

Eric Brian Rosenberg

A.K.A. E. Brian Rose

[REDACTED]
[REDACTED]

December 10, 2024

City of Ocean Springs

Att: City Clerk Patty Gaston

1018 Porter Avenue

Ocean Springs, MS 39564

Re: Submission of Legal Notices and Evidence Preservation Requests

Dear Ms. Gaston,

Please find enclosed the following documents related to anticipated litigation against the City of Ocean Springs and specific officials:

1. Letter of Intent to Sue:

- This letter formally notifies the City of Ocean Springs of my intent to file a federal lawsuit concerning First Amendment retaliation, violations of the Mississippi Public Records Act, and other legal claims.

2. Preservation Letter to the City:

- This letter outlines the City's obligation to preserve all potentially relevant evidence pertaining to the case, including but not limited to electronic communications, public records, and other documentation.

3. Preservation Letters to Individual Officials:

- Hard copies of evidence preservation letters that were previously sent electronically on December 10, 2024 to the following individuals:
 - Mayor Kenny Holloway
 - City Clerk Patty Gaston
 - Community Development Director Carter Thompson
 - All members of the Board of Aldermen

Each of these letters details the individuals' obligations to preserve records, including electronic and physical communications, related to this matter. These hard copies have been included for your office's records.

Please acknowledge receipt of this package by replying to my email or mailing confirmation to my address above. Should you have any questions or require clarification regarding the contents of this package, I am available to provide further information. Thank you for your attention to this matter.

Sincerely,



Eric Brian Rosenberg

a.k.a. E. Brian Rose

[REDACTED]
[REDACTED]

Eric Brian Rosenberg
aka E. Brian Rose

December 11, 2024

City of Ocean Springs
Att: City Clerk Patty Gaston
1018 Porter Avenue
Ocean Springs, MS 39564

Re: Notice of Intent to Sue Under the Mississippi Tort Claims Act

Dear City Clerk:

This letter serves as formal notice under the Mississippi Tort Claims Act (Miss. Code Ann. § 11-46-1 et seq.) of my intent to file a lawsuit against the City of Ocean Springs and specific city officials. The forthcoming lawsuit will include claims for violations of my rights under the Mississippi Public Records Act, as well as state tort law claims, including defamation and intentional infliction of emotional distress. Additionally, the lawsuit will include federal claims for violations of the First and Fourteenth Amendments to the United States Constitution, brought pursuant to 42 U.S.C. § 1983, and will be filed in federal court.

The claims stem from a pattern of unconstitutional and retaliatory conduct by city officials who sought to punish me for exercising my constitutionally protected rights as a journalist. These actions include:

1. **Retaliation for Protected Speech:** Defendants engaged in intentional interference with my professional relationships and sought to silence my constitutionally protected reporting on matters of public concern.
2. **Obstructing Access to Public Records:** Defendants withheld or failed to provide critical public records, as evidenced by omissions in responses contradicted by records obtained from public records and third parties.
3. **Defamation:** False and defamatory statements were made publicly and privately, damaging my professional reputation - actions taken as retaliation for accurate reporting of government affairs.

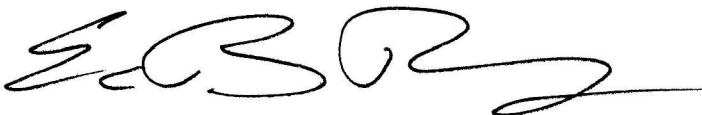
This notice is not merely about seeking redress for the harm I have endured but about protecting the rights of every resident and journalist in Ocean Springs. The First Amendment guarantees the right to free speech and the ability to redress grievances against the government. These rights are foundational to our democracy, yet the City of Ocean Springs has chosen to undermine them.

The residents of Ocean Springs deserve transparency and accountability from their elected officials, not a culture of secrecy and retaliation. Journalists play a critical role in shining a light on government misconduct, and any attempt to silence or intimidate them is an affront to the community's right to know.

I hope the city will use the 90-day notice period to reflect on the actions of its officials and consider steps to remedy the harm done. My hope is that this matter can be resolved in a way that restores trust and reaffirms the city's commitment to constitutional principles.

Should the city wish to discuss a resolution during this period, I am open to engaging in constructive dialogue. However, if no meaningful steps are taken, I intend to proceed with litigation to vindicate not only my rights but also the rights of all residents and journalists who demand accountability from their government.

Sincerely,



Eric Brian Rosenberg
aka E. Brian Rose

Eric Brian Rosenberg

A.K.A. E. Brian Rose

December 10, 2024

Attention: Mayor Kenny Holloway, City Attorney Robert Wilkinson, and All Relevant City Officials

City of Ocean Springs

1018 Porter Avenue

Ocean Springs, MS 39564

Re: Litigation Hold Notice – Preservation of Evidence

Dear Mayor Holloway, City Attorney Wilkinson, and All Relevant Officials:

This letter serves as formal notification that I intend to pursue litigation against the City of Ocean Springs. The forthcoming lawsuit will involve claims of First Amendment retaliation, violations of the Mississippi Public Records Act, defamation, and other causes of action stemming from the actions of city officials.

As such, the City of Ocean Springs and its officials are obligated to preserve all potentially relevant evidence in their possession, custody, or control. This obligation applies to physical documents, electronically stored information (ESI), and any other materials that may relate to this matter.

Scope of Preservation

To comply with your legal duty, you must preserve the following, without limitation:

1. Emails, Text Messages, and Other Communications:

- All communications referencing Eric Brian Rosenberg (a.k.a. E. Brian Rose) or his work, whether sent or received by city officials or employees, on personal or city-owned devices and accounts.
- Communications between city officials discussing public records policies, press coverage, or responses to journalistic inquiries.

2. Public Records Requests:

- All documentation, including internal communications, related to public records requests submitted by Plaintiff or other journalists.

3. Personnel Actions:

- Records involving discussions, evaluations, or decisions regarding Plaintiff's public records requests, articles, or professional activities.

4. Official Policies and Procedures:

- Any policies, guidelines, or practices related to public records, public meetings, media interactions, or the enforcement of city policies.
- Communications or internal documentation related to city policies, practices, or customs that may have contributed to the alleged retaliatory actions, including evidence relevant to Monell liability.

5. Social Media Content:

- Public or private posts, comments, or messages referencing Plaintiff or his work on platforms used by city officials.

6. **Meeting Records:**

- Agendas, minutes, recordings, or notes from public or executive sessions that address issues involving Plaintiff or broader media relations.

7. **Other Relevant Records:**

- Documentation or communications involving other journalists, residents, or stakeholders who may have been subject to similar treatment as Plaintiff, to support Plaintiff's Monell claim.

Additional Instructions

- **Suspension of Routine Deletion Policies:** Immediately suspend any routine deletion, overwriting, or destruction policies (e.g., email purging, phone resets) to ensure no loss of relevant evidence.
- **Third-Party Custodians:** Ensure preservation efforts extend to third-party vendors or service providers who may possess relevant records (e.g., IT service providers, social media platforms).
- **Broader Scope for Monell Evidence:** Preserve any documentation or communications that demonstrate or could demonstrate a custom, policy, or practice of retaliation, obstruction, or other constitutional violations by the City of Ocean Springs.

Failure to preserve evidence may result in sanctions, adverse inferences, or other penalties.

Confirmation of Compliance

Please confirm receipt of this letter and outline the City's steps to ensure preservation within 10 business days from receipt of this letter.

Should you have any questions or require clarification, please contact me directly.

Thank you for your prompt attention to this matter.

Sincerely,



Eric Brian Rosenberg
a.k.a. E. Brian Rose



Eric Brian Rosenberg
A.K.A. E. Brian Rose

December 10, 2024

Kenny Holloway
City of Ocean Springs
1018 Porter Avenue
Ocean Springs, MS 39564

Re: Notice to Preserve Evidence Related to Pending Litigation

Dear Mayor Holloway:

This letter is to formally notify you of your obligation to preserve all evidence related to pending litigation in which you are named as a defendant in your official and personal capacities. The lawsuit, which I intend to file in federal court, addresses claims of First Amendment retaliation, violations of the Mississippi Public Records Act, and related matters.

This preservation request applies to, but is not limited to, the following types of records:

- **Text messages and other communications** referencing Eric Brian Rosenberg (a.k.a. E. Brian Rose, Plaintiff) or his work, whether sent or received on city-owned or personal devices/accounts.
- **Public statements, social media posts, or other communications** referencing Plaintiff or his reporting, whether by name or insinuation.
- **Internal communications** discussing Plaintiff's public records requests or actions taken by city officials in response to his reporting, public statements, or any other matter.

The duty to preserve evidence applies to all records in your possession, custody, or control, including but not limited to digital files, physical documents, emails, text messages, and metadata. This obligation also includes any records that may have been deleted but are recoverable through reasonable efforts.

Failure to comply with this preservation notice may result in court-imposed sanctions or adverse inferences during litigation.

Please confirm receipt of this letter and your compliance with this preservation request. If you have any questions or require further clarification, you may contact me directly at (228) 238-3945 or via email at ebrianrose@gmail.com.

Thank you for your attention to this matter.

Sincerely,



Eric Brian Rosenberg
a.k.a. E. Brian Rose



Eric Brian Rosenberg

A.K.A. E. Brian Rose

[REDACTED]
[REDACTED]

December 10, 2024

Patty Gaston

City of Ocean Springs

1018 Porter Avenue

Ocean Springs, MS 39564

Re: Notice to Preserve Evidence Related to Pending Litigation

Dear Ms. Gaston:

This letter is to formally notify you of your obligation to preserve all evidence related to pending litigation in which you are named as a defendant in your official and personal capacities. The lawsuit, which I intend to file in federal court, addresses claims of First Amendment retaliation, violations of the Mississippi Public Records Act, and related matters.

This preservation request applies to, but is not limited to, the following types of records:

- **Text messages and other communications** referencing Eric Brian Rosenberg (a.k.a. E. Brian Rose, Plaintiff) or his work, whether sent or received on city-owned or personal devices/accounts.
- **Public statements, social media posts, or other communications** referencing Plaintiff or his reporting, whether by name or insinuation.
- **Internal communications** discussing Plaintiff's public records requests or actions taken by city officials in response to his reporting, public statements, or any other matter.

The duty to preserve evidence applies to all records in your possession, custody, or control, including but not limited to digital files, physical documents, emails, text messages, and metadata. This obligation also includes any records that may have been deleted but are recoverable through reasonable efforts.

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Thank you for your attention to this matter.

Sincerely,



Eric Brian Rosenberg

a.k.a. E. Brian Rose

[REDACTED]
[REDACTED]

Eric Brian Rosenberg

A.K.A. E. Brian Rose

[REDACTED]
[REDACTED]

December 10, 2024

Carter Thompson

City of Ocean Springs

1018 Porter Avenue

Ocean Springs, MS 39564

Re: Notice to Preserve Evidence Related to Pending Litigation

Dear Ms. Thompson:

This letter is to formally notify you of your obligation to preserve all evidence related to pending litigation in which you are named as a defendant in your official and personal capacities. The lawsuit, which I intend to file in federal court, addresses claims of First Amendment retaliation, violations of the Mississippi Public Records Act, and related matters.

This preservation request applies to, but is not limited to, the following types of records:

- **Text messages and other communications** referencing Eric Brian Rosenberg (a.k.a. E. Brian Rose, Plaintiff) or his work, whether sent or received on city-owned or personal devices/accounts.
- **Public statements, social media posts, or other communications** referencing Plaintiff or his reporting, whether by name or insinuation.
- **Internal communications** discussing Plaintiff's public records requests or actions taken by city officials in response to his reporting, public statements, or any other matter.

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Thank you for your attention to this matter.

Sincerely,



Eric Brian Rosenberg

a.k.a. E. Brian Rose

[REDACTED]
[REDACTED]

Eric Brian Rosenberg
A.K.A. E. Brian Rose

December 10, 2024

Alderman Jennifer Burgess
City of Ocean Springs
1018 Porter Avenue
Ocean Springs, MS 39564

Re: Notice to Preserve Evidence Related to Pending Litigation

Dear Ms. Burgess:

This letter is to formally notify you of your obligation to preserve all evidence related to pending litigation in which you are named as a defendant in your official and personal capacities. The lawsuit, which I intend to file in federal court, addresses claims of First Amendment retaliation, violations of the Mississippi Public Records Act, and related matters.

This preservation request applies to, but is not limited to, the following types of records:

- **Text messages and other communications** referencing Eric Brian Rosenberg (a.k.a. E. Brian Rose, Plaintiff) or his work, whether sent or received on city-owned or personal devices/accounts.
- **Public statements, social media posts, or other communications** referencing Plaintiff or his reporting, whether by name or insinuation.
- **Internal communications** discussing Plaintiff's public records requests or actions taken by city officials in response to his reporting, public statements, or any other matter.

The duty to preserve evidence applies to all records in your possession, custody, or control, including but not limited to digital files, physical documents, emails, text messages, and metadata. This obligation also includes any records that may have been deleted but are recoverable through reasonable efforts.

Failure to comply with this preservation notice may result in court-imposed sanctions or adverse inferences during litigation.

Please confirm receipt of this letter and your compliance with this preservation request. If you have any questions or require further clarification, you may contact me directly at (228) 238-3945 or via email at ebrianrose@gmail.com.

Thank you for your attention to this matter.

Sincerely,



Eric Brian Rosenberg
a.k.a. E. Brian Rose



Eric Brian Rosenberg

A.K.A. E. Brian Rose

[REDACTED]

December 10, 2024

Alderman Ken Papania

City of Ocean Springs

1018 Porter Avenue

Ocean Springs, MS 39564

Re: Notice to Preserve Documentation

Dear Alderman Papania:

I am writing to formally notify you of my intent to pursue legal action involving First Amendment retaliation, violations of the Mississippi Public Records Act, and related matters.

You are NOT currently named as a defendant in this litigation.

However, your role as a member of the Board of Aldermen may make you a custodian of records relevant to this case. Accordingly, I am requesting that you take immediate steps to preserve all such evidence.

This preservation request applies to, but is not limited to, the following types of records:

- Emails, text messages, and other communications referencing Eric Brian Rosenberg (a.k.a. E. Brian Rose, Plaintiff) or his work, whether sent or received on city-owned or personal devices/accounts.
- Notes, documents, videos, audio files, or communications related to board meetings or discussions about Plaintiff or his reporting.
- Any records or communications discussing zoning changes, transparency issues, or public comments raised during board meetings.

The obligation to preserve evidence applies immediately and includes suspending any scheduled deletion, overwriting, or purging of records. Failure to comply with this preservation notice may result in court-imposed sanctions or adverse inferences during litigation.

This request is not an accusation of wrongdoing but a precautionary measure to ensure compliance with legal requirements and to protect the integrity of the litigation process.

Please confirm receipt of this letter and your compliance with this preservation request by December 20, 2024. You may contact me at the address, email, or phone number listed above.

Thank you for your attention to this matter.

Sincerely,



Eric Brian Rosenberg

a.k.a. E. Brian Rose

[REDACTED]

Eric Brian Rosenberg

A.K.A. E. Brian Rose

1207 [REDACTED]

December 10, 2024

Alderman Robert Blackman

City of Ocean Springs

1018 Porter Avenue

Ocean Springs, MS 39564

Re: Notice to Preserve Documentation

Dear Alderman Blackman:

I am writing to formally notify you of my intent to pursue legal action involving First Amendment retaliation, violations of the Mississippi Public Records Act, and related matters.

You are NOT currently named as a defendant in this litigation.

However, your role as a member of the Board of Aldermen may make you a custodian of records relevant to this case. Accordingly, I am requesting that you take immediate steps to preserve all such evidence.

This preservation request applies to, but is not limited to, the following types of records:

- Emails, text messages, and other communications referencing Eric Brian Rosenberg (a.k.a. E. Brian Rose, Plaintiff) or his work, whether sent or received on city-owned or personal devices/accounts.
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Please confirm receipt of this letter and your compliance with this preservation request by December 20, 2024. You may contact me at the address, email, or phone number listed above.

Thank you for your attention to this matter.

Sincerely,



Eric Brian Rosenberg

a.k.a. E. Brian Rose

[REDACTED]

Eric Brian Rosenberg

A.K.A. E. Brian Rose

[REDACTED]
[REDACTED]

December 10, 2024

Alderman Kevin Wade

City of Ocean Springs

1018 Porter Avenue

Ocean Springs, MS 39564

Re: Notice to Preserve Documentation

Dear Alderman Wade:

I am writing to formally notify you of my intent to pursue legal action involving First Amendment retaliation, violations of the Mississippi Public Records Act, and related matters.

You are NOT currently named as a defendant in this litigation.

However, your role as a member of the Board of Aldermen may make you a custodian of records relevant to this case. Accordingly, I am requesting that you take immediate steps to preserve all such evidence.

This preservation request applies to, but is not limited to, the following types of records:

- Emails, text messages, and other communications referencing Eric Brian Rosenberg (a.k.a. E. Brian Rose, Plaintiff) or his work, whether sent or received on city-owned or personal devices/accounts.
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Thank you for your attention to this matter.

Sincerely,



Eric Brian Rosenberg

a.k.a. E. Brian Rose

[REDACTED]
[REDACTED]

Eric Brian Rosenberg

A.K.A. E. Brian Rose

[REDACTED]
[REDACTED]

December 10, 2024

Alderman Rickey Authement

City of Ocean Springs

1018 Porter Avenue

Ocean Springs, MS 39564

Re: Notice to Preserve Documentation

Dear Alderman Authement:

I am writing to formally notify you of my intent to pursue legal action involving First Amendment retaliation, violations of the Mississippi Public Records Act, and related matters.

You are NOT currently named as a defendant in this litigation.

However, your role as a member of the Board of Aldermen may make you a custodian of records relevant to this case. Accordingly, I am requesting that you take immediate steps to preserve all such evidence.

This preservation request applies to, but is not limited to, the following types of records:

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Thank you for your attention to this matter.

Sincerely,



Eric Brian Rosenberg
a.k.a. E. Brian Rose

[REDACTED]
[REDACTED]

Eric Brian Rosenberg
A.K.A. E. Brian Rose

[REDACTED]
[REDACTED]

December 10, 2024

Alderman Michael Impey
City of Ocean Springs
1018 Porter Avenue
Ocean Springs, MS 39564

Re: Notice to Preserve Documentation

Dear Alderman Impey:

I am writing to formally notify you of my intent to pursue legal action involving First Amendment retaliation, violations of the Mississippi Public Records Act, and related matters.

You are NOT currently named as a defendant in this litigation.

However, your role as a member of the Board of Aldermen may make you a custodian of records relevant to this case. Accordingly, I am requesting that you take immediate steps to preserve all such evidence.

This preservation request applies to, but is not limited to, the following types of records:

- Emails, text messages, and other communications referencing Eric Brian Rosenberg (a.k.a. E. Brian Rose, Plaintiff) or his work, whether sent or received on city-owned or personal devices/accounts.
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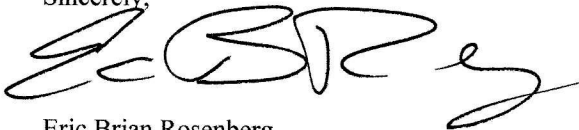
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Please confirm receipt of this letter and your compliance with this preservation request by December 20, 2024. You may contact me at the address, email, or phone number listed above.

Thank you for your attention to this matter.

Sincerely,



Eric Brian Rosenberg
a.k.a. E. Brian Rose

[REDACTED]
[REDACTED]

Eric Brian Rosenberg

A.K.A. E. Brian Rose

[REDACTED]
[REDACTED]

December 10, 2024

Alderman Bobby Cox

City of Ocean Springs

1018 Porter Avenue

Ocean Springs, MS 39564

Re: Notice to Preserve Documentation

Dear Alderman Cox:

I am writing to formally notify you of my intent to pursue legal action involving First Amendment retaliation, violations of the Mississippi Public Records Act, and related matters.

You are NOT currently named as a defendant in this litigation.

However, your role as a member of the Board of Aldermen may make you a custodian of records relevant to this case. Accordingly, I am requesting that you take immediate steps to preserve all such evidence.

This preservation request applies to, but is not limited to, the following types of records:

- Emails, text messages, and other communications referencing Eric Brian Rosenberg (a.k.a. E. Brian Rose, Plaintiff) or his work, whether sent or received on city-owned or personal devices/accounts.
- Notes, documents, videos, audio files, or communications related to board meetings or discussions about Plaintiff or his reporting.
- Any records or communications discussing zoning changes, transparency issues, or public comments raised during board meetings.

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This request is not an accusation of wrongdoing but a precautionary measure to ensure compliance with legal requirements and to protect the integrity of the litigation process.

Please confirm receipt of this letter and your compliance with this preservation request by December 20, 2024. You may contact me at the address, email, or phone number listed above.

Thank you for your attention to this matter.

Sincerely,



Eric Brian Rosenberg

a.k.a. E. Brian Rose

[REDACTED]
[REDACTED]