

Scott D. Stephenson  
Email: stephenson@litchfieldcavo.com

July 22, 2016

Charles C. Hatley  
P.O. Box 368  
New Madrid, MO 63869

Re: Paula Scobey as guardian for  
Pauline Williams

Dear Mr. Hatley:

Teala Mainzer has retained us to respond to a July 5, 2016 letter sent by your client, Paula Scobey, purportedly written in her capacity as Guardian and Conservator for Teala's mother, Pauline Williams. I have attached a copy of the July 5, 2016 letter for your review, as I have serious doubts about whether you were previously aware of it. In short, the July 5 letter frivolously asserts that a web site created by Teala – [www.justiceforpauline.com](http://www.justiceforpauline.com) – allegedly violates the "privacy rights and Hipaa rights" of her mother, Pauline Williams.

Ms. Scobey also sent a prior email to Teala on June 28, 2016, which stated in full:

It has came (sic) to my attention that you created a web site entitled "Justice For Pauline". As Ms. Pauline's guardian and conservator, I am requesting that you remove all pictures of Pauline from this web site and to further remove Ms. Pauline's last name "Williams". This is in total violation of her Hippa (sic) Rights to use her name and post her pictures without her permission and in this case, without my permission as her guardian. Please remove her last name and pictures immediately.

As I am sure you know, Ms. Scobey's assertion that Teala's creation of the website somehow constitutes a violation of her mother's HIPAA rights is entirely without merit. HIPAA has no possible application to Teala or the website. Teala is not subject to HIPAA as a health care provider or in any other capacity, and the website cannot be said to constitute medical records in any respect. Please advise your client to stop attempting to intimidate Teala with frivolous allegations regarding HIPAA.

Ms. Scobey's false suggestion that the web site [www.justiceforpauline.com](http://www.justiceforpauline.com) constitutes a violation of the privacy rights of Teala's mother is also without merit. The web site is purely a matter of Teala using a public forum to express her advocacy for improvements to the administration of elder care by the public guardian and courts in Missouri. As such, the website addresses matters of legitimate public concern.

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Under Missouri law, there can be no invasion of privacy unless the matter publicized is of a kind that (a) would be highly offensive and bring shame and humiliation to a reasonable person; and (b) is not of legitimate concern to the public. Further, there is no invasion of privacy when a person merely gives further publicity to information that is already public. Matters of public record as well as activities of public bodies such as the office of the Public Administrator are, as a matter of law, of legitimate concern to the public.

It would be Ms. Scobey's burden and obligation to prove the lack of newsworthiness of the disclosure as well as its invasiveness. She has made no effort to do so precisely because there is no chance whatsoever she could meet her burden of proof.

First, the facts detailed on the website concern matters of public record – specifically, the hearings, evidence and rulings in the guardianship proceedings in court. These hearings and court filings are certainly not confidential but rather are freely available to the public.

Second, the facts and opinions presented on the website concern the activities of a public body – the office of the Public Administrator – and the negligent performance of its public duties. Such matters are, as a matter of law, of legitimate concern to the public.

Third, the website is a paradigm example of investigative journalism and public advocacy. Its obvious purpose is to bring the problems of the Missouri public guardian system to the public's attention and to advocate change in that system. In chronicling the malfeasance of the public guardians in Missouri, Teala's website has portrayed a pattern of incidents which individually and cumulatively established more reason for public concern about the poor performance of public guardians. This is a basic and legitimate method of journalism and public advocacy.

That the website includes a few photographs of Teala's mother and identifies Pauline Williams' name only serves the purpose of journalism and public advocacy and in no way constitutes an invasion of privacy. To the contrary, the use of the photographs and name adds credibility, contributes further information not otherwise communicable, contributes to reader perception and understanding, and augments readership by drawing attention to the story.

The disclosure of the photographs and name is closely related and indeed essential to the purpose of the website of advocating for change in the public guardian's office and the courts. Teala's individual experiences with her mother document the website's theme of maladministration and outright abuse of helpless citizens by the public guardian and the courts. The negligence and indeed indifference demonstrated in

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the website has gone on for years if not decades. The events and circumstances documented on the website are plainly relevant to the public in evaluating the performance of the public guardians and the courts in Missouri.

Furthermore, the use of the photographs and name indisputably contributes constructively to the impact of the article on the public. It offers a personalized frame of reference to which the reader could relate, fostering perception and understanding. Moreover, it lends specificity and credibility to the report.

In this way the disclosure serves as an effective means of accomplishing the intended news function and intended public advocacy of change. It has positive communication value in attracting the reader's attention to the website's subject matter and in supporting expression of the underlying theme. Teala and the website also have a right to buttress the force of their evidence by naming names. Teala and the website have a right to treat the identity of victims of abuses and malfeasance in the public guardian office and the courts as matters of legitimate public concern. The subject is one of grave public interest. Moreover, at a time when it is important to separate fact from rumor, the specificity of the report would strengthen the accuracy of the public perception of the merits of the controversy.

The sparing use of Ms. Williams' identity and photographs could not reasonably be viewed as the spreading of gossip solely for its own sake. The website merely provides information to which the public is entitled, rather than the morbid and sensational prying into private lives for its own sake.

Finally, there is no means by which Ms. Scobey could meet her burden of proving that the minimal use of photographs and name on the website would bring humiliation or shame to a person of ordinary sensibilities. To the contrary, any reasonable person would take pride in the fact that their daughter was using every reasonable and legitimate means of fighting hard to preserve her mother's dignity and health.

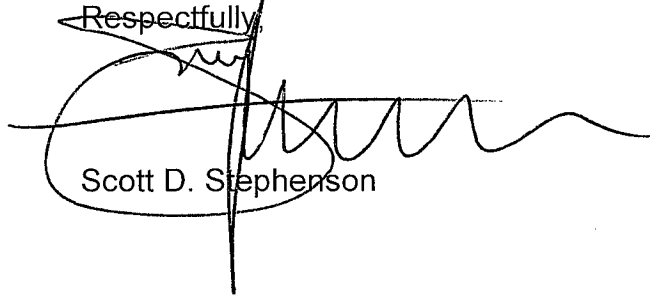
Accordingly, we would appreciate it if you would direct Ms. Scobey to desist from any further attempts at threatening Teala with frivolous allegations. Instead, Ms. Scobey should focus on her duties as Ms. Williams' guardian – as long as those duties last – including her fiduciary duty to protect Ms. Williams from the negligence of her caretakers. You should know that Ms. Williams recently suffered an injury due to the negligence of her caretakers and that no one – including Ms. Scobey – was even aware of the injury for an unreasonable time period of at least two weeks. Ms. Scobey's time would be better spent checking on the health and welfare of her charges rather than wasting time writing frivolous letters seeking to prevent well-deserved criticism of her performance as a guardian.

**LITCHFIELD**

Attorneys at Law **CAVO LLP**

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Respectfully,

A handwritten signature in black ink, appearing to read "Scott D. Stephenson". The signature is written in a cursive style with a large initial "S" and a vertical line extending downwards from the end of the signature.

Scott D. Stephenson

SDS/jrb

Enclosure

cc: Teala Mainzer