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Statement on behalf of former Canton McKinley football coaches Marcus Wattley, Frank McLeod, Zachary Sweat, Romero Harris, Cade Brodie, and Tyler Thatcher re: *Wattley v. Rinaldi*, Stark County Court of Common Pleas No. 2021 CV 00982

It has always been our position that the Canton City School District officials, particularly board president John Rinaldi and superintendent Jeffery Talbert, are primarily responsible for the harm caused to the coaches by the false accusations of shocking anti-Semitic abuse at issue in this case: that the coaches forced one of their players to eat pepperoni pizza with knowledge of and intent to violate his Hebrew-Israelite religious beliefs that prohibit the consumption of pork. This is why Rinaldi and Talbert are the first named parties in our complaint.

Attorney Edward Gilbert and his clients caused severe damage by broadcasting these false accusations against the coaches in the national and international press, but the district officials severely compounded that harm. These were the public officials with the precise duty to investigate these sensational accusations, inform the public truthfully about what really happened, and treat all involved parties fairly based on that truth.

Instead, the district officials did the opposite, independently defaming the coaches by exploiting the false accusations as a pretext to replace Marcus Wattley with their personal friend Antonio Hall, whom they wanted to hire as head football coach in the first place but could not legitimately do because of Wattley's plainly superior credentials. According to the facts we have uncovered in the discovery process in this lawsuit, district officials immediately learned that the accusations were false. The records of district's investigation show that the alleged victim and his father did not even mention religious beliefs in their initial interview with the district. The district's records also show that the handful of witnesses the district interviewed in their investigation told them that the coaches offered the alleged victim non-pork alternatives to the pizza; that the player was free to leave at any time during the exercise; that religious beliefs were never mentioned; and that no one was harmed during this exercise. The player would later admit at his deposition that the coaches had no reason to know about his alleged religious beliefs. And it was also uncovered that he had participated in a team-sponsored pork rib-eating contest just a year and a half prior. Indeed, he was the winner of that contest. Thus, the record is clear that these coaches could not possibly have violated the player's religious beliefs that the player admits the coaches did not know about. And the record is further clear that the district's investigation uncovered no facts that would show that these coaches did anything but take an extraordinary step to save a player whose misconduct (including admitted marijuana use that the player had weeks earlier apologized to his coaches and teammates for) would have warranted his removal from the team by asking him to accept service of a meal for about 15

minutes, while his teammates were working out in the gym around him, to teach him a lesson about responsibility, accountability, and teamwork.

Despite all of these undisputable facts, the district officials not only terminated the coaches, but did so by issuing resolutions that falsely accused the coaches of violating the board's policy against "discriminating on the basis of religion," and having engaged in "harassment" against the player. Issued after the district's official investigation of the accusations that the coaches had committed a shocking act of anti-Semitic abuse against the player, these statements were knowingly false when made, and are per se defamatory under Ohio law.

Even worse, after we had to get a court order to require the district to produce records in response to our subpoena, the district's production of the surveillance video of the incident at issue was inexplicably missing a two-minute chunk of footage that would have pictured the alleged victim speaking with the coaches, shaking their hands, and hugging the coaches after the incident. When examined under oath about this missing footage—which would have negated any notion that the coaches had engaged in the shocking act of anti-Semitic abuse of which they were accused—the district officials responsible for handling this admittedly new surveillance system could only attribute this conveniently missing two-minute segment to a "technological glitch."

Based on this newly discovered evidence, we filed a motion requesting that Judge Haupt reinstate the district officials as Defendants on the defamation claims so that those claims could be litigated along with the claims against Gilbert and his clients, which were set for trial that was to begin on Monday, January 23.

Yesterday, Judge Haupt issued an order denying that request, holding in part that the request was untimely and unfairly prejudicial to the district Defendants in the context of the impending jury trial against the other Defendants. This order also specifically notes that the coaches did not, in their motion, "seek to assert a spoliation claim against the School District Defendants."

Thus, upon receipt of yesterday's court order, the coaches exercised their rights under Ohio Rule of Civil Procedure 41(A), which allows a plaintiff to voluntarily dismiss a pending lawsuit and re-file the same claims within one year. This dismissal alleviates Judge Haupt's concerns regarding the timeliness of the request to consider the new evidence against the district Defendants. It also renders the Court's previous orders dismissing the district Defendants from the case void, and allows us to re-file those claims, along with new claims for spoliation of evidence against district officials relating to the missing surveillance footage, to incorporate the newly discovered evidence that proves the coaches' right to recover from the district Defendants under Ohio law for the damage caused by the false accusations at issue.

While we remain eager to present our claims against Mr. Gilbert and his clients to a jury and further clear the coaches' good names, it is most important to the coaches to obtain complete justice in this matter, which requires that all responsible parties, including the district Defendants, be parties to the trial on the claims at issue. We will continue to make every reasonable effort to ensure that justice is served in this case.

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