

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JANE DOE B.A., a minor individual,)	
through her mother and next friend)	
MARY DOE R.J.)	
)	
Plaintiffs,)	
)	
v.)	Case No.
)	
USD 102, the Cimarron-Ensign)	
School District,)	
)	
and)	
)	
JARA WILSON, an individual.)	
)	
Defendants.)	

COMPLAINT

1. Plaintiffs bring this suit to seek compensation and redress for harms they suffered as the result of sexual harassment and retaliation, and the USD 102 administrators and employees' ratification and retaliation that followed, in violation of Title IX of the Education Amendments Act of 1972, as well as Kansas common law claims asserted under the Kansas Tort Claims Act, K.S.A. § 75-6103.

2. This court has jurisdiction over Plaintiffs' claims pursuant to 28 U.S.C. §1331 and §1367.

Parties

3. Plaintiff Jane Doe B.A ("Jane Doe") is currently and at all times relevant a female minor and was a student of Defendant USD 102.

4. Plaintiff Jane Doe B.A. brings this suit by and through her mother and next friend Mary Doe R.J.

5. Plaintiff and her Next Friend believe that the anonymity of the Plaintiffs is necessary to protect the identity of the minor Plaintiff and Plaintiffs are agreeable to disclosing the minor's identity subject to appropriate protective orders and/or as the Court may otherwise direct. Plaintiffs' anonymity in the pleadings filed in this matter will not prejudice Defendants in any way.

6. Defendant USD 102 ("District") is a Kansas school district known as the Cimarron-Ensign School District, which is located in Cimarron, Gray County, Kansas, a town of about 2,200 people. The District is considered a "municipality" under the Kansas Tort Claims Act, K. S.A. § 75-6102c, and it is a recipient of federal funds. Defendant USD 102 may be served at 314 N. First Street, Cimarron, Kansas 67835.

7. The District acts through its employees and agents, all of whom were acting within their scope of employment and/or agency during the events described herein.

8. Defendant Jara Wilson ("Wilson") is a Kansas resident and a District Principal. At all times relevant she was acting under color of law and within her scope of employment. She may be served at 400 N 5th St, Cimarron, KS 67835.

9. More than 120 days have passed since Plaintiff submitted KTCA claims to Defendant School District.

Background Allegations

10. Plaintiff Jane Doe B.A. possesses a right under Title IX to be able to have access to educational programs and facilities without experiencing gender

discrimination, harassment or retaliation.

11. Plaintiff Jane Doe B.A. possesses a property interest in her public education at the District.

12. During the 2016-2017 school year, Plaintiff Jane Doe B.A. was an 8th grade student at the School District's Junior/Senior High School ("School").

13. During the course of the school year, Plaintiff was subjected to unwelcome sexual harassment, including but not limited to the following particulars:

- a. Student H.R. touched Plaintiff's rear at least three times.
- b. Student H.R would sit down next to her and touch her leg in a sexual manner many times.
- c. Student H.R. stated to Plaintiff that he "f---d her mom in the Cimarron Crossing Hotel, Room 306, and she wears leopard print undies and Izek is my child."
- d. Student H.R. told Plaintiff he wanted to date her so we could "f-- whenever."
- e. Student H.R told Plaintiff "come on, f--- me" and that he'd give her a "cream pie."
- f. Student H.R called Plaintiff a "slut" when she did not want to be his girlfriend.
- g. Student H.R told Plaintiff that he would "fawap" her (hit her face with his penis).

h. Student H.R commented about other girls that he wanted to “smack that ass.”

i. Student H.R commented about another girl that she had “thick ass thighs.”

j. Student H.R stated to Plaintiff that he had to “look at M’s ass because you weren’t here yesterday.”

14. During the spring semester 2017, students at the School started false rumors that Jane Doe B.A. had “f---d a guy” and had sent nude pictures of herself.

15. On May 4, 2017, during class being held in the school library, Student H.R. accessed Google Drive to create a group chat, and engaged in cyber-bullying when he wrote that Jane Doe B.A. “is a hoe, who thinks everyone likes her, and who lies and then tries to cover it up.” When Plaintiff read these words, she began crying in class. After at least three other students, C.F., D.S. and C.G., saw the message, C.G. erased it.

16. Plaintiff reported H.R.’s harassment and bullying to the school counselor, Mrs. Neuschafer, as well as to two teachers, Ms. Johnson and Mrs. Unruh, that afternoon.

17. That same afternoon, when Plaintiff went into the auditorium to practice for the vocal performance, three male students, C.F., G.G. and G.C., called her “snitch” in loud voices when she walked by them.

18. Later that same afternoon, during track practice, three male students, H.R., C.G. and G.C., yelled “snitch” in loud voices when she was running the 4x4

relay.

19. After track practice, another student told Plaintiff that she could not “associate with people like you.”

20. When Plaintiff’s mother picked her up from school that day, she was crying uncontrollably. They immediately went to the Principal’s office to report the harassment and bullying.

21. On May 4, 2017, Mary Doe R.J. met with Principal Wilson and reported that her daughter had been subjected to sexual harassment and bullying for the past six months, and specifically requested the District administrators to stop the bullying and sexual harassment of her daughter. In response, Wilson advised Plaintiff to “lay-low” and “wait it out over the summer.”

22. On May 5, 2017, Mary Doe R.J. sent a letter to Principal Wilson which detailed the sexual harassment and bullying her daughter had been experiencing during her 8th grade year, and she copied each of the school board members.

23. After Plaintiff reported the sexual harassment and bullying, she was subjected to retaliation, including a death threat and making “snake signs” toward her.

24. After Plaintiff reported the sexual harassment and bullying, she was subjected to continuing retaliation and harassment, by isolating Plaintiff, not talking to her or her family, and intentionally not looking at them.

25. After Plaintiff and her mother complained to the Principal about student H.R., H.R. screamed out during the 4th hour of classes “One more day of

lunch detention and I am done with seeing that snitch for the rest of my life.”

26. Plaintiff was forced to leave the District and attend school in another school district in 2017-2018.

27. Even after Plaintiff left the District, she continued to be subjected to harassment and retaliation at school functions such as football games, track meets and basketball games from the same students that had bullied her at the Cimarron School.

28. Cimarron School students called Plaintiff a “whore” and a “slut” and tried to contact her friends at her new high school during the school days to spread false rumors about Plaintiff.

29. Student H.R. continued to harass, bully and intimidate Plaintiff by glaring at her, staring her down, and calling her a snake.

30. The harassment and bullying was so severe, that Plaintiff has suffered and continues to suffer severe emotional distress as well as physical manifestations of emotional distress.

31. The Code of Student Conduct for the School applies at all times while students are on or about school property or on property used for school-sponsored activities or events.

32. To maintain a safe environment, the Code of Conduct prohibits behaviors that are intended to cause another individual physical or mental harm and/or are illegal, specifically including sexual harassment of any kind.

33. The District has a mandatory policy prohibiting sexual harassment on

school premises or at school sponsored activities.

34. Sexual harassment is defined in the Student Handbook to include:

- a. Unwelcome sexually oriented communications;
- b. Subtle pressure or requests for sexual activity;
- c. Creating a hostile school environment, including the use of innuendoes or overt or implied threats; and
- d. Unnecessary touching or an individual, e.g. patting, pinching, hugging, repeated brushing against another person's body.

35. District Supervisors have a mandatory duty to investigate complaints of sexual harassment.

36. The District has a mandatory policy prohibiting retaliation against anyone who participates in an investigation.

37. The District has a mandatory policy prohibiting harassment or bullying, whether it takes place on or off school property, at any school sponsored function or in a school vehicle. The policy prohibits both active and passive support for acts of harassment or bullying.

38. The District requires its school administrators to develop and implement procedures that ensure both the appropriate consequences and remedial responses to a student who commits one or more acts of harassment or bullying. Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the behavior and protect the victim of the act.

39. The District requires the principal or the principal's designee to be

responsible for receiving complaints alleging violations of the Anti-Bullying policy,

40. The District requires the principal or the principal's designee to be responsible for determining whether an alleged act constitutes a violation of the policy and mandates that a prompt, thorough and complete investigation of each alleged incident be conducted within three days after a report is made.

41. The District has a mandatory policy prohibiting retaliation against anyone who reports an act of harassment or bullying.

42. The District requires school officials to disseminate the Anti-Bullying policy annually to students and parents.

43. District supervisory officials were aware that Plaintiff was subjected to harassment and bullying, and that a death threat had been made against Jane Doe B.A.

44. During the 2016-2017 school year, Jane Doe B.A. was a District student, in the custody of the District, and on the District property during normal District operating hours.

45. The District had actual knowledge that Jane Doe B.A. had been and was substantially certain to continue to be harassed and bullied on District property by District students.

46. Despite this actual knowledge, Defendants remained deliberately indifferent to the substantial likelihood of the harassment and bullying, failing to take any reasonable steps to protect Jane Doe B.A.

47. The District's administrators had the duty to interact with children,

manage challenging behaviors, implement classroom and individual behavior plans, and monitor and supervise children on the school environs, protect them and keep them from getting sexually harassed and bullied.

48. The District had actual knowledge that its employees would routinely interact with children, discipline and/or punish children, protect children, deter bullying and harassment, stop bullying and harassment, monitor and supervise, and resolve conflict.

49. The District, including employees with policy-making, superintendent authority, had actual knowledge that employees were not being trained to interact with children, discipline and/or punish children, protect children, deter bullying and harassment, or monitor and supervise and resolve conflict.

50. The District was deliberately indifferent to its lack of and/or ineffective policies, training and supervision of its employees regarding supervision and monitoring of children, addressing challenging behavior, or implementing individual student behavior or educational plans.

51. The District's employees and agents with supervisory authority had actual knowledge that Plaintiff faced a clear threat of retaliation on District property for engaging in activity protected by Title IX, namely, reporting sexual harassment.

52. District employees and board members, including the superintendent and the principal, with actual knowledge of an ongoing, active, hostile educational

environment charged with sexual harassment, placed the Defendant District on notice that there was a specific threat to sexually harass Plaintiff Jane Doe.

53. District employees and board members, including the superintendent and the principal, with the authority and knowledge sufficient to stop students from creating a hostile educational environment and sexually harassing female students deliberately, decided to take no action and instead, further acted directly to retaliate against Jane Doe.

54. District employees and board members, including the superintendent and the principal, with the authority and knowledge sufficient to stop students from creating a hostile educational environment and depriving Jane Doe of educational opportunities deliberately decided to take no action, and instead, endorsed the conduct and further acted to retaliate and intimidate Jane Doe.

55. The District had actual knowledge that students were harassing Jane Doe and then seeking to intimidate her and retaliate against her, and the District deliberately did nothing about it.

56. After Jane Doe and her mother made reports concerning the on-going sexual harassment, the District's employees deliberately retaliated against Jane Doe by taking no action to stop students from harassing and bullying her.

57. In the summer of 2017, Jane Doe had no choice but to withdraw from the District and transfer to a different high school.

58. Defendants' conduct was wanton and in reckless disregard for the rights and safety of Jane Doe.

59. Defendants' conduct exhibited deliberate indifference to Jane Doe's rights and wellbeing.

60. As a direct result of Defendants' conduct, Plaintiff Jane Doe suffered lost educational opportunities, medically significant emotional distress, pain and suffering, lost earning capacity and medical bills.

61. On October 2, 2017, Plaintiff Jane Doe caused to be sent a Notice of Claims pursuant to K.S.A. §12-105b(d), the Kansas Tort Claims Act, to the Defendant District, placing it on notice of causes of action Plaintiff may assert against it, including Invasion of Privacy, Negligent Supervision of Children, Negligent Supervision of Employees, Respondeat Superior/Vicarious Liability for Employee Conduct, Negligent Infliction of Emotional Distress and Intentional Infliction of Emotional Distress.

62. All of the Defendants' conduct was at least grossly negligent and therefore the Paul D. Coverdell Teacher Protection Act of 2001, 20 U.S.C § 6731 (2012) does not apply.

COUNT I: TITLE IX DISCRIMINATION- *Simpson*
Asserted Against Defendant District

63. Plaintiffs hereby adopt and incorporate the previous allegations as if fully reinstated herein.

64. In *Simpson v. University of Colorado, Boulder*, 500 F.3d 1170 (10th Cir. 2007), the Tenth Circuit stated that a school could be held liable under Title IX if it is a federal funding recipient and possesses an "official policy" of "deliberate indifference to providing adequate training or guidance that is obviously necessary

for implementation of a specific program or policy of the recipient” or if a school district “sanctioned, supported, even funded a program ... that, without proper control” would result in sexual harassment.

65. The District is a recipient of federal funds.

66. Defendant District possessed an official policy, as evinced by the conduct of policy-making officials of permitting students to make sexual comments about female students at school and to conduct themselves in sexually offensive ways, and failing to properly respond to complaints about this conduct.

67. In a related policy, Defendant District officially displayed deliberate indifference to training District employees in their duty to do everything in their power to stop sexual harassment from occurring and to avoid retaliating against a student who reports harassment.

68. These two policies made Plaintiff Jane Doe more vulnerable to the sexual harassment and retaliation that did in fact occur.

69. District employees and board members with authority to protect Jane Doe had actual knowledge that these policies were making Jane Doe more susceptible to harassment and retaliation.

70. Though unnecessary under *Simpson*, these same District employees and board members also had actual knowledge that students had sexually harassed female students previously and that they posed a serious, specific threat to Jane Doe following Jane Doe and Mary Doe’s reports of harassment.

71. Defendants' conduct was wanton and in reckless disregard for the rights and safety of Jane Doe.

72. Defendants' conduct exhibited deliberate indifference to Jane Doe's rights and wellbeing.

73. As a direct and proximate result of Defendants' conduct, Plaintiff Jane Doe suffered lost educational opportunities, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, missed educational opportunities and out-of-pocket costs, lost earning capacity, medical bills, and pain and suffering.

COUNT II: TITLE IX DISCRIMINATION- *Escue*
Asserted Against Defendant District

74. In *Escue v. N. Okla. Coll.*, 450 F.3d 1146 (10th Cir. 2006), the Tenth Circuit articulated three elements for a private cause of action under Title IX: first, the district remained deliberately indifferent to acts of harassment of which it has actual knowledge; second, the harassment was reported to an appropriate person with the authority to take corrective action; and third, the harassment deprived the victim of educational benefits or opportunities.

75. The District is a recipient of federal funding.

76. Plaintiff was subjected to unwelcome student-on-student sexual harassment that was offensive to her and to a reasonable person.

77. The District remained deliberately indifferent to the sexually charged hostile educational environment even after it had actual knowledge that students had sexually harassed Plaintiff Jane Doe.

78. Plaintiff reported the sexual harassment and bullying to the District principal and school board members – all of whom had the authority and means to take corrective action.

79. The ongoing sexual harassment of Plaintiff deprived her of educational opportunities, in that the actual, ongoing sexual commentary created a pervasive hostile educational environment for Plaintiff Jane Doe, who was not able to focus on normal educational opportunities

80. The District's deliberate indifference is evinced by the District's deliberate decision to allow students to continue to create a sexually hostile educational environment and to permit students to openly make sexual comments about female students at school, despite actual knowledge that they were doing so and actual knowledge that it had been reported as problematic.

81. The District's affirmative actions and inactions made Jane Doe more susceptible to sexual harassment and retaliation both before and after her report.

82. The District's conduct was in no way reasonably designed to help Jane Doe or stop the hostile educational environment.

83. Defendants' conduct was wanton and in reckless disregard for the rights and safety of Jane Doe.

84. Defendants' conduct exhibited deliberate indifference to Jane Doe's rights and wellbeing.

85. As a direct and proximate result of Defendants' conduct, Plaintiff Jane Doe suffered lost educational opportunities, emotional distress, physical

manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, missed educational opportunities and out-of-pocket costs, lost earning capacity, medical bills, and pain and suffering.

COUNT III: TITLE IX RETALIATION

85. Plaintiffs hereby incorporate the foregoing pleaded facts as if fully restated herein.

86. The Supreme Court recognized a cause of action for Title IX retaliation in *Jackson v. Birmingham Bd. of Ed.*, 544 US 167 (2005).

87. In the Tenth Circuit, the courts apply the Title VII framework to Title IX retaliation claims. *Gossett v. Okla. ex rel. Bd. Of Regents for Langston Univ.*, 245 F.3d 1172, 1176 (10th Cir. 2001).

88. The District is a recipient of federal funds.

86. Plaintiff engaged in protected activity when she and her mother reported Jane Doe being sexually harassed to Defendant Wilson, when she and her mother reported a second time to Defendant Wilson and the school board, and when she reported the threats of reprisal.

89. Plaintiff Jane Doe suffered a materially adverse action when she:

a. Suffered harassment and retaliation the same day she reported the threat of the retaliation to the District

b. Was denied access to educational opportunities in the form of participation in classes and extracurricular activities.

c. Missed school due to the anxiety, depression and stress caused by the District's conduct.

d. Was stalked by the students who harassed and retaliated against her.

e. Was subjected to intimidation, insults and a death threat.

f. Was forced to withdraw from the District.

g. Continued to be harassed and subjected to intimidation after she was forced to withdraw.

87. District employees and agents with authority, power and discretion to stop the clear and present threat of harassment and retaliation from happening, instead remained deliberately indifferent by taking no meaningful steps to protect Jane Doe.

88. Defendant District's inactions were completely inadequate, in that the District could have, but chose not to:

a. perform an investigation into the threatened reprisal and harassment.

b. instruct the students to not harass or retaliate against Jane Doe.

90. There is a causal connection between the protected activity and the materially adverse actions, as evinced by the following pleaded facts:

a. The same District administrators who received the protected reports engaged in activity aimed at frustrating the investigation into those reports, permitted students to continue making sexual comments about female students and to intimidate Plaintiff.

b. The retaliatory acts came immediately after the protected activity.

c. The retaliatory acts occurred as part of a clear chain of cause and effect stemming from the protected activity.

d. The retaliatory acts were in some cases designed to thwart the efficacy of Plaintiffs' protected activities.

91. The District's affirmative actions and inactions made Jane Doe more susceptible to sexual harassment and retaliation after Plaintiffs' reports.

92. The District's conduct was in no way reasonably designed to help Jane Doe or stop the hostile educational environment.

93. Defendants' conduct was wanton and in reckless disregard for the rights, safety and well-being of Jane Doe.

94. Defendants' conduct exhibited deliberate indifference to Jane Doe's rights and wellbeing.

95. As a direct and proximate result of Defendants' conduct, Plaintiff Jane Doe suffered lost educational opportunities, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, missed educational opportunities and out-of-pocket costs, lost earning capacity, medical bills, and pain and suffering.

COUNT IV: KTCA – NEGLIGENT SUPERVISION OF CHILDREN
Asserted Against Defendants District and Wilson

96. Plaintiffs hereby adopt and incorporate the previous allegations as if fully reinstated herein.

97. Defendants owed Plaintiff a duty to supervise the children under their supervision, in their custody, participating in their programs, and/or on their school property.

98. Defendants owed Plaintiff a duty to supervise students in their custody in such a way as to keep the children safe.

99. Defendant District, including its administrators and board members, had actual knowledge that male students were sexually harassing female students on District property and during District programs.

100. Defendant District had actual knowledge that Plaintiff Jane Doe was a specific target of sexual harassment.

101. Defendants breached their duty when they:

- a. failed to stop students from sexually harassing Plaintiff,
- b. failed to protect Plaintiff Jane Doe from the harm caused by students,
- c. failed to supervise the students in a manner that would stop harassment, bullying or retaliation,
- d. failed to investigate Plaintiff Jane Doe's report of harassment and bullying,
- e. failed to investigate Plaintiff Jane Doe's report of threatened reprisal,
- f. failed to stop or even try to deter students from harassing Plaintiff,
- g. failed to stop students from retaliating against Plaintiff.

102. Defendants' conduct was grossly negligent and/or committed with reckless indifference to the rights and safety of Plaintiff and other students.

103. As a result of Defendant School District's conduct Plaintiffs have suffered, and continue to suffer, great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, anger, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; were prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; have sustained loss of earnings and earning capacity; and/or have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiffs pray for an award of actual damages against Defendants in an amount in excess of \$75,000, for attorneys' fees together with interest and costs of suit, and for such and further legal and equitable relief as is deemed just and proper.

Respectfully submitted,

/s/ Sarah A. Brown

Sarah Brown, KS #12130

Dan Curry, KS #22750

BROWN & CURRY, LLC

406 W. 34th Street, Suite 810

Kansas City, MO 64111

(816) 756-5458, (816) 666-9596 (fax)

sarah@brownandcurry.com

dan@brownandcurry.com

ATTORNEYS FOR PLAINTIFF

DEMAND FOR JURY TRIAL

Plaintiffs request trial by jury as to all triable issues.

Respectfully submitted,

/s/ Sarah A. Brown

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Dan Curry, KS #22750

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ATTORNEYS FOR PLAINTIFF

DESIGNATION OF PLACE OF TRIAL

Plaintiffs designate Kansas City, Kansas, as the place of trial.

Respectfully submitted,

/s/ Sarah A. Brown

Sarah Brown, KS #12130

Dan Curry, KS #22750

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ATTORNEYS FOR PLAINTIFF

JS 44 (Rev. 08/18)

CIVIL COVER SHEET

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

I. (a) PLAINTIFFS

JANE DOE B.A., a minor individual, through her mother and next friend
MARY DOE R.J.

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
BROWN AND CURRY, LLC
Sarah Brown and Dan Curry
406 W. 34th Street, Suite 810, Kansas City, MO 64111

DEFENDANTS

USD 102, the Cimarron-Ensign School District, and JARA WILSON,
an individual

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

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

Attorneys (If Known)

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

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

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

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

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

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	FEDERAL TAX SUITS
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
			IMMIGRATION	<input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	

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

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Title IX of the Education Amendments of 1972, K.S.A. 75-6103 KTCA claims
Brief description of cause:
Sexual harassment / retaliation claims under Title IX

VII. REQUESTED IN COMPLAINT:

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

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE: 09/05/2018 SIGNATURE OF ATTORNEY OF RECORD: /s/ Sarah A. Brown

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.