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12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 MELISSA MARTINEZ REDDICK
15 as Guardian of JOHN DOE, a minor,
on his behalf,

16 Plaintiffs,

17 vs.

18 CARSON CITY SCHOOL
DISTRICT, a political subdivision of
19 the State of Nevada, TAMMY
20 BORREMANS, individually, AMY
ROBINSON, individually, ANDREW
21 FEULING, individually, DOE
22 individuals I-V, ROE Corporations 1-
10.

23 Defendants.

Case No.:

COMPLAINT

JURY DEMAND

24
25 COME NOW, Plaintiffs, by and through their attorneys of record, SIGAL CHATTAH,
26 ESQ., of CHATTAH LAW GROUP and JOSEPH S. GILBERT, ESQ., of JOEY GILBERT
27 LAW, and hereby alleges and complain against Defendants as follows:
28

INTRODUCTION

1
2 This civil rights action under 42 USC §1983 seeks compensatory and punitive damages
3 from Defendants for violating various rights under the United States Constitution and state law in
4 connection with the unlawful seizure through corporal punishment and in violation of Plaintiff,
5 John Doe’s constitutional rights.
6

7 This Complaint alleges that a teacher employed by Carson City School District violated
8 Doe’s Fourth and Fourteenth Amendment Constitutional rights to be free from unlawful seizures.

9 The evidence will establish that the staff/faculty were trained to act in precisely the
10 manner they acted and, thus, were trained to do precisely the wrong thing. If the staff had been
11 properly trained in the fundamental principles of seizure, this incident would not have happened.
12 In short, the teachers’ actions were contrary to proper faculty practices. Carson City School
13 District’s faculty practices were diametrically opposed to proper school district procedures, out
14 of sync with the rest of the education profession, and plainly unconstitutional.
15

16 Carson City School District engaged in deliberate and wrongful conduct and
17 compromised students’ safety by violating Doe’s constitutional rights.

JURISDICTION AND VENUE

18
19 **1.** This court has Federal subject matter jurisdiction under 42 U.S.C. § 1983.
20

21 **2.** Venue is proper under 28 U.S.C. § 1391 in the District of Nevada, Washoe
22 County, because this claim arose in Carson City, Nevada.

23 **3.** Every act and omissions alleged herein was done by Defendants and carried out
24 under the color and pretense of state and federal laws, statutes, ordinances, regulations, or
25 customs.
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1 **4.** This Court has supplemental jurisdiction over Plaintiffs’ State law claims
2 pursuant to 28 U.S.C. § 1367(a) because they are part of the same case and controversy
3 described by Plaintiffs’ Federal claims.

4 **5.** All of the acts or failures to act herein were duly performed by and attributable to
5 all Defendants, each acting as agent, employee, or under the direction and/or control of the
6 others. Said acts or failures to act were within the scope of said agency and/or employment and
7 each of the Defendants and ratified the acts and omissions by the other Defendants. Whenever
8 and wherever reference is made in this Complaint to any acts by Defendants, such allegations
9 and references shall also be deemed to mean the acts of each of the Defendants acting
10 individually, jointly or severally.

11 **6.** The true names and capacities, whether individual, corporate, associate, or
12 otherwise, of Defendants DOES I through XX, and ROE CORPORATIONS I through XX,
13 inclusive, are unknown to Plaintiffs who therefore sues said Defendants by such fictitious names.
14 Plaintiff is informed and believes and thereon alleges that each of the Defendants designated
15 herein as a DOE or ROE CORPORATION is responsible in some manner for the events and
16 happenings herein referred to and damages caused proximately thereby to Plaintiff as herein
17 alleged; that Plaintiff will ask leave of this Court to amend this Complaint to insert the true
18 names and capacities of said Defendants DOES I through XX and/or ROE CORPORATIONS I
19 through XX, when same have been ascertained by Plaintiff together with appropriate charging
20 allegations, and to join such Defendants in this action.

21 ///

22 ///

23 ///

PARTIES

1
2 **7.** Plaintiff MELISSA MARTINEZ REDDICK (hereinafter “Reddick”) is currently
3 and at all times relevant herein, residents of the Carson City, State of Nevada, who brings this
4 action on behalf of her minor child, John Doe.
5

6 **8.** Plaintiff MELISSA MARTINEZ REDDICK is the mother and legal guardian of
7 *John Doe*, a minor child (hereinafter “Minor”; “Minor Plaintiff”; “Doe” *inter alia*). Minor
8 Plaintiff at all times complained of herein, was and is a minor child enrolled in and attending
9 Carson Middle School.
10

11 **9.** Defendant Carson City School District (hereinafter “CCSD”) is a political
12 subdivision of the state of Nevada, having and exercising full control, power, and oversight over
13 the operations and activities at its schools, over its programs and its administrators, teachers, and
14 other staff members, whose purpose is to administer the state system of public education, is
15 located in Carson City, and State receiving Federal funding, and is classified as a state
16 educational agency.
17

18 **10.** Defendant, TAMMY BORREMANS (hereinafter “Borremans”), was at all times
19 relevant herein a teacher at Carson Middle School, employed by Carson City School District.
20 Borremans was personally involved in the acts that deprived Doe of his particular rights and to
21 be free from deliberate indifference, causing his damages. Borremans at all relevant times hereto,
22 was acting under color of state law, and is sued in her individual capacity.
23

24 **11.** Defendant, AMY ROBINSON (hereinafter “Robinson”), was at all times relevant
25 herein the Principal of Carson Middle School, employed by Carson City School District.
26 Robinson was personally involved in the acts that deprived Doe of his particular rights and to be
27

1 free from deliberate indifference, causing his damages. Robinson at all relevant times hereto, was
2 acting under color of state law, and is sued in her individual capacity.

3
4 **12.** Defendant, ANDREW FEULING, (hereinafter “Feuling”) is the Superintendent
5 of Carson City School District. Feuling was personally involved in the acts that deprived Doe of
6 his particular rights and to be free from deliberate indifference and caused his damages. Feuling
7 at all relevant times hereto, was acting under color of state law, and is sued in his individual
8 capacity.

9
10 **13.** Each of the Defendants caused, and is responsible for, the unlawful conduct
11 directed towards Doe. Each of the Defendants by participating in the unlawful conduct, or acting
12 jointly and in concert with others who did, authorized, acquiesced, condoned, and approved the
13 unconstitutional conduct by failing to take action to prevent said unconstitutional conduct which
14 resulted in humiliation and destruction of Doe’s life and academic career.

15
16 **PRELIMINARY STATEMENT**

17 **14.** Government officials do not enjoy qualified immunity from civil damages if their
18 conduct violates "clearly established constitutional or statutory rights of which a reasonable
19 person would have known." *Harlow v. Fitzgerald*, 457 U.S. 800, 818, 102 S.Ct. 2727, 73
20 L.Ed.2d 396 (1982).

21
22 **15.** Excess force by a school official against a student violates the student's
23 constitutional rights." *P.B. v. Koch*, 96 F.3d 1298, 1302-03 (9th Cir.1996).

24
25 **16.** Students have a liberty interest in freedom from unreasonable restraint and
26 mistreatment. *Ingraham v. Wright*, 430 U.S. 651, 673, 97 S.Ct. 1401, 51 L.Ed.2d 711 (1977).

1 **17.** Corporal punishment instituted on a student is a violation of the Fourth
2 Amendment.

3
4 **18.** Defendants violated Minor Plaintiff's rights when they, under color of state law,
5 carried out customs and/or policies and/or practices and usage of deliberate indifference and
6 tolerance for verbal abuse and corporal punishment, failed to protect Minor Plaintiff and prohibit
7 the abusive conduct.

8
9 **19.** Defendants were negligent and acted with deliberate indifference, when they,
10 under color of state law, condoned, ratified, and carried out the prohibited conduct, and failed to
11 protect Minor Plaintiff, where Minor Plaintiff was harmed.

12 **20.** Title 34 of the Nevada Revised Statutes mandates Defendants one or more duties:
13 (i) create a board of trustees with the rights and powers necessary to control local public
14 education, (ii) to act as stewards and guardians of the laws, values, and procedures for each
15 district, where each shall show civility and respect to their students, as an act of expression and
16 appropriate and professional behavior, (iii) to license, hire, train, evaluate, oversee, supervise,
17 discipline, and restrict or revoke as necessary their teachers, staff, and administrative personnel,
18 (iv) to provide a safe and respectful learning environment for all students, (v) to prohibit
19 bullying, harassment, and discrimination of every kind, (vi) to identify and report acts of
20 prohibited conduct, (vii) to provide each child with quality instruction not negatively impacted
21 by poor attitudes or interactions among teachers, staff, and administration, (viii) to prohibit and
22 prevent the assault and battery of students, (ix) to act professionally and ethically when dealing
23 with each student, (x) to maintain appropriate boundaries of authority while fostering empathy
24 and support for and encouragement of each student, (xi) to provide counseling and other services
25 and resources to Minor Plaintiff, and (xii) to provide a staff that adheres at all times to the
26
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1 Nevada Model Code of Educator Ethics. *See generally*, NRS 385.005, 386.010, 388.132, 391,
2 391A, 388.132, 391.2055, 391.2056.

3 **21.** Defendants were negligent and acted with deliberate indifference, when they,
4 under color of state law, breached and failed in the performance of their duties.
5

6 **FACTUAL ALLEGATIONS**

7 **22.** At all times relevant to this Complaint, the acts and omissions giving rise to this
8 action occurred in Carson City, Nevada.
9

10 **23.** At all relevant times herein, Minor Plaintiff was 12 years of age attending Carson
11 Middle School.

12 **24.** On or about February 1, 2024, in the morning hours that Doe was at school, his
13 teacher, Defendant Borremans, slapped him on the back of the head.
14

15 **25.** This incident was preceded the week before by Defendant Borremans telling Doe
16 to “shut the hell up because he was fucking annoying”.
17

18 **26.** There were numerous complaints provided to Carson Middle School Principal
19 Robinson about Borremans’ actions in class but said complaints were ignored.
20

21 **27.** Doe’s incident was not the first series of incidents to occur with Borremans
22 against students at Carson Middle School, whereby Defendant Robinson was notified that
23 Borremans threatened another student that she would “kick their ass”.
24

25 **28.** Four other parents of students at Carson Middle School made formal Complaints
26 against Borremans with Robinson and Carson Middle School prior to February 1 ,2024.
27
28

1 **29.** That Defendants completely ignored multiple parents’ complaints against
2 Borremans’ actions, and instead placed students such as Plaintiff in danger.

3
4 **FIRST CLAIM FOR RELIEF**
5 **42 U.S.C. §1983**
6 **Failure to Train**
7 **(As Against Carson City School District)**

8 **30.** Plaintiff repeats and realleges all prior paragraphs of this Complaint and
9 incorporates the same by reference herein.

10 **31.** The Fourth Amendment to the United States Constitution protects “[t]he right of
11 the people to be secure in their persons, houses, papers, and effects, against unreasonable
12 searches and seizures.” *U.S. Const. amend. IV*; see also *Carpenter v. United States*, 138 S. Ct.
13 2206, 2214 (2018) (“[T]he Amendment seeks to secure ‘the privacies of life’ against ‘arbitrary
14 power.’” (quoting *Boyd v. United States*, 116 U.S. 616, 630 (1886))).

15 **32.** It is firmly established that searches or seizures “conducted outside the judicial
16 process, without prior approval by judge or magistrate, are per se unreasonable under the Fourth
17 Amendment—subject only to a few specifically established and well delineated exceptions.”
18 *United States v. Brown*, 996 F.3d 998, 1004 (9th Cir. 2021).

19 **33.** Corporal punishment claims arising from a public school context should “proceed
20 under the Fourth Amendment, in light of the Supreme Court’s direction to analyze § 1983 claims
21 under more specific constitutional provisions, when applicable, rather than generalized notions
22 of due process. *Doe ex rel. Doe v. Haw. Dept. of Educ.*, 334 F.3d 906, 907 (9th Cir. 2003)

23 **34.** Claims under the Fourth Amendment proceed under an “objective
24 reasonableness” standard. *Graham v. Connor*, 490 U.S. 386, 388 (1989). “[I]n the school
25 context, the reasonableness of the seizure must be considered in light of the educational
26 objectives” school officials were trying to achieve. *Doe*, 334 F.3d at 909.
27
28

1 **35.** The Fourth Amendment’s reasonableness standard is clearly more protective of
2 children’s rights.

3 **36.** Unreasonable physical violence against children should not be immune from
4 constitutional scrutiny simply because the abuse does not “shock the conscience.”
5

6 **37.** Defendants failed to train teachers not to engage in corporal punishment against
7 and/or verbally abuse students, whereby depriving Doe of the rights and liberties secured to him
8 by the Fourth and Fourteenth Amendments.

9 **38.** Carson City School District routinely deals with teachers and faculty members.

10 **39.** Carson City School District routinely deals with the state requirements as to
11 faculty and teachers and disciplinary matters.

12 **40.** Carson City School District understands the ramifications of engaging in unlawful
13 corporal punishment in violation of the Fourth Amendment.
14

15 **41.** Carson City School District routinely engages in disciplinary matters regarding
16 teachers and know the limitation of what is authorized and unauthorized disciplinary procedures
17 in schools.

18 **42.** Carson City School District understands that corporal punishment by teachers is
19 not a replacement for parental discipline.
20

21 **43.** Carson City School District is and at all times, has been on notice that they must
22 provide proper training to its teachers and faculty members in disciplining students.

23 **44.** Carson City School District is and at all times, has been on notice that it must not
24 engage in corporal punishment to discipline students.

25 **45.** Carson City School District is further aware of its need to supervise, train, and
26 discipline its teachers and faculty, concerning compliance with established academic policies,
27 practices and guidelines regarding disciplining students.
28

1 **46.** Carson City School District is and has been aware that its teachers have engaged
2 in numerous violations involving unconstitutional seizures, and corporal punishment, which
3 could have been reasonably avoided had its teachers employed nationally accepted academic
4 disciplinary tactics and techniques.

5 **47.** Yet despite this knowledge Carson City School District has done nothing to train
6 its faculty and teachers in such nationally accepted academic disciplinary tactics and techniques,
7 to discipline them for their failures, or to hold them accountable for their gross violations.

8 **48.** Carson City School District's custom and practice of turning the other way when
9 teachers violate individual rights, engage in unlawful corporal punishment and seizures, and its
10 refusal to discipline involved teachers/faculty and/or employ additional training, ensures the
11 likelihood of repeat situations and continuous violations of the rights of citizens and students
12 alike.

13 **49.** Carson City School District's failure to provide proper training represents a policy
14 for which Carson City School District is responsible and for which Carson City School District is
15 liable.

16 **50.** Carson City School District's inadequate training demonstrates deliberate
17 indifference on the part of Carson City School District, towards Doe, and others similarly
18 situated, with whom teachers will routinely come into contact.

19 **51.** In the course and scope of the verbal abuse and corporal punishment of Doe, all
20 Defendants, either failed to follow their training or were improperly trained in how to discipline
21 a student and ensuring that Doe's rights as a student remain protected.

22 **52.** Carson City School District's failure to train and supervise Defendants Robinson
23 and Borremans caused humiliation to Doe and was at all times the moving force in Doe's
24 humiliation and suffering.

1 teachers and faculty for engaging in verbal abuse and corporal punishment.

2 **63.** Upon information and belief, policy makers at the Carson City School District
3 have approved and defended its teachers and faculty in their conduct in engaging in verbal abuse
4 and corporal punishment.

5 **64.** Policy makers were placed on notice numerous times of Borremans' abusive
6 conduct against students and refused to take any remedial action thereon, thereby ratifying said
7 unconstitutional conduct.

8 **65.** Upon information and belief, policy makers at the Carson City School District
9 have a custom and practice of failing and/or refusing to discipline teachers/faculty involved in
10 systematically and unlawfully engaging in verbal abuse and corporal punishment of students.

11 **66.** Upon information and belief, policy makers at the Carson City School District
12 have a custom and practice of improperly and systematically justifying violations of
13 teacher/faculty discipline that are in fact unjustifiable.

14 **67.** Upon information and belief, policy makers at the Carson City School District
15 have failed to thoroughly investigate many of its teachers/faculty disciplinary violations and have
16 a custom and practice of failing to take remedial steps after such violations.

17 **68.** Upon information and belief, Carson City School District has ratified, condoned,
18 approved, and encouraged the use of verbal abuse and corporal punishment by its teachers
19 against students.

20 **69.** Carson City School District was deliberately indifferent to the rights of Doe to be
21 free from unlawful corporal punishment and verbal abuse in violation of Doe's Fourth
22 Amendment rights engaging in the deliberate indifference and misconduct of its employees.

23 **70.** As a direct result of Carson City School Districts' longstanding customs and
24 practice of deliberate indifference to Doe's constitutional rights, and rights of others so situated,
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1 If an authorized policymaker approves a subordinate's decision and the basis for it, such
2 ratification would be chargeable to the municipality under Monell. *See City of St. Louis v.*
3 *Praprotnik*, 485 U.S. 112, 127 (1988).

4 **87.** Defendant Feuling as the Superintendent and policymaker for the Carson City
5 School District, has a custom, pattern, practice, and/or procedure of hiring teachers and faculty
6 who he knows have committed acts of constitutional violations and/or have a propensity to do so.

7 **88.** When these teachers/faculty inevitably commit acts of violations while working
8 for the Carson City School District, Defendant Feuling would ratify their unconstitutional acts and
9 assist in covering up the teachers' bad actions by disciplining students, who fall victim to these
10 teachers/faculty.

11 **89.** In the instances cited above, no student or faculty member was in imminent
12 danger and no exigent circumstances existed to engage in such unconstitutional conduct.

13 **90.** Defendant Feuling had a duty to intervene when Defendants Robinson and
14 Borremans were violating Doe's constitutional rights, which resulted in verbal abuse and
15 corporal punishment and humiliation of Doe.

16 **91.** Defendant Feuling observed and/or had reason to know that violation of Doe's
17 rights against verbal abuse and corporal punishment were being inflicted without a legitimate
18 goal or justification.

19 **92.** Defendant Feuling had the opportunity and means to prevent the corporal
20 punishment and abuse and/or additional violations of Doe's constitutionally protected rights
21 from occurring.

22 **93.** Not only was Defendant Feuling deliberately indifferent to Defendant Robinson
23 and Borremans' unconstitutional violations, and subsequent actions, he encouraged and ratified
24 them.

1 **94.** “The concept of bystander liability is premised on a law officer's duty to uphold
2 the law and protect the public from illegal acts, regardless of who commits them.” *See Randall v.*
3 *Prince George's Cty., Md.*, 302 F.3d 188, 203 (4th Cir. 2002). “[A]n officer may be liable under
4 § 1983, on a theory of bystander liability, if he: (1) knows that a fellow officer is violating an
5 individual's constitutional rights; (2) has a reasonable opportunity to prevent the harm; and (3)
6 chooses not to act.” *Id.* at 204 (internal footnote omitted).
7

8 **95.** As a direct and proximate result of the Defendants’ unreasonable and unlawful
9 actions, Plaintiff has suffered and continues to suffer substantial past and future damages, both
10 compensatory and general, including, but not limited to, severe emotional distress, mental
11 anguish, embarrassment, humiliation.
12

13 **96.** Because the Defendants’ actions, and possibly other employees, agents, and/or
14 representatives of the Carson City School District, were “motivated by evil motive or intent” and/or
15 “involve[d] a reckless or callous indifference to the federally protected rights of [the Plaintiff],”
16 an award of punitive damages is appropriate to the fullest extent permitted by law.

17 **97.** As a direct and proximate result of the Carson City School District’s customs,
18 patterns, practices, and/or procedures, as stated herein above, the Plaintiff’s rights guaranteed to
19 him by the Fourth Amendment of the United States Constitution were violated.
20

21 **98.** As a direct and proximate result of the Defendants’ unreasonable and unlawful
22 actions, the Plaintiff has suffered and continues to suffer substantial past and future damages,
23 both compensatory and general, including, but not limited to, loss of income, severe emotional
24 distress, mental anguish, embarrassment and humiliation.

25 **99.** Pursuant to *Monell v. Department of Social Services of New York*, 436 U.S. 658
26 (1978), the Carson City and the Carson City School District, through its policy maker, Defendant
27
28

1 Feuling (and possibly other policymakers whose identities are not yet known), is liable for the
2 harms and losses sustained by Doe.

3 **FIFTH CLAIM FOR RELIEF**

4 **42 U.S.C. §1983 –**

5 **Violation of Procedural Due Process- 14th Amendment of the United States Constitution**
6 **(Against All Defendants)**

7 **100.** Plaintiffs incorporate herein by reference each and every allegation contained in
8 the preceding paragraphs of this Complaint as though fully set forth herein.

9 **101.** Under the Due Process Clause of the Fourteenth Amendment, no State shall
10 “deprive any person of life, liberty, or property, without due process of law.” The fundamental
11 liberties protected by this Clause include most of the rights enumerated in the Bill of Rights. *See*
12 *Duncan v. Louisiana*, 391 U.S. 145, 147-149 (1968).

13 **102.** The Due Process Clause, like its Fifth Amendment counterpart, "guarantees more
14 than fair process." *Washington v. Glucksberg*, 521 U. S. 702, 719 (1997). The Clause also
15 includes a substantive component that "provides heightened protection against government
16 interference with certain fundamental rights and liberty interests." *Id.*, at 720; see
17 also *Reno v. Flores*, 507 U. S. 292, 301-302 (1993).

18 **103.** Custody, care and nurture of the children reside first in the parents, whose
19 primary function and freedom include preparation for obligations the state can neither supply nor
20 hinder.

21 **104.** Defendants', which expressly deprive Plaintiffs of their rights and liberties by
22 requiring by instituting corporal punishment did not afford Plaintiffs with a constitutionally
23 adequate hearing.

24 **105.** Defendants failed to comply with the procedural and substantive requirements of
25 the United States Constitution in connection with Plaintiffs' rights and liberties as they relate to
26 their respective rights to attend school free of corporal punishment and verbal abuse.
27
28

1 compensatory and general, including, but not limited to, severe emotional distress, mental
2 anguish, embarrassment and humiliation.

3 **114.** The actions of Defendants against the Plaintiff were carried out with (a) actual
4 malice and/or (b) a conscious, reckless, and outrageous indifference to the health, safety, and
5 welfare of others, thereby justifying an award of punitive damages to the fullest extent permitted
6 by law.

7
8 **SEVENTH CLAIM FOR RELIEF**
9 **Assault**
10 **(Against All Defendants)**

11 **115.** Plaintiffs repeat and re-allege all prior paragraphs of this Complaint and
12 incorporate them herein by reference as though fully set forth herein.

13 **116.** Defendants, by and through Borremans, intentionally acted to make Doe
14 reasonably apprehend that he was in imminent danger of being unlawfully touched in a harmful
15 or offensive manner.

16 **117.** Doe did not consent to Defendants' conduct.

17 **118.** As a direct and proximate result of the malicious and intentional conduct by
18 Borremans, whose acts were directed and ratified by Defendants collectively, Doe suffered
19 damages, the exact amount which will be proven at trial.

20 **119.** The intentional conduct of Defendants was so despicable, oppressive, malicious,
21 and engaged in with such conscious disregard for Plaintiff's rights and safety that punitive
22 damages are warranted.

23 **120.** That it has become necessary for Plaintiffs to retain the services of legal counsel
24 for which Plaintiffs are entitled to recover such costs and expenses from Defendants.
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EIGHTH CLAIM FOR RELIEF

Battery

(Against All Defendants)

1
2
3 **121.** Plaintiffs repeat and re-allege all prior paragraphs of this Complaint and
4 incorporate them by reference as though fully set forth herein.
5

6 **122.** Defendants, by and through Borremans, unlawfully smacked Plaintiff, with intent
7 to harm him.
8

9 **123.** Minor Plaintiff did not consent to Defendants' conduct.

10 **124.** Minor Plaintiff did suffer injuries as a result of Defendants' attack.

11 **125.** As a direct and proximate result of the malicious and intentional conduct by
12 Borremans, whose acts were directed and ratified by Defendants collectively, Minor Plaintiff
13 suffered damages, the exact amount which will be proven at trial.
14

15 **126.** The intentional conduct of Defendants was so despicable, oppressive, malicious,
16 and engaged in with such conscious disregard for Minor Plaintiff's rights and safety that punitive
17 damages are warranted.
18

19 **127.** That it has been necessary for Plaintiffs to retain the services of legal counsel for
20 which Plaintiffs are entitled to recover such costs and expenses from Defendants.
21

NINTH CLAIM FOR RELIEF

Negligent Hiring

(Against All Defendants)

22
23 **128.** Plaintiffs repeat and re-allege all prior paragraphs of this Complaint and
24 incorporate them by reference as though fully set forth herein.
25

26 **129.** Defendants owed several duties to Minor Plaintiff including, but not limited to,
27 the following:
28

1 A. The duty to keep Minor Plaintiff safe from the negligent and/or criminal acts of its
2 employees or third parties.

3
4 B. The duty to provide responsible teachers.

5 C. The duty to act reasonably under the circumstances.

6
7 D. The duty to take action to control the wrongful acts of its employees and associates when
8 it had reason to anticipate such acts.

9 **130.** Defendants breached these duties of care owed to Plaintiff.

10
11 **131.** Defendants knew that Borremans was investigated for the harassment and abusive
12 behavior on at least four occasions before February 1, 2024, and still re-hired Borremans and
13 allowed her to work with children at the school, exposing students to her wrath and inappropriate
14 and abusive behavior.

15
16 **132.** Defendants failed to conduct a reasonable background check to ensure that
17 Borremans was fit for the position of teaching at the subject school.

18
19 **133.** Alternatively, if Defendants did a background check of Borremans and noted the
20 adverse indications against her and hired her anyway, Defendants clearly did so with a complete
21 disregard for student safety.

22
23 **134.** There were sufficient circumstances antecedently, which would've given
24 Defendants reason to believe that Borremans, by reason of attribute of character and/or prior
25 conduct, created an undue risk of harm to others in carrying out her employment responsibilities.

26
27 **135.** As a direct and proximate result of these breaches, Minor Plaintiff has suffered
28 damages in an exact amount to be proven at trial.

1 **136.** The failures of Defendants to hire a proper teaching staff was intentional and so
2 despicable, oppressive, malicious, and engaged in with such conscious disregard for Minor
3 Plaintiff's rights and safety that punitive damages are warranted.

4
5 **137.** That it has been necessary for Plaintiffs to retain the services of legal counsel for
6 which Plaintiffs are entitled to recover such costs and expenses from Defendants.

7
8 **TENTH CLAIM FOR RELIEF**
9 **Negligent Retention and Supervision**
10 **(Against All Defendants)**

11 **138.** Plaintiffs repeat and re-allege all prior paragraphs of this Complaint and
12 incorporate them by reference as though fully set forth herein.

13 **139.** Carson City School District had a duty to use reasonable care in the training and
14 supervision to make sure that Borremans was fit for her position, once they hired her despite
15 overwhelming evidence to dissuade Defendants from doing so.

16 **140.** Defendants knew that Borremans was investigated for the harassment and abusive
17 behavior on at least four occasions before February 1, 2024, and still failed to supervise her and
18 allowed her to work with children at the school, exposing students to her wrath and inappropriate
19 behavior.

20 **141.** Defendants knew that Borremans was investigated for the harassment and abusive
21 behavior on at least four occasions before February 1, 2024, and still retained Borremans with
22 the school district and allowed her to work with children at the school, exposing students to her
23 wrath and inappropriate behavior.

24 **142.** Defendants breached their duties owed to Plaintiff.

25 **143.** As a direct and proximate result of these breaches, Minor Plaintiff has suffered
26 damages in an exact amount to be proven at trial.
27
28

1 **Wherefore, Plaintiffs pray for judgement against Defendants as follows:**

2 1. Award Plaintiffs damages arising out of their § 1983 Claims under the Fourth and
3 Fourteenth Amendment to the U.S. Constitution.

4 2. For special damages, both past and future, in an amount in excess of \$75,000.00
5 against the Defendant.

6 3. For general damages, both past and future, in an amount in excess of \$75,000.00
7 against the Defendant.

8 4. For compensatory damages directly and proximately caused by the acts/omissions
9 of Defendants.

10 5. For punitive damages in the amount to be requested at trial.

11 6. For reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

12 7. For such other and further relief as this court deems proper.

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15
16 **DATED** this 22nd day of April, 2024

17
18 **CHATTAH LAW GROUP**

19 /s/ Sigal Chattah
20 SIGAL CHATTAH, ESQ.
21 Nevada Bar No.: 8264
22 5875 S. Rainbow Blvd., #205
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24 *Attorneys for Plaintiffs*

25 **JOEY GILBERT LAW**

26 /s/ Joseph S. Gilbert
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