

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

STEFANIE BOONE

(b) County of Residence of First Listed Plaintiff KENT (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

MATTHEW S. DePERNO, 951 W. MILHAM AVENUE, PO BOX 1595, PORTAGE, MI 49081, (269) 321-5064

DEFENDANTS

Lowell Area Schools, Nate Fowler, Dan VanderMeulen, Steve Gough, Jacob Strotheide, Abby Wiseman, Ron

County of Residence of First Listed Defendant KENT (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, 1 1, 2 2, 3 3, 4 4, 5 5, 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes codes like 110 Insurance, 310 Airplane, 365 Personal Injury, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 USC 1983, 1985 and 20 USC 1681 et seq. Brief description of cause: VIOLATION OF FIRST AMENDMENT, FOURTEENTH AMENDMENT, and VIOLATION OF TITLE IX

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ >\$30,000 CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE June 3, 2024 SIGNATURE OF ATTORNEY OF RECORD /s/ Matthew S. DePerno

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

STEFANIE BOONE

Plaintiff

Case No. _____

v.

LOWELL AREA SCHOOLS; NATE FOWLER in his official capacity as Superintendent of Lowell Area Schools; DAN VANDERMEULEN in his official capacity as Assistant Superintendent of Curriculum for Lowell Area Schools; STEVE GOUGH in his official capacity as Principal of Lowell High School; JACOB STROTHEIDE in his official capacity as Assistant Principal of Lowell High School; ABBY WISEMAN in her official capacity as Principal of Lowell Middle School; RON ACHESON in his official capacity as Assistant Principal of Lowell Middle School; and CHRISTINE BEACHLER in her official capacity as Lowell Area Schools Library Media Director

HON. _____

**CLAIM OF CIVIL RIGHTS VIOLATION
and VIOLATION OF TITLE IX**

JURY TRIAL DEMANDED

Defendants.

VERIFIED COMPLAINT AND JURY DEMAND

NOW COMES Plaintiff, STEFANIE BOONE, by and through her attorneys, DePERNO LAW OFFICE, PLLC, and for her Complaint against LOWELL AREA SCHOOLS; NATE FOWLER in his official capacity as Superintendent of Lowell Area Schools; DAN VANDERMEULEN in his official capacity as Assistant Superintendent of Curriculum for Lowell Area Schools; STEVE GOUGH in his official capacity as Principal of Lowell High School; JACOB STROTHEIDE in his official capacity as Assistant Principal of Lowell High School; ABBY WISEMAN in her official capacity as Principal of Lowell Middle School; RON ACHESON in his official capacity as Assistant Principal of Lowell Middle School, and

CHRISTINE BEACHLER in her official capacity as Lowell Area Schools Library Media Director; hereby alleges and complains as follows:

INTRODUCTION

1. This case is about the intentional violation of a parent's fundamental right to express opposition to a school district's unabashed political agenda and indoctrination of students, contrary to constitutional and statutory principles, including the First Amendment, Fourteenth Amendment, Title IX, the Michigan's Revised School Code being MCL 380.1 *et seq*, which states that parents have the fundamental right to control their children's education,¹ and Michigan's Open Meetings Act being MCL 15.261 *et seq*.

2. The importance of free speech has long been considered central to our country's notions of freedom. The First Amendment of the United States Constitution provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." This freedom represents the very essence of personal freedom, dignity, and individual liberty. It remains vitally important, because freedom of speech is inextricably intertwined with freedom of thought.

3. "First Amendment freedoms are most in danger when the government seeks to control thought or to justify its laws for that impermissible end," warned Justice Anthony Kennedy in *Ashcroft v. Free Speech Coalition*, 535 U.S. 234, 253 (2002). "The right to think is the beginning of freedom, and speech must be protected from the government because speech is the beginning of thought."

¹ MCL 380.10.

4. "The First Amendment serves not only the needs of the polity but also those of the human spirit – a spirit that demands self-expression," wrote Justice Thurgood Marshall in *Procunier v. Martinez*, 416 U.S. 396, 427-428 (1974). "Such expression is an integral part of the development of ideas and a sense of identity. To suppress expression is to reject the basic human desire for recognition and affront the individual's worth and dignity."

5. "The First Amendment reflects 'a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open.'" *Snyder v. Phelps*, 562 U.S. 443, 452 (2011) (quoting *N.Y. Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964)). "The right of citizens to inquire, to hear, to speak, and to use information to reach consensus is a precondition to enlightened self-government and a necessary means to protect it." *Citizens United v. Fed. Election Comm'n*, 558 U.S. 310, 339 (2010).

6. The First Amendment's importance is at its apex at our nation's schools. "The vigilant protection of constitutional freedoms is nowhere more vital than in the community of American school." *Healy v. James*, 408 U.S. 169, 180 (1972) (quoting *Shelton v. Tucker*, 364 U.S. 476 (1960)).

7. The core principles of the First Amendment "acquire a special significance in the university setting, where the free and unfettered interplay of competing views is essential to the institution's educational mission." *Doe v. University of Michigan*, 721 F. Supp. 852, 863 (E.D. Mich 1989) (citing *Keyishian v. Bd. of Regents*, 385 U.S. 589, 603 (1967)). "Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise, our civilization will stagnate and die." *Sweezy v. New Hampshire*, 354 U.S. 234, 250 (1957).

8. "The principle that 'the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools' . . . is not confined to the supervised and ordained discussion which takes place in the classroom" but extend throughout a school's campus and community. *Solid Rock Foundation v. Ohio State University*, 478 F. Supp. 96, 102 (S.D. Ohio 1979).

9. Put simply, "First Amendment protections [do not] apply with less force on college campuses than in the community at large." *Healy*, 408 U.S. at 180. "The mere dissemination of ideas—no matter how offensive to good taste—on a state university campus may not be shut off in the name alone of 'conventions of decency.'" *Papish v. Bd. of Curators of Univ. of Mo.*, 410 U.S. 667, 670 (1973). Indeed, "the point of all speech protection . . . is to shield just those choices of content that in someone's eyes are misguided, or even hurtful." *Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston, Inc.*, 515 U.S. 557, 574 (1995).

10. There are multiple reasons why the First Amendment has a preferred position in our historically national view of constitutional values:

- a) Freedom of speech is essential for individuals to freely engage in debate so that they can make informed choices about self-government.²
- b) Freedom of speech is key to individual fulfillment.³

² Justice Louis Brandeis expressed this sentiment in his concurring opinion in *Whitney v. California*, 274 U.S. 357, 375 (1927) when discussing our Founding Fathers: "They believed that freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth; that without free speech and assembly discussion would be futile; that with them, discussion affords ordinarily adequate protection against the dissemination of noxious doctrine; that the greatest menace to freedom is an inert people; that public discussion is a political duty; and that this should be a fundamental principle of the American government."

³ Justice Thurgood Marshall eloquently advanced the individual fulfillment theory of freedom of speech in his concurring opinion in the prisoner rights case *Procunier v. Martinez*, 416 U.S. 396, 427-28 (1974) when he wrote: "The First Amendment serves not only the needs of the polity, but also those of the human spirit – a spirit that demands self-

- c) Freedom of speech ensures a search for truth.⁴
- d) Freedom of speech helps people learn and appreciate what people believe and how they process information.⁵
- e) Freedom of speech allows individuals to express themselves fully without fear of government retaliation.⁶
- f) Freedom of speech promotes the virtue of tolerance: If we tolerate a wide range of speech and ideas, this will promote greater acceptance, self-restraint, and a diversity of ideas.⁷

11. At school board meetings and on the Facebook group "Lowell Kids 1st" Plaintiff routinely provides insight to community members regarding actions of certain Lowell Area Schools administrators and teachers (including the Defendants) who promote diversity, equity, and inclusion ("DEI"), social emotional learning ("SEL") and groom children through social justice

expression. Such expression is an integral part of the development of ideas and a sense of identity. To suppress expression is to reject the basic human desire for recognition and affront the individual's worth and dignity. To suppress expression is to reject the basic human desire for recognition and affront the individual's worth and dignity."

⁴ Justice Oliver Wendell Holmes expressed this idea in his "Great Dissent" in *Abrams v. United States*, 250 U.S. 616, 629 (1919) when he wrote that "the ultimate good desired is better reached by free trade of ideas – that the best test of truth is the power of the thought to get itself accepted in the competition of the market."

⁵ As Justice Holmes wrote in his dissent in *United States v. Schwimmer*, 279 U.S. 644, 654-655 (1929), regarding freedom of speech, "but if there is any principle of the Constitution that more imperatively calls for attachment than any other it is the principle of free thought – not free thought for those who agree with us, but freedom for the thought that we hate." This means that we often must tolerate speech that makes us uncomfortable or that we find disrespectful.

⁶ Justice Brandeis advanced this theory of free speech in his concurring opinion in *Whitney*, 274 U.S. at 375 when he wrote: "Those who won our independence believed . . . that it is hazardous to discourage thought, hope and imagination; that fear breeds repression; that repression breeds hate; that hate menaces stable government; that the path of safety lies in the opportunity to discuss freely supposed grievances and proposed remedies."

⁷ As Chief Justice John G. Roberts, Jr. wrote in *Snyder v. Phelps*, 562 U.S. 443, 461 (2011), we do not punish the speaker we disagree with; " we cannot react to that pain by punishing the speaker. As a Nation we have chosen a different course – to protect even hurtful speech on public issues to ensure that we do not stifle public debate."

issues, alternate sex, gender ideologies, and liberal political ideology, and by manipulative behavior such as giving children access to sexually explicit books that are not age appropriate.

12. Indeed, Defendants have isolated children through the school system where they have an ease of access to them or their perceived vulnerability.

13. Defendants have attempted to and have physically or emotionally separated children from their parents to seek out positions in which they have contact with the children to promote DEI, SEL, social justice issues, alternate sex and gender ideologies, and other liberal political ideology, and through manipulative behavior such as giving children access to sexually explicit books and lifestyles that are not age appropriate.

14. Defendants have attempted to and have gained trust with children through gifts, attention, sharing "secrets" and other means to make them feel that they have a caring relationship and to train them to keep the relationship secret and not inform parents.

15. Defendants have attempted to and have desensitized children to DEI, SEL, sex, social justice issues, alternate sex and gender ideologies, and liberal political ideology, and through manipulative behavior by showing them pornography or discussing sexual topics with them, and have introduced the idea of sexual contact.

16. Defendants have continued to groom children by fostering relationships that include secrecy, undue influence, control, and pushing personal boundaries.

17. Defendants have now implemented actions and policies whereby Plaintiff is not permitted to contact any Lowell Area School staff "without permission from the involved building principal of the superintendent."

18. The First Amendment of the United States Constitution provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;

or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

19. Article I, Section 5 of the Michigan Constitution provides that "Every person may freely speak, write, express and publish his views on all subjects, being responsible for the abuse of such right; and no law shall be enacted to restrain or abridge the liberty of speech or of the press."

20. MCL 380.10 stated that parents have a fundamental right to be involved in their children's education:

380.10 Rights of parents and legal guardians; duties of public schools.

Sec. 10.

It is the natural, fundamental right of parents and legal guardians to determine and direct the care, teaching, and education of their children. The public schools of this state serve the needs of the pupils by cooperating with the pupil's parents and legal guardians to develop the pupil's intellectual capabilities and vocational skills in a safe and positive environment.

21. MCL 380.1201 states that "[t]he business that the board of a school district is authorized to perform shall be conducted at a public meeting of the board in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275."

22. The Revised School Code does not permit Defendants to ban Plaintiff from school board meetings or prohibit her public comments.

23. MCL 15.263 states that "[a]ll meetings of a public body must be open to the public and must be held in a place available to the general public."

24. The Open Meetings Act does not permit Defendants to ban Plaintiff from school board meetings or prohibit her public comments.

25. Defendants' actions and policies which prohibit Plaintiff from contacting any Lowell Area School staff violates Plaintiff's fundamental right to free speech, Title IX, and Michigan law granting parents the right to participate in their children's education.

26. No parent should be subject to such a policy. No school district should violate a parents constitutional and statutory rights, especially when it means abandoning a common-sense practice that long protected every parent's access to their children's education. Yet the Defendants have taken precisely these actions in this case.

27. Plaintiff now seeks a declaratory judgment that Defendants purposefully violated Plaintiff's constitutional rights and federal and state law. Plaintiff asks this Court to declare the Defendants' policy and actions unlawful, and order the other relief requested herein.

JURISDICTION and VENUE

28. This action arises under 42 U.S.C. §§ 1983 *et seq.* (the "Civil Rights Act") to redress the deprivation of rights secured by the First and Fourteenth Amendments to the United States Constitution, 20 U.S.C. §§ 1681 *et seq.* ("Title IX"), the Michigan Constitution and common law, the Revised School Code, and the Open Meetings Act.

29. This Court also has original jurisdiction and subject matter jurisdiction pursuant to 28 U.S.C. Section § 1331 (as this action involves a federal question and the laws of the United States) and 28 U.S.C. Section § 1343 (as this action involves the right to recover damages for injury and the deprivation of rights and privileges.) See also 28 U.S.C. §§ 1361, and 1367.

30. Jurisdiction is also conferred upon this Court by 28 U.S.C. § 1343(a)(3) and (4), 28 U.S.C. § 2201 & 2202, and 42 U.S.C. § 1983, 1985, and 1988, this being an action for declaratory judgment and equitable relief authorized by law to redress deprivations and violations under color

of law of rights, privileges, and immunities secured by the United States Constitution and Michigan Constitution of 1963, as amended. See also Federal Rule of Civil Procedure 57.

31. The Court has jurisdiction to award nominal and compensatory damages under 28 U.S.C. § 1343(a)(4).

32. The Court has jurisdiction to award reasonable attorneys' fees and costs under 28 U.S.C. § 2412, 42 U.S.C. § 1988.

33. This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over Plaintiff's state-law claims that are related to, and form part of, the same case or controversy. It is appropriate that this Court exercise supplemental jurisdiction over the state law claims because they involve the same parties and operative facts as the federal claims. Therefore, the Court's exercise of supplemental jurisdiction will further economy, convenience, and fairness to the parties.

34. Venue lies in this district pursuant to 28 U.S.C. § 1391(b) and (e), because a substantial part of the events or omissions giving rise to all claims occurred in this district where the District Defendant is located.

35. This Court has personal jurisdiction over Defendants because they are domiciled in Michigan.

36. Plaintiff requests trial by jury, pursuant to Fed. R. Civ. P. 38.

PARTIES

A. Plaintiff

37. Plaintiff is a citizen of the United States and residents of Michigan.

38. Plaintiff is the mother of five boys, two who have graduated and three who are currently attending Lowell Area Schools in the 6th, 8th, and 10th grades; and one girl who has graduated from Forest Hills Public Schools.

39. Plaintiff is a certified teacher.

40. Plaintiff actively attends school board meetings and is actively involved in her children's education.

41. Plaintiff is a moderator on the private Facebook page called "Lowell Kids 1st."

B. Defendant Lowell Area Schools

42. Lowell Area Schools (the "School District") is organized under the laws of the State of Michigan.

43. The School District includes public educational institutions that provide students a kindergarten through 12th-grade education.

44. The School District and its schools receive federal funds and so are subject to the requirements of Title IX.

45. The School District schools include two preschools, four K-5 elementary schools, one 6-8 middle school, one senior high school serving grades 9-12, and one "Unity" high school designed to "meet the needs of students who have not been successful in traditional educational programs.

46. The School District is governed by The Board of Education (the "School Board"), a seven-member elected body that sets policy for the School District and delegates responsibility for the administration of the School District to its Superintendent and Assistant Superintendent, who oversee several district-level administrators.

47. The Michigan Department of Education has adopted the "Michigan Code of Educational Ethics." [Exhibit 1].⁸ Defendants have violated many of these rules, including, but not limited to:

3. Responsibility to Students

C. Maintains student trust and confidentiality when interacting with students in a developmentally appropriate manner and within appropriate limits by:

2. Upholding parents'/guardians' legal rights, as well as any legal requirements to reveal information related to legitimate concerns for the well-being of a student; . . .

48. The School District is responsible for the enforcement of policies through its Superintendent, Assistant Superintendent, administrators, teachers, attorneys, and other employees, including the librarian.

C. Defendant Superintendent Nate Fowler

49. Defendant Fowler is the current Superintendent of The School District and is sued in his official capacity. At all times relevant to the events described herein, Superintendent Fowler acted within the scope of his employment as an employee, agent, and representative of the School Board. In such capacity, he implemented a policy in which (1) the School District will promote and groom children through DEI, SEL, social justice issues, alternate sex and gender ideologies, and other liberal political ideology, and through manipulative behavior such as giving children access to sexually explicit books and lifestyles that are not age appropriate; (2) Plaintiff is not permitted to make any social media posts that reference any Lowell Area Schools employee; and (3) Plaintiff is not permitted to have any contact with any staff without prior permission from the involved building principal or the superintendent. Upon information and belief, he did so with the

⁸ <https://www.michigan.gov/mde/services/ed-serv/educator-conduct/michigan-code-of-educational-ethics>

consent, knowledge, or ratification of the School Board; under the School Board's authority, control, and supervision; and with the actual or apparent authority of the School Board. Upon information and belief, Superintendent Fowler has final policymaking authority for The School District in circumstances not otherwise provided for in the School District Bylaws and Policies.

D. Defendant Assistant Superintendent of Curriculum Dan VanderMeulen

50. Defendant VanderMeulen is the current Assistant Superintendent of Curriculum of The School District and is sued in his official capacity. At all times relevant to the events described herein, Assistant Superintendent VanderMeulen acted within the scope of his employment as an employee, agent, and representative of the School Board. In such capacity, he implemented a policy in which (1) the School District will promote and groom children through DEI, SEL, social justice issues, alternate sex and gender ideologies, and other liberal political ideology, and through manipulative behavior such as giving children access to sexually explicit books and lifestyles that are not age appropriate; (2) Plaintiff is not permitted to make any social media posts that reference any Lowell Area Schools employee; and (3) Plaintiff is not permitted to have any contact with any staff without prior permission from the involved building principal or the superintendent. Upon information and belief, he did so with the consent, knowledge, or ratification of the School Board; under the School Board's authority, control, and supervision; and with the actual or apparent authority of the School Board. Upon information and belief, Assistant Superintendent of Curriculum VanderMeulen has final policymaking authority for The School District in circumstances not otherwise provided for in the School District Bylaws and Policies.

E. Defendant Principal Steve Gough

51. Defendant Gough is the current Principal of Lowell Area High School and is sued in his official capacity. At all times relevant to the events described herein, Principal Gough acted

within the scope of his employment as an employee, agent, and representative of the School Board. In such capacity, he implemented a policy in which (1) the School District will promote and groom children through DEI, SEL, social justice issues, alternate sex and gender ideologies, and other liberal political ideology, and other liberal political ideology, and through manipulative behavior such as giving children access to sexually explicit books and lifestyles that are not age appropriate; (2) Plaintiff is not permitted to make any social media posts that reference any Lowell Area Schools employee; and (3) Plaintiff is not permitted to have any contact with any staff without prior permission from the involved building principal or the superintendent. Upon information and belief, he did so with the consent, knowledge, or ratification of the School Board; under the School Board's authority, control, and supervision; and with the actual or apparent authority of the School Board. Upon information and belief, Principal Gough has final policymaking authority for Lowell Area High School with respect to the day-to-day enforcement of the School District's policies, including the adopted policy described herein.

F. Defendant Assistant Principal Jacob Strotheide

52. Defendant Strotheide is the current Assistant Principal of Lowell Area High School and is sued in his official capacity. At all times relevant to the events described herein, Assistant Principal Strotheide acted within the scope of his employment as an employee, agent, and representative of the School Board. In such capacity, he implemented a policy in which (1) the School District will promote and groom children through DEI, SEL, social justice issues, alternate sex and gender ideologies, and other liberal political ideology, and through manipulative behavior such as giving children access to sexually explicit books and lifestyles that are not age appropriate; (2) Plaintiff is not permitted to make any social media posts that reference any Lowell Area Schools employee; and (3) Plaintiff is not permitted to have any contact with any staff without

prior permission from the involved building principal or the superintendent. Upon information and belief, he did so with the consent, knowledge, or ratification of the School Board; under the School Board's authority, control, and supervision; and with the actual or apparent authority of the School Board. Upon information and belief, Assistant Principal Strotheide has final policymaking authority for Lowell Area High School with respect to the day-to-day enforcement of the School District's policies, including the adopted policy described herein.

G. Defendant Principal Abby Wiseman

53. Defendant Wiseman is the current Principal of Lowell Area Middle School and is sued in her official capacity. At all times relevant to the events described herein, Principal Wiseman acted within the scope of her employment as an employee, agent, and representative of the School Board. In such capacity, she implemented a policy in which (1) the School District will promote and groom children through DEI, SEL, social justice issues, alternate sex and gender ideologies, and other liberal political ideology, and through manipulative behavior such as giving children access to sexually explicit books and lifestyles that are not age appropriate; (2) Plaintiff is not permitted to make any social media posts that reference any Lowell Area Schools employee; and (3) Plaintiff is not permitted to have any contact with any staff without prior permission from the involved building principal or the superintendent. Upon information and belief, she did so with the consent, knowledge, or ratification of the School Board; under the School Board's authority, control, and supervision; and with the actual or apparent authority of the School Board. Upon information and belief, Principal Wiseman has final policymaking authority for Lowell Area Middle School with respect to the day-to-day enforcement of the School District's policies, including the adopted policy described herein.

F. Defendant Assistant Principal Ron Acheson

54. Defendant Acheson is the current Assistant Principal of Lowell Area Middle School and is sued in his official capacity. At all times relevant to the events described herein, Assistant Principal Acheson acted within the scope of his employment as an employee, agent, and representative of the School Board. In such capacity, he implemented a policy in which (1) the School District will promote and groom children through DEI, SEL, social justice issues, alternate sex and gender ideologies, and other liberal political ideology, and through manipulative behavior such as giving children access to sexually explicit books and lifestyles that are not age appropriate; (2) Plaintiff is not permitted to make any social media posts that reference any Lowell Area Schools employee; and (3) Plaintiff is not permitted to have any contact with any staff without prior permission from the involved building principal or the superintendent. Upon information and belief, he did so with the consent, knowledge, or ratification of the School Board; under the School Board's authority, control, and supervision; and with the actual or apparent authority of the School Board. Upon information and belief, Assistant Principal Acheson has final policymaking authority for Lowell Area Middle School with respect to the day-to-day enforcement of the School District's policies, including the adopted policy described herein.

G. Defendant Lowell Area Schools Library Media Director Christine Beachler

55. Defendant Beachler is the current Lowell Area Schools Library Media Director and is sued in her official capacity. At all times relevant to the events described herein, Lowell Area Schools Library Media Director Beachler acted within the scope of her employment as an employee, agent, and representative of the School Board. In such capacity, she implemented a policy in which (1) the School District will promote and groom children through DEI, SEL, social justice issues, alternate sex and gender ideologies, and other liberal political ideology, and through

manipulative behavior such as giving children access to sexually explicit books and lifestyles that are not age appropriate; (2) Plaintiff is not permitted to make any social media posts that reference any Lowell Area Schools employee; and (3) Plaintiff is not permitted to have any contact with any staff without prior permission from the involved building principal or the superintendent. Upon information and belief, he did so with the consent, knowledge, or ratification of the School Board; under the School Board's authority, control, and supervision; and with the actual or apparent authority of the School Board. Upon information and belief, Lowell Area Schools Library Media Director Beachler has final policymaking authority for Lowell Area Middle School with respect to the day-to-day enforcement of the School District's policies, including the adopted policy described herein.

FACTS

56. Plaintiff has been critical of certain political statements and positions of Defendants regarding their blatant promotion of DEI, SEL, social justice issues, alternate sex and gender ideologies, and other liberal political ideology, and through manipulative behavior such as giving children access to sexually explicit books and lifestyles that are not age appropriate, including promoting "drag performances" and "pride events" in the community.

57. Beginning in July 2021, Plaintiff became aware of certain actions being taken by the School District to promote DEI, SEL, social justice issues, alternate sex and gender ideologies, and other liberal political ideology, and through manipulative behavior such as giving children access to sexually explicit books and lifestyles that are not age appropriate.

58. On July 15, 2021, Plaintiff posted on social media about a Lowell Education Foundation donation of "equity and inclusion" books which had been formally accepted by

Superintendent Fowler to "the elementary schools" at a Lowell Area Schools Board of Education meeting on August 10, 2020. [Exhibit 2].

59. Teachers at Lowell Area Schools were given a stack 77 books on DEI by Defendants and a binder with a color-coded document describing the books. [Exhibit 3]. A teacher at Bushnell Elementary provided a list of all the books to Plaintiff and stated that the books had been placed into the individual classrooms during the summer of 2021, along with a color-coded binder which included a listing of all the books titled "Diversity, Equality & Inclusion Classroom Books," with suggestions for how to implement them into the classroom and use them as "read-alouds" to spur discussion related to DEI, SEL, social justice issues, alternate sex and gender ideologies, and other liberal political ideology.

60. Plaintiff obtained a copy of the DEI book list and on July 28, 2021 she asked Defendant Fowler in a private meeting if the books had been "screened for content" before introducing them into the classrooms. His answer was, "no".

61. To this day, Defendants refuse to answer questions presented by Plaintiff regarding this book list and why Defendants are pushing it on Plaintiff's children.

62. On July 23, 2021, Plaintiff posted on social media about a mandatory DEI training purchased by the School District, put on virtually on March 4, 2021 by "Brigham Consulting." The owner, Nadia Brigham, forced staff to keep their cameras on during the training, often referring to them as, "you white folk", and shaming them for being "racist". [Exhibit 4]

63. Plaintiff became aware of a "DEI Team" which had been implemented into the schools and had questioned Defendant Fowler about the team, its purpose, and intent, during private meetings in the summer and fall of 2021. Due to very limited response, Plaintiff felt compelled to send a "FOIA" request to Lowell Area Schools to obtain more information about the

"DEI Team". The results of the FOIA request revealed that Defendant Fowler was, in fact, the Director of the DEI Team [Exhibit 5], immediately leading up to his acceptance of the position of Superintendent of Lowell Area Schools, at which time he stepped down from the position.

64. In the fall of 2021, when students returned to in-person learning, many concerned students, staff, and community members began sharing photos of newly posted signs, stickers, and posters related to grooming efforts within the School District to push DEI, SEL, social justice issues, alternate sex and gender ideologies, and other liberal political ideology, and through manipulative behavior such as giving children access to sexually explicit books and lifestyles that are not age appropriate. [Exhibit 6].

65. Throughout 2021, 2022, 2023, and 2024, Plaintiff has continued to post on social media about books many parents deemed inappropriate for children. Despite raising these issues with Defendants in-person, she was ignored. [Exhibit 7].

66. Throughout summer and fall of 2021, into the winter and spring of 2022 and beyond, Plaintiff attempted to become involved in various committees and with various key leadership within the School District, to no avail. These efforts included attempts to be a member of, or be involved in, the DEI Team, attempts to be a member of the Lowell Area Schools "Parent Advisory Committee (PAC)," attempts to be a member of, or be involved in the Lowell Area Schools "Reproductive Health Committee, a.k.a. Sex Education Advisory Board/SEAB), and more. Plaintiff also attempted to address concerns related to children's access to adult material and sexually explicit material within the physical and online libraries of Lowell Area Schools. She attempted to work with the Lowell Area Schools Library Media Director, Christine Beachler, and OverDrive (a company which Lowell Area Schools pays to oversee their online media catalog) as well as the Lowell Area Schools Technology Director, Eric Stanek, in charge of Lowell Area

Schools CIPA Compliance (Children's Internet Protection Act), to work together to protect the children of Lowell Area Schools from early exposure to adult and/or age-inappropriate content.

67. All these efforts by the Plaintiff to be involved to ensure the safety of the children of Lowell Area Schools were met with conflict and denials. [Exhibit 8].

68. On November 18, 2021 Plaintiff posted on social media about the mandatory staff DEI training put on by Defendant Wiseman. The title screen of the virtual presentation depicts the "Black Lives Matter/BLM" fist and LGBTQ symbolism. [Exhibit 9]. Defendants have not required Wiseman to remove these displays.

69. Defendant Wiseman also displays the LGBTQ rainbow flag on her door at the Lowell Middle School; in clear violation of school policy; yet Defendants have not required Wiseman to remove this flag display. [Exhibit 10].

70. The rainbow flag is a political symbol.⁹

71. On April 18, 2022, Plaintiff posted on social media about a t-shirt she created with the words "Lowell Red Arrow PRIDE" and the American Flag. [Exhibit 11]. For reference, the official nickname of Lowell High School is the "Lowell Red Arrows."¹⁰ Neither Plaintiff, nor her children, were permitted to distribute the free t-shirt, even though the school promoted a t-shirt with "Red Arrow Pride" with the term "Red Arrow" displayed in multi-color rainbow of the LGBTQ flag. [Exhibit 12].

72. Regarding Abby Wiseman, on August 18, 2022, Plaintiff posted on social media "This is Abby Wiseman, the current Lowell Middle School Principal. See an excerpt from her bio in the comments below. 'I collect the children . . .' WHY does a Middle School principal feel the

⁹ <https://dmh.lacounty.gov/blog/2022/06/a-brief-history-of-our-lgbtqia2-s-pride-flag/>

¹⁰ <https://redarrowsports.com/>

need to display her sexuality (lanyard, sticker on ID badge, even on her watch!, pronoun in emails, etc.) while working with adolescents all day long? What does this have to do with EDUCATION and SCHOOL?" [Exhibit 13]. The referenced article with the quote "I collect the children" is attached hereto as [Exhibit 14].¹¹

73. The picture in the above-referenced article shows Defendant Wiseman wearing LGBTQ rainbows on her lanyard, sticker, and identification badge. These displays clearly promote political beliefs, religious beliefs, and/or other controversial issues in clear violation of school policy. Defendants have not required Wiseman to remove these displays. [Exhibit 15]¹²

74. On August 10, 2022 Plaintiff posted a picture of a Black Lives Matter t-shirt worn by an elementary school teacher, in clear violation of school policy; yet the teacher was no required to change her t-shirt. [Exhibit 16].

75. On September 22, 2022, Plaintiff posted on social media, "Lowell Middle School Principal, Abby Wiseman, flexing sexuality in her office at school again. Do you want this pushed on your children?? Who pays for this anyway?! The taxpayers?" A concerned parent received and shared photos of baskets of stickers and pins which were on the desk in Ms. Wiseman's office and being offered to students as "rewards" for good behavior. Defendants offered pins to children to push their DEI political agenda even though this violated the school's policy. [Exhibit 17].

76. On December 14, 2022, Plaintiff posted on social media about a book in the school library titled *All Boys Aren't Blue*. [Exhibit 18]. Plaintiff stated, "I find it interesting that Mrs.

¹¹ <https://www.schoolnewsnetwork.org/2021/11/01/from-coaching-to-educator-shes-inspired-by-listening-to-students-and-an-empowering-playlist/>

¹² The school policy states that "clothing promoting political beliefs, religious beliefs and/or any other controversial issues are not to be worn by staff at any time

Beachler¹³ stated that the book is only available to seniors. I wonder what their reasoning is? Also, are they aware that not all seniors are adults."

77. Not all seniors are 18 years of age.

78. In December 2022, Plaintiff submitted a formal challenge to remove the book *All Boys Aren't Blue* from the school library. The school board rejected her objection and has kept the book in the school library.¹⁴

79. On June 3, 2023, Plaintiff posted on social media, "Groomers are out in full force. Not even trying to hide the sickness." [Exhibit 19]. DEI, SEL, social justice issues, alternate sex and gender ideologies, and other liberal political ideology, and

80.

81. On January 13, 2023, Plaintiff posted on social media about a book in the school library titled *All My Rage*. [Exhibit 20]. Plaintiff stated, "For the love of all that is good, can someone PLEASE explain to me how meeting students 'book needs' somehow must include graphic and explicit pornography, vile language, rape and incest, and material inappropriate for minors ANYWHERE ELSE in society other than the K-12 school LIBRARY?"

82. On March 6, 2023, Plaintiff posted a comment that "Christine Beachler and Steve Gough's idea of 'fixing' our sexually explicit book pandemic in our schools is to label sexually explicit books for 'Seniors-Only' and that by doing so, it somehow magically means all Seniors are adults." [Exhibit 21].

83. On March 14, 2023, Plaintiff posted on social media a comment stating that she disagreed with this decision to keep the book. She stated:

¹³ Defendant Christine Beachler, Lowell Area Schools librarian.

¹⁴ <https://lowellsfirstlook.com/las-board-of-education-recap-bushnell-elementary-math-district-budget-book-challenge/>

Our school community has turned the pushback against sexually explicit content in our schools for minors into some sort of odd love fest for Christine Beachler. No one is saying she isn't a nice person or hard working. I'm sure she is. But she is actively working to keep trash like "All Boys Aren't Blue" in our schools instead of working to PROTECT our children and their growing minds from potentially harmful and addictive content.

Even Nate Fowler made excuses for this smut, stating some scraped together statistics about how many kids have accessed porn on their phones by the age of 17-18. So what? Does that mean we should offer them more at their fingertips at school?

I am NOT FOR BANNING BOOKS.

Sexually explicit content for minors is illegal and morally wrong. If it is not an active part of the K-12 Curriculum by law it is not supposed to be in our schools.

[Exhibit 22].

84. On August 10, 2022, Plaintiff on social media about the new Bushnell Elementary librarian, including pictures of her clothing that violates the school policy. [Exhibit 23].

85. On September 8, 2023, Plaintiff posted on social media about the school's agenda to promote "social justice issues, alternate sex and gender ideologies, and other topics that many parents would feel are best left to the home." [Exhibit 24]. Additional pictures show that Defendants continued to push this agenda. [Exhibit 25].

86. On September 29, 2023, Plaintiff posted on social media about a book in the school library titled *Nineteen Minutes*. [Exhibit 26]. Plaintiff stated, "Another one . . . on the shelves for your children at LHS. We have such a HERO for a librarian, don't we? Working hard to protect young minds on the daily."

87. On November 20, 2023, Plaintiff posted on social media about the "Arrow Assist Closet", which is present at both the Lowell Middle School and Lowell High School offices. The School District solicits community donations for these "closets," and students are encouraged to make use of the closet as they see fit, to meet clothing or other personal item needs. The closets

contain items which could be considered controversial and/or used to promote alternate gender ideologies (chest binders, etc.). When Plaintiff approached Defendant Wiseman and Defendant Gough via email with questions regarding whether parents are made aware of their children making use of the closets, the answer was inconclusive, leading Plaintiff to believe that secrets are kept from parents while their children are at a school. [Exhibit 27].

88. On January 2, 2024, Lowell Area Schools published a story on its web page about Lowell High School teacher Sarah Ellis titled "LHS Teacher Receives Fulbright Scholar Award: Destination Uruguay 2024."¹⁵ The article acknowledges Ms. Ellis's "dedication to diversity and inclusion in the Lowell community."

89. On March 28, 2024, Plaintiff posted a picture on social media of the LGBTQ rainbow flag displayed in Ms. Ellis' classroom (a teacher) in clear violation of school policy, stating "Why are teachers allowed to display their sexual preferences and allegiances to sexual ideologies in their classroom at Lowell High School? What does this have to do with academics? May a teacher fly a Christian flag in their classroom as well, Mr. Fowler? Asking for a teacher friend." [Exhibit 28].

90. In response to the article, Plaintiff published a comment on social media that stated, "This is the same teacher who is was hailed for creating a shrine to a disgusting pornographic, incestual, sexually explicit book (All Boys Aren't Blue) in honor of her 'hero' media specialist who faces 'constant attacks' for simply trying to provide 'literacy' (porn) for all." [Exhibit 29].

91. Plaintiff's statements were, in fact, true. Sarah Ellis did, in fact, created a painting titled "All Books Aren't Blue" as an homage to *All Boys Aren't Blue* by George M. Johnson. "The

¹⁵ <https://lowellsfirstlook.com/lhs-teacher-receives-fulbright-scholar-award-destination-uruguay-2024/>

very top book (in the painting) gives the illusion of the cover from *All Boys Aren't Blue*, and having the shadow on either side be in blue is a nod to that as well, with composition and placement of things to make it interesting."¹⁶ [Exhibit 30].

92. In response to her post regarding *All Boys Aren't Blue*, Defendant Gough, on behalf of Lowell Area Schools, sent Plaintiff a "cease-and-desist" letter dated January 19, 2024, stating that certain comments she has made are "inappropriate and unproductive behavior." [Exhibit 31]. The letter stated that her "most recent post . . . can be construed as threatening in nature and significantly elevates my concern." The letter continues that "[a]s a result, I am compelled to request that you immediately cease and desist from any reference to any Lowell Area Schools employee on social media and/or other public communication platforms." The letter continues that the post in question is viewed as "derogatory, disrespectful, disparaging, and/or threatening." Finally, the letter stated that "[a]s a result, I am directing that you have no contact with our staff without prior permission from the involved building principal or the superintendent."

93. Defendants have implemented actions and policies whereby Plaintiff is not permitted to contact any Lowell Area School staff "without permission from the involved building principal of the superintendent.

94. On April 8, 2024, at a School Board meeting, Defendant Gough read the following statement prepared prior to the meeting:

"Steve Gough, I am not a resident of the district. I am a parent and my son is a senior at the high school where I am also the principal. In my nearly 30 years as an educator I've never offered public comment at a board meeting. I am speaking here tonight because I was directly referenced by another parent in her public comment last month. The information offered in that comment was inaccurate and misleading so I thought it would be appropriate for me to provide some context and clarity for the Board and the community. The parent stated in her March comment that the district is

¹⁶ <https://mea.org/lowell-art-teachers-paintings-honor-school-librarians-courage/>

trying to silence her because she disagrees with us. She offered a letter that I sent to her in January as evidence of this effort. This claim is demonstrably false. She is allowed to speak at every board meeting while we all listen respectfully without interrupting even though much of what she says is misleading at best. She is allowed to comment on our social media sites even though much of her comments are demonstrably false and arguably disrespectful. And she has offered no evidence that we have made any attempt to silence her. If you read the letter that she presented as evidence it requests that she stop directly referencing staff in her social media because of her repeated posts that staff perceives as derogatory, disparaging, and disrespectful. The only directive in that letter is that she have no contact with staff prior to permission from the involved principal or superintendent so that we can protect our staff from any further inappropriate behavior. She claims that we are violating her First Amendment right by asking that she treat others with decency, dignity, and respect in public her discourse. There is no First Amendment right to bullying, harassment, or misinformation. Further, with every right comes responsibility. This is a core democratic principal I used to teach eight graders when I was a middle school history teacher. We each have the responsibility to respect the rights of others while exercising our own individual rights. The parent claimed in her March comments that she has been respectful as she can be while disagreeing with us. There is again no evidence to support that claim. Over the past several years it has become a regular occurrence for this parent to attack staff members in her public discourse through social media and public comment and the parent's efforts publicly demean and diminish the district that she chooses to send her children to. The staff members that she has targeted feel disrespected and much of the behavior that I can see on social media appears disrespectful to me. A good deal of the behavior is public so you can read it and decide for yourself if you believe that it is respectful and appropriate. It certainly does not seem like a constructive way to resolve concerns. It is more than okay to disagree with the district or even individual staff members. It is not okay to manipulate the truth and it is not okay to defame, bully, harass, or otherwise mistreat members of the community because they will not bend to your political views. We are simply asking this parent to treat our staff with decency, dignity, and respect. These are good educators who work hard every day for the good of other people's children and they deserve to be treated with respect. Thank you."¹⁷

95. This statement by Defendant Gough which he directed to the School Board without objection is factually and legally wrong. Plaintiff is not permitted to speak at every school board meeting *unless* she has special permission from the superintendent or principal. The cease-and-

¹⁷ <https://www.youtube.com/live/VdNCmm1q3fY> at [28:50 – 31:40]

desist letter [Ex 30] is a direct action to silence Plaintiff. The School District is not permitted to ban a parent from contact with district employees based on speech they *perceive* to be "derogatory, disparaging, and disrespectful." Further, the statements by Defendant Gough demonstrate a complete misunderstanding of the First Amendment and demonstrate the clear intent to violate Plaintiff's constitutional rights.

96. Further, this case is a case of first impression in Michigan jurisprudence.

97. Nevertheless, Defendants have publicly stated and published misinformation claiming this issue is settled law, as demonstrated by Defendant Gough's public comments. Defendants' policy, as described above, is grounded in DEI, SEL, social justice issues, and alternate sex and gender ideologies through sexually explicit books and lifestyles.

98. By adopting DEI, SEL, social justice issues, and alternate sex and gender ideologies through sexually explicit books and lifestyles as the basis for permitting pornography and sexually explicit books in the school library, Defendants are violating the constitution and state and federal sex discrimination law by not protecting students or parents based on sex but instead imposing the School District's political ideology and subjective perception of gender identify and grooming children on other students and their parents who value their privacy based on anatomical differences between the sexes.

99. This practice has had a severe and negative impact on Plaintiff. For instance, Plaintiff have experienced embarrassment and humiliation, both in terms of being mistreated by Defendants publicly and privately and because of the stigmatization and criticism she has received from others, including Defendants, fueled by the administration's policy and actions. Plaintiff has experienced fear, embarrassment, and humiliation by knowing her rights and privileges are

restricted, mocked, and ridiculed by Defendants, the School Board, administrators, teachers, attorneys, and other employees.

100. Because of the School District's policy and actions, Plaintiff's constitutional rights have been violated.

101. After Plaintiff's constitutional rights were violated, the School District's actions marginalized and shamed Plaintiff, and unlawfully attempted to coerce and intimidate Plaintiff into accepting continuing violations of her rights. See Defendant Gough's public comments, *supra*.

102. The anxiety, embarrassment, and stress Plaintiff feels as a direct result of Defendants' practice and actions has caused her to refrain from speaking to her children's teachers or making public comments.

103. Plaintiff has requested clarification from the School District regarding its policy that restricts Plaintiff's access to teachers and has been told directly that this policy "does restrict your direct contact with teachers by asking that you go through the involved principal when initiating contact with staff."

104. On May 20, 2024, Plaintiff spoke publicly at a Lowell Area Schools Board of Education Work Session meeting, during which she pleaded with the Board of Education members for their help and involvement in the matter.

105. On April 12, 2024, the Plaintiff attempted to contact the teacher of one of her children due to a concern she had with the curriculum in his classroom. Mr. Jeff Larsen, AP English Literature and Composition teacher, refused to respond to the Plaintiff's email, and instead forwarded it to Defendant Gough, who responded to the Plaintiff via email on April 16, 2024 with, "you should not have direct contact with staff without prior permission from the involved principal," [Exhibit 32].

106. When Plaintiff attempted to contact the teacher again, Principal Gough again responded to the Plaintiff via email on April 19, 2024 with, "I understand that you have made direct contact with Mr. Larsen again even though you have now been twice notified that you should not have direct contact with staff without prior permission form the involved principal. I am also aware that you are already posting to social media in an effort to generate artificial outrage in order to pressure the District and/or this staff member into imposing your personal, cultural and political views onto other people's children". [Exhibit 33].

107. Prior to April 12, 2024, the Plaintiff had had no negative interactions with Mr. Larsen which would give him any reason not to respond to a parent request for communication.

108. Additionally, on May 30, 2024, Plaintiff was denied the right to have a meeting with a teacher of one of her children. [Exhibit 34]. She was following what she knew to be the proper chain of command as set forth in Lowell Area Schools Board Policy #9130.¹⁸ [Exhibit 35]. Defendants are intervening and blocking Plaintiff's right to communicate directly with teachers. [Ex 32-33].

109. In order to silence parents who speak out against Defendants' policies, including their policies on DEI, SEL, sex, social justice issues, alternate sex and gender ideologies, and liberal political ideology, Defendants have published a "Social Media Policies" document which states that parents will be blocked from social media sites if the post is something the moderator deems not respectful to others. [Exhibit 36].

110. Indeed, in an email to Plaintiff, Defendants have acknowledged that they had blocked Plaintiff more then than a year and a half. This violated Plaintiff's First Amendment rights. [Exhibit 37].

¹⁸ <https://go.boarddocs.com/mi/lowell/Board.nsf/Public?open&id=policies#>

111. The School District further marginalized, intimidated, and shamed Plaintiff by violating Michigan's Revised School Code and the Open Meetings Act.

112. The School District further marginalized, intimidated, and shamed Plaintiff by letting it be known to administrators, teachers, attorneys, and other employees of the School District that Plaintiff could no longer contact teachers. This violated Plaintiff's fundamental constitutional rights.

113. Plaintiff has felt harassed, shamed, and bullied by the School District's publication to administrators, teachers, attorneys, and other employees about her concerns.

114. The School District then advised Plaintiff that if she was not comfortable with the "arrangements" provided, that she could try another school district.

115. Plaintiff feels violated, humiliated, and embarrassed by the violation of her constitutional rights.

116. Because of violation of her constitutional rights, as well as the School District's subsequent actions, Plaintiff has also experienced anxiety, stress, intimidation, fear, apprehension, and loss of dignity.

117. These daily persistent feelings of anxiety, stress, humiliation, embarrassment, apprehension, distress, and violation of her constitutional rights stay with Plaintiff and impact her throughout the day.

118. Plaintiff is suffering and will continue to suffer irreparable harm because of the Defendants' actions.

119. Plaintiff has no adequate remedy at law.

COUNT 1

**VIOLATION OF THE FIRST AMENDMENT
TO THE UNITED STATES CONSTITUTION**

(Banning Parent's Speech)

42 U.S.C. § 1983

120. Plaintiff realleges all matters set forth above and incorporates them herein.

121. The First Amendment prohibits State officials at schools from adopting regulations or policies that outlaw speech when the policy "is so broad as to chill the exercise of free speech and expression." *Dambrot v. Cent. Michigan University*, 55 F.3d 1177, 1182 (6th Cir. 1995).

122. Freedom of speech is a fundamental right. Fundamental rights are liberty interests deeply rooted in the nation's history and tradition and implicit in the concept of ordered liberty. Indeed, the fundamental right to free speech is deeply rooted in the nation's history and tradition and has been recognized as flowing from the United States Constitution as well as federal and state statutory and common law.

123. Plaintiff has a fundamental right to free speech, at a minimum, includes protection from the restrictions placed on her.

124. The fundamental right to free speech is also implicit in the concept of ordered liberty because a government that silences a person's speech violates the core of personal liberty, and it deprives its citizens of the full benefits afforded to its citizens when it conditions those benefits on surrendering their constitutional rights.

125. Throughout its history, American law and society has had a national commitment to protecting citizens, and especially children, from suffering the risk of exposing them to pornography and sexually explicit material and a parent should not be silenced for speaking against these actions.

126. "Because First Amendment freedoms need breathing space to survive, a state may regulate in the area only with narrow specificity." *Gooding v. Wilson*, 405 U.S. 518, 522 (1972). A public school must carefully craft its policy "to punish only unprotected speech and not be susceptible of application to protected expression." *Id.*

127. "[I]f it is the speaker's opinion that gives offense, that consequence is a reason for according it constitutional protection." *Bible Believers v. Wayne Cty., Mich.*, 805 F.3d 228, 243 (6th Cir. 2015) (quoting *Hustler Magazine, Inc. v. Falwell*, 485 U.S. 46, 55 (1988)). Moreover, humor, satire, and parody play an important role in a democratic society, and "it is clear that our political discourse would have been considerably poorer without them." *Hustler Magazine, Inc.*, 485 U.S. at 55-56. It is thus "firmly settled" that "the public expression of ideas may not be prohibited merely because the ideas are themselves offensive to some of their hearers." *Street v. New York*, 394 U.S. 576, 592 (1969).

128. A policy is unconstitutionally overbroad if "a substantial number of instances exist in which the [policy] cannot be applied constitutionally." *Speet v. Schuette*, 726 F.3d 867, 872 (6th Cir. 2013). The Court must find such regulations facially unconstitutional because "the threat of enforcement of an overbroad [policy] may deter or 'chill' constitutionally protected speech," as "[m]any persons, rather than undertake the considerable burden (and sometimes risk) of vindicating their rights through case-by-case litigation, will choose simply to abstain from protected speech, harming not only themselves but society as a whole, which is deprived of an uninhibited marketplace of ideas." *Virginia v. Hicks*, 539 U.S. 113, 119 (2003).

129. Moreover, policies "that prohibit speech on the basis of listener reaction alone are unconstitutional both in public high school and university settings." *Bair v. Shippensburg Univ.*, 280 F. Supp. 2d 357, 369 (M.D. Pa. 2003). The government may not prohibit speech "based solely

on the emotive impact that its offensive content may have on a listener." *Saxe v. State College Area School Dist.*, 240 F.3d 200, 209 (3d Cir. 2001) (Alito, J.).

130. This is exactly what we have here, the school officials have implemented a policy and silenced Plaintiff because they "feel disrespected" based on what they "perceive[]" as derogatory, disparaging, and disrespectful." See Defendant Gough's public comments, *supra*.

131. Indeed, Defendant Gough's policy which is expressed at the school board meeting on April 8, 2024. See Defendant Gough's public comments, *supra*, wherein he claims to ban "bullying, harassment, or misinformation" of teachers are unconstitutionally overbroad because a substantial number of instances exist in which those prohibitions would reach speech or expression the First Amendment protects.

132. In fact, Defendants do not define "bullying, harassment, or misinformation." Nevertheless, Defendants banned Plaintiff from speaking to teachers. In other words, Defendants claim that Plaintiff has violated the ban on so-called "bullying, harassment, or misinformation" through unwanted verbal conduct (*i.e.* speech) that Defendants "perceive" as being "derogatory, disparaging, and disrespectful."

133. The Defendants' ban on "bullying, harassment, or misinformation" could be applied to a wide swath of protected expression and is thus unconstitutionally overbroad. There are countless instances in which a parent's protected speech or expression about matters such as race, sex, gender identity, immigration, religion, politics, and numerous other topics may be *perceived* by another student as "derogatory, disparaging, and disrespectful" Similarly, many teachers may find protected expression involving humor, satire, or parody to be "derogatory, disparaging, and disrespectful."

134. Defendants' expression of this policy is also unconstitutionally broad. Defendant Gough's statement does not define "bullying, harassment, or misinformation." A parent could thus be reported, investigated, and banned from speaking to teachers or administrators if she "verbally" or through "other means" (e.g. a Facebook post on a private chat group) engages in speech or expression that a teacher or administrator finds "derogatory, disparaging, and disrespectful" or even threatening.

135. The Defendants' prohibitions on "bullying, harassment, or misinformation" likewise are unconstitutionally overbroad because they punish speech or expression based on the reaction of the listener.

136. The threat of potentially serious penalties for "bullying, harassment, or misinformation" is chilling Plaintiff's (and countless other parents or students) from speaking openly and forcefully about matters of public concern, especially matters that are seen as sensitive or controversial.

137. The chilling effect from the Defendants' overbroad prohibitions on "bullying, harassment, or misinformation" also is depriving the community (including other parents, students, administrator, or teacher) of their right to be exposed to speech and expression that is protected by the First Amendment but is being stifled due to Defendants' unconstitutional actions.

138. Defendants adopted these unconstitutional policies and took these unconstitutional actions while acting under color of state law.

139. Our understanding of these matters is fundamentally universal as to require parents have a fundamental voice in their children's education. See MCL 380.10 ("It is the natural, fundamental right of parents and legal guardians to determine and direct the care, teaching, and education of their children. The public schools of this state serve the needs of the pupils by

cooperating with the pupil's parents and legal guardians to develop the pupil's intellectual capabilities and vocational skills in a safe and positive environment.").

140. Because of our national commitment to protect our citizens, and especially children, from the risk of being exposed to pornography or sexually explicit materials, these concepts have been recognized in the context of criminal law. For example, it is a misdemeanor to commit "lewd and lascivious" behavior. See MCL 750.335. It is a misdemeanor to commit indecent exposure. See MCL 750.335a. It is a felony to commit "gross indecency." See MCL 750.338, 338a, and 338b.

141. Criminal protections are heightened for children. See, e.g., MCL 750.145a making it a felony for "an act of gross indecency" against children based on age.

142. Michigan has also criminalized "sexting" pictures of minors. MCL 722.675.

143. Michigan law is clear in MCL 750.145c(3) that it is illegal for anyone to possess any material portraying a child engaging in a sexual act. This law also criminalizes seeking to access such material, even if a person is unsuccessful at accessing them. It is illegal to possess, distribute, or even view images of naked children. See MCL 750.145c.

144. Distribution of child pornography is the second most severe offense in this category and attracts penalties of a maximum of seven years in prison, a fine not exceeding \$50,000, or both. If aggravating factors exist, including if the illegal material depicts bestiality, has over 100 images, or is a video, the penalties go up to 15 years in prison, potential fines up to \$75,000, or both.

145. MCL 750.145c(4) criminalizes the possession of any child sexually abusive material ("CSAM") while knowing or having reason to know that the depiction in the material is of a minor. This offense is the least severe in this class of offenses. A conviction with this offense

is a felony attracting penalties of up to four years in prison, a fine not exceeding \$10,000, or both. If aggravating factors exist, the sentences can go up to 10 years in prison, a fine of not more than \$50,000, or both.

146. First Amendment protection does not cover content deemed obscene. The same applies to Michigan. Obscene matter, as used in a pornography context, refers to any pornographic material depicting sexual conduct in a blatantly offensive manner. MCL 752.365 criminalizes knowingly disseminating or possessing to disseminate any obscene material. A conviction for violating MCL 752.365 is a misdemeanor by imprisonment of not more than one year, a fine not exceeding \$100,000, or both. Repeat offenders can face up to two years and a fine of between \$50,000 and \$100,000.

147. Freedom from the risk of compelled exposure to pornography and sexually explicit material, especially for minors, is deeply rooted in this Nation's history and tradition.

148. It is also implicit in the concept of ordered liberty.

149. If the government were granted the far-reaching and extreme power to silence its citizens who speaking against grooming actions of public employees, then little personal liberty involving our children would be left.

150. Because freedom from the risk of compelled exposure to the opposite sexually explicit material, especially for minors, is deeply rooted in this nation's history and tradition and implicit in the concept of ordered liberty, it is a fundamental right. See *Washington v. Glucksberg*, 521 U.S. 702, 721 (1997).

151. An abridgement of fundamental rights is presumptively unconstitutional and can only be justified if it survives strict scrutiny under which the law must serve a compelling state interest by the most narrowly tailored means.

152. The Defendants' actions and practice violated Plaintiff's fundamental right to free speech.

153. Shocked and distressed, Plaintiff has attempted to discuss these matters with Defendants privately but has been rejected. Rather, Defendants will not restore Plaintiff's constitutional rights unless she surrenders her right to freedom of speech and stop speaking against Defendants' policies. Indeed, Defendants' policy violates the fundamental constitutional principles of free speech and denies Plaintiff the right to speak against the government, instead conditioning her rights solely on whether the school employees "feel" disrespected.

154. Plaintiff on multiple occasions has brought up the policy with the Defendants but her requests for a change in the School District's policy were denied.

155. Plaintiff has been told that the school was no longer going to discuss this issue with her.

156. The Defendants have no compelling interest to justify this violation of Plaintiff's constitutional rights.

157. The violation of this right is particularly acute where, as here, Plaintiff's right was first violated without any notice or consent.

158. The violation is ongoing because it compromises the most basic aspects of fundamental rights; that being the freedom of speech.

159. Defendants failed to employ the least restrictive means of serving any interest that they may later articulate.

160. Accordingly, the actions and practice fail strict scrutiny review and are unconstitutional.

WHEREFORE, Plaintiff respectfully requests this Court grant declaratory relief in favor of Plaintiff; grant declaratory judgment that Defendants violated Plaintiff's constitutional rights to free speech and violated the First Amendment of the United States Constitution; award damages in an amount of no less than \$30,000.00 for the injuries sustained plus additional damages as may be proven to compensate her for losses and damages demanded in this Complaint, plus compensatory, incidental, noneconomic, exemplary, and punitive damages, together with interest, costs, and actual attorney's fees incurred in maintaining this matter; grant such additional relief as the Court deems appropriate; and grant the further relief set forth hereinafter in the Prayer for Relief.

COUNT 2

**VIOLATION OF THE FIRST AMENDMENT
TO THE UNITED STATES CONSTITUTION**

(Prior Restraint of Speech)

42 U.S.C. § 1983

161. Plaintiff realleges all matters set forth above and incorporates them herein.

162. The First Amendment also prohibits State officials from using "administrative methods to prevent the dissemination of ideas or opinions thought dangerous or offensive." *Backpage.com, LLC v. Dart*, 807 F.3d 229, 235 (7th Cir. 2015). "Threatening penalties for future speech goes by the name of 'prior restraint,' and a prior restraint is the quintessential first-amendment violation." *Id* (citation omitted).

163. State officials violate the First Amendment when their actions or statements "can reasonably be interpreted as intimating that some form of punishment or adverse regulatory action will follow" if the individual engages in protected speech. *Okwedy v. Molinari*, 333 F.3d 339, 342 (2d Cir. 2002).

164. Because prior restraints of speech are "the essence of censorship," *Near v. Minnesota*, 283 U.S. 697, 713 (1931), and "the most serious and the least tolerable infringement on First Amendment rights," *Nebraska Press Ass'n v. Stuart*, 427 U.S. 539, 559 (1976), "[a]ny system of prior restraints of expression . . . bears a heavy presumption against its constitutional validity." *Bantam Books*, 372 U.S. at 70. "Prior restraints of free speech require the most exigent circumstances for justification." *ACLU v. City of Pittsburgh*, 586 F. Supp. 417, 421 (W.D. Pa. 1984).

165. Defendants have violated the First Amendment because they have used administrative methods, including banning Plaintiff from speaking to teachers or administrators, to prevent the dissemination of ideas and opinions that the Defendants deem offensive; or using their own words, because they "feel disrespected" based on what they "perceive[] as derogatory, disparaging, and disrespectful." See Defendant Gough's public comments, *supra*.

166. Parents, students, or others in the community engaging in protected speech or expression about controversial or sensitive topics face a credible risk that their speech will be reported to Defendants and those parents, students, or others will face burdensome and embarrassing investigations or administrative proceedings and then be banned from speaking.

167. Even if Plaintiff is ultimately exonerated, Defendants' actions operate as an unconstitutional prior restraint by forcing Parents, students, or others to undergo a burdensome process, including litigation, to obtain permission to speak.

168. Defendants adopted this unconstitutional mechanism while acting under color of state law.

WHEREFORE, Plaintiff respectfully requests this Court grant declaratory relief in favor of Plaintiff; grant declaratory judgment that Defendants violated Plaintiff's constitutional rights to

free speech and violated the First Amendment of the United States Constitution; award damages in an amount of no less than \$30,000.00 for the injuries sustained plus additional damages as may be proven to compensate her for losses and damages demanded in this Complaint, plus compensatory, incidental, noneconomic, exemplary, and punitive damages, together with interest, costs, and actual attorney's fees incurred in maintaining this matter; grant such additional relief as the Court deems appropriate; and grant the further relief set forth hereinafter in the Prayer for Relief.

COUNT 3

**VIOLATION OF THE FOURTEENTH AMENDMENT
TO THE UNITED STATES CONSTITUTION**

(Void-for-Vagueness)

42 U.S.C. § 1983

169. Plaintiff realleges all matters set forth above and incorporates them herein.

170. The Fourteenth Amendment protects citizens against violation of fundamental rights by state actors.

171. "It is a basic principle of due process that an enactment is void for vagueness if its prohibitions are not clearly defined." *Grayned v. City of Rockford*, 408 U.S. 104, 108 (1972). "[T]he vagueness doctrine has two primary goals: (1) to ensure fair notice to the citizenry and (2) to provide standards for enforcement [by officials]." *Ass'n of Cleveland Fire Fighters v. City of Cleveland*, 502 F.3d 545, 551 (6th Cir. 2007).

172. "With respect to the first goal, ... [a] statute which either forbids or requires the doing of an act in terms so vague that [individuals] of common intelligence must necessarily guess at its meaning and differ as to its application, violates the first essential of due process of law." *Id.* (citation omitted).

173. "With respect to the second goal, ... if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them. A vague law impermissibly delegates basic policy matters to [officials] for resolution on an ad hoc and subjective basis." *Id.* (citation omitted).

174. This principle of clarity is especially demanding when First Amendment freedoms are at stake. If the challenged law "interferes with the right of free speech or of association, a more stringent vagueness test should apply." *Village of Hoffman Estates v. Flipside, Hoffman Estates, Inc.*, 455 U.S. 489, 499 (1982). "Certainty is all the more essential when vagueness might induce individuals to forego their rights of speech, press, and association for fear of violating an unclear law." *Scull v. Commonwealth of Va. ex rel. Comm. on Law Reform and Racial Activities*, 359 U.S. 344, 353 (1959); *see also Leonardson v. City of East Lansing*, 896 F.2d 190, 195-96 (6th Cir. 1990) (considering whether the challenged policy "provides fair notice of the standard of conduct to which a citizen is held accountable," or instead "leaves the definition of its terms to law enforcement officers, and thereby invites arbitrary, discriminatory, and overzealous enforcement").

175. The Defendants' prohibitions on "bullying, harassment, or misinformation" are unconstitutionally vague because they impose potentially severe penalties (including banning a parent from speaking to teachers or administrators about their child's education) based on terms so vague that parents, students, or community members of ordinary intelligence have no clear or meaningful standards or guidance about the line between permissible and prohibited conduct.

176. The absence of any clear or meaningful standards for "bullying, harassment, or misinformation" results in a serious risk that these prohibitions will be enforced in an arbitrary or

discriminatory manner, or will be used to target speech based on the viewpoint the speaker expresses.

177. Indeed, Defendants' policy has been enforced in an arbitrary or discriminatory manner and has been used to target speech based on the viewpoint Plaintiff has expressed; all based on what the listener *perceived* as "derogatory, disparaging, and disrespectful."

178. Due to the inherent vagueness of the prohibitions on "bullying, harassment, or misinformation" "bullying, harassment, or misinformation" members of the community (including parents, students, administrators, or teachers) will choose not to speak about certain topics, or to speak less forcefully, to avoid the risk of an investigation or punishment for their speech.

179. Defendants adopted these unconstitutionally vague prohibitions under color of state law.

WHEREFORE, Plaintiff respectfully requests this Court grant declaratory relief in favor of Plaintiff; grant declaratory judgment that Defendants violated Plaintiff's constitutional rights to free speech and violated the Fourteenth Amendment of the United States Constitution; award damages in an amount of no less than \$30,000.00 for the injuries sustained plus additional damages as may be proven to compensate her for losses and damages demanded in this Complaint, plus compensatory, incidental, noneconomic, exemplary, and punitive damages, together with interest, costs, and actual attorney's fees incurred in maintaining this matter; grant such additional relief as the Court deems appropriate; and grant the further relief set forth hereinafter in the Prayer for Relief.

COUNT 4

VIOLATION OF TITLE IX

180. Plaintiff realleges all matters set forth above and incorporates them herein.

181. Title IX provides that "[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." 20 U.S.C. § 1681(a).

182. The School District is a federal funding recipient for purposes of Title IX.

183. Courts have given Title IX broad effect to combat sex discrimination in the educational setting.

184. There is an implied right of action for a student to sue his school and school officials under Title IX.

185. Defendants' policy based on DEI, SEL, social justice issues, and alternate sex and gender ideologies through sexually explicit books and lifestyles violates privacy and creates a sexually harassing hostile environment.

186. Pornography and sexually explicit material offered to children creates a sexually harassing hostile environment.

187. As a result, Plaintiff experienced embarrassment, humiliation, frustration, degradation, and loss of dignity.

188. Plaintiff has been marginalized by other people in the community on account of her objection to the policy.

189. The policy violates Title IX because it intentionally produces a hostile environment on the basis of sex and denies access to educational programs and benefits.

190. To make out a Title IX claim: (1) plaintiff must be subjected to sexual harassment; (2) the harassment must be severe, pervasive, and objectively offensive; (3) the school must be

deliberately indifferent to the harassment; and (4) the harassment must result in the denial of access.

191. Plaintiff has satisfied all elements.

192. First, Plaintiff has been subjected to harassment because the policy is based on DEI, SEL, social justice issues, and alternate sex and gender ideologies through sexually explicit books and lifestyles, which creates a harassing hostile environment specifically on the basis of the sex of the persons involved.

193. Neither state nor federal law obligates Defendants to provide pornography or sexually explicit material to minors or to silence parents who speak against it.

194. The policy of allowing pornography or sexually explicit material to minors based on DEI, SEL, social justice issues, and alternate sex and gender ideologies through sexually explicit books and lifestyles, and then silencing parents who speak against it is harassment based on sex.

195. Plaintiff has experienced humiliation, degradation, and loss of dignity and fear the same in the future because of the policy and practice.

196. It is the significant and real differences based on sex that creates the hostile environment, which is harassment.

197. Second, the harassment is severe, pervasive, and objectively offensive.

198. The policy of allowing pornography or sexually explicit material to minors based on DEI, SEL, social justice issues, and alternate sex and gender ideologies through sexually explicit books and lifestyles, and then silencing parents who speak against it, is sufficiently egregious to satisfy the severity prong.

199. The harassment is ongoing and continuous, preventing Plaintiff from speaking to her children's educators who are promoting the very thing she objects to.

200. The environment is one that a reasonable person would find hostile and objectively offensive, and one that Plaintiff in fact perceives to be so.

201. This principle is recognized in numerous areas of the law, as stated above.

202. Third, school officials are not only on notice of the hostile environment, but it is the Defendants' policy that establishes and sustains the hostile environment.

203. Moreover, Plaintiff repeatedly notified the individual Defendants, who then told Plaintiff that this is what the school will be doing as a matter of policy.

204. The Defendants have authority to rescind their policy which would resolve the hostile environment created by that policy.

205. Despite their knowledge that their practice is creating a hostile environment based on sex, the Defendants have not remedied the situation.

206. Instead, these officials have advised that, if Plaintiff perceives the environment to be hostile, Plaintiff should her children from the school.

207. Schools cannot escape liability for Title IX violations by requiring the victim of harassment to remove themselves from the hostile environment or otherwise suggesting that they are responsible for the harassment they endure.

208. Fourth, Plaintiff has been denied her fundamental right to free speech, in violation of pursuant to state and federal law, on account of sex.

209. Defendants' policy and actions violate Title IX by creating a hostile environment based on sex.

WHEREFORE, Plaintiff respectfully request this Court grant declaratory relief in favor of Plaintiff; grant declaratory judgment that Defendants violated Title IX; award damages in an amount of no less than \$30,000.00 for the injuries sustained plus additional damages as may be proven to compensate her for losses and damages demanded in this Complaint, plus compensatory, incidental, noneconomic, exemplary, and punitive damages, together with interest, costs, and actual attorney's fees incurred in maintaining this matter; grant such additional relief as the Court deems appropriate; and grant the further relief set forth hereinafter in the Prayer for Relief.

COUNT 5

NEGLIGENT BREACH OF FIDUCIARY DUTY

210. Plaintiff realleges all matters set forth above and incorporates them herein.

211. At all times relevant to this litigation, Defendants owed a common law and other fiduciary duties to the Plaintiff through their position as state actors.

212. Defendants negligently breached that duty on more than one occasion when they violated her constitutional rights to freedom of speech.

213. Accordingly, Defendants are liable in damages to Plaintiff in an amount to be proven at trial, arising out of Defendants' negligent breach of their fiduciary duty to Plaintiff.

WHEREFORE, Plaintiff respectfully request this Court award damages in an amount of no less than \$30,000.00 for the injuries sustained plus additional damages as may be proven to compensate her for losses and damages demanded in this Complaint, plus compensatory, incidental, noneconomic, exemplary, and punitive damages, together with interest, costs, and actual attorney's fees incurred in maintaining this matter; grant such additional relief as the Court deems appropriate; and grant the further relief set forth hereinafter in the Prayer for Relief.

COUNT 6

RECKLESS BREACH OF FIDUCIARY DUTY

214. Plaintiff realleges all matters set forth above and incorporates them herein.

215. At all times relevant to this litigation, Defendants owed a common law and other fiduciary duties to the Plaintiff through their position as state actors.

216. Defendants recklessly breached that duty on more than one occasion when they violated her constitutional rights to freedom of speech.

217. Accordingly, Defendants are liable in damages to Plaintiff in an amount to be proven at trial, arising out of Defendants' negligent breach of their fiduciary duty to Plaintiff.

WHEREFORE, Plaintiff respectfully request this Court award damages in an amount of no less than \$30,000.00 for the injuries sustained plus additional damages as may be proven to compensate her for losses and damages demanded in this Complaint, plus compensatory, incidental, noneconomic, exemplary, and punitive damages, together with interest, costs, and actual attorney's fees incurred in maintaining this matter; grant such additional relief as the Court deems appropriate; and grant the further relief set forth hereinafter in the Prayer for Relief.

COUNT 7

INTENTIONAL BREACH OF FIDUCIARY DUTY

218. Plaintiff realleges all matters set forth above and incorporates them herein.

219. At all times relevant to this litigation, Defendants owed a common law and other fiduciary duties to the Plaintiff through their position as state actors.

220. Defendants intentionally breached that duty on more than one occasion when they violated her constitutional rights to freedom of speech.

221. Accordingly, Defendants are liable in damages to Plaintiff in an amount to be proven at trial, arising out of Defendants' negligent breach of their fiduciary duty to Plaintiff.

WHEREFORE, Plaintiff respectfully request this Court award damages in an amount of no less than \$30,000.00 for the injuries sustained plus additional damages as may be proven to compensate her for losses and damages demanded in this Complaint, plus compensatory, incidental, noneconomic, exemplary, and punitive damages, together with interest, costs, and actual attorney's fees incurred in maintaining this matter; grant such additional relief as the Court deems appropriate; and grant the further relief set forth hereinafter in the Prayer for Relief.

COUNT 8

DECLARATORY RELIEF

222. Plaintiff realleges all matters set forth above and incorporates them herein.

223. An actual controversy has risen and now exists between the parties concerning the following matters:

- a. Defendants' continuous violations of Plaintiff's fundamental right to free speech violation of the First and Fourteenth Amendment to the United States Constitution as set forth in Counts 1 and 2 above.
- b. Defendants' continuous violations of Title IX which have and continue to affect Plaintiff daily.
- c. Defendants' continuous violations of their fiduciary duties as state actors to Plaintiff which have and continue to affect Plaintiff daily.

224. Judicial declarations are necessary and appropriate at this time to enable the parties to ascertain their rights and duties to each other.

WHEREFORE, Plaintiff respectfully requests this Court grant declaratory relief in favor of Plaintiff; grant declaratory judgment that Defendants violated Plaintiff's constitutional rights to free speech, violated the First and Fourteenth Amendment of the United States Constitution, and violated Title IX; award damages in an amount of no less than \$30,000.00 for the injuries sustained

plus additional damages as may be proven to compensate her for losses and damages demanded in this Complaint, plus compensatory, incidental, noneconomic, exemplary, and punitive damages, together with interest, costs, and actual attorney's fees incurred in maintaining this matter; grant such additional relief as the Court deems appropriate; and grant the further relief set forth hereinafter in the Prayer for Relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against the Defendants, jointly and/or severally, as follows:

A. A declaration that the Defendants' actions and practice violates Plaintiff's constitutional rights under the First Amendment of the United States Constitution.

B. A declaration that the Defendants' actions and practice violates Plaintiff's constitutional rights under the Fourteenth Amendment of the United States Constitution.

C. A declaration that Defendants' actions were a violation of the Michigan School Reform Act.

D. A declaration that Defendants' actions were a violation of the Open Meetings Act.

E. A declaration that the Defendants' actions and practice impermissibly burdens Plaintiff's rights under Title IX to be free from discrimination based on sex by creating a sexually harassing hostile environment.

F. A declaration that Defendants breached their fiduciary duties.

G. Additional declaratory relief as requested herein.

H. A permanent injunction enjoining the Defendants' policy and ordering the Defendants to allow Plaintiff to speak to School District employees, teachers, and administrators.

I. An award of compensatory damages for the violation of Plaintiff's constitutional and statutory rights in an amount of greater than \$30,000;

J. An order that this Court retain jurisdiction of this matter for the purpose of enforcing any Orders;

K. An award of Plaintiff's costs and expenses of this action, including a reasonable attorneys' fees award, in accordance with 28 U.S.C. § 2412, 42 U.S.C § 1988;

L. All other relief to which Plaintiff may be entitled, including attorneys' fees and costs.

DePERNO LAW OFFICE, PLLC



Dated: June 3, 2024

Matthew S. DePerno
Attorney for Plaintiff
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Portage, MI 49081
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VERIFICATION

I declare the information herein and attached is true to the best of my knowledge, information, and belief.

Dated: June 3, 2024

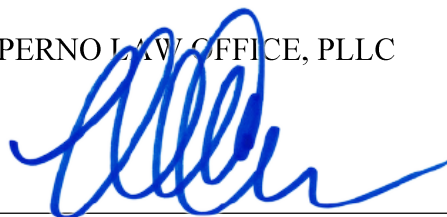


Stefanie Boone, Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff, by and through her attorneys DePERNO LAW OFFICE, PLLC, hereby demands a trial by jury in the above-entitled matter as to all issues and claims for which a jury trial is allowed.

DePERNO LAW OFFICE, PLLC



Dated: June 3, 2024

Matthew S. DePerno
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