

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

[REDACTED]
INDIVIDUALLY AND ON BEHALF OF
THEIR MINOR DAUGHTER [REDACTED]
[REDACTED]

Plaintiffs,

vs.

HURON CITY SCHOOL DISTRICT
712 CLEVELAND ROAD EAST
HURON, OH 44839

&

HURON CITY SCHOOL DISTRICT
BOARD OF EDUCATION, PAUL WARD,
JODY MAST, DONNA GREEN, JOHN P.
JONES, AND SCOTT SLOCUM, IN THEIR
OFFICIAL AND INDIVIDUAL CAPACITY
AS BOARD MEMBERS
712 CLEVELAND ROAD EAST
HURON, OH 44839

&

DENNIS MURATORI,
INDIVIDUALLY AND IN HIS OFFICIAL
CAPACITY AS SUPERINTENDENT OF
HURON CITY SCHOOLS,
423 GATEWAY BLVD
HURON, OH 44839

&

CHARD CARTER,
INDIVIDUALLY AND IN HIS OFFICIAL
CAPACITY AS PRINCIPAL OF MCCORMICK

CASE NO:

JUDGE:

MAGISTRATE JUDGE:

COMPLAINT

(Jury Demand Endorsed Hereon)

JUNIOR HIGH SCHOOL
923 GLENVIEW DR.
HURON, OH 44839

&

MATT JACOBS,
INDIVIDUALLY AND IN HIS OFFICIAL
CAPACITY AS AN EMPLOYEE OF
MCCORMICK JUNIOR HIGH SCHOOL
339 BRUNSWICK DR.
HURON, OH 44839

&

MARK DOUGHTY
INDIVIDUALLY AND IN HIS OFFICIAL
CAPACITY AS THE TITLE IX COORDINATOR
OF HURON CITY SCHOOL DISTRICT
118 SYCAMORE DR.
NORWALK, OH 44857

&

STEVE CAMELLA
INDIVIDUALLY AN DIN HIS CAPACITY AS
THE HURON CITY SCHOOL DISTRICT
ATHLETIC DIRECTOR
1209 MARLBORO ST.
SANDUSKY, OH 44870

Defendants.

COMPLAINT

Plaintiffs, [REDACTED] individually and on behalf of their daughter,
Plaintiff [REDACTED], a minor, brings this action and Complaint against Defendants Huron City School
District, Huron City School District Board of Education, Dennis Muratori, individually and in his
official capacity as Superintendent of Huron City Schools, Chad Carter, individually and in his
official capacity as Principal of McCormick Junior High School, Matt Jacobs, individually and

as an employee of McCormick Junior High School, Mark Doughty, individually and in his official capacity as the Title IX Coordinator for Huron City Schools, Steve Camella, individually and in his official capacity as the Athletic Director of Huron City Schools, and states as follows:

INTRODUCTION

1. This case is brought against Huron City School District, its employees and its board members for their blatant disregard for the health and well-being of its minor female students in favor of their male counterparts, whom the School District went above and beyond to protect these male children but turned a blind eye to young females who were in need of protection.

2. Plaintiffs bring this Complaint against the School District and its employees for not only contributing to the sexual harassment a Junior High School boy continuously exhibited towards several female students, but also promoted the boy's actions by creating an environment that would allow such actions. Employees of the School District would continuously make comments to these young girls in an attempt to dissuade them from making continued complaints. The School District also failed these young girls by giving the male student nothing more than a slap on the wrist despite the severity and frequency of his actions.

3. As cited in this Complaint, Plaintiffs bring this action as a result of what their minor child experienced at the School District, which included instances where she was exposed to a student's genitalia during school hours on numerous occasions, received unsolicited lewd photos, received continuous harassment, degradation, and sexual harassment, and was subjected to constant rumors and humiliation which was all promulgated by the same boy. Defendants knew that all of this was going on and did nothing over a six-month period to prevent, stop, punish, or address the behavior. Instead, the School District continued with a pattern of behavior that attempted to dissuade further complaints even if these actions did continue, ignored the ongoing

complaints of each victim without attempting to find a solution to the problem, and regularly put Plaintiff in a position to cause her further distress, embarrassment, and humiliation.

4. Instead of putting Plaintiff and other female students in a position of safety, the School District shielded the young male from any real consequences, allowed him to continue in all extracurricular activities, gave him a lesser punishment than directed under the school guidelines; all so that this openly enrolled student could continue to come to the school. As a result, Plaintiffs and several other similarly situated victims who received ongoing harassment from this same individual had to move out of the School District.

5. Huron City School District knew about the sexual harassment and sexual violence that undoubtedly created a hostile environment. As such, the school was required to take immediate action to eliminate the sexual harassment and sexual violence, prevent its recurrence, and address its effects. The School District miserably failed at this, thus causing significant and permanent injury and distress to innocent children.

6. Now comes Plaintiff [REDACTED] individually and on behalf of their daughter, Plaintiff [REDACTED], a minor, and brings this action against Defendants Huron City School District; Huron City School District Board of Education; Dennis Muratori, individually and in his official capacity as Superintendent of Huron City Schools; Chard Carter, individually and in his official capacity as Principal of McCormick Junior High School; Mark Doughty, individually and in his official capacity as the Title IX Coordinator of Huron City Schools, Steve Camella, individually and in his official capacity as the Athletic Director of Huron City Schools and Matt Jacobs, in his individual capacity and as an employee of McCormick Junior High School.

7. Plaintiffs do not need to exhaust administrative remedies prior to filing this Complaint. *Cannon v. University of Chicago*, 441 U.S. 677 (1979).

8. No administrative remedies would redress the injuries [REDACTED] suffered arising from John Doe's sexual harassment, and given the School Districts inability to act, [REDACTED] had to move to a different school.

9. This is a civil action for compensatory and punitive damages against all Defendants for intentional infliction of emotional distress and negligence, for violations of Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 and Ohio Revise Code Section 2151.421.

10. Plaintiffs also seek injunctive relief and the implementation of training of individuals employed by Defendant School District and an adequate program be put into place so that these occurrences do not happen again.

PARTIES

11. Plaintiffs [REDACTED] (hereinafter referred to collectively as "[REDACTED] and [REDACTED] and [REDACTED] respectively) are the parents and natural guardians of [REDACTED], a minor, and reside with [REDACTED] in Edison School District in Erie County, Ohio.

12. [REDACTED] is a minor age fifteen who was at all times relevant to this Complaint an open-enrolled student at McCormick Junior High School, Huron City School District.

13. Defendant Huron City School District ("School District" hereinafter) is a public educational institution located in Erie County, Ohio that receives both federal and state funding.

14. At all times relevant, Defendants Paul Ward, Jody Mast, Donna Green, John P. Jones, and Scott Slocum, in their official and individual capacity worked within Erie County, Ohio and were members of the Huron City School District Board of Education ("School Board" hereinafter).

15. At all times relevant, Defendant Dennis Muratori is a natural person employed by Defendant School District and at all times as alleged herein was acting in his official capacity as

an agent and/or employee of Defendant School District and acting or failing to act within the scope, course, and authority of his employment.

16. At all times relevant, Defendant Muratori worked as the Superintendent of Huron City Schools.

17. At all times relevant, Defendant Chad Carter is a natural person employed by Defendant School District and at all times as alleged herein was acting in his official capacity as an agent and/or employee of Defendant School District and acting or failing to act within the scope, course, and authority of his employment.

18. At all times relevant, Defendant Carter worked as the Principal of McCormick Junior High School.

19. At all times relevant, Mark Doughty, is a natural person employed by Defendant School District and at all times as alleged herein was acting in his official capacity as an agent and/or employee of Defendant School District and acting or failing to act within the scope, course, and authority of his employment.

20. At all times relevant, Defendant Doughty worked as the Title IX Coordinator for Huron City School District.

21. At all times relevant, Steve Camella, is a natural person employed by Defendant School District and at all times as alleged herein was acting in his official capacity as an agent and/or employee of Defendant School District and acting or failing to act within the scope, course, and authority of his employment.

22. At all times relevant, Steve Camella, worked as the Athletic Director for Huron City School District.

23. At all times relevant, Defendant Matt Jacobs is a natural person employed by Defendant School District and at all times as alleged herein was acting in his official capacity as an agent and/or employee of Defendant School District and acting or failing to act within the scope, course, and authority of his employment.

24. At all times relevant, Defendant Jacobs was employed as a Detective for the Huron Police Department as well as employed by the School District as the wrestling coach at Huron High School.

JURISDICTION AND VENUE

25. Plaintiffs hereby re-allege and incorporate each and every allegation contained in the preceding paragraphs of this Complaint as if fully rewritten herein.

26. This action is authorized, instituted, and arises pursuant to the Title IX of the Educational Amendments Of 1972, 20 U.S.C. §1681, *et seq.*, the Fourteenth Amendment to the United States Constitution, Ohio Rev. Code §2151.421 and the common laws of the State of Ohio, as more fully set forth herein.

27. Plaintiff brings this action to redress a hostile educational environment pursuant to Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681(a), as more fully set forth herein.

28. Jurisdiction is invoked pursuant to 28 U.S.C. §1343(a), and because federal question jurisdiction exists over the claims under 28 U.S.C §1331, which gives district courts jurisdiction over all civil actions arising under the Constitution, laws, and treaties of the United States.

29. Supplemental jurisdiction exists over the State law claims under 28 U.S.C. § 1367.

30. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), since all Defendants reside in this district and the events giving rise to the claims occurred in this district.

APPLICABLE LAW AND POLICY

31. Title IX of the Education Amendments of 1972 (“Title IX”), 20 U.S.C. § 1681(a), states that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. . . .

32. Title IX is implemented through the Code of Federal Regulations. See 34 C.F.R. Part 106.

33. 34 C.F.R. § 106.8(b) provides:

. . . A recipient shall adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action which would be prohibited by this part.

34. In *Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1988), the United States Supreme Court recognized that a recipient of federal educational funds intentionally violates Title IX, and is subject to a private damages action, where the recipient is “deliberately indifferent” to known acts of teacher-student discrimination.

35. In *Davis v. Monroe County Board. of Education*, 526 U.S. 629 (1999), the United States Supreme Court extended the private damages action recognized in *Gebser* to cases where the harasser is a student, rather than a teacher.

36. *Davis* held that a complainant may prevail in a private Title IX damages action against a school district in cases of student-on-student harassment where the funding recipient is

- a) deliberately indifferent to sexual harassment of which the recipient has actual knowledge, and
- b) the harassment is so severe, pervasive, and objectively offensive that it can be said to deprive the victims of access to the educational opportunities or benefits provided by the school.

Davis, 526 U.S. at 1669–76.

37. The Fourteenth Amendment to the United States Constitution provides in pertinent part that no State shall “deny to any person within its jurisdiction the equal protection of the laws.”

U.S. Const. amend. XIV, § 1.

38. The Huron City School District's Board of Education has also adopted an anti-harassment policy and nondiscrimination on the basis of sex policy. That policy defines harassment to include "such conduct is sufficiently severe, persistent, or pervasive and has the purpose or effect of unreasonably interfering with an individual's work or education performance by creating an intimidating, hostile or abusive environment, or by interfering with one's ability to participate in or benefit from a class or education program or activity." Examples of sexual harassment-type conduct may include unwanted sexual advances, repeated sexual jokes, advances, verbal abuse of a sexual nature, any unwanted physical contact, sexually suggestive or obscene comments or gestures, or displays of sexually suggestive or obscene objects or pictures. The policy indicates that "sex discrimination and sexual harassment, whether verbal or nonverbal, occurring inside or outside District buildings... is illegal and unacceptable and will not be tolerated."

39. The McCormick Junior High School Student Handbook further indicates that the definition of sexual harassment is "very broad" and could include "propositioning, displaying sexually suggestive objects, making sexual remarks or gestures, displaying sexual pictures, making derogatory comments or slurs based on sex, making sexual comments about a person's body, touching a person, or assaulting a person." The Handbook further notes that this definition is "in the eyes of the beholder." That is, the recipient of the harassment decides when the actions become harassment.

40. The School Board's policy strictly prohibits hazing and bullying behavior defined as "intentional written, verbal, graphic or physical acts, either overt or covert, by a student or group of students towards other students ... with the intent to haze, harass, intimidate, injure, threaten, ridicule or humiliate."

41. The McCormick Junior High School Student Handbook states that the “Board of Education’s primary concern is that students who wish to learn can do so in an environment conducive to learning and that ever available disciplinary and prescriptive measure be employed on behalf of those who would deny such an environment.”

FACTS COMMON TO ALL CLAIMS

42. Plaintiffs hereby re-allege and incorporate each and every allegation contained in the preceding paragraphs of this Complaint as if fully rewritten herein.

43. At all material times, the School District was receiving federal funding, as contemplated by Title IX, 20 U.S.C. § 1681, *et seq.*

44. The School District is responsible for ensuring that all its employees are properly trained and supervised to perform their jobs.

45. The School District is responsible for the acts and omissions of its employees.

46. [REDACTED] was an open-enrolled student at McCormick Junior High School in Huron City School District.

47. John Doe, a male student, whose home district for schooling is the Edison School District, was also openly enrolled in the Huron City School District.

48. In February 2019, John Doe sent [REDACTED] unsolicited lewd pictures and videos of his genitalia through his cell phone.

49. Some time between February and March of 2019, while in class, John Doe called [REDACTED] by her name. When she turned around his penis was sticking out of the bottom of his shorts. Afterwards, she immediately turned around. He asked her if “we cool? We cool?”

50. On March 2, 2019, Jane Doe, another student at McCormick Junior High School, while staying the night at [REDACTED] house, received unsolicited lewd pictures and videos of John Doe's genitalia.

51. On March 19, 2019, another family informed [REDACTED] parents that their child had experienced similar events and that they had spoken to John Doe's parents about the events.

52. Following this conversation, [REDACTED] and [REDACTED] had a phone conference with John Doe and his parents and discussed the pictures he sent to [REDACTED] at which point John Doe admitted to sending the pictures and apologized to everyone and they agreed that no one would discuss these events with anyone.

53. However, March 20, 2019 the following day at school, classmates were coming up to [REDACTED] and asking her if John Doe had sent her lewd photos, causing significant emotional and mental distress.

54. That same day, [REDACTED] contacted Superintendent Dennis Muratori and Detective Matt Jacobs of the Huron City Police Department regarding the graphic pictures and videos John Doe sent to multiple girls at the school.

55. Detective Jacobs, the investigating officer throughout the entire investigation, is also an employee of the Huron City School District and serves as the wrestling coach of John Doe at Huron High School.

56. Detective Jacobs indicated he would come to the school the next day to interview everyone.

57. In the conversation, he recommended that they should delete any pictures/videos John Doe sent their daughter and to inform the parents of Jane Doe to either call him or delete the

pictures/videos as they could all be charged with child pornography if the pictures or items were discovered before a report was filed.

58. On March 21, 2019, [REDACTED] and [REDACTED] met with Detective Matt Jacobs and Principal Chad Carter for an interview at the school related to the pornography pictures sent to [REDACTED] and the incidents of John Doe exposing his penis to [REDACTED] in class on multiple occasions.

59. On this date, Detective Jacobs and Principal Carter also met with Jane Doe and Jane Doe 2 who recanted similar experiences of abuse, harassment, assault and unsolicited lewd photos.

60. Detective Jacobs referred to John Doe as a “jackass and he always tries to act like the class clown.”

61. Detective Jacobs knew John Doe personally, since he was his wrestling coach at Huron City Schools and was a close family friend of John Doe’s parents.

62. Detective Jacobs said that during wrestling season, he would tell the wrestling team not to send these types of pictures, but he said that he was not surprised they kept doing it because that is how kids “date” nowadays.

63. Huron City Schools had knowledge that members of the wrestling team were sending young females students lewd pictures and when it was reported to the school and the police that the pictures were unwanted and part of bullying and harassing behavior, the Huron City Schools did nothing to prevent future misconduct and did nothing to keep [REDACTED] safe from the bullying and sexual harassment.

64. Principal Carter was informed during this interview that [REDACTED] was in the same class as John Doe, however, after this interview, Principal Carter still sent [REDACTED] back to the same

classroom where she sat beside John Doe for the rest of the day. [REDACTED] stayed in class, as she was not sure what to do.

65. The school continually failed to inform the teachers that [REDACTED] and John Doe should be separated to ensure that [REDACTED] had a classroom environment that was suitable for her educational needs.

66. Detective Jacobs and Principal Carter called down several other male and female students who confirmed witnessing these same events and other similar acts by John Doe, including instances where John Doe would show other students pictures of his penis on his phone while at school and took a picture up another female students skirt.

67. Detective Jacobs was told that Jane Doe 2's parents wanted to be called when they interviewed her because she had anxiety issues.

68. They assured Jane Doe's parent that they would but never did.

69. To this day, they have never called the parents of Jane Doe 2, despite the fact that she experienced similar acts of sexual harassment, which they had notice of.

70. Detective Jacobs was provided with photographic evidence of the pictures sent by John Doe on this date to Jane Doe.

71. Despite their continuing duty to investigate and address the sexual assault and harassment claims, from that point forward School District officials conducted virtually no independent investigation.

72. Principal Carter, despite having knowledge of these incidents, never tried to prove or disprove what the students were reporting.

73. Upon information and belief, Principal Carter did not inform the Title IX Coordinator Defendant Doughty about the claims of sexual harassment, as required under the School Board's policy.

74. Detective Jacobs interviewed John Doe a week after everyone else because John Doe already had a lawyer, but there are no details of these questions or answers in the police report produced by Detective Jacobs, despite having a detailed outline of every other witness' responses.

75. Detective Jacobs never excused himself from the investigation due to a conflict of interest.

76. Detective Jacobs indicated that he would write up a report and send it the Erie County prosecutor.

77. Detective Jacobs, through this investigation, was provided a phone from Jane Doe to download the photographic evidence that Jane Doe and her family had shared with Detective Jacobs.

78. It was expressed to the [REDACTED] that John Doe would be given a ten-day suspension, the standard consequence for these actions.

79. Children services were never contacted by the school following this interview.

80. Following this interview, the School did not provide a counselor to any of the girls that received harassment by John Doe and no staff knowledgeable to events advocated for one.

81. [REDACTED] brought this issue up at a PACT committee meeting with Superintendent Muratori and other members of the committee.

82. At this point, as of March 21, 2019, the Principal of the Junior High, the Superintendent and the Detective in charge, who was also an employee of the school, were on unequivocal notice that they have a duty to protect [REDACTED] and other students from further harassment.

83. Despite this notice, the School District and its employees did nothing to separate John Doe from [REDACTED] or any of the other students who experienced harassment, did nothing to return John Doe to his home district, did almost nothing to punish John Doe, and allowed John Doe unfettered access to [REDACTED] which allowed for continued harassment.

84. By failing to take action and to give appropriate consequence to John Doe, the School District promoted the harassment and bullying of the victim [REDACTED] as well as other victims.

85. The week following this interview was spring break for the School District.

86. When [REDACTED] returned to school, she discovered that John Doe only received a five-day suspension and was back at school.

87. Had John Doe received a ten-day suspension, he would not have been eligible to be accepted as an open enrolled student for the 2019/2020 school year, according to section JECBB of the Huron City School Board Policy Manual.

88. During this next week, John Doe continues to harass [REDACTED] and Jane Doe.

89. [REDACTED] attempted to contact Detective Jacobs regarding charges against John Doe and was informed that once he was done with his report he would turn it over to the Prosecutor to determine what to do.

90. Due to the continued harassment, [REDACTED] continued to become more depressed, withdrawn, and had noticeable behavior changes, including an inability to focus on school studies.

91. During this time, rumors continued to spread throughout the school without any action taken by the School District to stop them, which caused [REDACTED]'s friends to limit interaction with her and make her feel isolated.

92. On April 11, 2019, Prosecutor Cheryl Goodrum had been contacted about where the case against John Doe was at given that John Doe's behavior at school was escalating badly, at which point Prosecutor Goodrum indicated that she never received any report from Detective Jacobs and had no idea who they were.

93. [REDACTED] ran into Detective Jacobs at Fabens Park where Detective Jacobs told Mr. [REDACTED] that he found no more incriminating evidence on Jane Doe's phone and that this "does not make Jane Doe look good," insinuating that she was fabricating everything despite several male and female students witnessing this ongoing harassment as well as Detective Jacobs personally viewing lewd photos on both Jane Doe's phone and John Doe's phone.

94. On May 21, 2019, Plaintiffs met with Prosecutor Goodrum to discuss the details of the charges at which point they were informed that Detective Jacobs never sent any pictures or videos to her, but instead kept all of the evidence hidden and/or destroyed the evidence.

95. On May 27, 2019, John Doe was arrested on the charges related to sending pictures of his genitalia to [REDACTED] and other victims.

96. May 28, 2019 the arraignment was conducted at which point John Doe was charged with two counts of pandering and two counts of public indecency.

97. On June 10, 2019, John Doe pleaded guilty to one count of pandering obscenity involving a minor.

98. Plaintiff [REDACTED] was granted a Civil Protection Order against John Doe and a copy of said protective order was provided to the School District.

99. On June 10, 2019, John Doe was accepted by the School District as an open enrolled student for the 2019/2020 school year.

100. John Doe was released on house arrest with an ankle monitor with the ability to leave his house only for the purposes of attending mandatory school activities.

101. The evening of June 10, 2019, John Doe attended voluntary football practice at Huron Schools.

102. Once the [REDACTED] found out that this happened, they contacted Prosecutor Goodrum to discuss the issue at which point Prosecutor Goodrum confirmed that he was not supposed to be at practice as part of the plea agreement.

103. [REDACTED] had texted Defendant Jody Mast regarding whether practice was mandatory. Defendant Mast assisted [REDACTED] confirming that practice was not mandatory until August 1st by texting the previous coach for confirmation.

104. The Ohio High School Athletic Association regulations indicate that teams may not begin mandatory practice until August 1st.

105. At this time, John Doe was in violation of his house arrest when he was allowed to attend football practice, as practices are not considered mandatory school activities.

106. [REDACTED] found out that the entire football coaching staff was put on the adult supervision list of John Doe.

107. While at football practice, John Doe told other students/teammates to “make life hell” for [REDACTED] and the other victims.

108. The School curtailed the probation rules of the Court by adding coaches to the supervision list in order to further shield John Doe from any consequences, further bolstering his position to harass his victims.

109. In June of 2019, [REDACTED] started professional counseling sessions due to worsening depression related to PTSD as a victim of John Doe and the lack of assistance from the School.

110. Due to the ongoing harassment from John Doe and lack of any assistance from the School District, [REDACTED] felt isolated and chastised. Given the failure of the School District to stop the rumors going around school or even address them, [REDACTED] friends did not believe her, stopped talking to her, and further promoted the rumors, which worsened [REDACTED]'s mental health.

111. On July 10th, 2019, the Court amended the House Arrest Order and allowed John Doe to participate in mandatory practices starting on August 1, 2019.

112. On July 12th, 2019, [REDACTED] found out that John Doe was still participating in non-mandatory activities, in violation of his court order which the School District had notice of.

113. On July 12th, 2019, [REDACTED] emailed Mr. Slocum and Mrs. Mast of the School Board advising them of the seriousness of the criminal charges against John Doe, expressing the ongoing harassment John Doe was inflicting on multiple victims, expressing how his actions have forever affected [REDACTED] and Jane Doe's lives, inquiring as to how John Doe was not being held accountable to the terms of the Student Handbook and requested an executive meeting with the School Board and any employee that would have any interaction between the children in a given school day.

114. Defendant Slocum responded on July 18, 2019 that he would work on the logistics of the meeting and get it set up, yet no meeting was ever set up per [REDACTED] request.

115. On July 16, 2019, the Huron City School Board did hold an executive meeting and adjusted what was considered mandatory football practices and allowed them to begin immediately, and not the standard August 1st commencement date of mandatory practices, again

catering to John Doe and showing clear favoritism to him, despite the full knowledge of his harassing, bullying and criminal conduct toward multiple young female students, including [REDACTED]

116. The District claimed that they had no knowledge of the charges against John Doe, but the Board's Meeting Minutes throughout this period show comments made by board members that clearly indicate they were on notice, including acknowledging that there have been "disturbing events with Huron students," before going into an executive session.

117. In addition to these Minutes [REDACTED] had emailed members of the board several times expressing the great concern they had for their child's safety while John Doe remained unpunished.

118. The School Board designated football coaches as "Supervision Adults" over John Doe, thus proving they were on notice that John Doe had pled guilty to the criminal charges and required supervision.

119. The School Board's decision was a direct contradiction to the House Arrest and was done to shield the male football player and wrestler at the expense of the safety and education of the female students in the school.

120. The School Board's decision was a direct contradiction to the McCormick Junior High School Student/Parent Handbook as John Doe's conduct was considered "conduct unbecoming of a Huron athlete," which includes any student who has a police report and/or charges filed against them. If the crimes committed are considered a felony if committed as an adult, then that individual is denied all privileges for up to one (1) year for all activities. Student Handbook, pg. 43.

121. Despite John Doe pleading guilty to a felony crime, the School District, with direct knowledge of such conviction, did not deny John Doe the privilege to participate in football activities.

122. Board members and the Superintendent even had an email exchange discussing whether they were “obligated as a District to provide an aid to ensure proper behavior, especially for an open enrolled student,” while at the same time discussing the cost of this additional safeguard, further indicating that they prioritized the school’s finances over a minor female student’s health.

123. Superintendent Muratori stated that “the District is only obligated to educate [.] We are not obligated to provide additional services.”

124. On August 16th, 2019, ██████ attended cheerleading pictures at Huron High School Football Stadium, at which Athletic Director Steve Camella was present.

125. ██████’s discussed the protection order that was in place with cheerleading coach Janet Gioffre and provided her a copy of the order, to ensure that John Doe remain separated from ██████ at all times and that he should not be on the field at the same time as ██████

126. While the cheerleading team was on the field getting their pictures, the freshman football team was preparing to come onto the field, whom John Doe was a member of.

127. ██████ expressed several times to Coach Gioffre that the football team was about to come onto the field to which she dismissed her concerns and stated “is it really that big of a deal.”

128. As the football team was entering the field, ██████ started to have a panic attack and began crying.

129. ██████ started yelling that John Doe should not be there and started to run towards one of the football moms that was present.

130. While she did this, Coach Gioffre and Athletic Director Camella just watched her and did nothing to help the situation or ensure the safety or concerns of [REDACTED]'s safety.

131. Athletic Director Camella was aware of the Protective Order that was in place, yet did nothing to protect [REDACTED] or prevent humiliation.

132. The football mom spoke with the coaches at which point the pictures were stopped and [REDACTED] was informed "[REDACTED] will finish her pictures and leave the field so [REDACTED] can come onto the field so there is no more commotion."

133. Statements continuously made by employees of the School District show the disregard for the concerns of [REDACTED] and other victims, and the derogatory nature of these comments were meant to dissuade future complaints.

134. [REDACTED] started crying, embarrassed by being singled out in front of everyone with no one protecting her right to be there and take pictures with her teammates other than her own mother.

135. Coach Gioffre made [REDACTED] finish her pictures while everyone watched her, she was the only one getting her pictures taken at that time, as all cheerleaders, football players and coaches watched.

136. After [REDACTED] finished her pictures, they were instructed to go to the beach for further pictures and the rest of the cheerleaders would meet them there.

137. After the incident, [REDACTED] informed High School Principal Tim Lamb of what happened, yet following this, [REDACTED] were never contacted by anyone at the school and no action was taken by the school.

138. This incident caused [REDACTED] a significant amount of emotional distress and further ingrained her perception that no one at the school cared for her safety or well-being.

139. John Doe would openly talk about these incidents and would joke with his friends about spending time in Detention Home.

140. On August 23, 2019, [REDACTED] emailed High School Principal Tim Lamb, who had been personally very sympathetic to [REDACTED]'s issues, about the incident that occurred during picture day, how that event has caused further harm to [REDACTED] how prior messages to the School Board had been completely ignored, and that [REDACTED] was in the process of evaluating other schools to move to.

141. On August 25, 2019, [REDACTED] withdrew from Huron City School District and enrolled at in another school district.

142. The entire school years of 2018/2019 and 2019/2020, while [REDACTED] attended Huron City School District, she was harassed and humiliated by John Doe.

143. On August 25, 2019, Coach Gioffre texted Athletic Director Camella that "[REDACTED] are up to something" as she got a text from [REDACTED] that [REDACTED] would not be at practice the next day.

144. On August 26, 2019, Coach Gioffre texted the entire cheerleading team that [REDACTED] had open enrolled in another school district, without permission to do so.

145. On August 26, 2019, [REDACTED] filed a Family Educational Rights and Privacy Act (FERPA) (20 U.S. Code § 1232(g) violation complaint against Huron Schools for disclosing education info without the party's consent.

146. On August 27, 2019, [REDACTED] attempted to contact Coach Gioffre who purposefully would not take his calls as she indicated to Athletic Director Camella, which is consistent with much of Huron City School District's employees who continually ignored the [REDACTED] and the other victim's continuous complaints.

147. On August 27, 2019, Huron City Schools are notified of the FERPA complaint yet provided no response.

148. As a direct and proximate result of the school's failure to provide [REDACTED] with a safe and suitable education environment, [REDACTED]'s grades continued to decline due to her ongoing mental distress.

149. [REDACTED] remains in counseling with multiple providers to help manage the mental and emotional distress that she experienced at Huron City School District, to which the School District did little to nothing to help her or even act as if they cared for her well-being.

150. In February 2020, [REDACTED] and Jane Doe attempted to commit suicide together as a direct and proximate result of the harassment and the environment created and promulgated by the School District.

151. As a direct and proximate result of the actions or inaction of the School, the other victims have also chosen to attend different schools.

152. Plaintiff [REDACTED] suffered sex-based harassment that was severe, pervasive, and objectively offensive.

153. The sex-based harassment deprived Plaintiff of access to the educational opportunities or benefits of the school.

154. School District officials, including all named Defendants, had the authority to take remedial action to correct the sex-based harassment, bullying and harassment.

155. The School District and its Defendants had actual knowledge of the sex-based harassment, bullying and harassment.

156. The School District and its Defendants responded with deliberate indifference to the sex-based harassment, bullying and harassment.

157. The School District's response and its officials' conduct was such that future reasonable students in Plaintiff's circumstances would be chilled from reporting sexual harassment.

158. As a direct and proximate result of the harassing educational environment created by Defendants' deliberately indifferent response to the sexual assault and subsequent harassment, as well as violations of her Fourteenth Amendment rights, Plaintiff has suffered and continues to suffer psychological damage, emotional distress, loss of standing in her community, and damage to her reputation, and her future relationships have been negatively affected.

159. Plaintiff has required ongoing counseling and elevated levels of medication to address her depression and anxiety caused by Defendants' conduct and the resulting harassing educational environment.

160. Plaintiff has also been deprived of a normal childhood education due to Defendants' conduct and the resulting educational environment.

161. Plaintiff has also been damaged by missed educational opportunities by Defendants' conduct and the resulting hostile educational environment.

162. The District had and continues to have in place a policy regarding harassment, sexual harassment, hazing, and bullying.

163. As described above, that policy defines harassment to include "such conduct is sufficiently severe, persistent, or pervasive and has the purpose or effect of unreasonably interfering with an individual's work or education performance by creating an intimidating, hostile or abusive environment, or by interfering with one's ability to participate in or benefit from a class or education program or activity."

164. That policy identifies examples of sexual harassment-type conduct which may include unwanted sexual advances, repeated sexual jokes, advances, verbal abuse of a sexual nature, any

unwanted physical contact, sexually suggestive or obscene comments or gestures, or displays of sexually suggestive or obscene objects or pictures.

165. The policy indicates that “sex discrimination and sexual harassment, whether verbal or nonverbal, occurring inside or outside District buildings... is illegal and unacceptable and will not be tolerated.”

166. The McCormick Junior High School Student Handbook further indicates that the definition of sexual harassment is “very broad” and could include “propositioning, displaying sexually suggestive objects, making sexual remarks or gestures, displaying sexual pictures, making derogatory comments or slurs based on sex, making sexual comments about a person’s body, touching a person, or assaulting a person.”

167. The Handbook further notes that this definition is “in the eyes of the beholder.” That is, the recipient of the harassment decides when the actions become harassment.

168. The School Board’s policy strictly prohibits hazing and bullying behavior defined as “intentional written, verbal, graphic or physical acts, either overt or covert, by a student or group of students towards other students ... with the intent to haze, harass, intimidate, injure, threaten, ridicule or humiliate.”

169. Throughout the entire time that Plaintiff [REDACTED] was enrolled in the School District, and despite the frequent complaints to the School District of sexual harassment, the School District’s Title IX Coordinator Mark Doughty never reached out to Plaintiffs to discuss the issues.

170. No school official ever directed Plaintiffs to discuss the sexual harassment claims with the Title IX Coordinator.

171. On information and belief, the Title IX Coordinator did not ever do an investigation, prepare a report, or open a claim for sexual harassment against John Doe, despite several separate female students making complaints against him.

172. The inaction by the Title IX Coordinator is directly against the School Board's policies which indicate that both formal and informal sexual harassment complaints will be investigated, that each party as well as witnesses would be interviewed with the Coordinator putting the statements in writing, and that each party would receive a written report summarizing the investigation; none of which was done.

173. The School Board's policy indicates that members of the school community and third party's are encouraged to promptly report incidents of sexual harassment and that District employees are required to report these incidents to the Title IX Coordinator upon becoming aware of an incident and that failure to do so may result in disciplinary action.

174. Upon information and belief, no District employee was ever disciplined for not reporting the incidents cited above to the Title IX Coordinator.

COUNT ONE

Defendants' violation of Title IX of the Educational Amendments of 1972, 20 U.S.C. §1681, *et seq.*

175. Plaintiffs hereby re-allege and incorporate each and every allegation contained in the preceding paragraphs of this Complaint as if fully rewritten herein.

176. The sex-based harassment, ridicule, embarrassment and bullying articulated in the Plaintiffs' General Allegations was so severe, pervasive, and objectively offensive that it deprived Plaintiff of access to educational opportunities or benefits provided by the school.

177. Defendant School District and its employees created and/or subjected Plaintiff to a hostile educational environment in violation of Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681(a) (“Title IX”), because:

- a) Plaintiff was a member of a protected class;
- b) She was subjected to sexual harassment in the form of a sexual harassment, ridicule, embarrassment, and bullying by another male student and fellow classmates;
- c) She was subjected to harassment based on her sex; and
- d) She was subjected to a hostile educational environment created by the School District’s lack of policies and procedures and failure to properly investigate and/or address the sexual harassment, ridicule, embarrassment, and bullying.

178. Defendant School District and its officials had actual knowledge of the sexual harassment, ridicule, embarrassment, and bullying of Plaintiff created by its failure to investigate and discipline Plaintiff’s attacker in a timely manner and consistent with its own policy and federal and state law.

179. Defendant School District’s failure to promptly and appropriately respond to the alleged sexual harassment resulted in Plaintiff, on the basis of her sex, being excluded from participation in, being denied the benefits of, and being subjected to discrimination in the District’s education program in violation of Title IX.

180. Defendant School District failed to take immediate, effective remedial steps to resolve the complaints of sexual harassment and instead acted with willful, deliberate, and intentional indifference toward Plaintiff.

181. Defendant School District persisted in its actions and inaction even after it had actual knowledge of the harm suffered by Plaintiff.

182. Defendant School District engaged in a pattern and practice of behavior designed to discourage and dissuade students and parents of students who had been sexually harassed and

assaulted from seeking prosecution and protection and from seeking to have sexual harassment from being fully investigated.

183. This policy and/or practice constituted disparate treatment of females and had a disparate impact on female students, ultimately leading to several female victims having to move out of the School District.

184. The Title IX Coordinator failed to comply with any of the School Board policies regarding sexual harassment claims, failed to do any independent investigation, and failed to reach out to any of the victims of John Doe, including [REDACTED]

185. Plaintiff has suffered severe emotional distress and psychological damage, and her character and standing in her community have suffered from the harassment fostered as a direct and proximate result of Defendant School District's deliberate indifference to her rights under Title IX.

COUNT TWO

1983 Violation as to Defendants (42 U.S.C. § 1983)

186. Plaintiffs hereby re-allege and incorporate each and every allegation contained in the preceding paragraphs of this Complaint as if fully rewritten herein.

187. Under the Fourteenth Amendment, Plaintiff had the right as a public school student to personal security and bodily integrity and Equal Protection of Laws.

188. Defendants Muratori, Carter, Ward, Mast, Green, Jones, Slocum, Camella and Doughty were all state actors acting under the color of state law.

189. Defendants subjected Plaintiff to violations of her right to personal security and bodily integrity and Equal Protection of Laws by: failing to investigate John Doe's misconduct; failing to appropriately discipline John Doe; failing to adequately train and supervise

Muratori, Carter, Ward, Mast, Green, Jones, Slocum, Camella and Doughty; and manifesting deliberate indifference to the ongoing sexual harassment, ridicule, embarrassment, and bullying of Plaintiff by other students, including John Doe.

190. The School District has and/or had unconstitutional customs or policies of a) failing to investigate evidence of criminal and tortious misconduct against School District students in the nature of violations of their right to personal security and bodily integrity and b) failing to adequately train and supervise School District employees with regard to maintaining, preserving and protecting students from violations of their right to personal security, bodily integrity, and Equal Protection of the Laws.
191. On information and belief, the School District has followed these unconstitutional customs and policies not only with regard to Plaintiff but also with regard to criminal and tortious misconduct committed against other School District students.
192. The School District's policies and/or practices constituted disparate treatment of females and had a disparate impact on female students.
193. Defendants Muratori, Carter, Ward, Mast, Green, Jones, Slocum, Camella and Doughty are or were at the time of events complained of within, policymakers for the purpose of implementing the School District's unconstitutional policies or customs.
194. Plaintiff has suffered severe emotional distress and psychological damage, and her character and standing in her community has suffered from the harassment fostered as a direct and proximate result of Defendant School District's deliberate indifference to her rights under the Fourteenth Amendment.

COUNT THREE

Negligence

195. Plaintiffs hereby re-allege and incorporate each and every allegation contained in the preceding paragraphs of this Complaint as if fully rewritten herein

196. As officials in a school setting, Defendants had a duty to provide all students with the same access to education.

197. Defendants had a duty to protect students from the known harassment of other students.

198. Defendants breached this duty when they failed to investigate the claims of harassment made against John Doe, as well as failed to take any steps to mitigate or prevent the harassment from continuing to occur, effectively barring her access to an equal opportunity for an education.

199. Defendants failed to take the necessary steps are the direct and proximate cause of the continuing harassment of at the hands of John Doe and other students.

200. Plaintiffs suffered harms directly and proximately caused by Defendants' breach, including the continued harassment of by John Doe, taunting and embarrassment of by other students, s diagnosis with PTSD, anxiety and depression, s ongoing professional counseling, s suicide attempt in February 2020, and Plaintiffs' relocation of to another school district.

201. As a direct and proximate result of Defendants' negligence, Plaintiffs have been irreparably damaged. Plaintiffs are entitled to compensatory damages, punitive damages, costs, and reasonable attorney fees in an amount to be determined by a jury

COUNT FOUR

Intentional Infliction of Emotional Distress

202. Plaintiffs hereby re-allege and incorporate each and every allegation contained in the preceding paragraphs of this Complaint as if fully rewritten herein.

203. Defendants failure to take any action to protect [REDACTED] given Plaintiffs' repeated reporting of the harassment she was suffering at the hands of John Doe and their knowledge of the criminal investigation being conducted against John Doe was reckless.
204. Defendants' repeated failures were so outrageous they would cause emotional distress in any reasonable person.
205. As a direct and proximate result of Defendants' failures to act, [REDACTED] suffered severe emotional distress as reflected by the fact that she has continued with professional counseling since June 2019 and her February 2020 suicide attempt.
206. As a direct and proximate result of Defendants' negligence, Plaintiffs have been irreparably damaged. Plaintiffs are entitled to compensatory damages, punitive damages, costs, and reasonable attorney fees in an amount to be determined by a jury

COUNT FIVE

Failure to Supervise

207. Plaintiffs hereby re-allege and incorporate each and every allegation contained in the preceding paragraphs of this Complaint as if fully rewritten herein.
208. As employees of the Huron City School District, Defendants had a duty to supervise all students that are members of the school district during the school day and while at events substantially controlled by the school.
209. Defendants failed to supervise their employees and their students with respect to harassment, bullying and sexual harassment of [REDACTED]
210. Despite being on notice of ongoing harassment, Defendants' failed to supervise John Doe throughout the school day, which allowed for and further promoted harassment by John Doe towards [REDACTED]

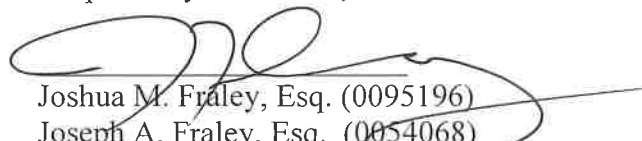
211. Defendants' failures to supervise John Doe were the direct and proximate cause of much of the ongoing harassment, sexual harassment, and bullying that [REDACTED] received during the school day.

212. As a direct and proximate result of Defendants' negligence, Plaintiffs have been irreparably damaged. Plaintiffs are entitled to compensatory damages, punitive damages, costs, and reasonable attorney fees in an amount to be determined by a jury.

WHEREFORE, Plaintiff demands judgement against all Defendants, jointly and/or severally on all their foregoing claims as follows:

- A. Compensatory damages against each Defendant in an amount in excess of \$25,000;
- B. Punitive damages against each Defendant in an amount of excess of \$25,000
- C. Actual, reasonable attorney fees, and expenses of this action incurred;
- D. Injunctive relief requiring Defendant School District to take effective steps to prevent sex-based discrimination and harassment, including sexual harassment, in its education programs; fully investigate conduct that may constitute sex-based harassment and /or sexual assault; appropriately respond to all conduct that may constitute sex-based harassment and /or sexual assault; and mitigate the effects of harassment and/or assault including by eliminating any hostile environment that may arise from or contribute to it.
- E. Granting the Plaintiff's any and all other relief as may be deemed appropriate by the Court in accordance with the Federal and/or Ohio statutes, and the common laws of the State of Ohio all relied upon and/or reference herein.

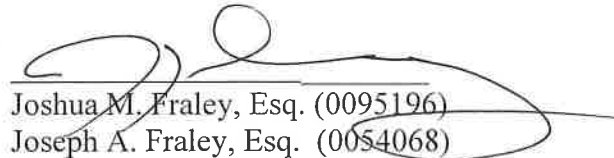
Respectfully Submitted,


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JURY DEMAND

Pursuant to Rule 38(B) of the Federal Rules of Civil Procedure, Plaintiffs hereby demand
a trial by jury on all issues.



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