

# The Law Office of Jacob T. Arthur

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1405 Deltona Dr., Raleigh, NC 27615  
jacobarthurlaw@gmail.com  
Phone: 919-395-4925  
Fax: 919-573-0327

October 25, 2021

Mr. Chris McCabe  
Northern Area Superintendent

Mr. Paul Koh  
Assistant Superintendent for Student Support Services

Mrs. Elizabeth MacWilliams  
Principal – Carroll Magnet Middle School

Mrs. Jena Wojdylo-Kehler  
Principal – Lead Mine Elementary School

Ms. Myra John  
School Nurse – Lead Mine Elementary School

Ms. Jessica Stewart  
School Nurse – Carroll Magnet Middle School

## **Re: Face Covering Accommodation Request Denials**

Mr. McCabe, Mr. Koh, Mrs. MacWilliams, Mrs. Kehler, Ms. John, Ms. Stewart:

This letter, sent on behalf of our children, Andrew, Ella and Samantha serves as our formal demand letter for a reversal of your decision to deny our properly submitted Face Covering Accommodation Requests for each student.

As background, after multiple attempts, we submitted Wake County Public School System (hereafter WCPSS) Face Covering Accommodation Request forms for our children, signed by a licensed medical doctor. The forms were signed by Dr. Eric Hensen, a double board certified ENT/Head and Neck doctor, licensed in North Carolina and Texas. After Dr. Hensen evaluated each of our children, he diagnosed them with multiple symptoms resulting from persistent mask wearing during the school day and recommended they receive accommodation in the form of not wearing masks. This recommendation was based on the current symptoms of the children and potential health impact from continuing to wear masks during the school day.

It is our understanding that all individuals named above were involved in the decision making process to deny our Face Covering Accommodation Requests, against the recommendation of

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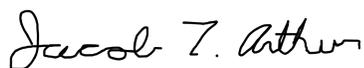
Dr. Hensen. It is also our understanding that none of the parties listed above is a Medical Doctor (MD), Doctor of Osteopathy (DO), a Nurse Practitioner, or a Physician's Assistant practicing under the supervision of a licensed physician. These distinctions are important because the WCPSS COVID-19 Face Covering Requirement Accommodation Request Form requires parents to have the form signed by an individual with those educational qualifications. However, defying logic, the forms are evaluated and approved, or denied, by individuals with none of the education or training required by those who are to evaluate students and sign the forms for parent's submission.

Because each of you were involved in the decisions to override the recommendation of our children's treating physician, we intend to hold you personally liable for the physical and psychological harm they have been, and are, suffering as a result of continued forced masking. The children have been, and are, suffering from the symptoms listed by Dr. Hensen on our accommodation request forms. We will exercise our rights to hold you personally liable for any future physical or psychological harm resulting from continued forced masking.

We urge you to reconsider your denials and follow the recommended medical advice from Dr. Eric Hensen. If you choose to ignore the medical recommendation of Dr. Hensen we will institute a lawsuit on behalf of our children in Wake County, North Carolina. Each of you will be named as defendants in your individual capacity. We will seek any relief the Court finds just and proper, including monetary relief.

We ask that you reverse your previous denials by no later than 5pm on November 5<sup>th</sup>, 2021. As you deliberate, we remind you to secure and maintain all communications and documents related to your denials of our accommodation requests. These documents and communications, electronic or otherwise, would include anything related in any way to your decision making process amongst each other, or anyone else. These communications and documents will be subject to discovery, should a lawsuit be initiated.

Respectfully,



Jacob T. Arthur

On behalf of Andrew, Ella and Samantha Arthur