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IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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|---|---|----------------------------|
| In re A.W., a minor, by and through his natural guardian, K.W., | : | |
| In re J.H., a minor, by and through his natural guardian, V.H., | : | No. |
| In re Q.W., a minor, by and through his natural guardian, B.R., | : | |
| In re M.A., a minor, by and through her natural guardian, A.A., and | : | JURY TRIAL DEMANDED |
| In re D.F., a minor, by and through her natural guardian, D.J.F., | : | |
| | : | |
| Plaintiffs, | : | |
| | : | |
| v. | : | |
| | : | |
| WOODLAND HILLS SCHOOL DISTRICT, | : | |
| CHURCHILL BOROUGH, DYNASTY SECURITY, KEVIN MURRAY, STEPHEN SHAULIS, ALLAN JOHNSON, CHRIS LEWANDOWSKI, PATRICK SCOTT and JOHN DOE, | : | |
| | : | |
| Defendants. | : | |

COMPLAINT

Plaintiffs, by their undersigned counsel, hereby file this Complaint as follows:

INTRODUCTION

1. Plaintiffs in this civil rights action are African-American high school students, some of whom have disabling emotional and behavioral disorders (collectively, “Student Plaintiffs”). This action contends that Defendants Woodland Hills School District (“Woodland Hills”), Churchill Borough, Dynasty Security, and their above-named individual employees, agents, officials and administrators (collectively, “Defendants”), created and/or acquiesced in a culture of verbal abuse, excessive force and intimidation which resulted in harm to Student Plaintiffs. Woodland Hills, Churchill Borough and Dynasty Security were fully aware of these

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abuses yet took no action to prevent them. Defendants' conduct violated Student Plaintiffs' rights under the United States Constitution, Americans with Disabilities Act and Rehabilitation Act.

JURISDICTION AND VENUE

2. This action is brought pursuant to 42 U.S.C. §1983 and the First, Fourth and Fourteenth Amendments to the United States Constitution. This Court has jurisdiction over these claims under 28 U.S.C. §1331 and 28 U.S.C. §1343(3). This Court also has jurisdiction over these claims under the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.*, and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701, *et seq.* This Court has jurisdiction over the supplemental state law claim under 28 U.S.C. §1367 because that claim forms part of the same case or controversy under Article III of the United States Constitution.

3. Venue is proper pursuant to 28 U.S.C. §1391(b) because each claim arose in the Western District of Pennsylvania and because Student Plaintiffs are all residents of this District.

PARTIES

4. Plaintiff K.W. is the natural guardian of A.W., a minor child. A.W. is African-American. A.W. has a disabling emotional and behavioral disorder. K.W. and A.W. reside within Woodland Hills. At all relevant times, A.W. was a student at Woodland Hills High School.

5. Plaintiff V.H. is the parent and natural guardian of J.H., a minor child. J.H. is African-American. J.H. has a disabling emotional and behavioral disorder. V.H. and J.H. reside within Woodland Hills. At all relevant times, J.H. was a student at Woodland Hills High School.

6. Plaintiff B.R. is the natural guardian of Q.W., a minor child. Q.W. is African-American. B.R. and Q.W. reside within Woodland Hills. At all relevant times, Q.W. was a student at Woodland Hills High School.

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7. Plaintiff A.A. is the natural guardian of M.A., a minor child. M.A. is African-American. A.A. and M.A. reside within Woodland Hills. At all relevant times, M.A. was a student at Woodland Hills High School.

8. Plaintiff D.J.F. is the parent and natural guardian of D.F., a minor child. D.F. is African-American. D.F. has a disabling emotional and behavioral disorder. D.J.F. and D.F. reside within Woodland Hills. At all relevant times, D.F. was a student at Woodland Hills High School.

9. Woodland Hills (defined *supra*) is a school district located in the Commonwealth of Pennsylvania with a principal place of business at 531 Jones Avenue, North Braddock, Pennsylvania 15104. At all relevant times, Woodland Hills was acting by and through its duly authorized administrators, agents and/or employees, who at all relevant times were acting within the course and scope of their employment, under the color of state law, and/or in accordance with Woodland Hills' policies, customs and practices.

10. Defendant Churchill Borough ("Churchill Borough") is a municipal entity located in Allegheny County, Pennsylvania with a principal place of business at 2300 William Penn Highway, Pittsburgh, Pennsylvania 15235. At all relevant times, Churchill Borough was acting by and through its duly authorized administrators, agents and/or employees, who at all relevant times were acting within the course and scope of their employment, under the color of state law, and/or in accordance with Churchill Borough's policies, customs and practices.

11. Defendant Dynasty Security ("Dynasty Security") is a Pennsylvania business entity with a principal place of business at 300 Penn Center Boulevard, Suite 225, Pittsburgh, Pennsylvania 15235. At all relevant times, Dynasty Security provided personnel to Woodland Hills and other schools within that district, who at all relevant times were acting within the course and scope of their employment, under the color of state law, and/or in accordance with Dynasty Security's policies, customs and practices.

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12. Woodland Hills and Churchill Borough are referred to herein as the “Municipal Defendants.”

13. Defendant Kevin Murray (“Murray”) is an adult individual residing in Allegheny County, Pennsylvania. At all relevant times, Murray acted under color of state law and was the Principal and day-to-day policymaker at Woodland Hills High School. Murray, based upon his intentional acts and/or the customs, policies and practices which he implemented and/or in which he acquiesced, is responsible for the violation of Student Plaintiffs’ constitutional rights under the First, Fourth and Fourteenth Amendments. Murray is sued in his individual capacity.

14. Defendant Stephen Shaulis (“Shaulis”) is an adult individual residing in Allegheny County, Pennsylvania. At all relevant times, Shaulis acted under color of state law as a police officer employed by Churchill Borough, and was assigned as a “Resource Officer” at Woodland Hills High School. Shaulis, based upon his intentional acts and/or the customs, policies and practices of the Municipal Defendants, is responsible for the violation of Student Plaintiffs’ constitutional rights under the First, Fourth and Fourteenth Amendments. Shaulis is sued in his individual capacity.

15. Defendant Allan Johnson (“Johnson”) is an adult individual residing in Allegheny County, Pennsylvania. At all relevant times, Johnson acted under color of state law and was the Superintendent and chief policymaker at Woodland Hills High School. Johnson, based upon his intentional acts and/or the customs, policies and practices which he implemented and/or in which he acquiesced, is responsible for the violation of Student Plaintiffs’ constitutional rights under the First, Fourth and Fourteenth Amendments. Johnson is sued in his individual capacity.

16. Defendant Chris Lewandowski (“Lewandowski”) is an adult individual residing in Allegheny County, Pennsylvania. At all relevant times, Lewandowski acted under color of state law as a police officer employed by Churchill, and was assigned as a “Resource Officer” at Woodland Hills High School. Lewandowski, based upon his intentional acts and/or the customs,

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policies and practices of the Municipal Defendants, is responsible for the violation of Student Plaintiffs' constitutional rights under the First, Fourth and Fourteenth Amendments.

Lewandowski is sued in his individual capacity.

17. Defendant Patrick Scott ("Scott") is an adult individual residing in Allegheny County, Pennsylvania. At all relevant times, Scott acted under color of state law and was the Assistant Principal and policymaker at Woodland Hills High School. Scott, based upon his intentional acts and/or the customs, policies and practices which he implemented and/or in which he acquiesced, is responsible for the violation of Student Plaintiffs' constitutional rights under the First, Fourth and Fourteenth Amendments. Scott is sued in his individual capacity.

18. The true name and capacity of Defendant John Doe is not yet known to Student Plaintiffs; therefore, Student Plaintiffs have sued Doe under a fictitious name. When the actual identity of Doe is determined, Student Plaintiffs intend to amend this Complaint to name such person. At all times relevant to this action, Doe was employed by Dynasty Security and acted within the course and scope of that employment. At all times relevant to this action, Doe acted under the color of state law in carrying out the conduct described herein. Doe is sued in his individual capacity.

FACTS

Culture of Abuse of Students at Woodland Hills High School

19. Woodland Hills, its officials and/or administrators, including Johnson, prior to the incidents involving Student Plaintiffs, knew, were on notice and/or were otherwise aware of other incidents in which students similarly situated to Student Plaintiffs were likewise subjected

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to the use of excessive force, making of false allegations and/or filing of false criminal charges against them.

20. These prior physical assaults and verbal intimidation tactics occurred in the hallways at Woodland Hills High School, and in and around its administrative offices. In all instances, students, teachers, administrators and/or other individuals were nearby and able to observe the unlawful tactics as they occurred.

21. The teachers, administrators and other employees and/or agents of Woodland Hills who witnessed these events were “mandated reporters” under Pennsylvania’s Child Services Protective Law. As such, they were required to report suspected child abuse to the Department of Public Welfare, yet no such reports were made. *See* 23 Pa.C.S.A. § 6311.

22. At all relevant times, parents complained to Johnson about Shaulis and Murray’s abusive conduct, reporting instances like the events described herein. Johnson ignored these complaints and/or assured parents that he would take appropriate action but failed to do so.

23. These prior unaddressed instances of abuse coupled with the abuse inflicted upon Student Plaintiffs evidences a pattern of misconduct and/or created a culture in which administrators and/or other employees of Woodland Hills knew that assaults, excessive force, intimidation, the making of false accusations and the filing of false criminal charges can be carried out by them with impunity.

24. For example, on or about February 10, 2009, Shaulis, without provocation, tased a student in the chest in a Woodland Hills High School hallway. Immediately following the assault, Shaulis called the student a “b***h” and told other students he had urinated on himself. Murray was present at the time of this assault, and knew that the assault was unprovoked and unjustified. Nevertheless, Shaulis initiated false criminal proceedings against the student. This assault was recorded on surveillance video, which proved that the falsity of those allegations.

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25. As part of the longstanding policy, practice and custom at Woodland Hills, neither Shaulis nor Murray were disciplined for their involvement in this incident. Murray was in fact subsequently promoted to Principal of Woodland Hills High School.

26. As another example, on or about March 2, 2010, a Woodland Hills High School student was verbally abused and physically assaulted without provocation by a “Behavioral Specialist” at Woodland Hills High School. The student suffered injuries, including a broken wrist. This assault was captured on surveillance video and witnessed by an employee of Dynasty Security, who made no effort to intervene.

27. The “Behavioral Specialist” reported to Shaulis that the student had assaulted him. Shaulis reviewed the video which showed that no such assault occurred. Nevertheless, Shaulis prepared a criminal complaint, falsely charging the student with aggravated assault and disorderly conduct. These charges were withdrawn by the district attorney after reviewing the videotape.

28. That student subsequently filed a civil complaint in the Western District of Pennsylvania naming, *inter alia*, Woodland Hills School District and Dynasty Security as defendants. On information and belief, Woodland Hills took no action against any of the individuals involved in this assault.

29. It is/was generally known among Woodland Hills High School students similarly situated to Student Plaintiffs that Shaulis and Murray engage(d) in a pattern and practice of harassment and abusive behavior toward those students.

30. Murray confirmed the above-described custom and practice of Woodland Hills when he was recorded telling J.H. “I’ll punch you right in your face, dude. You don’t know anything about me . . . you better go and ask some of the older kids. I’m gonna f***ing punch you in your face. Man to man, bro. I don’t give a f**k if you’re 14 years old. If we went to court, it’s your word versus mine, and mine wins every time.”

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Student Plaintiff A.W.

31. At all relevant times, A.W. was 15 years of age and attended Woodland Hills High School. On March 3, 2015, A.W. was taken to the school's administrative office after being reprimanded by a teacher for speaking out in class.

32. Upon arriving at the administrative office, A.W. spoke with Murray in the student waiting area, while Shaulis listened to that conversation. Murray pointed at a chair and told A.W. to sit. A.W. complied and Murray left the student waiting area, leaving A.W. alone with Shaulis.

33. While A.W. sat alone in the student waiting area, Shaulis began taunting, harassing and intimidating him without provocation. In response to Shaulis' intimidating tactics, A.W. requested to speak with his mother. Shaulis responded to that request by telling A.W. to "shut the f*** up." Shaulis also stated to A.W., "f*** your mom, she ain't gonna be nothing and you ain't gonna be nothing."

34. After verbally intimidating A.W., Shaulis, without provocation, violently grabbed A.W. by his shoulders, ripped him from the chair he was sitting in, and placed him in a choke hold by locking his forearm around A.W.'s neck. Shaulis then dragged A.W. down the hallway by the neck to an area directly outside Murray's office. Upon arriving at Murray's office, Shaulis, with great force, slammed A.W.'s face and head into the floor.

35. At that time, Murray exited his office and observed Shaulis' assault on A.W. Murray made no effort to stop the assault and instead again slammed A.W.'s head into the floor.

36. Shaulis and Murray continued to assault A.W. by punching him in his sides and stomach. While Murray held A.W. to the floor, Shaulis tasered A.W. at least three times in the back. At no time during this unprovoked assault did A.W. threaten, resist or defend against Shaulis and Murray.

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37. After being tased, A.W. was handcuffed by Shaulis. Once handcuffed, Shaulis picked A.W. off the ground off by the handcuffs and forced him into the Resource Office, where he continued to physically assault A.W.

38. There are no security cameras or other audio or video recording devices in the Resource Office. Because of that, Shaulis on other occasions brought students to the Resource Office to assault them without being recorded.

39. When the physical assault concluded, Shaulis falsely charged A.W. with numerous criminal offenses, including resisting arrest and disorderly conduct. These false criminal charges were intended to justify and/or conceal Shaulis' excessive use of force. Shaulis also provided subsequent sworn testimony during criminal proceedings on these charges to justify and/or conceal his excessive use of force. A.W. was ultimately acquitted of resisting arrest.

40. As a direct and proximate result of the conduct described herein, A.W. suffered physical injuries, severe emotional distress, embarrassment, humiliation and damage to his reputation.

41. As a direct and proximate result of the conduct described herein, A.W. incurred legal costs and expenses to defend against the criminal charges that were brought against him which were based on false allegations.

Student Plaintiff J.H.

42. At all relevant times, J.H. was 14 years of age and a student at Woodland Hills High School. On April 8, 2016, security personnel at Woodland Hills High School brought J.H. to Murray, who was in a classroom. At that time, J.H. met with Murray to discuss an incident involving J.H. that occurred at school on April 7, 2016. During that meeting, Murray began to verbally assault J.H. with racial epithets, calling him a "n****r," and repeatedly threatened him with physical violence.

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43. J.H., suspecting that Murray may commit a crime of violence upon him or intimidate him into submission, began to record Murray on his cell phone. In that recording, Murray told J.H. “I’ll punch you right in your face, dude. You don’t know anything about me . . . you better go and ask some of the older kids. I’m gonna f***ing punch you in your face. Man to man, bro. I don’t give a f**k if you’re 14 years old. If we went to court, it’s your word versus mine, and mine wins every time.”

44. J.H. sent a copy of the audio recording to his mother, which she did not immediately review. J.H., however, also sent a text message to his mother informing her that Murray had suspended him. Upon receiving the text message, J.H.’s mother called Murray to inquire as to the status of her son. During that conversation, Murray assured her that everything was fine. At that time, J.H. had been sent to an in-school suspension room.

45. Shortly thereafter, Murray and Shaulis confronted J.H. at the in-school suspension room. Murray and Shaulis then ordered J.H. to give them his cellphone and its password. When J.H. protested, Murray and Shaulis began to verbally intimidate him. J.H. understood that if he did not give Murray and Shaulis his cellphone he would be physically assaulted. J.H. ultimately gave Murray and Shaulis his cellphone.

46. Upon obtaining J.H.’s cellphone, Murray deleted J.H.’s pictures, phone applications, text messages and other important items. Shaulis then reminded Murray to delete all audio recordings, which Murray did. Murray held J.H.’s phone for the remainder of the day.

47. Murray suspended J.H. for three days without cause.

48. J.H.’s mother reported the incident and the recording to Johnson, who told her not to speak to anyone else about it.

49. Because of this incident, J.H. left Woodland Hills High School and began taking classes through a home school program.

50. As a direct and proximate result of the conduct described herein, J.H. suffered severe emotional distress, embarrassment, humiliation and damage to his reputation.

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Student Plaintiff Q.W.

51. At all relevant times, Q.W. was 14 years of age and a student at Woodland Hills High School. On April 3, 2017, Q.W. was taken to the administrative offices where he was met by Shaulis and Lewandowski. After a brief conversation with Shaulis and Lewandowski, Q.W. walked out of the office and into the hallway.

52. Shaulis followed Q.W. into the hallway and called him a “f****t.” Without provocation, Shaulis then rushed toward Q.W. and grabbed him around the neck. With Lewandowski’s assistance, Q.W. was forcibly pushed through the student waiting area and into the Resource Office.

53. Once in the Resource Office, Shaulis threw Q.W. into a wall, striking Q.W.’s head off a bulletin board, causing him to fall to the ground. All the while, Lewandowski knew of and/or witness the unprovoked assault but did nothing to stop it.

54. As soon as Q.W. made it to a nearby chair, Shaulis grabbed Q.W. and slammed him onto the floor, exposing the side of his face. With the side of Q.W.’s face exposed, Shaulis placed a knee on Q.W.’s back to hold him down and began punching him in the face. Several minutes later, Shaulis exited the Resource Office with a paper towel over one of his hands. Murray, who had entered the Resource Office, was seen leaving it soon thereafter.

55. When the physical assault concluded, Shaulis falsely charged Q.W. with numerous criminal offenses, including aggravated assault and resisting arrest. These false criminal charges were intended to justify and/or conceal Shaulis, Murray and Lewandowski’s excessive use of force. These charges have not yet been resolved.

56. As a direct and proximate result of the conduct described herein, Q.W. suffered physical injuries, severe emotional distress, embarrassment, humiliation and damage to his reputation.

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57. As a direct and proximate result of the conduct described herein, Q.W. required medical care and treatment and will continue to require medical care and treatment into the future.

58. As a direct and proximate result of the conduct described herein, Q.W. incurred legal costs and expenses to defend against the criminal charges that were brought against him which were based on false allegations.

Student Plaintiff M.A.

59. At all relevant times, M.A. was 16 years of age and a student at Woodland Hills High School. On December 10, 2015, Scott initiated a conversation with M.A. outside the school's gym. At some point during this conversation, Scott instructed M.A. to go to the administrative office and wait for him to finish with that period's class. M.A. complied and went to the administrative office.

60. Sometime thereafter, Scott entered the administrative office with Shaulis, who escorted her into Scott's office. While in Scott's office, Scott and Shaulis began to verbally intimidate M.A. until Shaulis eventually told M.A. to "get the f*** out."

61. As M.A. attempted to leave Scott's office, Shaulis stuck out his foot and tripped M.A. Shaulis, without provocation, then grabbed M.A. by the arm and forcibly pulled her back into Scott's office. Lewandowski also entered Scott's office at that time and grabbed M.A. by the arm. Shaulis and Lewandowski subsequently placed handcuffs on M.A.

62. After handcuffs were placed on M.A., Shaulis picked her up and slammed her into a nearby chair. Shaulis continued the physical assault by striking her in different areas of her body. M.A. remained handcuffed during the entire assault. In due time, Shaulis and Lewandowski called for a police car, took M.A. to the police station and placed her into a cell.

63. While in her cell, M.A. asked Shaulis why he assaulted her, to which he responded that "he was allowed to do everything that he had done to her." M.A. was then taken to Shuman Juvenile Detention Center ("Shuman"), where she was held for two (2) weeks.

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64. Following the physical assault and her detention, Shaulis falsely charged M.A. with numerous criminal offenses, including defiant trespass, resisting arrest and disorderly conduct. These false criminal charges were intended to justify and/or conceal Shaulis and Lewandowski's excessive use of force. The charges for defiant trespass and resisting arrest were ultimately withdrawn. M.A. was otherwise adjudicated delinquent for disorderly conduct.

65. While at Shuman, M.A. reported being struck by Shaulis during her arrest and a report was made to the Department of Public Welfare. Woodland Hills was made aware of this report. Upon information and belief, Churchill Borough was also made aware of this report.

66. After M.A. was release from Shuman, she returned to Woodland Hills High School. Upon her return, M.A. reported the assault to a Woodland Hills High School Assistant Principal.

67. Portions of the events described herein were captured by surveillance video; however, Woodland Hills deleted that footage.

68. As a direct and proximate result of the conduct described herein, M.A. suffered physical injuries, severe emotional distress, embarrassment, humiliation and damage to her reputation.

69. As a direct and proximate result of the conduct described herein, M.A. incurred legal costs and expenses to defend against the criminal charges that were brought against her which were based on false allegations.

Student Plaintiff D.F.

70. At all relevant times, D.F. was 13 years of age and a student at Woodland Hills High School. In or around February 2016, D.F. contacted her father, adult plaintiff D.J.F., informing him that another student had threatened to beat her up. D.J.F. immediately notified school officials of this information and those officials informed D.J.F. that immediate action would be taken to prevent any other student from attacking D.F.

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71. Despite the assurances from school officials, while standing by her locker, D.F. was assaulted by the same female student whom D.F. previously identified as threatening to beat her up. D.F. did not initiate this assault or any other assault involving any student at Woodland Hills. At all relevant times, D.F. acted in self-defense to protect herself from this unprovoked assault.

72. After this assault began, Doe, an employee of Dynasty Security, responded by restraining D.F. only. At that time, Doe threw D.F. to the floor and punched her in the head. As a result of the unprovoked physical assault by Doe, D.F. suffered a concussion resulting in ongoing medical treatment and lasting cognitive impairments.

73. The unprovoked assault on D.F. was recorded on a hallway surveillance camera, including Doe's act of striking D.F. in the head. This surveillance video footage was reviewed by the Woodland Hills Assistant Superintendent, along with other Woodland Hills officials. Following review of the video footage, the Woodland Hills Assistant Superintendent and other Woodlands Hills officials knew that D.F. did not initiate the fight, was physically assaulted without provocation, and was punched in the head by Doe without provocation. After this assault, however, the portion of the video recording Doe's unlawful conduct was destroyed and/or deleted.

74. D.J.F. subsequently complained to Woodland Hills and/or other Woodland Hills officials about their failure to prevent the assault on D.F. During that time, D.J.F. threatened potential legal action against Woodland Hills and its officials for their failure to protect D.F. Because D.J.F. complained to Woodland Hills and/or other Woodland Hills officials in this manner, D.F. was expelled from Woodland Hills High School. The student who initiated the assault on D.F. was not expelled from Woodland Hills High School.

75. Following the physical assault and expulsion from Woodland Hills High School, Woodland Hills falsely charged D.F. with numerous criminal offenses, including disorderly

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conduct and harassment. These false criminal charges were intended not only to justify and/or conceal Doe's excessive use of force, but also to retaliate against D.F. for D.J.F.'s complaints and/or threats to file a lawsuit against Woodland Hills.

76. D.J.F. was subsequently informed that unless D.F. agreed to a plea bargain, she would be charged with felony aggravated assault based upon a false allegation that she had bitten Doe during the assault. D.F. was ultimately subjected to the jurisdiction of the Juvenile Division of the Court of Common Pleas of Allegheny County.

77. As a result of the conduct described herein, D.F. suffered physical injury, emotional distress, embarrassment, humiliation and damage to reputation.

78. As a result of the conduct described herein, D.F. incurred legal costs and expenses to defend against the criminal charges that were brought against her which were based on false allegations.

79. Later that year, in or about September 2016, D.F. returned from Rankin Promise School to Woodland Hills High School. Shortly thereafter, D.F. was confronted by Shaulis in the school hallway and removed to the Resource Office.

80. Once inside the Resource Office, Shaulis, without provocation, physically assaulted D.F. by, among other things, hitting her head against the wall and against a table multiple times. At the time of the assault, D.F. was 4' 11" tall and weighed 90 pounds.

81. Following this physical assault, Shaulis falsely charged D.F. with numerous criminal offenses, including simple assault and disorderly conduct. These false criminal charges were intended not only to justify and/or conceal Shaulis' excessive use of force, but also to retaliate against D.F. for D.J.F.'s prior complaints and/or threats to file a lawsuit against Woodland Hills.

82. As a result of the false charges filed against her, D.F. was subjected to the jurisdiction of the Juvenile Division of the Court of Common Pleas of Allegheny County and confined to Shuman for 14 days.

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83. As a result of the conduct described herein, D.F. suffered physical injury, emotional distress, embarrassment, humiliation and damage to her reputation.

84.—As a result of the conduct described herein, D.F. incurred legal costs and expenses to defend against the criminal charges that were brought against her which were based on false allegations.

COUNT I – UNCONSTITUTIONAL POLICIES AND CUSTOMS PURSUANT TO 42 U.S.C. § 1983 (*MONELL*)

(Student Plaintiffs v. Municipal Defendants)

85. Student Plaintiffs incorporate paragraphs 1 through 84 herein.

86. The residents of Woodland Hills School District, including the adult guardians of Student Plaintiffs, entrusted Woodland Hills with the care, safety and education of children residing within the district, including Student Plaintiffs.

87. At all relevant times, Woodland Hills had notice of, acquiesced in, approved and/or otherwise maintained a custom and/or practice of deliberate indifference to the use of unnecessary and excessive force against Student Plaintiffs at Woodland Hills High School.

88. At all relevant times, Woodland Hills had notice, acquiesced in, approved and/or was otherwise aware that Shaulis used unnecessary and excessive force against Student Plaintiffs at Woodland Hills High School.

89. At all relevant times, Woodland Hills had notice, acquiesced in, approved and/or was otherwise aware that Murray participated in Shaulis' use of excessive force against Student Plaintiffs, including having notice, acquiescing in, approving and/or otherwise being aware that Murray himself used unnecessary and excessive force against Student Plaintiffs.

90. At all relevant times, Woodland Hills had notice, acquiesced in, approved and/or was otherwise aware that false allegations were made and/or that false criminal charges were filed against Student Plaintiffs at Woodland Hills High School for the purpose of justifying and/or concealing the unnecessary and excessive use of force used against such Plaintiffs.

91. At all relevant times, Woodland Hills took no substantive action against Shaulis, Murray and/or any other administrator and/or employee who it knew, was on notice of and/or

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otherwise was aware had used, and/or participated in, the use of excessive force against Student Plaintiffs at Woodland Hills High School, including failing to reprimand, counsel or otherwise impose discipline on any such administrator and/or employee.

92. At all relevant times, Woodland Hills took no substantive action against Shaulis, Murray and/or any other administrator or employee who it knew or may have known sought to justify and/or conceal the unnecessary and excessive use of force used against Student Plaintiffs, including them making false allegations, destroying evidence and/or filing or participating in the filing of false criminal charges against such Plaintiffs.

93. At all relevant times, Woodland Hills had a custom, practice, and/or policy of failing to adequately train and/or supervise its administrators and/or other employees at Woodland Hills High School in how to properly respond to alleged Student Plaintiff misconduct and/or routine discipline without resorting to the use of unnecessary and/or excessive force, and/or the initiation of improper criminal prosecutions intended to justify such unnecessary and/or excessive force.

94. At all relevant times, Woodland Hills had a custom, practice and/or policy of failing to adequately train and/or supervise its administrators and/or other employees at Woodland Hills High School in how to properly respond to alleged Student Plaintiff misconduct and/or matters involving routine discipline without resorting to violent tactics that were conscious shocking, including physical brutality, threats of physical brutality, making false allegations, destroying evidence and/or filing false criminal charges for the purpose of justifying such conscious shocking behavior.

95. At all relevant times, Woodland Hills knew that Shaulis and other Churchill Borough police officers assigned to Woodland Hills High School as Resource Officers were not properly trained and/or supervised to perform the duties of a Resource Officer, including the failure to train and/or insure that such officers were trained on how to respond to alleged Student

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Plaintiff misconduct and/or to matters involving routine discipline without resort to the use of unnecessary and/or excessive force, making false allegations, destroying evidence and/or the unnecessary initiation of criminal prosecution intended to justify such unnecessary and/or excessive force.

96. At all relevant times, Woodland Hills had a custom, practice and/or policy of utilizing Churchill Borough police officers assigned to the Woodland Hills High School as Resource Officers for such officers to use their police authority, including the power to arrest, use force, and file criminal charges, to enforce Woodland Hills' routine disciplinary policies, knowing that such officers carried out false arrests, used excessive force, made false allegations, destroyed evidence and/or filed false criminal charges against Student Plaintiffs.

97. At all relevant times, Woodland Hills knew that Churchill Borough police officers assigned to Woodland Hills High School as Resource Officers were not intended to use their police authority including the power to arrest, use force, an/or file criminal charges to enforce Woodland Hills' routine disciplinary policies.

98. Woodland Hills engaged in a policy and practice of deliberate indifference to the known violations of its students' constitutional rights by its administrators, employees and agents.

99. Woodland Hills engaged in a policy and practice of failing to adequately train and/or discipline its administrators, employees and agents with regard to discipline and use of force against its students.

100. Woodland Hills had notice of, acquiesced in and/or otherwise maintained a policy and practice of failing to investigate allegations of misconduct by its administrators, employees and agents, including the use of excessive force against students.

101. Woodland Hills had notice of, acquiesced in and/or otherwise maintained a policy and practice of concealing the use of excessive force by using such force in areas not under video

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surveillance, refusing to produce all portions of video recordings that do exist, destroying evidence of misconduct and/or intimidating students into not reporting misconduct.

102. Woodland Hills permits its administrators, agents and/or employees to conceal the use of excessive force by deliberately committing these actions in areas where they know video surveillance does not exist, by refusing to produce all portions of video recordings that do exist, by destroying evidence of misconduct and/or by intimidating students into not reporting misconduct.

103. At all relevant times, Churchill Borough conspired and/or agreed to the deliberately indifferent policies, customs and/or practices of Woodland Hills in its use of unnecessary and excessive force against Student Plaintiffs at Woodland Hills High School.

104. At all relevant times, Churchill Borough conspired and/or agreed to the deliberately indifferent policies, customs and/or practices of Woodland Hills to violate Student Plaintiffs' constitutional rights.

105. At all relevant times, Churchill Borough conducted themselves in accordance with the deliberately indifferent policies, customs and/or practices of Woodland Hills that violated the Student Plaintiffs' constitutional rights.

WHEREFORE, Student Plaintiffs respectfully request that judgment be entered in their favor and against Defendants Woodland Hills School District and Churchill Borough for compensatory damages, costs of suit, attorneys' fees and any other relief to which Student Plaintiffs may be entitled and that this Court deems just and proper.

COUNT II - Supervisory Liability for Constitutional Violations Pursuant to 42 U.S.C. § 1983

(Student Plaintiffs v. Johnson)

106. Student Plaintiffs incorporate paragraphs 1 through 105 herein.

107. At all relevant times, Johnson was aware of specific instances of excessive force used against Student Plaintiffs by the administrators, employees and/or agents of Woodland Hills, including Shaulis, Murray and Lewandowski.

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108. At all relevant times, Johnson was aware that administrators, employees and/or agents of Woodland Hills, including Shaulis and Murray, engaged in a pattern and practice of using excessive force against students similarly situated to Student Plaintiffs.

109. Johnson approved and/or acquiesced in the use of excessive force against Student Plaintiffs by failing to take appropriate action when abuse was brought to his attention, including, but not limited to, failing to investigate and/or discipline the administrators, employees and/or agents of Woodland Hills responsible for such abuse.

110. At all relevant times, Johnson was aware that administrators, employees and/or agents of Woodland Hills, including Shaulis and Murray, engaged in a pattern and practice of filing criminal charges against students similarly situated to Student Plaintiffs without probable cause.

111. At all relevant times, Johnson was aware of specific instances in which administrators, employees and/or agents of Woodland Hills, including Shaulis and Murray, pursued criminal charges against students similarly situated to Student Plaintiffs without probable cause.

112. Johnson approved and/or acquiesced in the filing of criminal charges without probable cause against Student Plaintiffs by failing to take appropriate action when the filing of false charges against them was brought directly to his attention, including, but not limited to, failing to investigate and/or discipline administrators, employees and/or agents of Woodland Hills that were responsible for the filing of such false charges.

WHEREFORE, Student Plaintiffs respectfully request that judgment be entered in their favor and against Defendants Allan Johnson for compensatory damages, plus interest, costs of suit, attorneys' fees, punitive damages, and any other relief to which Student Plaintiffs may be entitled and that this Court deems just and proper.

COUNT III - Supervisory Liability for Constitutional Violations

Pursuant to 42 U.S.C. § 1983

(Student Plaintiffs v. Murray)

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113. Student Plaintiffs incorporate paragraphs 1 through 112 herein.

114. At all relevant times, Murray was aware of specific instances of excessive force used against Student Plaintiffs by the administrators, employees and/or agents of Woodland Hills, including Shaulis and Lewandowski.

115. At all relevant times, Murray was aware that administrators, employees and/or agents of Woodland Hills, including Shaulis, engaged in a pattern and practice of using excessive force against Student Plaintiffs.

116. Murray approved and/or acquiesced in the use of excessive force against Student Plaintiffs by failing to take appropriate action when abuse was brought directly to his attention, including, but not limited to, failing to investigate and/or discipline the administrators, employees and/or agents of Woodland Hills that were responsible for such abuse.

117. At all relevant times, Murray was aware that administrators, employees and/or agents of Woodland Hills, including Shaulis, engaged in a pattern and practice of filing criminal charges against Student Plaintiffs without probable cause.

118. At all relevant times, Murray was aware of specific instances in which administrators, employees and/or agents of Woodland Hills, including Shaulis, pursued criminal charges against Student Plaintiffs without probable cause.

119. Murray approved and/or acquiesced in the filing of criminal charges without probable cause against Student Plaintiffs by failing to take appropriate action when the filing of false charges against them was brought directly to his attention, including, but not limited to, failing to investigate and/or discipline administrators, employees and/or agents of Woodland Hills that were responsible for filing of such false charges.

WHEREFORE, Student Plaintiffs respectfully request that judgment be entered in their favor and against Defendant Kevin Murray for compensatory damages, plus interest, costs of suit, attorneys' fees, punitive damages, and any other relief to which Student Plaintiffs may be entitled and that this Court deems just and proper.

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COUNT IV – VIOLATION OF THE FOURTH AMENDMENT PURSUANT TO 42 U.S.C. § 1983 FOR USE OF EXCESSIVE FORCE

(A.W. v. Shaulis and Murray)

120. Student Plaintiffs incorporate paragraphs 1 through 119 herein.

121. In using the force described herein, Shaulis and Murray seized A.W. within the meaning of, and in violation, of the Fourth Amendment of the United States Constitution.

122. The force used by Shaulis and Murray against A.W. was objectively unreasonable in violation of the Fourth Amendment of the United States Constitution.

WHEREFORE, Plaintiff A.W. respectfully requests that judgment be entered in his favor and against the Defendants Kevin Murray and Stephen Shaulis for compensatory damages, plus interest, costs of suit, attorneys' fees, punitive damages, and any other relief to which Student Plaintiffs may be entitled and that this Court deems just and proper.

COUNT V – VIOLATION OF THE FOURTH AMENDMENT PURSUANT TO 42 U.S.C. § 1983 FOR USE OF EXCESSIVE FORCE

(J.H. v. Murray)

123. Student Plaintiffs incorporate paragraphs 1 through 122 herein.

124. In using the force described herein, Shaulis and Murray seized J.H. within the meaning of, and in violation, of the Fourth Amendment of the United States Constitution.

125. The force used by Shaulis and Murray against J.H. was objectively unreasonable in violation of the Fourth Amendment of the United States Constitution.

WHEREFORE, Plaintiff J.H. respectfully requests that judgment be entered in his favor and against the Defendant Kevin Murray for compensatory damages, plus interest, costs of suit, attorneys' fees, punitive damages, and any other relief to which Student Plaintiffs may be entitled and that this Court deems just and proper.

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COUNT VI – COMMON LAW ASSAULT

(J.H. v. Murray)

126. Student Plaintiffs incorporate paragraphs 1 through 125 herein.

127. Murray intentionally attempted or threatened to inflict injury on J.H., coupled with his apparent ability to cause harm upon J.H., and created a reasonable apprehension of bodily harm or offensive conduct in J.H.

WHEREFORE, Plaintiff J.H. respectfully requests that judgment be entered in his favor and against the Defendant Kevin Murray for compensatory damages, plus interest, costs of suit, punitive damages, and any other relief to which Student Plaintiffs may be entitled and that this Court deems just and proper.

COUNT VII – COMMON LAW INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(J.H. v. Murray)

128. Student Plaintiffs incorporate paragraphs 1 through 127 herein.

129. Murray intentionally engaged in conduct that was extreme and outrageous in using racial epithets and calling J.H., a student entrusted to his care, a “n****.”

130. As a direct and proximate cause of Murray’s intentional conduct, J.H. suffered severe emotional distress of a lasting nature.

WHEREFORE, Plaintiff J.H. respectfully requests that judgment be entered in his favor and against the Defendant Kevin Murray for compensatory damages, plus interest, costs of suit, punitive damages, and any other relief to which Student Plaintiffs may be entitled and that this Court deems just and proper.

COUNT VIII – VIOLATION OF THE FOURTH AMENDMENT PURSUANT TO 42 U.S.C. § 1983 FOR USE OF EXCESSIVE FORCE

(Q.W. v. Shaulis, Murray and Lewandowski)

131. Student Plaintiffs incorporate paragraphs 1 through 130 herein.

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132. In using the force described herein, Shaulis, Murray and Lewandowski seized Q.W. within the meaning of, and in violation, of the Fourth Amendment of the United States Constitution.

133. The force used by Shaulis, Murray and Lewandowski against Q.W. was objectively unreasonable in violation of the Fourth Amendment of the United States Constitution.

WHEREFORE, Plaintiff Q.W. respectfully requests that judgment be entered in his favor and against the Defendants Kevin Murray, Stephen Shaulis and Chris Lewandowski or for compensatory damages, plus interest, costs of suit, attorneys' fees, punitive damages, and any other relief to which Student Plaintiffs may be entitled and that this Court deems just and proper.

COUNT IX – VIOLATION OF THE FOURTH AMENDMENT PURSUANT TO 42 U.S.C. § 1983 FOR USE OF EXCESSIVE FORCE

(M.A. v. Shaulis and Lewandowski)

134. Student Plaintiffs incorporate paragraphs 1 through 133 herein.

135. In using the force described herein, Shaulis and Lewandowski seized M.A. within the meaning of, and in violation, of the Fourth Amendment of the United States Constitution.

136. The force used by Shaulis and Lewandowski against M.A. was objectively unreasonable in violation of the Fourth Amendment of the United States Constitution.

WHEREFORE, Plaintiff M.A. respectfully requests that judgment be entered in her favor and against the Defendants Kevin Murray and Chris Lewandowski for compensatory damages, plus interest, costs of suit, attorneys' fees, punitive damages, and any other relief to which Student Plaintiffs may be entitled and that this Court deems just and proper.

COUNT X – VIOLATION OF THE FOURTH AMENDMENT PURSUANT TO 42 U.S.C. § 1983 FOR USE OF EXCESSIVE FORCE

(D.F. v. John Doe and Shaulis)

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137. Student Plaintiffs incorporate paragraphs 1 through 136 herein.

138. In using the force described herein, Doe and Shaulis seized D.F. within the meaning of, and in violation, of the Fourth Amendment of the United States Constitution.

139. The force used by Doe and Shaulis against D.F. was objectively unreasonable in violation of the Fourth Amendment of the United States Constitution.

WHEREFORE, Plaintiff D.F. respectfully requests that judgment be entered in his favor and against the Defendants John Doe and Stephen Shaulis for compensatory damages, plus interest, costs of suit, attorneys' fees, punitive damages, and any other relief to which Student Plaintiffs may be entitled and that this Court deems just and proper.

COUNT XI – FAILURE TO INTERVENE IN THE USE OF EXCESSIVE FORCE PURSUANT TO 42 U.S.C. § 1983

(Q.W. v. Lewandowski and Murray)

140. Student Plaintiffs incorporate paragraphs 1 through 139 herein.

141. At all relevant times, Lewandowski and Murray were aware of the use of excessive force by Shaulis against Q.W., had the opportunity to intervene to stop this use of excessive force and failed to do so.

WHEREFORE, Plaintiff Q.W. respectfully requests that judgment be entered in her favor and against Defendants Chris Lewandowski and Kevin Murray for compensatory damages, plus interest, costs of suit, attorneys' fees, punitive damages, and any other relief to which Student Plaintiffs may be entitled and that this Court deems just and proper.

COUNT XII – FAILURE TO INTERVENE IN THE USE OF EXCESSIVE FORCE PURSUANT TO 42 U.S.C. § 1983

(M.A. v. Scott)

142. Student Plaintiffs incorporate paragraphs 1 through 141 herein.

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143. At all relevant times, Scott was aware of the use of excessive force by Shaulis and Lewandowski against M.A., had the opportunity to intervene to stop this use of excessive force and failed to do so.

WHEREFORE, Plaintiff M.A. respectfully request that judgment be entered in her favor and against Defendant Patrick Scott for compensatory damages, plus interest, costs of suit, attorneys' fees, punitive damages, and any other relief to which Student Plaintiffs may be entitled and that this Court deems just and proper.

COUNT XIII – SUBSTANTIVE DUE PROCESS VIOLATION OF THE FOURTEENTH AMENDMENT PURSUANT TO 42 U.S.C. § 1983 FOR THE USE OF FORCE

(Student Plaintiffs v. Murray and Doe)

144. Student Plaintiffs incorporate paragraphs 1 through 143 herein.

145. Murray and Doe together or individually, by means of physical force or through a showing of authority, restrained the liberty of some or all of Student Plaintiffs in a manner which shocks the conscience in violation of the Fourteenth Amendment of the United States Constitution.

WHEREFORE, Student Plaintiffs respectfully request that judgment be entered in their favor and against Defendants Kevin Murray and John Doe for compensatory damages, plus interest, costs of suit, attorneys' fees, punitive damages, and any other relief to which Plaintiffs may be entitled and that this Court deems just and proper.

COUNT XIV – SUBSTANTIVE DUE PROCESS VIOLATION OF THE FOURTEENTH AMENDMENT PURSUANT TO 42 U.S.C. § 1983 FOR FABRICATION OF EVIDENCE

(A.W., M.A. and D.F. v. Shaulis)

146. The Student Plaintiffs incorporate paragraphs 1 through 145 herein.

147. Shaulis violated the clearly established rights of A.W., M.A. and D.F. under the Fourteenth Amendment of the United States Constitution by fabricating inculpatory evidence against them.

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WHEREFORE, Student Plaintiffs A.W., M.A. and D.F. respectfully request that judgment be entered in their favor and against Defendant Stephen Shaulis for compensatory damages, plus interest, costs of suit, attorneys' fees, punitive damages, and any other relief to which Student Plaintiffs may be entitled and that this Court deems just and proper.

COUNT XV – EQUAL PROTECTION VIOLATION OF THE FOURTEENTH AMENDMENT PURSUANT TO 42 U.S.C. § 1983

(Student Plaintiffs v. Defendants)

148. Student Plaintiffs incorporate paragraphs 1 through 147 herein.

149. Defendants, together and/or individually, intentionally discriminated against each of Student Plaintiffs, who were entrusted to their care, because of their race, in violation of the Equal Protection Clause of the United States Constitution.

WHEREFORE, Student Plaintiffs respectfully request that judgment be entered in their favor and against each Defendant for compensatory damages, plus interest, costs of suit, attorneys' fees, punitive damages, and any other relief to which Student Plaintiffs may be entitled and that this Court deems just and proper.

COUNT XVI – EQUAL PROTECTION VIOLATION OF THE FOURTEENTH AMENDMENT PURSUANT TO 42 U.S.C. § 1983

(A.W., J.H. and D.F. v. Defendants)

150. Student Plaintiffs incorporate paragraphs 1 through 149 herein.

151. Defendants, together and/or individually, intentionally discriminated against A.W., J.H. and D.F., who were entrusted to their care, because of their disabilities, in violation of the Equal Protection Clause of the United States Constitution.

WHEREFORE, Student Plaintiffs A.W., J.H. and D.F. respectfully request that judgment be entered in their favor and against each Defendant for compensatory damages, plus interest, costs of suit, attorneys' fees, punitive damages, and any other relief to which Plaintiffs may be

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entitled and that this Court deems just and proper.

COUNT XVII – FIRST AMENDMENT RETALIATION PURSUANT TO 42 U.S.C. § 1983

(D.F. v. Woodland Hills)

152. Student Plaintiffs incorporate paragraphs 1 through 151 herein.

153. Woodland Hills subjected D.F. to retaliation for her exercise of her constitutionally protected right (through D.J.F.) to complain about misconduct by Woodland Hill’s employees, administrators and/or agents and to petition the government for redress of her grievances.

WHEREFORE, Student Plaintiff D.F. respectfully requests that judgment be entered in her favor and against the above-referenced Defendant Woodland Hills for compensatory damages, plus interest, costs of suit, attorneys’ fees, and any other relief to which Student Plaintiffs may be entitled and that this Court deems just and proper.

COUNT XVIII – VIOLATION OF THE AMERICANS WITH DISABILITIES ACT, 42 U.S.C. 12101, *et seq.*

(A.W., J.H. and D.F. v. Defendants)

154. Student Plaintiffs incorporate paragraphs 1 through 153 herein.

155. Defendants intentionally discriminated against A.W., J.H. and D.F., who were entrusted to their care, on the basis of disability and in a place of public accommodation in violation of the Americans with Disabilities Act.

WHEREFORE, Student Plaintiffs A.W., J.H. and D.F. respectfully request that judgment be entered in their favor and against Defendants for compensatory damages, plus interest, costs of suit, attorneys’ fees, punitive damages, and any other relief to which Student Plaintiffs may be entitled and that this Court deems just and proper.

COUNT XIX – VIOLATION OF SECTION 504 OF THE REHABILITATION ACT OF 1973, 29 U.S.C. 701, *et seq.*

(A.W., J.H. and D.F. v. Defendants)

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156. Student Plaintiffs incorporate paragraphs 1 through 155 herein.

157. Defendants intentionally discriminated against A.W., J.H. and D.F., who were entrusted to their care, on the basis of disability in a place of public accommodation receiving Federal financial assistance in violation of the Rehabilitation Act.

WHEREFORE, Student Plaintiffs A.W., J.H. and D.F. respectfully request that judgment be entered in their favor and against the Defendants for compensatory damages, plus interest, costs of suit, attorneys' fees, punitive damages, and any other relief to which Student Plaintiffs may be entitled and that this Court deems just and proper.

COUNT XX – COMMON LAW ASSAULT AND BATTERY (D.F. v. Dynasty Security)

158. Student Plaintiffs incorporate paragraphs 1 through 157 herein.

159. Doe, acting within the course and scope of his employment with Dynasty Security, intentionally attempted or threatened to inflict injury on D.F., coupled with his apparent ability to cause harm upon D.F., and created a reasonable apprehension of bodily harm or offensive conduct in D.F.

160. Doe, acting within the course and scope of his employment with Dynasty Security, intentionally caused the touching of, or application of force to, the body of D.F., in a harmful or offensive manner, without D.F.'s consent.

WHEREFORE, Student Plaintiff D.F. respectfully requests that judgment be entered in her favor and against Defendant Dynasty Security for compensatory damages, plus interest, costs of suit, punitive damages, and any other relief to which Student Plaintiffs may be entitled and that this Court deems just and proper.

Respectfully submitted,

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