



Trace H. Jackson
Attorney

904 . 346 . 5783
TJackson@rtlaw.com

1301 Riverplace Boulevard • Suite 1500
Jacksonville, Florida 32207

904 . 398 . 3911 Main
904 . 396 . 0663 Fax
www.rtlaw.com

September 22, 2021

VIA FEDEX AND EMAIL

Patrick Brenner for New Mexico
ATTN: Patrick Brenner (patrick@brenner4nm.org)
6841 Nacelle Road Northeast
Rio Rancho, New Mexico 87144

Re: Infringement of Copyright in *Cultural Competence and Racial Bias Training Materials*

Dear Mr. Brenner,

My firm has the pleasure of representing Scenario Learning, LLC d/b/a Vector Solutions (“Vector”), in connection with the above matter. It has come to our attention that you are infringing Vector’s copyright in certain training materials that Vector offers to educators for purchase by posting exact copies of those materials on your website, brenner4nm.org (the “Website”). Vector demands that you immediately cease and desist from any use of Vector’s materials on the Website.

More specifically, on August 18, 2021, you published a post entitled “Critical Race Theory is very present in Rio Rancho Public Schools” (the “Post”) on the Website. The Post can be accessed at this link: <https://brenner4nm.org/critical-race-theory-is-very-present-in-rio-rancho-public-schools/>. In the Post, you include multiple inaccurate characterizations of Vector’s training program, *Cultural Competence and Racial Bias* (“Cultural Competence”). These characterizations are accompanied by quotations from *Cultural Competence* and your own commentary on the matter.

Significantly, the Post concludes by displaying a horde of screenshots of *Cultural Competence* with no commentary whatsoever. These screenshots are wholesale reproductions of Vector’s copyrighted materials without any authorization from Vector for you to display its materials. As such, your use of *Cultural Competence* infringes upon Vector’s exclusive right to reproduce and publicly display the *Cultural Competence* materials, as provided by the federal Copyright Act. *See* 17 U.S.C. § 106.

Although in your September 10, 2021 email to the Superintendent and School Board of Rio Rancho Public Schools (“RRPS”) you claimed that, “[t]hrough the Inspection of Public Records Act,” you “legally obtained screenshots of all the training materials,” this statement is blatantly false. In response, on September 13, 2021, Chief Communications, Strategy and Engagement Officer, Beth Pendergrass, corrected your misstatement and confirmed that: (i) RRPS “never received a request for these items through the IPRA process,” and (ii) “you obtained [the

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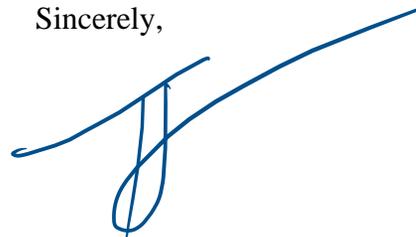
materials] outside of the proper IPRA channels.” Ms. Pendergrass’s email further notified you that “[t]he slides you make reference to are, however, proprietary and do not belong to the district. ... If you plan to continue to keep them public, we recommend that you reach out to the holder of the copyrighted material to gain permission.” You have never gained such permission from Vector.

While Vector takes no position on the subject matter of the Post, Vector holds copyrights and/or protectable trade-secret rights in all of its training materials and vigorously enforces these rights. Vector cannot and will not allow an unlicensed third party to post exact reproductions of its copyrighted materials on a publicly accessible website.

Accordingly, Vector demands that you immediately take down all Vector-copyrighted materials on your Website, including the Post. Please provide me with written verification that you have complied with Vector’s demands by no later than the close of business on **Wednesday, September 29**.

This letter is not intended as a waiver of any of Vector’s rights, whether sounding in copyright, trade secret protection, or otherwise. If you have retained legal counsel, please forward this letter to them promptly to ensure a timely resolution of this matter. Thank you for your attention to this matter. Please contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Trace H. Jackson', with a long horizontal flourish extending to the right.

Trace H. Jackson