the  
15 email, he would have problems coaching students on  
16 the field?

17 A No.

18 Q Did you have concern --

19 A Go ahead.

20 Q I guess my question is did you think this  
21 was going to have an effect on what was going on,  
22 you know, with the team or on the field.

Transcript of Stephen Traister  
Conducted on September 13, 2021

1           A I probably didn't think it through like  
2 that.

3           Q Okay.

4           A And I was more concerned about the  
5 timeline, as well.

6           Q Sure. And then you mentioned that Coach  
7 Flynn emailed you around the same time about the  
8 schedule. Did you respond to his email?

9           A Yes, I did late the afternoon -- or I  
10 don't know if we had -- actually, we wouldn't have  
11 had a basketball game on Friday because we had  
12 them all on weekends. And I just wrote -- we  
13 didn't have the schedule put in, so we just  
14 listed, "Here's the teams we're playing."

15          Q Do you know if your response came before  
16 or after this meeting?

17          A After. He literally emailed me during  
18 that meeting.

19          Q And, so, when you emailed him back, did  
20 you think he was going to be coach for that  
21 season?

22          A No, so, I didn't write, like -- I just

Transcript of Stephen Traister  
Conducted on September 13, 2021

1 contents of the email didn't -- didn't talk  
2 about -- do you think the content -- strike that.

3 Do you think the content of the email  
4 talked about or was written in a way about Flynn  
5 being a football coach?

6 A No, it had nothing to do with being the  
7 football coach, the content of it.

8 Q Was there any discussions during this  
9 meeting about Mr. Flynn's First Amendment rights?

10 A No.

11 Q Okay. What happened after the meeting?

12 A Mr. Welch said his secretary, Amy Hicks,  
13 would set up a meeting for next week.

14 Q Did she set up the meeting?

15 A Yep, I believe she set it up late Friday.  
16 I don't remember if I got an email or a text  
17 saying, like, that it would be the following  
18 Wednesday. There was no school on Monday.

19 Q Do you know for when the meeting was set  
20 up?

21 A For Wednesday.

22 Q Okay.

Transcript of Stephen Traister  
Conducted on September 13, 2021

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1 equity?

2 A Basically, Dave said he didn't agree with  
3 it. And Mike asked, "Why," or, "How come?" Mike  
4 had -- and I think Dave said, "Well, we disagreed  
5 at our last meeting about it," which, you know,  
6 that's the first specifics I had heard of the last  
7 meeting, that Dave and his wife and Mike had  
8 heard -- met with Mr. Welch, and they,  
9 basically -- Mr. Welch just asked them all that.  
10 Yeah, and that lasted, you know, five to ten  
11 minutes.

12 Q Did Mr. Forrest speak at all?

13 A Yeah, so what Dave kept going back and,  
14 basically, was saying, "I don't agree with this  
15 and, you know, I think we should -- I think it  
16 actually should be changed."

17 And then Jim Forrest said, "And, Dave,  
18 that's why we have to go in a different direction  
19 with our football program."

20 Q Okay. And was that the first time that  
21 Mr. Flynn was informed -- I guess let me take a  
22 step back. What did that mean to you?

Transcript of Stephen Traister  
Conducted on September 13, 2021

1           A   That he was not going to be our football  
2 coach.

3           Q   Was that -- was that the first time that  
4 Mr. Flynn heard that he wasn't going to be the  
5 football coach?

6           A   Yes.

7           Q   Were you surprised Mr. Forrest said that?

8           A   No, not the way the meeting went, no.

9           Q   Going into the meeting, did you think the  
10 three of you were going to have another discussion  
11 before --

12          A   -- how the meeting went, yeah.

13          Q   I guess my question is --

14          A   Sure.

15          Q   -- are you surprised that there was no  
16 discussion without Dave's presence before he was  
17 informed he wasn't -- he wasn't going to be coach  
18 again?

19          A   Okay. Can you just redo that, just the  
20 beginning of that? Sorry.

21          Q   Sure. Sure. I think you testified  
22 earlier that you thought you were going to speak

Transcript of Stephen Traister  
Conducted on September 13, 2021

1 to Mr. Flynn --

2 A Yeah.

3 Q -- and then depending on how the meeting  
4 went, a decision would be made.

5 A Yeah.

6 Q Is that a fair characterization?

7 A Yeah, but going into the meeting, it --  
8 you know, we were probably going to have to make a  
9 change. And then the way the meeting went when  
10 Mr. Forrest said -- like, I could tell where the  
11 meeting was going.

12 Q Okay.

13 A And Mr. Forrest, who -- you know, the  
14 principals do the actual hiring/firing for school  
15 systems, in terms of the teachers and coaches. He  
16 said in -- when it was talking about the equity  
17 and the disagreement with the school's mission  
18 statements and that Mr. Flynn had said, you know,  
19 "I don't agree with it and, actually, that should  
20 probably be changed." And then that's when  
21 Mr. Forrest said, "And that's why we have to make  
22 a change with our football job."

Transcript of Stephen Traister  
Conducted on September 13, 2021

1 Q And did you agree with that statement by  
2 Mr. Forrest?

3 A Once he said that, yes.

4 Q Prior to him saying that, did you think a  
5 decision was going to be --

6 A The way the meeting was going, I knew it  
7 was not going to end up -- I knew we were going to  
8 end up with a change.

9 Q Okay. Why didn't you say anything during  
10 the meeting?

11 A There was no space for me to say anything.  
12 I mean --

13 Q Okay.

14 A -- constant conversation between Mr. Flynn  
15 and Mr. Welch, and then Mr. Forrest said that, and  
16 then Dave abruptly ended the meeting.

17 Q Okay. Was there anything --

18 A I -- understand specifically to talk  
19 during the meeting, but it just never came up that  
20 I would or -- it never came up that I would or  
21 would not talk. I just wasn't part of any of the  
22 conversations.

Transcript of Stephen Traister  
Conducted on September 13, 2021

1 Q Was there anything you wanted to say  
2 during the meeting that you didn't have the  
3 opportunity to?

4 A No.

5 Q Was the meeting contentious?

6 A I would say -- I would say Dave felt  
7 defensive as it went -- as it got going, and then  
8 once Mr. Forrest said that, Dave abruptly stood up  
9 and yelled, "This meeting is over. I wasn't ready  
10 for this," pushed his chair pretty aggressively  
11 away, "you'll be hearing from me," and then opened  
12 up the door and slammed it shut.

13 Q Did that surprise -- did his reaction  
14 surprise you?

15 A No.

16 Q Did anybody else raise their voice during  
17 the meeting?

18 A No, and Dave really didn't raise his voice  
19 until that point.

20 Q Okay. So, it was only after he found out  
21 that he --

22 A Sure.

Transcript of Stephen Traister  
Conducted on September 13, 2021

1 Q -- wasn't going to be coach.

2 A Yeah. He was definitely defensive, which  
3 I understand, during the meeting and during the  
4 questions, but he never raised his voice until  
5 that point.

6 Q And at the beginning of the meeting,  
7 everybody, generally, was civil? It wasn't --

8 A No, it was a regular conversation.

9 Q So, what happened after Mr. Flynn got up  
10 and left?

11 A So, Mr. Welch had had an email ready to go  
12 if we needed to send it after the meeting. After  
13 Mr. Flynn left, we looked at each other and said,  
14 "That didn't go well." And then Mr. Welch said,  
15 "Do you have that email prepared to go out?" And  
16 I said, "Yep." And he said, "Well, please go send  
17 it."

18 Q And what was that email?

19 A So, the email -- we had gotten a letter  
20 that day or -- from Mr. Welch, basically, just  
21 the -- a letter saying to the families of  
22 returning football players, saying that we were

Transcript of Stephen Traister  
Conducted on September 13, 2021

1 not going to renew or reappoint our football coach  
2 for the Fall II season, or going forward. I don't  
3 remember -- that letter in a while but --

4 Q Sure. Do you recall who signed the  
5 letter?

6 A Myself, Mr. Forrest, and Mr. Welch,  
7 probably that day.

8 Q Did you -- I just said did you  
9 electronically or physically sign it?

10 A We physically signed it, and then it was  
11 scanned through.

12 Q Okay. Do you recall --

13 A -- come out.

14 Q Sure. Do you recall if you signed the  
15 letter before or after the meeting?

16 A No, before the meeting.

17 Q And this was the -- a letter informing  
18 parents and students that Coach Flynn was not  
19 reappointed?

20 A To the returning -- potential returning  
21 football parent, guardians, and the football  
22 players.

Transcript of Stephen Traister  
Conducted on September 13, 2021

1 Q Okay. And, so, this letter informing them  
2 of your decision was signed prior to the meeting?

3 A Yes.

4 Q Okay. And you -- did you still think  
5 going into the meeting there was a chance Coach  
6 Flynn wasn't going to --

7 A I told you I didn't think -- good, but  
8 there was a chance if he had -- you know, if the  
9 meeting went better, it may have changed.

10 Q Do you know if Mr. Welch and Mr. Forrest  
11 had similar thoughts --

12 A I do not know what --

13 Q -- about the --

14 A I talked with Mr. Forrest about it, you  
15 know, after, and we just said, "Yeah, that didn't  
16 go well and he didn't help himself."

17 Q Do you know if either of them thought  
18 going into the meeting that there was  
19 potential Mr. Flynn could have been the  
20 football -- the football coach in the upcoming  
21 Fall II season?

22 A I don't know exactly what they thought

Transcript of Stephen Traister  
Conducted on September 13, 2021

1 other than that they thought we needed to have a  
2 meeting with Coach Flynn about that email.

3 MR. BEKESHA: Okay. Brian, why don't we  
4 take five-, ten-minute break.

5 MR. LEWIS: That's fine.

6 (A recess was taken.)

7 BY MR. BEKESHA:

8 Q Welcome back, Mr. Traister. Now I'm going  
9 to pull up -- Jackson is going to pull up on the  
10 screen and share what was previously marked as  
11 Flynn Exhibit 4.

12 A Okay.

13 (Flynn Exhibit 4, previously marked, is  
14 retained by counsel.)

15 Q Do you recognize this email or this  
16 document?

17 A Can you go down? Is this, like, the whole  
18 big one?

19 MR. BEKESHA: Yeah, you can keep scrolling  
20 down, Jackson.

21 A I mean without reading it, I believe it  
22 is, yes.

Transcript of Stephen Traister  
Conducted on September 13, 2021

1 Q And this would be the email that Mr. Welch  
2 sent to you in the fall of 2019 and was the -- was  
3 the email of numerous discussions?

4 A Yep, 2020.

5 Q 2020, yeah. Sorry.

6 MR. LEWIS: Michael, can I ask -- I know  
7 this is marked as Exhibit 4 from Dave Flynn's  
8 exhibit, but I'm seeing this now, and I note  
9 there's notes on there. Like, those are my notes.

10 MR. BEKESHA: Okay.

11 MR. LEWIS: The exhibit that was used -- I  
12 know it's marked as such and, obviously, maybe I  
13 copied this, but these -- the handwriting is my  
14 handwriting. So, we can talk afterwards about  
15 this, but I think that might not be the proper  
16 exhibit. I mean it's the proper email, but the  
17 notes are not the same notes, the handwritten  
18 notes. Sorry about that.

19 MR. BEKESHA: Oh, no problem. I actually  
20 hadn't looked at it until just now.

21 MR. LEWIS: Yeah, me neither.

22 MR. BEKESHA: That's fine. I'm going to

Transcript of Stephen Traister  
Conducted on September 13, 2021

1 ask a few questions, and then we can swap it out  
2 afterwards.

3 MR. LEWIS: Okay. Thank you.

4 MR. BEKESHA: So that's not a problem.

5 Jackson, if you could just scroll down to  
6 the very end of the email. Up a tiny bit. Yeah,  
7 right there -- down a little bit, just -- so the  
8 whole -- yeah, right there. Perfect.

9 Q Mr. Traister, do you see the end of this  
10 email?

11 A I do.

12 Q Do you see it says, "David M. Flynn,  
13 M.Ed., moderate special needs, 5 to 12, BHS:LECE  
14 program"?

15 A Correct.

16 Q Do you know what that means?

17 A It's a master's in ed in moderate special  
18 needs and that, I assume, BHS is Braintree High  
19 School. I have no idea what the LECE program is.

20 Q And why do you assume BHS is Braintree  
21 High School?

22 A Because that's where Dave has worked,

Transcript of Stephen Traister  
Conducted on September 13, 2021

1 that's where he has taught, and that's where he  
2 was -- you know, prior to being the football coach  
3 at Dedham, he was the head football coach at  
4 Braintree.

5 Q Okay. And then you see the next line, it  
6 says, "Head football coach Dedham High School"?

7 A Yes.

8 Q And is that why, when we were talking  
9 earlier, that's what you were talking about when  
10 you said you, Mr. Welch, and Mr. Forrest were  
11 talking about he signed it as the football coach?

12 A Yeah, that was part of his signature, yes.

13 Q Okay. Did you also discuss that Mr. Flynn  
14 signed it as a special needs teacher at Braintree  
15 High School?

16 A We did not discuss that.

17 Q When you saw this, did you think Mr. Flynn  
18 sent this email as a special needs teacher for  
19 Braintree High School?

20 A No, I did not see that, no.

21 Q Okay. Did you think that?

22 A No.

Transcript of Stephen Traister  
Conducted on September 13, 2021

1 not as a football coach. So, I don't know what  
2 that -- I don't know what --

3 Q Okay.

4 A -- is. I'm sorry.

5 Q I'll ask it a little bit differently and  
6 maybe come back to it.

7 As athletic director, did you think that  
8 the email was going to impact his coaching on the  
9 field?

10 A In terms of X's and O's and execution, no,  
11 but in terms of, you know, following the chain of  
12 command and being disrespectful, it did not sit  
13 well.

14 Q Okay. What about related to the content  
15 of the email, did you think what his stated views  
16 were was going to impact how he was going to coach  
17 during the Fall II season?

18 A I didn't think of that in terms of on-the-  
19 field stuff.

20 Q Okay. I think you mentioned in the  
21 beginning of the deposition that there -- over the  
22 years, there have been other coaches that haven't

Transcript of Stephen Traister  
Conducted on September 13, 2021

1           A    I said, "I don't know if I want to be a  
2    head coach again."

3           Q    Do you think that Coach Flynn would still  
4    make a good head football coach?

5           A    I think he knows football.

6           Q    Do you think Mr. Flynn is a racist?

7           A    No.

8           Q    Do you think he's a White Supremist?

9           A    No.

10          Q    Do you believe he treats all his -- all of  
11    his players equally and fairly?

12          A    In terms of those, yes. In terms of --  
13    yeah, I think -- I mean but coachingwise, you  
14    know, better talented players, yes, and not so  
15    much on the others, but nothing to do with race,  
16    gender, or anything is there any problems.

17          Q    That was going to be my next question.  
18    Has there ever been a problem with a minority  
19    student or player complaining about Coach Flynn  
20    treating him or her differently?

21          A    Absolutely not.

22          Q    Do you think his -- his views that he

Transcript of Stephen Traister  
Conducted on September 13, 2021

1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

2 I, Victoria L. Wilson, the officer before  
3 whom the foregoing deposition was taken, do hereby  
4 certify that the foregoing transcript is a true  
5 and correct record of the testimony given; that  
6 said testimony was taken by me stenographically  
7 and thereafter reduced to typewriting under my  
8 direction; that reading and signing was not  
9 discussed; and that I am neither counsel for,  
10 related to, nor employed by any of the parties to  
11 this case and have no interest, financial or  
12 otherwise, in its outcome.

13 IN WITNESS WHEREOF, I have hereunto set my  
14 hand and affixed my notarial seal this 17th day of  
15 September, 2021.

16 My commission expires February 3, 2024.

17  
18  
19

*Victoria Lynn Wilson*



20 VICTORIA L. WILSON  
21 NOTARY PUBLIC IN AND FOR  
22 THE STATE OF MARYLAND

# **EXHIBIT E**

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THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

-----  
DAVID FLYNN, :  
 :  
Plaintiff, :  
 :  
vs : Civil Action No.  
 : 1:21-cv-10256-IT  
MICHAEL J. WELCH, :  
et al., :  
 :  
Defendants. :  
-----

Virtual Deposition of JIM FORREST  
Monday, September 20, 2021  
9:00 a.m. CST

Job No.: 396582  
Pages: 1-95  
Reported by: Bonnie Panek

Transcript of Jim Forrest  
Conducted on September 20, 2021

1 Q And how did you know that?

2 A Well, so indirectly I heard it through  
3 conversations with Mr. Welch in his conversations  
4 with school committee, so certainly not very  
5 directly.

6 Q Okay. And so Mr. --

7 A To say I know might be too strong, but  
8 I was -- I had received secondhand information and  
9 I believed that secondhand information.

10 Q Okay. So at some point Mr. Welch told  
11 you that he spoke with school committee members?

12 A Yes.

13 Q Do you remember when he told you that?

14 A Sometime in the fall. I believe I had  
15 already said that he had told me that the school  
16 committee wasn't happy. You had asked if I knew  
17 who it was specifically and I don't.

18 Q Okay. Did you talk about school  
19 committee members during your January meeting?

20 A No.

21 Q Did you know if Mr. Welch spoke to any  
22 parents or students about Coach Flynn prior to  
23 your January meeting?

24 A I do not know that he had.

Transcript of Jim Forrest  
Conducted on September 20, 2021

1 Q Okay. Do you know if Mr. Traister  
2 spoke to students or parents about Mr. Flynn prior  
3 to that meeting?

4 A For both gentlemen it would be news to  
5 me that they spoke with anybody aside from myself  
6 and Mr. Welch or the three of us, conversations  
7 amongst the three of us.

8 Q Okay. And just to confirm, you didn't  
9 speak to anybody else prior to that January  
10 meeting about Coach Flynn?

11 A Correct.

12 Q Okay. During that January meeting was  
13 there any discussions about Mr. Flynn's First  
14 Amendment rights?

15 A No.

16 Q So after there was a decision to not  
17 reappoint Coach Flynn what happened next at the  
18 meeting?

19 A It was determined that we would have a  
20 letter, the letter that you had just showed, ready  
21 to go once the meeting was completed and the  
22 decision was formally made and Coach Flynn was  
23 informed that he would not be coming back.

24 Q Okay. So was there going to -- after

Transcript of Jim Forrest  
Conducted on September 20, 2021

1 coaching -- did you think that his emails was  
2 going to affect him coaching students on the  
3 football field?

4 A Yes.

5 Q And how did you think it was going to  
6 have an effect?

7 A He stated directly in his email that he  
8 didn't believe in equity, so he didn't believe in  
9 giving his athletes who might be at different  
10 levels, they should all receive the same thing,  
11 they shouldn't receive coaching that's going to be  
12 differentiated that's going to enable them to be  
13 successful.

14 Q During your January meeting with Coach  
15 Flynn did he talk about -- was there any  
16 discussion about equity on the football field?

17 A Specifically to the football field I do  
18 not believe so.

19 Q What about generally with the football  
20 team?

21 A I don't believe so.

22 Q As assistant principal and then  
23 principal had you heard complaints from students  
24 or parents about Coach Flynn not being equitable

Transcript of Jim Forrest  
Conducted on September 20, 2021

1 towards players?

2 A No.

3 Q Did you ever witness Coach Flynn as  
4 assistant principal and principal not being  
5 equitable towards players?

6 A No.

7 Q Did anybody -- did Mr. Traister ever  
8 raise issues while you were assistant principal or  
9 principal about Coach Flynn not being equitable  
10 towards players?

11 A Not that I recall, no.

12 Q Did anybody at any point raise issues  
13 about Coach Flynn not being equitable with players  
14 while you were assistant principal and principal?

15 A No.

16 Q So why after reading those emails did  
17 you think that there would be a problem with him  
18 being equitable with his players?

19 A Because he flat out stated he doesn't  
20 believe in equity and compared it to socialist  
21 behavior.

22 Q Do you think he held those beliefs  
23 before he wrote that email?

24 MR. LEWIS: Objection. You can answer.

Transcript of Jim Forrest  
Conducted on September 20, 2021

1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY  
2 PUBLIC

3 I, Bonnie K. Panek, a Notary Public in  
4 and for The State of Texas, the officer before  
5 whom the foregoing proceedings were taken, do  
6 hereby certify that the foregoing transcript is a  
7 true and correct record of the proceedings; that  
8 said proceedings were taken by me stenographically  
9 and thereafter reduced to typewriting under my  
10 supervision; and that I am neither counsel for,  
11 related to, nor employed by any of the parties to  
12 this case and have no interest, financial or  
13 otherwise, in its outcome.

14 IN WITNESS WHEREOF, I have hereunto set  
15 my hand and affixed my notarial seal this 23rd day  
16 of September, 2021.

17 My commission expires: January 22, 2025

18  
19 

20  
21 NOTARY PUBLIC IN AND FOR  
22 THE STATE OF TEXAS

23  
24

# **EXHIBIT F**



**David Flynn - Vol. I - August 26, 2021**

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1 Q. -- in the fall of 2020?

2 A. No.

3 Q. Did you have any conversation with Jim  
4 Forrest in the fall of 2020?

5 A. No.

6 Q. When was the next time you spoke with  
7 either Michael Welch or -- about, you know, your  
8 emails that you sent in October of 2020?

9 A. January 20th.

10 Q. 2021?

11 A. Yes.

12 Q. What occurred on January 20, 2021?

13 A. I had a meeting with Mr. Welch and Mr.  
14 Forrest and Mr. Traister.

15 Q. Before you went to that meeting, did you  
16 know the purpose of that meeting?

17 A. No.

18 Q. So who invited you to the meeting?

19 A. The superintendent called my phone -- no,  
20 excuse me. The athletic director called my phone on  
21 Monday evening.

22 Q. And is that Steve Traister?

23 A. Yes.

24 Q. And at that point, what did Mr. Traister

**David Flynn - Vol. I - August 26, 2021**

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1 Q. So Mr. Welch said that Mayanne Briggs --

2 A. He did.

3 Q. -- told him that "we need to do something  
4 about this."

5 In your mind, what did he mean by "we"?

6 A. I have no idea.

7 Q. And then what did you do after saying, "We  
8 need to do something about this"?

9 A. I didn't say that.

10 Q. I'm sorry, when Mr. Welch said, "We need to  
11 do something about this." What happened next?

12 A. He asked me to go to the third page of the  
13 school committee bulletins or agendas. And he asked  
14 me to go to the third bulleted point.

15 Q. And what was at that third bulleted point?

16 A. It said "equity."

17 Q. It just said "equity"?

18 A. We already went over this. I don't know  
19 what else it said. I remember "equity."

20 Q. And after reviewing that third bullet  
21 point, what happened next?

22 A. He said, "You don't believe in equity, do  
23 you?" And I corrected him and said, "No, I never  
24 said that. I don't believe equity works in certain

**David Flynn - Vol. I - August 26, 2021**

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1 situations, but I know what equity is."

2 Q. And then after you responded to Mr. Welch,  
3 what happened next?

4 A. Principal Forrest jumped in and raised his  
5 voice and said that I'm going against everything  
6 this school department's been working towards over  
7 the past, I don't know, three, four or five years.  
8 It's real bad.

9 Q. I know you said before that Mr. Forrest  
10 wasn't there at the beginning. Do you recall when  
11 he got into the meeting?

12 A. After our small talk. We waited for him.

13 Q. Oh, okay.

14 So then after Mr. Forrest said that it was,  
15 in your words, real bad, what happened next?

16 A. Mr. Welch jumped in and basically repeated  
17 what Mr. Forrest said and said that they were going  
18 in a different direction with the football coach  
19 because of this matter.

20 Q. So was that the first time you had learned  
21 that you would not be -- what did you understand  
22 that to mean?

23 A. That I was being fired.

24 Q. So this was the first time you learned that

**David Flynn - Vol. I - August 26, 2021**

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1 going to be the coach, correct?

2 A. I did not. If anything, I quoted Dedham by  
3 saying I was fired for philosophical differences.  
4 If anything. I don't recall.

5 Q. Going back to what's been marked as Exhibit  
6 6, the initial disclosures, I'm going to scroll down  
7 to Page 15.

8 Do you see Page 15, the bottom of Page 15?

9 A. I do.

10 Q. You say here that, "Since January 20,  
11 2021" -- this is a question regarding the damages  
12 that you claim to have suffered based on the fact  
13 that you were not reappointed the football coach.

14 A. Yes.

15 Q. And in the earlier page, you say that --  
16 you categorize it as "emotional distress, loss of  
17 reputation and harassment."

18 So you say here, "Since January 20, 2021,  
19 plaintiff and his family have been called racists  
20 and white supremacists on social media, in letters  
21 to the Dedham Times, at school committee meetings,  
22 and while living their lives."

23 Who's called you a racist?

24 A. People involved in some Dedham politics

**David Flynn - Vol. I - August 26, 2021**

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1 have posted, calling me and my family white  
2 supremacists and racists. I've had -- my wife has  
3 numerous social media posts, an abundance of them,  
4 relating to us as white supremacists and racist. I  
5 was called a fat racist at a school committee  
6 meeting. And I was called a racist walking into a  
7 store by a car passing by. A group of us were  
8 called racists during a rally to support Coach  
9 Flynn. A jogger jogged by and said it, and a car  
10 drove by and yelled it out the window to my mother.

11 Q. You said you were called a racist at a  
12 school committee meeting?

13 A. A Zoom school committee meeting.

14 Q. You said, "a Zoom school committee  
15 meeting"?

16 A. Yes.

17 Q. Was that comment made by a school committee  
18 member?

19 A. No.

20 Q. Made by a member of the public?

21 A. Yes. I don't know who it was.

22 Q. And the comments on the social media posts,  
23 were those comments made by any school committee  
24 members?

**David Flynn - Vol. I - August 26, 2021**

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1 A. I didn't see any school committee members,  
2 no.

3 Q. You said when you were walking out of a  
4 store, someone yelled at you and called you a  
5 racist?

6 A. I was actually walking into the store,  
7 yeah.

8 Q. Walking into the store?

9 A. Yeah.

10 Q. Did you know who that person was?

11 A. No. I looked over my shoulder and I didn't  
12 recognize the car.

13 Q. It was someone driving by in a car?

14 A. It was a drive-by, yeah.

15 Q. You also say here, "in letters to the  
16 Dedham Times..." What's the "Dedham Times"?

17 A. It's the local newspaper. There's a lot of  
18 people going back and forth in it. Not me. Other  
19 people.

20 Q. So a letter in the Times called you a  
21 racist?

22 A. The people that supported me, they called  
23 us all "white supremacist racists."

24 Q. The people that supported you called you

**David Flynn - Vol. I - August 26, 2021**

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1 that there was too much publicity -- and I'm  
2 paraphrasing a little bit here -- but that there was  
3 too much publicity and that you were concerned  
4 about -- you wanted things to calm down; is that  
5 correct?

6 A. Yes.

7 Q. Because people were calling you; is that  
8 correct?

9 A. Yes.

10 Q. But you have no problem with the video  
11 remaining on social media and remaining on YouTube?

12 A. No.

13 Q. You don't think that taking that down would  
14 help things calm down?

15 A. No.

16 MR. LEWIS: I'm going to scroll down,  
17 because it cuts off the next page.

18 Q. You say here, "Plaintiff has also suffered  
19 a loss of reputation within the Dedham community and  
20 the greater Massachusetts football community because  
21 of the retaliation to which he was subjected."

22 What loss of reputation have you suffered?

23 A. I was let go as the football coach of  
24 Dedham High School. And my reputation as a good

**David Flynn - Vol. I - August 26, 2021**

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1 football coach I believe has been tarnished due to  
2 it.

3 Q. How so?

4 A. People are calling me a racist and a white  
5 supremacist.

6 Q. But again, none of that was publicized by  
7 the Dedham Public Schools or the defendants in this  
8 matter?

9 A. I believe it all stirred up from the  
10 firing.

11 Q. But is it fair to say that if anyone was  
12 doing publicity regarding this matter or stirring  
13 things up regarding this matter, it was you, as  
14 opposed to the Dedham Public Schools?

15 A. No.

16 Q. You don't believe that you were publicizing  
17 your termination?

18 A. No. I was telling the truth.

19 Q. But who is not telling the truth on the  
20 Dedham Public Schools?

21 A. I don't know who's not telling the truth.  
22 But the perception of me was untrue.

23 Q. Whose perception, is what I'm getting at.  
24 Do you believe it's the Dedham Public Schools's

**David Flynn - Vol. I - August 26, 2021**

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1 CROSS EXAMINATION

2 BY MR. BEKESHA:

3 Q. When you were a football player at Dedham  
4 High School what was the mascot for Dedham Public  
5 Schools, for Dedham High School?

6 A. Marauder.

7 Q. Do you consider yourself a lifelong  
8 Marauder?

9 A. Yes.

10 Q. When you were not working for Dedham --  
11 when you were not the Dedham -- sorry, when you were  
12 not the Dedham High School football coach, did you  
13 consider yourself a Marauder?

14 A. Prior to January 20th, yes.

15 Q. Earlier today you testified about why you  
16 believed Dedham Public Schools was pushing  
17 anti-police beliefs. Do you recall testifying about  
18 that?

19 A. Today?

20 Q. Yes, today.

21 A. Yes.

22 Q. Besides the BLM emoji, were there any other  
23 reasons why you thought Dedham Public Schools was  
24 pushing an anti-police belief?

**David Flynn - Vol. I - August 26, 2021**

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1 Q. One of those reasons was because you love  
2 your son; is that correct?

3 A. Yes.

4 Q. Are there other reasons why you have  
5 decided not to coach this fall?

6 A. Yeah. My heart was broken. I've been  
7 involved in football my entire life. And for this  
8 to be taken away from me in such a manner, it  
9 devastated me. I mean, I had phone calls left and  
10 right. I must have had six offers to be a coach at  
11 different levels of high school. I had college  
12 offers or just inquiries, you know; people calling  
13 and asking. I thought about it, and I couldn't  
14 bring myself to be involved with football. It just  
15 hurt.

16 I can't even drive by the high school. I  
17 drove by that school every day of my life. I don't  
18 do it anymore. I had to find a new route because it  
19 hurts me so bad driving by that field of the school.

20 And I've been offered different positions  
21 throughout the spring and the summer to think about.  
22 And I just -- I made a decision to pass on it  
23 because I just couldn't -- I didn't know if I was  
24 going to be able to put my whole heart and soul into

**David Flynn - Vol. I - August 26, 2021**

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1 the job.

2 And I have a hard time watching football.  
3 I never miss a game on TV. There's certain games in  
4 the spring league and stuff, when they're doing  
5 college football previews, I have a hard time  
6 watching it. I'm not interested in it anymore. I'm  
7 not the same person. So I passed on those, and I  
8 decided to focus on my family.

9 Q. Since being fired -- strike that.

10 MR. BEKESHA: I have no other questions at  
11 this time.

12 MR. LEWIS: Just one follow-up from what  
13 you asked, Michael.

14 REDIRECT EXAMINATION

15 BY MR. LEWIS:

16 Q. You said people had made inquiries of you  
17 to coach during this fall season; is that correct?

18 A. Yes.

19 Q. Both high school and college?

20 A. I talked to college guys that I used to  
21 coach college football with, and they were just  
22 reaching out to see where I was, where my interests  
23 were, and if I ever thought about getting back  
24 involved with college football or not. Just people

**David Flynn - Vol. I - August 26, 2021**

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1 I reached out to for support and advice.

2 Q. But have you received any offers to coach  
3 football this year?

4 A. Yes.

5 Q. And you've turned them down?

6 A. Yes.

7 Q. Who did you receive offers from?

8 A. One of them was from the coach of Ashland  
9 High School, Andrew Mackay. He was one of the first  
10 ones to reach out.

11 Q. Was that as a head coach or assistant  
12 coach?

13 A. Assistant football coach. He's the head  
14 football coach.

15 Westwood High School reached out to see if  
16 I would be interested in being the defensive  
17 coordinator at one point.

18 Q. Any college coaches?

19 A. I talked to them. I told them I wasn't  
20 interested in that at all right now.

21 Q. So besides Ashland and besides Westwood,  
22 were there any other offers for this fall?

23 A. A lot of inquiries. I turned them down  
24 immediately. No offers, because I immediately told

**David Flynn - Vol. I - August 26, 2021**

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Under Federal Rule 30:

X Reading and Signing was requested.

In witness whereof, I have hereunto set my hand  
and affixed my notarial seal this 3rd day of  
September, 2021.



Notary Public

Commission expires 1/27/2028

# **EXHIBIT G**

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THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

-- -- -- -- --  
DAVID FLYNN, :  
 :  
Plaintiff, :  
 :  
vs : Civil Action No.  
 : 1:21-cv-10256-IT  
MICHAEL J. WELCH, :  
et al., :  
 :  
Defendants. :  
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Virtual Deposition of LISA LAPRADE  
Thursday, September 23, 2021  
12:00 p.m. CST

Job No.: 396597  
Pages: 1-105  
Reported by: Bonnie Panek

Transcript of Lisa LaPrade  
Conducted on September 23, 2021

1 Q Okay. If you scroll -- just scroll up  
2 to the top, please. Yeah, right there. It looks  
3 like this is an October 14th email from David  
4 Flynn, the subject sad day, and it's sent to  
5 several email addresses; is that correct?

6 A Correct.

7 Q And one of those email addresses is Ms.  
8 White's email address, correct?

9 A That's correct.

10 Q Okay. And so Ms. White forwarded this  
11 email to you?

12 A Yes, she did.

13 Q When she forwarded the email to you did  
14 she say anything in the body of the email?

15 A No, she did not. We -- she did not.

16 Q Okay. Did you -- what did you do when  
17 you received the email?

18 A I read the email.

19 Q Okay. What did you think when you read  
20 the email?

21 A I thought that there was some valid  
22 concerns in the email about the curriculum, and  
23 also about the way the matter was handled by the  
24 classroom teacher and the principal, and that we

Transcript of Lisa LaPrade  
Conducted on September 23, 2021

1 needed to get more information.

2 Q Okay. And what did you do next with  
3 respect to the email?

4 A I did not do anything with respect to  
5 the email next.

6 Q Okay. Did you forward this email to  
7 anyone?

8 A No, I did not.

9 Q Did you respond to Ms. White's email?

10 A No, I did not, not by email I did not.

11 Q Okay. Did you have a conversation with  
12 Ms. White after receiving this email?

13 A Yes, we did.

14 Q Do you recall when that conversation  
15 was?

16 A The conversation took place that  
17 evening. We were at a meeting in person together  
18 that evening.

19 Q Okay. And what did you discuss during  
20 that conversation?

21 A That we needed to address some of the  
22 concerns in this letter.

23 Q Was anyone else part of your  
24 conversation?

Transcript of Lisa LaPrade  
Conducted on September 23, 2021

1           A       He just -- no, he -- I mean, he  
2       listened to our opinions and acknowledged them.

3           Q       Your opinions being that you would  
4       support him?

5           A       Yes.

6           Q       Did you share any other opinions during  
7       that meeting?

8           A       I did.

9           Q       What other opinions did you share?

10          A       I agreed with him that maybe the timing  
11       wasn't right to make that decision, but ultimately  
12       it was his decision.

13          Q       Okay. How did the meeting end?

14          A       He told us okay, he was going to talk  
15       to our counsel and make sure that it was -- and  
16       get their advice before proceeding.

17          Q       Do you know if he spoke to counsel?

18          A       He did speak to counsel, uh-huh.

19          Q       I'm not asking what counsel told him,  
20       but did he tell you about his conversation with  
21       counsel?

22          A       Yes, he did tell me about his  
23       conversation.

24          Q       Do you know when that -- do you know

Transcript of Lisa LaPrade  
Conducted on September 23, 2021

1 email that he was concerned about a Black Lives  
2 Matter T-shirt on a teacher emoji?

3 A Uh-huh, yes, I did.

4 Q All right. Do you think the teacher  
5 emoji with a Black Lives Matter T-shirt is  
6 appropriate?

7 A I disagreed with -- honestly I don't  
8 know. That's a gray area for me. I disagreed  
9 with the timing of the emoji.

10 Q What do you mean by that?

11 A Because during that time of year it was  
12 -- we had the events that had happened over the  
13 summer with the George Floyd case, we had the  
14 political election coming up, we had a pandemic  
15 and then we had brand new students meeting their  
16 teachers for the first time over a Zoom call so I,  
17 you know, didn't think that having a BLM T-shirt  
18 might have been, you know, the best way to start  
19 off the school year meeting your -- not knowing  
20 your students, not knowing what they're like, so  
21 --

22 Q Okay.

23 A Yes, I felt like it was -- could be  
24 contentious.

Transcript of Lisa LaPrade  
Conducted on September 23, 2021

1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY  
2 PUBLIC

3 I, Bonnie K. Panek, a Notary Public in  
4 and for The State of Texas, the officer before  
5 whom the foregoing proceedings were taken, do  
6 hereby certify that the foregoing transcript is a  
7 true and correct record of the proceedings; that  
8 said proceedings were taken by me stenographically  
9 and thereafter reduced to typewriting under my  
10 supervision; and that I am neither counsel for,  
11 related to, nor employed by any of the parties to  
12 this case and have no interest, financial or  
13 otherwise, in its outcome.

14 IN WITNESS WHEREOF, I have hereunto set  
15 my hand and affixed my notarial seal this 29th day  
16 of September, 2021.

17 My commission expires: January 22, 2025

18  
19 *Bonnie K. Panek*

20  
21 NOTARY PUBLIC IN AND FOR  
22 THE STATE OF TEXAS  
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# **EXHIBIT H**

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THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

-- -- -- -- --  
DAVID FLYNN, :  
 :  
Plaintiff, :  
 :  
vs : Civil Action No.  
 : 1:21-cv-10256-IT  
MICHAEL J. WELCH, :  
et al., :  
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Defendants. :  
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Virtual Deposition of TRACEY WHITE  
Wednesday, September 22, 2021  
8:00 a.m. CST

Job No.: 396586  
Pages: 1-84  
Reported by: Bonnie Panek

Transcript of Tracey White  
Conducted on September 22, 2021

1           A       As a school committee member we are  
2 charged with setting the budget, reviewing and  
3 setting policy, and the hiring and evaluation of  
4 the superintendent.

5           Q       Okay.

6           A       I apologize for the dog in the  
7 background.

8           Q       No problem. I'm always concerned my  
9 dog is going to start barking, but he's currently  
10 quietly behind me hidden from camera. The -- do  
11 you have any authority over hiring and firing of  
12 teachers?

13          A       Absolutely not.

14          Q       What about athletic coaches?

15          A       Absolutely not.

16          Q       Okay. Do you have any job  
17 responsibilities when it comes to Dedham Public  
18 Schools athletics?

19          A       As what?

20          Q       Dedham Public School athletics, do you  
21 have any responsibilities related to the athletic  
22 program?

23          A       No.

24          Q       Okay. Do you know who oversees the

Transcript of Tracey White  
Conducted on September 22, 2021

1 members who are police officers, and I personally  
2 don't think that that should be in the classroom  
3 so I was very empathetic to what they were saying.

4 Q Okay. Did they have any other concerns  
5 about the curriculum or the class?

6 A I believe, and I am paraphrasing, but I  
7 believe it was that it shouldn't be Black Lives  
8 Matter in the -- being supported and anti I guess  
9 like Back The Blue, that would be the --

10 Q Sure.

11 A I don't believe those were the exact  
12 words they used, but that was just the general  
13 sentiment.

14 Q Did the Flynns mention a Black Lives  
15 Matter T-shirt on a Memoji?

16 A Yes.

17 Q Do you think teachers should be able to  
18 wear -- should wear Black Lives Matter T-shirts in  
19 the classroom?

20 A I don't, but I also don't think that --  
21 I don't think any teacher should wear a T-shirt to  
22 school, so I think you should have proper dress  
23 going -- being a teacher at school.

24 Q Okay. And that would mean no slogans

Transcript of Tracey White  
Conducted on September 22, 2021

1 empathetic and I -- to -- or understanding to how  
2 he felt and what he thought.

3 Q At any point did you tell Mr. Welch  
4 that he should not reappoint Mr. Flynn as football  
5 coach?

6 A That's not my role as a school  
7 committee member.

8 Q Okay.

9 A I have no decisionmaking policy as -- I  
10 have no decisionmaking as far as that goes.

11 Q Okay. Besides Ms. LaPrade did you have  
12 any conversations with any other school committee  
13 members about the email marked as Exhibit 2 or the  
14 issue more generally?

15 A The issue more generally that was  
16 brought up throughout the town after Mr. Flynn was  
17 not reappointed.

18 Q Okay.

19 A I don't think specifically to this  
20 email, this specific email if we're talking about  
21 this in a time line --

22 Q Yeah.

23 A -- I don't believe it was -- I don't  
24 know. They're kind of melding together, but I

Transcript of Tracey White  
Conducted on September 22, 2021

1 Traister on a daily basis about scheduling, so I  
2 don't -- but I don't think I've ever talked to him  
3 about the lawsuit.

4 Q Okay. What about Mr. Flynn's emails?

5 A No.

6 Q Okay.

7 A Can I go back for a second?

8 Q Sure.

9 A I was in a conversation with -- part of  
10 a conversation with Mr. Traister that was with Mr.  
11 Lewis.

12 Q Okay.

13 A Like telling -- meeting Mr. Lewis.  
14 Steve was part of that, meeting him initially.

15 Q Okay. I don't want to know anything  
16 else about that.

17 A No, no, no, I wasn't -- I just wanted  
18 to be clear.

19 Q Sure. No, I appreciate it. I just  
20 never want to ask for any conversations you have  
21 with your lawyers.

22 A Nope.

23 Q Has Mr. -- has the content of Mr.  
24 Flynn's emails been a topic of discussion at any

Transcript of Tracey White  
Conducted on September 22, 2021

1 school committee meetings?

2 A Yes.

3 Q Do you know how many school committee  
4 meetings?

5 A A few. I don't know exactly.

6 Q Sure. Do you recall when the first  
7 one, the first meeting concerning the contents of  
8 his emails?

9 A The contents of his emails, no.

10 Q Okay. Do you recall if there were any  
11 school committee meetings that had discussions  
12 about some of the issues he raised in his emails  
13 in the fall of 2020?

14 A I believe all of -- I don't believe it  
15 was the content of his emails. I think it was  
16 more after he was nonreappointed that people came  
17 to school committee meetings to concern their  
18 displeasure --

19 Q Okay.

20 A -- of the decision.

21 Q Besides speaking with Brian did you  
22 talk to anybody else in preparation for today?

23 A Oh, no, no.

24 Q Did you review any records in

Transcript of Tracey White  
Conducted on September 22, 2021

1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY  
2 PUBLIC

3 I, Bonnie K. Panek, a Notary Public in  
4 and for The State of Texas, the officer before  
5 whom the foregoing proceedings were taken, do  
6 hereby certify that the foregoing transcript is a  
7 true and correct record of the proceedings; that  
8 said proceedings were taken by me stenographically  
9 and thereafter reduced to typewriting under my  
10 supervision; and that I am neither counsel for,  
11 related to, nor employed by any of the parties to  
12 this case and have no interest, financial or  
13 otherwise, in its outcome.

14 IN WITNESS WHEREOF, I have hereunto set  
15 my hand and affixed my notarial seal this 23rd day  
16 of September, 2021.

17 My commission expires: January 22, 2025

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21 NOTARY PUBLIC IN AND FOR  
22 THE STATE OF TEXAS

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# **EXHIBIT I**

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THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

- - - - -  
 DAVID FLYNN, :  
 :  
 Plaintiff, :  
 :  
 vs : Civil Action No.  
 : 1:21-cv-10256-IT  
 MICHAEL J. WELCH, :  
 et al., :  
 :  
 Defendants. :  
 - - - - -

Virtual Deposition of MAYANNE MACDONALD BRIGGS  
 Friday, September 24, 2021  
 9:00 a.m. CST

Job No.: 396603  
 Pages: 1-48  
 Reported by: Bonnie Panek

Transcript of Mayanne Briggs  
Conducted on September 24, 2021

1 posted anything on social media about Mr. Flynn or  
2 the case?

3 A No.

4 Q Have you spoken to anyone besides  
5 counsel about this lawsuit?

6 A No.

7 Q Did you talk to anybody about your  
8 deposition today?

9 A I talked to Brian last week about it.

10 Q Okay. Besides Brian have you talked to  
11 anybody else?

12 A No.

13 Q Besides talking to Brian did you do  
14 anything in preparation for today?

15 A No.

16 Q All right. Did you review any records  
17 in preparation for today?

18 A Brian sent me a few documents that you  
19 had requested, the emails.

20 Q In Mr. Flynn's October 22nd email do  
21 you remember reading something about a Black Lives  
22 Matter T-shirt on an emoji?

23 A Correct, yes.

24 Q Do you believe teachers -- do you

Transcript of Mayanne Briggs  
Conducted on September 24, 2021

1 believe that Black Lives Matter T-shirt emoji was  
2 appropriate?

3 A I think teachers as a profession need  
4 to dress professionally. As an educator I believe  
5 that that's what we're supposed to do, we're  
6 supposed to portray a professional demeanor  
7 including dress. I don't think T-shirts should  
8 ever be worn in school.

9 Q Okay. So you believe any shirt with a  
10 slogan or statement or words on it shouldn't be  
11 worn in the school?

12 A If we were talking in person I do not  
13 believe that that's the right attire for a  
14 teacher. I do not disagree coming off the summer  
15 that we had her wanting to know -- her wanting to  
16 let her students know that they all mattered.

17 Q Okay.

18 A It was a cartoon character, you know.

19 Q So do you believe it was nothing, do  
20 you believe there was anything wrong with the  
21 emoji?

22 A Again, other than the lack of  
23 professionalism in the dress that would be my  
24 concern.

Transcript of Mayanne Briggs  
Conducted on September 24, 2021

1 Q Okay. Had the T-shirt said All Lives  
2 Matter would that have been okay?

3 A No, I don't believe that T-shirts are  
4 appropriate dress for a teacher.

5 Q Okay.

6 MR. BEKESHA: Brian, let's take five  
7 minutes so I can look at my notes.

8 MR. LEWIS: Okay.

9 MR. BEKESHA: But I'm probably not  
10 going to have too much more.

11 (A brief recess was taken in the  
12 proceedings.)

13 BY MR. BEKESHA:

14 Q Thank you, Ms. Briggs. I just have a  
15 few additional questions. Have you spoken to Mr.  
16 Welch about Mr. Flynn since your conversation the  
17 morning of January 20th?

18 A No.

19 Q Okay. Have you spoken to Mr. Forrest  
20 about Mr. Flynn at any point?

21 A I sent him the same text when his name  
22 was put out on a national platform, you know, just  
23 thinking about you and sorry you're going through  
24 this.

Transcript of Mayanne Briggs  
Conducted on September 24, 2021

1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY  
2 PUBLIC

3 I, Bonnie K. Panek, a Notary Public in  
4 and for The State of Texas, the officer before  
5 whom the foregoing proceedings were taken, do  
6 hereby certify that the foregoing transcript is a  
7 true and correct record of the proceedings; that  
8 said proceedings were taken by me stenographically  
9 and thereafter reduced to typewriting under my  
10 supervision; and that I am neither counsel for,  
11 related to, nor employed by any of the parties to  
12 this case and have no interest, financial or  
13 otherwise, in its outcome.

14 IN WITNESS WHEREOF, I have hereunto set  
15 my hand and affixed my notarial seal this 29th day  
16 of September, 2021.

17 My commission expires: January 22, 2025

18  
19 *Bonnie K. Panek*

20  
21 NOTARY PUBLIC IN AND FOR  
22 THE STATE OF TEXAS

23  
24

# **EXHIBIT J**

Obtained via FOIA by Judicial Watch Inc.

## Dedham Public Schools

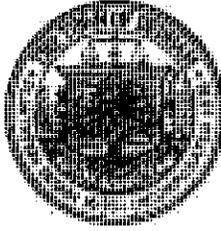
*Home of America's First Tax-Supported Free Public School*

**Michael J. Welch**

*Superintendent*  
781-310-1011

**Samuel A. Rippin**

*Assistant Superintendent  
For Business & Finance*  
781-310-1023



**Dr. Ian P. Kelly**

*Assistant Superintendent*  
781-310-1020

**Elizabeth O'Connell**

*Director of Special Education*  
781-310-1025

January 20, 2021

Dear DHS Football Players and Families,

We are reaching out today to provide updates regarding Dedham high school football. As you may be aware, the MIAA has moved football into the "Fall 2" season that is projected to run from Feb. 22 - April 25. At this time there are still many unknowns as to how this new season will unfold and how any possible COVID-19 modifications will impact this shortened season. We will make sure to keep everyone informed as information is agreed upon and released by the MIAA and the Tri-Valley League athletic directors.

We are also writing today and are sorry to inform you that Dave Flynn will not be reappointed as the Head Coach of Dedham High School football. We met with Mr. Flynn today because he has expressed significant philosophical differences with the direction, goals, and values of the school district. Due to these differences, we felt it best to seek different leadership for the program at this time. Mr. Flynn has provided many years of dedication and commitment to the development of student-athletes in Dedham, and we thank him for his efforts.

We are committed to providing quality coaching and mentorship for all our student-athletes and will be moving to swiftly fill this opening in the next few weeks. We will be reaching out to solicit input in this process shortly.

Sincerely,

Handwritten signature of Michael J. Welch in black ink.

Michael J. Welch  
Superintendent

Handwritten signature of Jim Forrest in black ink.

Jim Forrest  
DHS Principal

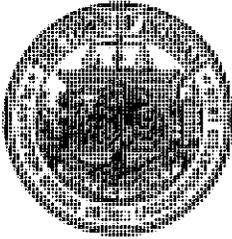
Handwritten signature of Steve Traister in black ink.

Steve Traister  
DHS Athletic Director

*The Dedham Public Schools does not discriminate on the basis of age, race, color, sexual orientation, gender identity, religion, national origin, or handicap in its educational activities or employment practices.*

**Administration Building, 100 Whiting Avenue, Dedham, MA 02026 (781) 310-1000 [www.dedham.k12.ma.us](http://www.dedham.k12.ma.us)**

# **EXHIBIT K**



# Dedham Public Schools

## MEDIA STATEMENT

January 21, 2021

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### STATEMENT FROM DEDHAM SUPERINTENDENT MICHAEL WELCH

**RE: Dedham Public Schools Decision Not To Reappoint Football Coach David Flynn**

**DEDHAM, MA** - Football players and parents were notified by Dedham Public Schools on Wednesday, January 20, 2021 that Dave Flynn would not be returning as the Dedham Football Coach.

Dedham Superintendent Michael Welch provided the following statement regarding this news:

"The difficult decision not to reappoint Coach Dave Flynn as the Head Coach of Dedham High School football was made due to significant, repeatedly expressed, philosophical differences with the direction, goals, and values of the school district. As a district, we actively try to encourage our staff and students to give constructive voice to their opinions, but must also ensure we stay true to our overarching mission and vision for the district - in the classroom, on the field, and in our community. We want to thank Coach Flynn for his years of coaching leadership for our student athletes at Dedham High School."

**Media Contact:**

Sara Errickson  
Communications & Community Engagement Coordinator  
Dedham Public Schools  
[serrickson@dedham.k12.ma.us](mailto:serrickson@dedham.k12.ma.us)

# **EXHIBIT L**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DAVID FLYNN,  
Plaintiff

v.

Civil Action No. 1:21-cv-10256-IT

MICHAEL J. WELCH, JIM FORREST, and  
STEPHEN TRAISTER,  
Defendants

**DEFENDANT MICHAEL J. WELCH'S ANSWERS AND OBJECTIONS  
TO PLAINTIFF'S FIRST SET OF INTERROGATORIES**

Defendant Michael J. Welch ("Defendant") hereby answers and objects to the First Set of Interrogatories Propounded by Plaintiff David Flynn ("Plaintiff") as follows:

**GENERAL OBJECTIONS**

The following General Objections are applicable to, and are hereby incorporated by reference into, each of Plaintiff's Specific Answers and Objections to the Interrogatories.

1. Defendant objects to each interrogatory insofar as it seeks information that is subject to the attorney-client privilege, constitutes work product and/or is otherwise not subject to discovery.

2. Defendant objects to each interrogatory insofar as it seeks information which would require Defendant to disclose confidential business information.

3. Defendant objects to each interrogatory to the extent it requests information beyond the scope of discovery required by the Federal Rules of Civil Procedure.

4. Defendant reserves the right to supplement any answer and/or objection contained herein.

**SPECIFIC ANSWERS AND RESPONSES**

In addition to, and incorporating by reference, the foregoing General Objections, Defendant specifically objects and responds to Plaintiff's Interrogatories as follows:

**INTERROGATORY NO. 1**

Tracey White regarding Plaintiff's October 23, 2020 email. Defendant also spoke with Kevin Bresnahan, counsel for Dedham Public Schools, about Plaintiff's e-mails.

**INTERROGATORY NO. 4**

Identify all persons who made the decision not to reappoint Plaintiff as Dedham High School football coach for the 2020-2021 season and when that decision was made.

**ANSWER NO. 4**

Defendants Michael Welch, Jim Forrest and Steve Traister jointly made the decision not to reappoint Plaintiff as football coach. As best as Defendant Welch can recall, this decision was made in January 2021.

**INTERROGATORY NO. 5**

Identify all communications, written or oral, exchanged between you and any other agent, official, officer, representative, or employee of Dedham Public Schools, including members of the Dedham School Committee, concerning the decision not to reappoint Plaintiff as Dedham High School football coach for the 2020-2021 season.

**ANSWER NO. 5**

Defendant objects to such Interrogatory, as the term "communication" is vague and overbroad. Notwithstanding and without waiving such objection, pursuant to Fed. R. Civ. P. 33(d), Defendant refers to documents produced in response to Plaintiff's Request for Production of Documents. In further responding, Defendant spoke with Lisa LaPrade, Tracey White and Maryanne Briggs about the decision not to reappoint Plaintiff. Defendant also spoke with Kevin Bresnahan, counsel for Dedham Public Schools, about the decision.

**INTERROGATORY NO. 6**

Identify all reasons why the decision was made not to reappoint Plaintiff as Dedham High School football coach for the 2020-2021 season.

**ANSWER NO. 6**

The decision not to reappoint Plaintiff as football coach was made based on the statements made and positions taken in Plaintiff's October 2020 emails sent to members of the School Committee.

**INTERROGATORY NO. 7**

Identify all communications, written or oral, exchanged between you and any other agent, official, officer, representative, or employee of Dedham Public Schools, including members of the Dedham School Committee, concerning your January 20, 2021 letter in which you stated Plaintiff Flynn will not be reappointed as the Head Coach of Dedham High School football.

**ANSWER NO. 7**

Defendant objects to such Interrogatory, as the term "communication" is vague and overbroad. Notwithstanding and without waiving such objection, pursuant to Fed. R. Civ. P. 33(d), Defendant refers to documents produced in response to Plaintiff's Request for Production of Documents.

**INTERROGATORY NO. 8**

Identify all communications, written, oral, exchanged between you and any student, parent, or member of the public concerning Plaintiff, his concerns about the instruction his daughter was receiving at Dedham Middle School, his October 14, 2020 and October 23, 2020 emails to you, or the decision not to reappoint Plaintiff as Dedham High School football coach for the 2020-2021 season.

**ANSWER NO. 8**

Defendant objects to such Interrogatory, as the term "communication" is vague and overbroad. Defendant further objects to such Interrogatory, as it seeks information not reasonably calculated to lead to admissible evidence. Notwithstanding and without waiving such

# **EXHIBIT M**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DAVID FLYNN,  
Plaintiff

v.

MICHAEL J. WELCH, JIM FORREST, and  
STEPHEN TRAISTER,  
Defendants

Civil Action No. 1:21-cv-10256-IT

**DEFENDANT JIM FORREST'S ANSWERS AND OBJECTIONS  
TO PLAINTIFF'S FIRST SET OF INTERROGATORIES**

Defendant Jim Forrest ("Defendant") hereby answers and objects to the First Set of Interrogatories Propounded by Plaintiff David Flynn ("Plaintiff") as follows:

**GENERAL OBJECTIONS**

The following General Objections are applicable to, and are hereby incorporated by reference into, each of Plaintiff's Specific Answers and Objections to the Interrogatories.

1. Defendant objects to each interrogatory insofar as it seeks information that is subject to the attorney-client privilege, constitutes work product and/or is otherwise not subject to discovery.
2. Defendant objects to each interrogatory insofar as it seeks information which would require Defendant to disclose confidential business information.
3. Defendant objects to each interrogatory to the extent it requests information beyond the scope of discovery required by the Federal Rules of Civil Procedure.
4. Defendant reserves the right to supplement any answer and/or objection contained herein.

**SPECIFIC ANSWERS AND RESPONSES**

In addition to, and incorporating by reference, the foregoing General Objections, Defendant specifically objects and responds to Plaintiff's Interrogatories as follows:

**INTERROGATORY NO. 1**

Identify all persons who made the decision not to reappoint Plaintiff as Dedham High School football coach for the 2020-2021 season and when that decision was made.

**ANSWER NO. 1**

Defendants Michael Welch, Jim Forrest and Steve Traister jointly made the decision not to reappoint Plaintiff as football coach. As best as Defendant Forrest can recall, this decision was made in January 2021.

**INTERROGATORY NO. 2**

Identify all communications, written or oral, exchanged between you and any other agent, official, officer, representative, or employee of Dedham Public Schools, including members of the Dedham School Committee, concerning the decision not to reappoint Plaintiff as Dedham High School football coach for the 2020-2021 season.

**ANSWER NO. 2**

Defendant objects to such Interrogatory, as the term "communication" is vague and overbroad. Notwithstanding and without waiving such objection, pursuant to Fed. R. Civ. P. 33(d), Defendant refers to documents produced in response to Plaintiff's Request for Production of Documents. In further answering this Interrogatory, Defendant Forrest communicated Defendant Welch and Defendant Traister orally about the decision.

**INTERROGATORY NO. 3**

Identify all reasons why the decision was made not to reappoint Plaintiff as Dedham High School football coach for the 2020-2021 season.

**ANSWER NO. 3**

The decision not to reappoint Plaintiff as football coach was made based on the statements made and positions taken in Plaintiff's October 14 and 23, 2020 emails sent to members of the School Committee.

**INTERROGATORY NO. 4**

Identify all communications, written or oral, exchanged between you and any other agent, official, officer, representative, or employee of Dedham Public Schools, including members of the Dedham School Committee, concerning your January 20, 2021 letter in which you stated Plaintiff Flynn will not be reappointed as the Head Coach of Dedham High School football.

# **EXHIBIT N**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DAVID FLYNN,  
Plaintiff

v.

MICHAEL J. WELCH, JIM FORREST, and  
STEPHEN TRAISTER,  
Defendants

Civil Action No. 1:21-cv-10256-IT

**DEFENDANT STEPHEN TRAISTER'S ANSWERS AND OBJECTIONS  
TO PLAINTIFF'S FIRST SET OF INTERROGATORIES**

Defendant Stephen Traister ("Defendant") hereby answers and objects to the First Set of Interrogatories Propounded by Plaintiff David Flynn ("Plaintiff") as follows:

**GENERAL OBJECTIONS**

The following General Objections are applicable to, and are hereby incorporated by reference into, each of Plaintiff's Specific Answers and Objections to the Interrogatories.

1. Defendant objects to each interrogatory insofar as it seeks information that is subject to the attorney-client privilege, constitutes work product and/or is otherwise not subject to discovery.

2. Defendant objects to each interrogatory insofar as it seeks information which would require Defendant to disclose confidential business information.

3. Defendant objects to each interrogatory to the extent it requests information beyond the scope of discovery required by the Federal Rules of Civil Procedure.

4. Defendant reserves the right to supplement any answer and/or objection contained herein.

**SPECIFIC ANSWERS AND RESPONSES**

In addition to, and incorporating by reference, the foregoing General Objections, Defendant specifically objects and responds to Plaintiff's Interrogatories as follows:

**INTERROGATORY NO. 1**

Identify all communications, written or oral, between you and Plaintiff regarding the 2020-2021 football season.

**ANSWER NO. 1**

Defendant objects to such Interrogatory, as the term “communication” is vague and overbroad. Notwithstanding and without waiving such objection, Defendant Traister states that beginning in the fall of 2020, Defendant Traister communicated with Plaintiff, orally and through email, about the potential that no football would be played during the school year because of COVID, the decision to hold a modified football season in the spring, and the COVID protocols that may be in place for the season. These communications occurred in the second half of 2020.

**INTERROGATORY NO. 2**

Identify all communications, written or oral, between you and any other person regarding Plaintiff being the Dedham High School football coach for the 2020-2021 football season.

**ANSWER NO. 2**

Defendant objects to such Interrogatory, as the term “communication” is vague and overbroad. Notwithstanding and without waiving such objection, Defendant Traister states that he had oral discussions with Michael Welch and Jim Forrest about the decision not to appoint Plaintiff to the football coach position for the 2021 football season.

**INTERROGATORY NO. 3**

Identify all records that identified Plaintiff as the Dedham High School football coach for the 2020-2021 season.

**ANSWER NO. 3**

The Dedham High School Athletics’ website, as well as the Massachusetts Interscholastic Athletic Association website, listed Plaintiff as the head football coach. In addition, there were other documents used by the athletics department that identified Plaintiff as the football coach. These documents and/or website were not immediately updated after the decision was made not to reappoint Plaintiff to the football coach position.

**INTERROGATORY NO. 4**

Identify all persons who made the decision not to reappoint Plaintiff as Dedham High School football coach for the 2020-2021 season and when that decision was made.

**ANSWER NO. 4**

Defendants Michael Welch, Jim Forrest and Steve Traister jointly made the decision not to reappoint Plaintiff as football coach. As best as Defendant Traister can recall, this decision was made in mid January 2021.

**INTERROGATORY NO. 5**

Identify all communications, written or oral, exchanged between you and any other agent, official, officer, representative, or employee of Dedham Public Schools, including members of the Dedham School Committee, concerning the decision not to reappoint Plaintiff as Dedham High School football coach for the 2020-2021 season.

**ANSWER NO. 5**

Defendant objects to such Interrogatory, as the term "communication" is vague and overbroad. Notwithstanding and without waiving such objection, Defendant Traister spoke with Defendant Forrest and Welch about the decision.

**INTERROGATORY NO. 6**

Identify all reasons why the decision was made not to reappoint Plaintiff as Dedham High School football coach for the 2020-2021 season.

**ANSWER NO. 6**

The decision not to reappoint Plaintiff as football coach was made based on the statements made and positions taken in Plaintiff's October 2020 emails sent to members of the School Committee.

**INTERROGATORY NO. 7**

Identify all communications, written or oral, exchanged between you and any other agent, official, officer, representative, or employee of Dedham Public Schools, including members of the Dedham School Committee, concerning your January 20, 2021 letter in which you stated Plaintiff Flynn will not be reappointed as the Head Coach of Dedham High School football.