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|-------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
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| 12 | UNITED STA | TES DISTRICT COURT |
| 13 | DISTR | ICT OF NEVADA |
| 14 | RICHARD SCOTT MEAD, | |
| 15 | Plaintiff, | Case No.: |
| 16 17 18 | vs. WASHOE COUNTY SCHOOL DISTRICT, a political subdivision of the State of Nevada, KRISTEN MCNEIL, and DOES I -XX | <u>COMPLAINT</u> JURY DEMAND |
| 19 | Defendants. | |
| 20 | | |
| 21 | COMES NOW Plaintiff RICHARI | O SCOTT MEAD, by and through his attorneys of |
| 22 | | TTAH LAW GROUP and JOSEPH S. GILBERT, |
| 23 | | by alleges and complains against Defendants as |
| 24 | follows: | <i>y</i> and complains against Defendants as |
| 25 | | TION AND VENUE |
| 26 | 1. This court has Federal subje | ct matter jurisdiction under 42 U.S.C. § 1983. |
| 27 | | |
| 20 | | 1 |

2. Venue is proper under 28 U.S.C. § 1391 in the District of Nevada, Washoe 1 County, because this claim arose therein. 2 3 3. Every act and omission alleged herein was done by Defendants and carried out 4 under the color of state and federal laws, statutes, ordinances, regulations, or customs. 5 4. This Court has supplemental jurisdiction over Plaintiff's State law claims 6 7 pursuant to 28 U.S.C. § 1367(a) because they are part of the same case and controversy 8 described by Plaintiff's Federal claims. 9 5. Plaintiff alleges that the conduct of each Defendant deprived him of his 10 constitutional right to free exercise and free speech. 11 6. Each of the Defendants caused, and is responsible for, the unlawful conduct directed 12 towards Mead. Each of the Defendants by participating in the unlawful conduct, or acting jointly and in 13 concert with others who did, authorized, acquiesced, condoned, and approved the unconstitutional 14 conduct by failing to take action to prevent said unconstitutional conduct which resulted in the financial 15 ruin, humiliation and destruction of Mead's life and livelihood. 16 7. 17 Wherever reference is made in this Complaint to any act by Defendants, it is 18 alleged that each Defendant was the agent of the others. Defendants were acting within the 19 course and scope of this agency, and all acts alleged committed by any one of them shall also be 20 deemed to mean the acts and failures to act of each Defendant individually, jointly or severally. 21 8. All of the acts or failures to act herein were duly performed by and attributable to 22 all Defendants, each acting as agent, employee, or under the direction and/or control of the 23 others. Said acts or failures to act were within the scope of said agency and/or employment and 24 25 each of the Defendants and ratified the acts and omissions by the other Defendants. Whenever 26 and wherever reference is made in this Complaint to any acts by Defendants, such allegations 27 10 2

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and references shall also be deemed to mean the acts of each of the Defendants acting individually, jointly, or severally.

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3 9. The true names and capacities, whether individual, corporate, associate, or 4 otherwise, of Defendants DOES I through XX, and ROE CORPORATIONS I through XX, 5 inclusive, are unknown to Plaintiff who therefore sues said Defendants by such fictitious names. 6 Plaintiff is informed and believes and thereon allege that each of the Defendants designated 7 herein as a DOE or ROE CORPORATION are responsible in some manner for the events and 8 9 happenings herein referred to and damages caused proximately thereby to Plaintiff as herein 10 alleged; that Plaintiffs will ask leave of this Court to amend this Complaint to insert the true 11 names and capacities of said Defendants DOES I through XX and/or ROE CORPORATIONS I 12 through XX, when same have been ascertained by Plaintiff together with appropriate charging 13 allegations, and to join such Defendants in this action. 14 15 **PARTIES** 16 10. Plaintiff RICHARD SCOTT MEAD is and was at all times relevant herein a 17 teacher at Spanish Springs High School, in Washoe County, Nevada. 18 19 11. Defendant WASHOE COUNTY SCHOOL DISTRICT is a political subdivision 20 of the state of Nevada, having and exercising full control, power, and oversight over the 21 operations and activities at its schools, over its programs and its administrators, teachers, 22 coaches, and other staff members, whose purpose is to administer the state system of public 23 education and its various programs and activities, is located in said County and State receiving 24 25 Federal funding. Spanish Springs High School is a high school located in Washoe County, 26 Nevada and part of the Washoe County School District. 27 10 3

| 1 | 12. | Defendant KRISTEN MCNEIL, (hereinafter "McNeil") is and was, at all times |
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| 2 | relevant here | in, the interim Superintendent for Washoe County School District, at all relevant |
| 3 | times herein, | succeeding as Deputy Superintendent, and was employed by Washoe County |
| 4 | School Distri | ct. McNeil was personally involved in the acts that deprived Mead of his particular |
| 5 | rights and to | be free from deliberate indifference, causing his damages. McNeil at all relevant |
| 6 | times hereto, | was acting under color of state law, and is sued in her individual capacity. |
| 7 | | |
| 8 | | FACTUAL ALLEGATIONS |
| 9 | 13. | On or about July, 2018, Plaintiff RICHARD SCOTT MEAD (hereinafter "Mead") |
| 10 11 | began teachir | ng for the Washoe County School District (hereinafter "WCSD"). |
| 11 | 14. | WCSD adopted Administrative Regulation 5161 ("AR 5161"), which provides, in |
| 13 | relevant part: | |
| 14 | * | If a student has demonstrated a consistent, insistent, and persistent gender |
| 15 | preser | ntation over a period of time, school staff and volunteers shall not question whether |
| 16 | that st | tudent's asserted gender identity is genuinely held. |
| 17 | * | Rights and Protections |
| 18 | a. | Right to Privacy – |
| 19 | | i. Transgender and gender non-conforming students have a right to privacy, |
| 20 | inclue | ling keeping private their sexual orientation, gender identity, transgender status, or |
| 21 | | |
| 22 | U U | er non-conforming presentation at school. Transgender and gender non-conforming |
| 23 | stude | nts have the right to discuss and express their gender identity and expression openly |
| 24 | and to | b decide when, with whom, and how much to share their private information. |
| 25 26 | ii. | Staff shall not disclose information that may reveal a student's transgender or |
| 26 27 | gende | er non-conforming status to others, including parents/guardians or other staff |
| 27 | | |
| | | 4 |
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| 1 | membe | ers, unless there is a specific "need to know," they are legally required to do so, or |
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| 2 | the stud | dent has authorized such disclosure. |
| 3 | 15. | AR 5161 also mandates that Students shall have access to restrooms, locker |
| 4 | rooms and oth | er facilities "that correspond to their gender identity as expressed by the student |
| 5 | and asserted at | t school, <i>irrespective of the gender listed on the student's records</i> " |
| 6 | Further | r, should an individual fail to adhere to AR 5161, despite their own religious |
| 7 | beliefs, they ma | ay be subject to disciplinary action. |
| 8 9 | 16. | During or about April, 2023, Mead became aware of AR 5161, and that WCSD |
| 10 | was providing | training curriculum to teachers and staff regarding gender issues that he was |
| 11 | concerned wer | re against his religious beliefs. |
| 12 | 17. | Mead signed up for the training hoping to be provided with information that |
| 13 | would set his 1 | nind at ease regarding the training, and assure him that his employer would not be |
| 14 15 | complicit in su | ich an egregious violation of his religious beliefs. |
| 15 16 | 18. | Mead intended on attending the training and reviewed the program materials in |
| 17 | preparation for | r same. |
| 18 | 19. | The program in subject was labeled "Brave Space Training" in which teachers |
| 19 | receive special | training as indicated in the material provided by WCSD to teachers in a Brave Space |
| 20 | power-point en | titled LGBTQ Education Presentation for Brave Space. |
| 21 | 20. | Mead's Brave Space Training included a flyer for a 3-part seminar instruction to |
| 22 | | g "[D]on't miss your chance to help the students of Washoe County School District, by |
| 23 | | they can come to with concerns. There is a new program in collaboration with Civil |
| 24 25 | | |
| 25 | | ance, Counseling, and Equity and Diversity. This three-part course covers an |
| 26 | introduction to | the Brave Space program, a training segment on offering support to LGBTQ+ |
| 27 20 | students, and a | training segment focused on the collective pursuit of cultural proficiency for all |
| 20 | | 5 |

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| 1 | students, famil | ies and employees. Upon completion of all three courses, participants will be issued a |
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| 2 | Brave Space pl | acard to display, indicating to students that you are a safe staff member to discuss |
| 3 | matters pertain | ing to sensitive topics." |
| 4 | 21. | In reviewing the Brave Space materials, Mead quickly understood that WCSD was |
| 5 | seeking to frac | ture the parent-child relationship, by inserting themselves into gender identity matters; |
| 6 | a gross violatic | on of parental rights aside from Mead's personal religious beliefs. |
| 7 | 22. | The Brave Space training included instruction on how to keep students' sessions with |
| 8 | Brave Space In | structors confidential and hide pertinent information regarding the students' mental |
| 9 | health and non | -conforming/discordant gender identity from their parents. |
| 10 11 | 23. | Mead's personal religious beliefs regarding gender identity and gender non- |
| 11 | conformity, as | well as legal concerns regarding AR 5161 and WCSD's actions to assist teachers and |
| 13 | staff to enforce | AR 5161, such as the Brave Space Training led him to seek legal advice regarding |
| 14 | the legalities of | f such actions by WCSD. |
| 15 | 24. | On April 10, 2023, Mead received an email from Debra Newman and employee at |
| 16 | WCSD, notify | ing him that the training was being given on "Zoom" which at the time was not |
| 17 | approved by V | VCSD and could not be installed on school computers. |
| 18 | 25. | Mead received a second email which included a statement that had never been |
| 19 20 | seen in a traini | ing email before and stated "Please do not share these links with any other person |
| 20 21 | or party." | |
| 22 | 26. | It is clear that not only did WCSD foster a culture of not disclosing a student's |
| 23 | mental health | issues with said student's parent/guardian, but WCSD was trying to prevent the |
| 24 | | ulum from being disclosed to the public, so that parents of WCSD students would |
| 25 | | vare of AR 5161 and WCSD's illegal policy to keep student information from their |
| 26 | parents/guardi | |
| 27 | | uns. |
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| 1 | 27. | After reading the emails and attachments Mead forwarded the email and |
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| 1 2 | attachments t | to his personal account and to his Attorney to consult on legalities of the training. |
| 3 | 28. | On June 8, 2023, Mead received a letter by E. Hirschman, his building supervisor |
| 4 | informing him | n that he was under investigation for forwarding a "confidential" email to his |
| 5 | private email | and then forwarding said email to an attorney. |
| 6 | 29. | Mead was informed that his action could result in termination instructing him not |
| 7 | to discuss the | e matter with anyone other than his attorney. |
| 8 | 30. | The letter further provided him with 2 business days' notice of an investigative |
| 9 | | would determine whether he would remain a school system employee. |
| 10 11 | 31. | The correspondence precluded Mead from contacting WCSD's Office of Civil |
| 12 | | ling obtaining a reasonable accommodation for his disability, attention deficit |
| 13 | | |
| 14 | , î | DD"), prior to the meeting. |
| 15 | 32. | On Monday June 12, 2023, Mead attended the "investigatory hearing" and under |
| 16 | advice of cou | insel, notified the Body that he had questions about the legitimacy of the training, |
| 17 | and had ques | tions about the constitutionality of being forced to adhere to AR 5161 which is |
| 18 | completely ir | n contention with his religious beliefs, as well as being investigated for contacting |
| 19 | an attorney. | |
| 20 | 33. | Mead also notified the Body, that he had a disability and requested a reasonable |
| 21 | accommodati | ion of having questions regarding the investigation submitted to him in writing. |
| 22 | 34. | Upon receiving Mead's request for a reasonable accommodation, the Board ended |
| 23 | the meeting a | bruptly. Mead was never provided with the Board's questions in writing, as |
| 24 25 | requested at t | he meeting. Thus, Mead was not provided the opportunity to provide any defense |
| 23 26 | - | in the investigation due to WCSD's refusal to provide him with his requested a |
| 27 | | ecommodation due to his disability. |
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| 1 | 35. | On June 28, 2023, Mead attended a meeting with Sean Hall, Principal, and E. |
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| 2 | Hirschman, s | upervisor, where he was informed that he would be suspended for 5 days without |
| 3 | pay and prov | ided with a "Notice of Intent to Suspend." |
| 4 | 36. | The "Notice of Intent to Suspend" stated the reason for Mead's suspension was |
| 5 | forwarding a | "confidential" email. |
| 6 | 37. | Additionally, Mead received a Letter of Admonition which again stated that he |
| 7 | forwarded a ' | "confidential" email and it also stated that during the Investigative Disciplinary |
| 8 9 | Proceeding h | e repeated identical prepared statements. |
| 9 10 | 38. | The correspondence regarding Mead's discipline was sent to three additional |
| 11 | employees al | ong with the School Principal. |
| 12 | 39. | Upon receiving the correspondence, Mead requested a Level 2 hearing and on August 10, |
| 13 | 2023 at 1:00 p | m. Mead's appeal was heard by Lauren Ford (hearing officer), Kevin Pick (General |
| 14 | Counsel), Ant | hony Spotts (Labor Relations). |
| 15 | 40. | It became clear by the nature of the Level 2 hearing that Mead was being retaliated |
| 16 | against by disc | closing the Brave Space Training Manuals and links to his attorneys. |
| 17 | 41. | It also became clear that there was an orchestrated effort by members of WCSD to |
| 18 19 | discipline and | embarrass Mead for disclosing said materials and defame him and besmirch his character. |
| 20 | 42. | Mead was placed on suspension without pay which has been spread over 5 |
| 21 | months at the | e cost of over \$2,500 to his family as well as losing 5 days credit towards his |
| 22 | retirement be | enefits. |
| 23 | 43. | The retaliatory letters in his employment file will prevent him from advancing or |
| 24 | changing job | s within WCSD and also prevent him from being given a positive reference from |
| 25 | WCSD. | |
| 26 | | |
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| 1 | 44. The status and admonishment letters also contain false and defamatory statements |
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| 2 | which have an effect on Mead seeking employment or advancement in even another school |
| 3 | district. |
| 4 | 45. Mead was and remains in a state of depression from June 8, 2023 because he is |
| 5 | forced to work in a district that has lied about him in letters within his personnel file but will not |
| 6 | allow him to seek employment outside of the district due to having to provide a reference which |
| 7 | is defamatory. |
| 8 9 | 46. AR 5161 deprives individuals, specifically Mead, of their first amendment rights |
| 10 | to freedom of religion and free speech by forcing individuals within WCSD to accept and not |
| 11 | speak out about their personal beliefs regarding transgender or gender non-conforming students. |
| 12 | 47. AR 5161, approved by the Washoe County School Board, is deliberately |
| 13 | indifferent to the fact that adherence to this policy may directly violate individuals' first |
| 14 | amendment rights to freedom of religion and free speech. |
| 15 16 | 48. It is clear that the retaliatory actions taken against Mead are a direct result of his |
| 16 17 | personal religious beliefs and his refusal to adhere to a narrative presented by Defendants that |
| 18 | violates his First Amendment right to free speech. |
| 19 | 49. On September 28, 2023, Mead filed a Complaint of religious discrimination |
| 20 | against WCSD with the Nevada Labor Relations Board ("NLRB"). |
| 21 | 50. Through the Memorandum of Understanding between the NLRB and Equal |
| 22 | Employment Opportunity Commission, Mead received his right-to-sue letter on February 29, |
| 23 | 2024. |
| 24 | /// |
| 25 26 | /// |
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| FIRST CAUSE OF ACTION |
|---------------------------------------------|
| (Declaratory Relief Under 42 U.S.C. § 1983) |

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51. Plaintiff repeats and re-alleges all prior paragraphs of this Complaint and incorporates them herein by reference as though fully set forth herein.

5 52. Pursuant to 42 U.S.C. § 1983, Plaintiff is entitled to a Declaration from the Court 6 that Defendants violated Plaintiff's constitutional right to equal protection under the laws and 7 deprived him of his constitutional right to procedural due process; that Defendants acted with 8 conscious disregard and malicious intent, under color of state law, when they failed to protect 9 Plaintiff, failed to prohibit the discriminatory conduct, failed to provide a safe and respectful 10 employment environment free from discrimination and retaliation; and that Defendants 11 demonstrated deliberate indifference to Plaintiff through customs and/or policies and/or practices 12 13 and usage so pervasive and widespread as to constitute the force of law. 14

53. Defendants denied Plaintiff of his right to equal protection under the law,
retaliated against him for his religious beliefs and his first amendment rights to express himself,
all violations of which are actionable under 42 U.S.C. § 1983.

18 54. Defendants acted with conscious disregard and malicious intent towards Plaintiff
19 when they carried out these acts and were deliberately indifferent to the plight of Plaintiff,
20 violations of which are actionable under 42 U.S.C. § 1983.

55. Defendants deprived Plaintiff of his right to procedural due process and
subsequent procedural safeguards, violations of which are actionable under 42 U.S.C. § 1983.
56. Defendants' act and omissions were the direct and proximate cause of harm to

26 Plaintiff, in violation of his rights and actionable under 42 U.S.C. § 1983.

| 1 | 57. | Plaintiff has been required to incur legal-fees and costs in the prosecution of his |
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| 2 | claim for Dec | claratory Relief, of which he is entitled to recover pursuant to 42 U.S.C. § 1988. |
| 3 | | SECOND CAUSE OF ACTION |
| 4 | | (Violation of the First Amendment- Free Exercise) |
| 5 | 58. | Plaintiff repeats and re-alleges all prior paragraphs of this Complaint and |
| 6 | incorporates | them herein by reference as though fully set forth herein. |
| 7 | 59. | Under the Free Exercise Clause, a law is not generally applicable when it "fail[s] |
| 8 | to prohibit no | onreligious conduct that endangers" the government's interest "in a similar or |
| 9 10 | greater degre | e" than the prohibited religious conduct. Church of the Lukumi Babalu Aye, Inc. v. |
| 11 | City of Hiale | ah, 508 U.S. 520, 542 (1993). |
| 12 | 60. | Plaintiff's sincerely held religious beliefs teach that the Bible is the inspired word |
| 13 | of God and th | he sole authority for faith and practice. |
| 14 | 61. | Plaintiff's sincerely held religious beliefs teach that the Lord creates each human |
| 15 | being as a ma | ale or female before birth, and identifies genders which are assigned to the sex |
| 16 | accordingly. | |
| 17 18 | 62. | Plaintiffs sincerely held religious beliefs teach that gender is not independent to a |
| 19 | person's biol | ogical sex. |
| 20 | 63. | Defendants' decision to take adverse employment action against Plaintiff because |
| 21 | of his religion | us beliefs violate his First Amendment Right to Free Exercise. |
| 22 | 64. | Pursuant to 42 U.S.C §1983, Plaintiff brings this claim against Defendants for |
| 23 | acting under | color of state law to deprive him of rights secured by the U.S. Constitution. |
| 24 25 | 65. | The First Amendment likewise guarantees Plaintiff the right to freely exercise his |
| 25 26 | religion, with | nout worrying that his religion will preclude him from engaging in his profession of |
| 20 27 | teaching. | |
| 20 | | 11 |
| | | |

| 1 | 66. | The First Amendment guarantees that Plaintiff will not be retaliated against, due |
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| 2 | to his religiou | us beliefs by his employer. |
| 3 | 67. | Defendants' retaliation against Plaintiff because of his religious beliefs violates |
| 4 | that First Am | endment, free exercise clause because of such expression. |
| 5 | 68. | Plaintiff's actions did not elicit a suspension, and as a direct and proximate result |
| 6 | of the malicio | ous and intentional conduct by Defendants, whose acts were directed and ratified by |
| 7 | Defendants c | ollectively, Plaintiff suffered damages, the exact amount which will be proven at |
| 8 9 | trial. | |
| 9 10 | 69. | The intentional conduct of Defendants was so despicable, oppressive, malicious, |
| 11 | and engaged | in with such conscious disregard for Plaintiff's rights and economic benefit that |
| 12 | | ages are warranted. |
| 13 | 70. | That it has become necessary for Plaintiff to retain the services of legal counsel |
| 14 | | intiffs is entitled to recover such costs and expenses from Defendants. |
| 15 | | - |
| 16 | | <u>THIRD CAUSE OF ACTION</u> (Violation of First Amendment- Free Speech) |
| 17 | 71. | (<i>Retaliation</i>) Plaintiff repeats and re-alleges all prior paragraphs of this Complaint and |
| 18 | incorporates | them by reference as though fully set forth herein. |
| 19 20 | 72. | That it has become necessary for Plaintiff to retain the services of legal counsel |
| 20 21 | for which Pla | aintiff is entitled to recover such costs and expenses from Defendants. |
| 21 | 73. | "[A]s a general matter the First Amendment prohibits government officials from |
| 23 | | individual to retaliatory actions" for engaging in protected speech. <i>Hartman v</i> . |
| 24 | | U.S. 250, 256 (2006). |
| 25 | 74. | A First Amendment retaliation claim brought under 42 U.S.C. § 1983 requires the |
| 26 | | |
| 27 | | now that (1) he engaged in protected speech under <i>Pickering/Garcetti</i> , (2) the |
| 20 | government's | s retaliatory conduct adversely affected that speech, and (3) the speech was at least a 12 |
| | | |

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| 1 | "substantial or motivating factor in the adverse employment action." See also Givhan v. Western |
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| 2 | Line Consolidated School District, 439 U.S. 410 (1979). |
| 3 | 75. Defendants' decision to take adverse employment action against Plaintiff because |
| 4 | of his religious beliefs violate his First Amendment right to Free Speech. |
| 5 | 76. Defendants, acting under color of state law, retaliated against Mead, and violated |
| 6 | his First Amendment rights by prosecuting an investigation against him, fabricating evidence |
| 7 | used against him, issuing the Letter reprimanding him and suspending him, due to his protected |
| 8 9 | speech regarding the Brave Space Program. |
| 10 | 77. Defendants violated Mead's First Amendment rights by undertaking actions |
| 11 | designed to deter him from ever expressing a viewpoint different from that of Defendants, on the |
| 12 | threat of additional investigations, proceedings, and even termination. |
| 13 | 78. There is no state interest, compelling or otherwise, justifying Defendants' |
| 14 | retaliatory actions against Mead. |
| 15 | 79. Defendants' prosecution, punishment, and suspension, have deprived and are |
| 16 17 | depriving Mead of his First Amendment rights to free speech and association, as secured against |
| 18 | state infringement by the Fourteenth Amendment to the United States Constitution and 42 U.S.C. |
| 19 | § 1983. |
| 20 | 80. Defendants were aware of and informed of Mead's constitutional rights to express |
| 21 | opinions different from their own, and therefore were motivated by evil motive or intent, or acted |
| 22 | with reckless or callous indifference to Meade's constitutional rights, when they violated, |
| 23 | misrepresented, and interfered with his constitutional rights. |
| 24 25 | 81. Meade has suffered irreparable harm, damage, and injury inherent in the violation |
| 23 26 | of First and Fourteenth Amendment rights, for which there is no adequate remedy at law. |
| 27 | |
| 20 | 13 |
| | 15 |

| 1 | 82. If not enjoined by this Court, Defendants and/or their agents will continue to |
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| 2 | affect the aforementioned deprivations and abridgments of Plaintiff's constitutional rights, |
| 3 | thereby causing further irreparable harm, damage, and injury for which there is no adequate |
| 4 | remedy at law. |
| 5 | 83. As a direct result of Defendants' concerted actions, Mead has suffered monetary |
| 6 | damages and other harm. |
| 7 | EQUIDITLE CAUSE OF ACTION |
| 8 | <u>FOURTH CAUSE OF ACTION</u> (Violation of First Amendment- Free Speech) (Compelled Speech) |
| 9 | |
| 10 | 84. Plaintiff repeats and re-alleges all prior paragraphs of this Complaint and |
| 11 | incorporate them by reference as though fully set forth herein. |
| 12 | 85. The Supreme Court of the United States has declared, with regard to the First |
| 13 | Amendment prohibition on compelling speech that, "[i]f there is any fixed star in our |
| 14 | constitutional constellation, it is that no official, high or petty, can prescribe what shall be |
| 15 | orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess |
| 16 17 | by work or act their faith therein." W. Va. State Bd. of Educ. v. Barnette, 319 U.S. 624, 642 |
| 17 | (1943). |
| 19 | 86. Accordingly, "when government directly regulates speech by mandating that |
| 20 | persons explicitly agree with government policy on a particular matter, it plainly violates the |
| 21 | First Amendment." 303 Creative LLC v. Elenis, 385 F. Supp. 3d 1147 (D. Colo. 2019), aff'd, 6 |
| 22 | F.4th 1160 (10th Cir. 2021) |
| 23 | 87. The First Amendment protects Mead from being forced to support or otherwise |
| 24 | 67. The First Amendment protects wead from being forced to support of otherwise |
| 25 | agree with Defendants' policies and actions as a condition of employment. |
| 26 | |
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88. Defendants, acting under color of state law, forced Meade to take part in the 1 Brave Space Training and voice or otherwise pledge his support for their gender identity 2 3 opinions. 4 **89**. Defendants also sought to force Meade to voice or otherwise pledge his support of 5 keeping the curriculum secret from parents' knowledge, by prosecuting an investigation against 6 him, fabricating evidence used against him, suspending him, all because he expressed an opinion 7 and viewpoint different from Defendants' own. 8 90. There is no state interest, compelling or otherwise, justifying Defendants' 9 requirement that individuals, not disclose gender identity curriculum to the public and 10 11 specifically to parents who send their children to school at the WCSD. 12 91. Defendants, by forcing Mead to refrain from any speech that they disagree with, 13 deprived and are depriving Mead of his First Amendment rights to free speech and association, 14 as secured against state infringement by the Fourteenth Amendment to the United States 15 Constitution and 42 U.S.C. § 1983. 16 92. Defendants, by prescribing the speech and views they deem acceptable for Mead 17 to express, upon risk of employment consequences in the future, deprived and are depriving Mr. 18 19 Mead of his First Amendment rights to free speech and association, as secured against state 20 infringement by the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 21 1983. 22 93. Defendants were aware of and informed of Mead's constitutional rights to 23 express opinions different from their own, and therefore were motivated by evil motive or intent, 24 or acted with reckless or callous indifference to Mead's constitutional rights, when they violated, 25 misrepresented, and interfered with his constitutional rights. 26 27 10 15

| 1 | 94. | As a result of the senseless retaliation against him, Mead has suffered irreparable | | |
|----------|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|--|--|
| 1 | harm, damage, and injury inherent in the violation of First and Fourteenth Amendment rights, for | | | |
| 2 3 | | | | |
| | which there is no adequate remedy at law. | | | |
| 4 | 95. If not enjoined by this Court, Defendants and/or their agents will continue to | | | |
| 5 | affect the afor | rementioned deprivations and abridgments of Plaintiff's constitutional rights, | | |
| 6 7 | thereby causi | ng further irreparable harm, damage, and injury for which there is no adequate | | |
| 7 8 | remedy at law | ν. | | |
| o 9 | 96. | As a direct result of Defendants' concerted actions, Mead has suffered monetary | | |
| 10 | damages and | other harm. | | |
| 11 | | FIFTH CAUSE OF ACTION | | |
| 12 | | (Violation of 14 TH Amend. – Equal Protection) | | |
| 13 | 97. | Plaintiff repeats and re-alleges all prior paragraphs of this Complaint and | | |
| 14 | incorporates t | hem by reference as though fully set forth herein. | | |
| 15 | 98. | Whereas the Equal Protection Clause of the Fourteenth Amendment affords | | |
| 16 | Plaintiff the right to equal protection of the laws, Defendants denied Plaintiff the right when | | | |
| 17 | they, under color of state law, carried out customs and/or policies and/or practices and deliberate | | | |
| 18 19 | indifference, and tolerance for discrimination, on the basis of Plaintiff's sex and/or race. | | | |
| 19 20 | 99. | Defendants, acting under the color of the law, failed to protect Plaintiff and rather | | |
| 21 | condoned, tolerated, and carried out the prohibited conduct. | | | |
| 22 | 100. | Defendants' actions were unlawful, unnecessary and unjustified. | | |
| 23 | 101. | At all times relevant herein, Defendants exercised substantial control over the | | |
| 24 | staff, and adn | ninistrators who acted in a professional capacity when they condoned, ratified, and | | |
| 25 | carried out the prohibited conduct against Plaintiff, and retaliated in all known contexts, | | | |
| 26 | including in their failure to perform their duties. | | | |
| 27 | | - | | |
| 20 | | 16 | | |

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| 1 | 102. | Defendants' offending customs and/or policies and/or practices and usage arise | |
|----------|----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|--|
| 2 | from an expre | ess policy made through the decisions of Defendants' personnel with final policy- | |
| 3 | making autho | prity, violations of which are actionable under 42 U.S.C. § 1983. | |
| 4 | 103. | Defendants did not exercise due and reasonable care in the performance of their | |
| 5 | duties and un | dermined and detracted from Mead's instruction and educational experience of and | |
| 6 | students of W | CSD, creating an offensive and discriminatory environment that became hostile | |
| 7 8 | and dangerou | s, violations of which are actionable under 42 U.S.C. § 1983. | |
| 9 | 104. | Defendants condoned, ratified, and carried out the prohibited conduct retaliated | |
| 10 | against Defer | adant and denied Mead from participation in his employment, violations of which | |
| 11 | are actionable | e under 42 U.S.C. § 1983. | |
| 12 | 105. | Defendants' acts and expressions were so objectionably offensive that they | |
| 13 | created an environment where Plaintiff was subject to hostility and retaliated against harming his | | |
| 14 | employment and future employment. | | |
| 15 16 | 106. | Defendants acts and omissions proximately and directly caused harm to Plaintiff, | |
| 10 | violating his | Constitutional, Federal, and States' rights, where such damage was foreseeable. | |
| 18 | 107. | Plaintiff is entitled to recover from Defendants for all damages directly and/or | |
| 19 | proximately r | resulting from the violation of his Constitutional right to equal protection under the | |
| 20 | law. | | |
| 21 | 108. | Plaintiff suffered injuries in his emotional and psychological harm, humiliation, | |
| 22 | degradation, | damaged relationships, and general emotional distress, where Plaintiff claims both | |
| 23 24 | past and future damages, in an amount in excess of \$75,000. | | |
| 24 25 | 109. | Because Defendants' actions, and possibly other employees, agents, and/or | |
| 26 | representative | es of the WCSD, were motivated by evil motive or intent and/or involve[d] a | |
| 27 | | | |
| 20 | | 17 | |
| | | 17 | |

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| 1 | reckless or callous indifference to the federally protected rights of Mead, an award of punitive | | |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| 2 | damages is appropriate to the fullest extent permitted by law. | | |
| 3 | 110. Pursuant to 42 U.S.C. § 1988, Plaintiff is entitled to recover against Defendants | | |
| 4 | for all reasonable attorneys' and expert fees expended in prosecuting this action. | | |
| 5 | SIXTH CAUSE OF ACTION | | |
| 6 7 | (Violation of 5th and 14TH Amend. – Procedural Due Process) 111. Plaintiff repeats and re-alleges all prior paragraphs of this Complaint and | | |
| 8 | incorporates them by reference as though fully set forth herein. | | |
| 9 | 112. Whereas the Due Process Clause of the Fourteenth Amendment affords Plaintiff | | |
| 10 | the right to procedural due process, and here, Defendants denied Plaintiff his right when they, | | |
| 11 | under color of state law, refused to provide a reasonable accommodation for Plaintiff during the | | |
| 12 13 | investigatory process, and deprived Plaintiff of his subsequent procedural safeguards, violations | | |
| 13 | of which are actionable under 42 U.S.C. § 1983. | | |
| 15 | 113. At all relevant times herein, Defendants exercised substantial control over the | | |
| 16 | administrators acting in their professional capacity while denying Mead his religious rights, | | |
| 17 | suspending him thereafter, for refusing to keep confidential the Gender Discordant Curriculum, | | |
| 18 | violations of which are actionable under 42 U.S.C. § 1983. | | |
| 19 20 | 114. Defendants' offending customs and/or policies and/or practices and usage arise | | |
| 20 21 | from an express policy made through the decisions of Defendants' personnel with final policy- | | |
| 22 | making authority, violations of which are actionable under 42 U.S.C. § 1983. | | |
| 23 | 115. Defendants did not exercise due and reasonable care in the performance of their | | |
| 24 | duties and undermined and detracted from Mead's employment, which became hostile and | | |
| 25 | unconstitutional, violations of which are actionable under 42 U.S.C. § 1983. | | |
| 26 | | | |
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| 1 | 116. | Defendants condoned, ratified, and carried out the prohibited conduct, and | | | |
|----------|---------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|--|--|--|
| 2 | excluded and denied Mead from employment by suspending him, lying about the circumstances | | | | |
| 3 | of his discipline and more, violations of which are actionable under 42 U.S.C. § 1983. | | | | |
| 4 | 117. Defendants' acts and expressions were carried out with such malicious intent that | | | | |
| 5 | they created a | n environment where Mead's professional and financial future was in danger and | | | |
| 6 | in fact was harmed. | | | | |
| 7 | 118. | Defendants' acts and omissions proximately and directly caused harm to Plaintiff, | | | |
| 8 9 | violating his (| Constitutional, Federal, and States' rights, where such violation was foreseeable. | | | |
| 9 10 | 119. | Plaintiff is entitled to recover from Defendants for all damages directly and/or | | | |
| 10 | proximately r | esulting from the violation of his Constitutional rights to procedural due process. | | | |
| 12 | 120. | Plaintiff suffered injuries in his humiliation, degradation, professional reputation, | | | |
| 13 | | motional distress, where Plaintiff claims both past and future damages, in an | | | |
| 14 | amount in excess of \$75,000. | | | | |
| 15 | | | | | |
| 16 | 121. | Pursuant to 42 U.S.C. § 1988, Plaintiff is entitled to recover against Defendants | | | |
| 17 | for all reasonable attorneys' and expert fees expended in prosecuting this action. | | | | |
| 18 | <u>SEVENTH CAUSE OF ACTION</u> (Claim for Damages for Violation OF Title VII) | | | | |
| 19 20 | 122. | Plaintiff repeats and re-alleges all prior paragraphs of this Complaint and | | | |
| 20 21 | incorporates t | hem by reference as though fully set forth herein. | | | |
| 21 | 123. | That the actions of the WCSD as set forth above constitute discrimination on the | | | |
| 23 | basis of religi | ous belief and/or retaliation in violation of Title VII of the Civil Rights Act of | | | |
| 24 | 1964, as amended, 42 U.S.C. § 2000e. | | | | |
| 25 | 124. | WCSD's decision to suspend Mead without merit or cause, is demonstrative that | | | |
| 26 | | | | | |
| 27 | it was based on religious discrimination and constitutes a disparate treatment under Title VII of | | | | |
| 20 | the Civil right | ts Act of 1964. 19 | | | |
| | | 17 | | | |

| 1 | 125. | Specifically, Defendants' conduct constitutes discrimination on the basis of | | |
|----------|------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|--|--|
| 2 | religion under 42 U.S.C. §2000e-2(a). | | | |
| 3 | 126. That as a direct and proximate result of WCSD's actions and/or conduct in | | | |
| 4 | violation of Title VII of the Civil Rights Act as set forth above, Mead is entitled to a declaration | | | |
| 5 | of discrimination and retaliation, compensatory damages for his pain, suffering, humiliation | | | |
| 6 | and/or embarrassment, attorney's fees and/or any other legal or other equitable relief available | | | |
| 7 | under Title V | II of the Civil Rights Act. | | |
| 8 9 | 127. | Plaintiff is entitled to an injunction reinstating him and removing any adverse | | |
| 10 | employment i | record from his file under 42 U.S.C §2000e-5(g). | | |
| 11 | 128. | Plaintiff's protected religious expression and free speech was a motivating factor | | |
| 12 | behind WCSI | D's decision to take adverse employment action against Plaintiff. | | |
| 13 | 129. | Specifically, Defendants' conduct violates 42 U.S.C §2000e-2(m). | | |
| 14 | 130. | WCSD retaliated against Plaintiff as prohibited by Title VII of the Civil rights Act | | |
| 15 | | they took adverse employment action against him on the basis of his opposition to | | |
| 16 | | | | |
| 17 | a district curriculum: that is, discriminated against him based on his religious beliefs. | | | |
| 18 | 131. | Specifically, the District's conduct violates 42 U.S.C §2000e-3(a). | | |
| 19 20 | | EIGHTH CAUSE OF ACTION (Negligent Hiring, Retention, and Supervision Against WCSD) | | |
| | 132. | Plaintiffs repeats and re-alleges all prior paragraphs of this Complaint and | | |
| 21 | incorporate them by reference as though fully set forth herein. | | | |
| 22 | 133. | Defendants owed several duties to Plaintiff, including, but not limited to, the | | |
| 23 24 | following: | | | |
| 24 | А. | The duty to ensure a non-hostile work environment | | |
| 26 | B. | The duty to provide responsible teachers, coaches, staff, and administration. | | |
| 27 | C. | The duty to act reasonably under the circumstances. | | |
| 20 | | 20 | | |
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| 1 | D. | The duty to take action to control the wrongful acts of its employees and | | | | |
| 2 | associates when it had reason to anticipate such acts. | | | | | |
| 3 | 134. WCSD breached its duties owed to Plaintiff. | | | | | |
| 4 | 135. | 135. WCSD breached its duties in that it failed to appropriately hire, train, and | | | | |
| 5 | supervise a superintendent, teachers, administration, and failed to ensure a work environment | | | | | |
| 6 | that was not hostile, that protected religious views and that ensured the free expression of | | | | | |
| 7 | faculty. | | | | | |
| 8 9 | 136. | As a direct and proximate result of these breaches, Plaintiff has suffered damages | | | | |
| 10 | in an exact ar | nount to be proven at trial. | | | | |
| 11 | 137. | The failures of WCSD to hire, train, and maintain a proper teaching staff and | | | | |
| 12 | administration was intentional and so despicable, oppressive, malicious, and engaged in with | | | | | |
| 13 | such conscious disregard for Mead's rights and safety that punitive damages are warranted. | | | | | |
| 14 | 138. That it has been necessary for Plaintiff to retain the services of legal counsel for | | | | | |
| 15 16 | which Plaintiff is entitled to recover such costs and expenses from Defendants. | | | | | |
| 17 | <u>NINTH CAUSE OF ACTION</u> (42 U.S.C. §1983 – Monell Liability) | | | | | |
| 18 | 139. | (<i>Ratification</i>) Plaintiff repeats and realleges all prior paragraphs of this Complaint and incorporates the | | | | |
| 19 | same by refere | | | | | |
| 20 | 140. | A ratification theory may be established in two ways: 1) based on a "pattern" of | | | | |
| 21 | | | | | | |
| 22 | ratification that constitutes a practice or custom, or (2) based on a single act by an official with policy making authority. | | | | | |
| 23 | 141. | Upon information and belief WCSD ratifies all constitutional violations of their | | | | |
| 24 | | • | | | | |
| 25 26 | Superintendents and faculty within the School District and has engaged and continues to engage in a | | | | | |
| 26 27 | pattern of said | rauncation. | | | | |
| 27 | | | | | | |
| | | 21 | | | | |
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| 1 | 142. | Policymakers for WCSD, have vigorously defended the School District superintendent | | |
|----------|-------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|--|--|
| 2 | for engaging in wrongful policy that is unconstitutional and retaliatory and discriminatory acts. | | | |
| 3 | 143. Upon information and belief, policy makers at the WCSD have a custom and practice of | | | |
| 4 | failing and/or refusing to discipline superintendents involved in systematically and unlawfully retaliating | | | |
| 5 | against teacher | rs, students and the like. | | |
| 6 | 144. Upon information and belief, policy makers at the WCSD have a custom and practice of | | | |
| 7 | improperly and systematically justifying violations of teachers and students' rights that are in fact | | | |
| 8 | unjustifiable. | | | |
| 9 | 145. | Upon information and belief, policy makers at the WCSD have failed to thoroughly | | |
| 10 | investigate ma | ny of its superintendents' violations trickling down to administrators and faculties and have | | |
| 11 | a custom and p | practice of failing to take remedial steps after such violations. | | |
| 12 | 146. | Upon information and belief, WCSD have ratified, condoned, approved, and encouraged | | |
| 13 | the use retaliatory acts by its superintendent and others in administration. | | | |
| 14 | 147. | WCSD was deliberately indifferent to the rights of Mead to be free from retaliation for | | |
| 15 | engaging in constitutionally protected acts. WCSD engaged in the deliberate indifference and misconduct | | | |
| 16 17 | of its employees. | | | |
| 17 | 148. | As a direct result of WCSD' longstanding customs and practice of deliberate indifference | | |
| 10 | to Mead's constitutional rights, and rights of others so situated, it was deliberately indifferent to a | | | |
| 20 | substantial risk of serious harm, embarrassment and humiliation of Mead. | | | |
| 21 | 149. | The unlawful and illegal conduct of Defendant WCSD, its policies, procedures, customs, | | |
| 22 | and practices, | deprived Mead of the rights, privileges and immunities secured to him by the Constitution | | |
| 23 | of the United States and federal statutory law. | | | |
| 24 | 150. | Municipal liability can attach under Monell v. Department of Social Services, 436 | | |
| 25 | | 78), for even a single decision made by a final policymaker in certain circumstances, | | |
| 26 | | | | |
| 27 | regardless of whether or not the action is taken once or repeatedly. <i>See Pembaur v. City of</i> | | | |
| 20 | Cincinnati, 475 U.S. 469, 481, 106 S. Ct. 1292, 89 L. Ed. 2d 452 (1986). 22 | | | |
| | | | | |

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| 1 | 151. | If an authorized policymaker approves a subordinate's decision and the basis for | |
|----------|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|--|
| 2 | it, such ratification would be chargeable to the municipality under Monell. See City of St. Louis v | | |
| 3 | Praprotnik, 485 U.S. 112, 127 (1988). | | |
| 4 | 152. | The Washoe County School Board voted to approve a policy, AR 5161, which | |
| 5 | deprives WCSD staff, students and parents of their first amendment and fourteenth amendment | | |
| 6 | rights. | | |
| 7 8 | 153. | Defendant Dr. Kristen McNeil, has had a custom, pattern, practice, and/or | |
| 8 9 | procedure of | discriminating against teachers who object to progressive curriculums, such as AR | |
| 10 | 5161, individuals such as Mead herein. | | |
| 11 | 154. | When these Defendants commit acts of discrimination WCSD would ratify their | |
| 12 | unconstitution | nal acts and assist in same. | |
| 13 | 155. | As evidence of the above-stated custom, pattern, practice, and/or procedure, | |
| 14 | WCSD knew | that individual advisors discriminated against Mead and ratified such action. | |
| 15 | 156. | Consistent with and as a result of WCSD's customs, patterns, practices, and/or | |
| 16 17 | procedures, th | nese administrators unjustifiably and unlawfully allowed, ratified and collaborated | |
| 17 | with Defendants to discriminate against Plaintiff and engage in such conduct against Plaintiff. | | |
| 19 | 157. | As a direct and proximate result of the WCSD's customs, patterns, practices, | |
| 20 | | lures, as stated herein above, the Plaintiff's rights guaranteed to him by the United | |
| 21 | States Constitution, were violated. | | |
| 22 | 158. | As a direct and proximate result of the Defendants' unreasonable and unlawful | |
| 23 | | - | |
| 24 | actions, Plaintiff has suffered and continues to suffer substantial past and future damages, both | | |
| 25 | | and general, including, but not limited to, medical bills, severe emotional distress, | |
| 26 27 | mental anguis | sh, embarrassment, humiliation, disfigurement, and physical pain and suffering. | |
| 27 | | | |
| | | 23 | |

| 1 | 159. Pursuant to Monell v. Department of Social Services of New York, 436 U.S. 658 | | |
|----------|------------------------------------------------------------------------------------------------------------------------|--|--|
| 2 | (1978), Washoe County School District, through its policymaker, Defendant Kristen McNeil | | |
| 3 | (and possibly other policymakers whose identities are not yet known) is liable for the harms and | | |
| 4 | losses sustained by Mead herein. | | |
| 5 | 160. As a direct, proximate and foreseeable result, Plaintiff suffered damages in an amount | | |
| 6 | according to proof at the time of trial. | | |
| 7 | 161. Accordingly, Defendants and each of them are liable to Plaintiff for compensatory | | |
| 8 9 | damages, punitive damages, and attorney's fees and costs. | | |
| 9 10 | TENTH CAUSE OF ACTION | | |
| 11 | (<i>Punitive Damages</i>) 162. Plaintiff repeats and re-alleges all prior paragraphs of this Complaint and | | |
| 12 | incorporates them by reference as though fully set forth herein. | | |
| 13 | 163. That the acts of WCSD were intentional, wanton, malicious, willful, and | | |
| 14 | oppressive and done for the sole purpose of embarrassing, ridiculing, humiliating, hurting, and | | |
| 15 16 | injuring Mead, such that Mead is entitled to punitive damages in an amount triple compensatory, | | |
| 10 | incidental and consequential damages. | | |
| 18 | mendentar and consequentiar damages. | | |
| 19 | Wherefore, Plaintiffs pray for judgement against Defendants as follows: | | |
| 20 | 1. Plaintiff seeks a Declaration from the Court that Defendants have violated | | |
| 21 | Plaintiffs' constitutional right to equal protection and procedural due process; | | |
| 22 | 2. Plaintiff seeks a Declaration from the Court that Defendants have violated | | |
| 23 | | | |
| 24 25 | Plaintiff's constitutional right to the First Amendment; | | |
| 25 26 | 3. For special damages, both past and future, in an amount in excess of \$75,000.00 | | |
| 20 27 | against Defendants. | | |
| 20 | | | |
| | 24 | | |
| | | | |

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| 1 | 4. | For general damages, both past and t | future, in an amount in excess of \$75,000.00 |
| 2 | against Defer | ndants. | |
| 3 | 5. | For compensatory damages directly | and proximately caused by the acts/omissions |
| 4 | of Defendant | | |
| 5 | | | |
| 6 | 6. | For punitive damages in the amount | to be requested at trial. |
| 7 | 7. | For reasonable attorney and expert for | ees and costs pursuant to 42 U.S.C. § 1988, |
| 8 | 20 U.S.C. § 1 | 1681, and 29 U.S.C. § 794a. | |
| 9 | | | |
| 10 | 8. | For such other and further relief as the | his court deems proper. |
| 11 | DATED this 6th day of March 2024. | | |
| 12 | | | |
| 13 | | | CHATTAH LAW GROUP |
| 14 | | | <u>/s/ Sigal Chattah</u> SIGAL CHATTAH, ESQ. |
| 15 16 | | | Nevada Bar No.: 8264 5875 S. Rainbow Blvd. #204 |
| 16 17 | | | Las Vegas, Nevada 89118 |
| 17 | | | Attorneys for Plaintiff |
| 10 | | | JOEY GILBERT LAW |
| 20 | | | /s/ Joseph S. Gilbert |
| 21 | | | JOSEPH S. GILBERT, ESQ. Nevada State Bar No.: 9033 |
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| 23 | | | |
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