

Charles E. Steele, Esquire

PHONE: 412.235.7682

Marcus B. Schneider, Esquire

FAX: 412.235.7693

Tara E. Fertelmes, Esquire

Via certified mail and electronic mail

(trocchi@nkasd.com)

(asleigh@nkasd.com)

August 29, 2012

Mr. Thomas Rocchi
Acting Superintendent
New Kensington-Arnold School District
707 Stevenson Blvd
New Kensington PA 15068

RE: Removal of Unconstitutional Ten Commandments Monument

Dear Mr. Rocchi and Board of School Directors:

I am an attorney with the Pittsburgh-based law firm Steele Schneider. We represent the Freedom From Religion Foundation ("FFRF") and a parent of a New Kensington-Arnold student who has had and will continue to have unwelcome contact with the Ten Commandments monument in front of Valley High School. The District's display of a Ten Commandments monument at a public school is a clear violation of the Establishment Clause of the First Amendment to the United States Constitution. I understand that FFRF previously contacted the District about this matter but that thus far the District has failed to remove the monument.

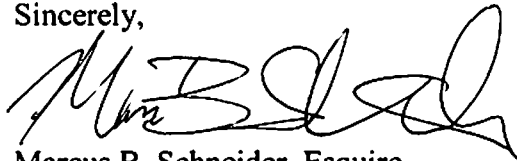
This letter constitutes my clients' final demand that you permanently remove the Ten Commandments monument from school property. If you fail to provide notice to this office by September 7, 2012 indicating that you will comply with this demand, the FFRF and its parent complainant will file suit against the District and its administration in the United States District Court for the Western District of Pennsylvania under 42 U.S.C. § 1983. If a lawsuit is initiated, in addition to seeking a mandatory injunction for removal of the Ten Commandments, my clients will also seek a judgment against the District for the reasonable attorney's fees and expenses incurred during the litigation of the lawsuit. Recovery of these fees and expenses is authorized under 42 U.S.C. § 1988.

The Valley High School Ten Commandments monument will not withstand judicial scrutiny. The prominently placed monument conflicts with a wealth of United States Supreme Court precedent that protects the rights of public school students to freedom of

conscience. For a summary of the governing legal cases, please review the enclosed legal memorandum. There has yet to be any situation in which a federal court has upheld the display of a Ten Commandments monument at a public school, and there are no unique facts in this situation that would cause the courts to depart from this well-established precedent.

I hope you will choose to remove the monument in consideration of the foregoing within the timeframe stated in this letter and, in the process, avoid the time, trouble and expense of litigation. Should you have any questions about this matter, I urge you to contact your own attorney.

Sincerely,

A handwritten signature in black ink, appearing to read 'M B Schneider', written in a cursive style.

Marcus B. Schneider, Esquire
Steele Schneider

Enclosure