

IN THE CIRCUIT COURT OF COLE COUNTY
NINETEENTH JUDICIAL CIRCUIT
STATE OF MISSOURI

DARYL MATHEIS,
as Guardian on behalf of B.M.,

Plaintiff,

vs.

Case No.

COLE R1 SCHOOL DISTRICT, and
1311 Park Street
Russellville, MO 65074

JURY TRIAL REQUESTED

LORI CLARK; and
1311 Park Street
Russellville, MO 65074

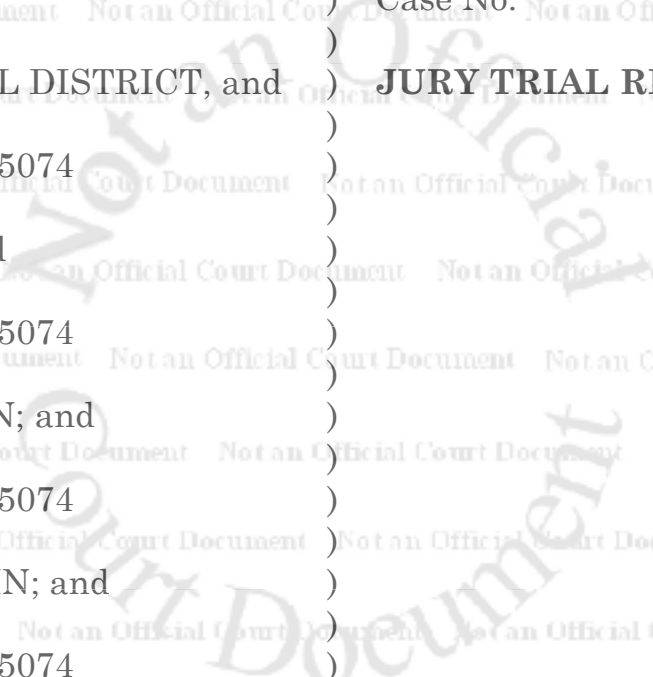
TINA KAUFFMAN; and
1311 Park Street
Russellville, MO 65074

JEFF JENNEWEIN; and
1311 Park Street
Russellville, MO 65074

CHRISTIE MURPHY; and
1311 Park Street
Russellville, MO 65074,

ALEX METCALF; and
1311 Park Street
Russellville, MO 65074,

GINGER GRELLNER; and
1311 Park Street
Russellville, MO 65074,



OLIVIA GILPIN; and)
 1311 Park Street)
 Russellville, MO 65074,)
)
 ELIZABETH THOMPSON; and)
 1311 Park Street)
 Russellville, MO 65074,)
)
 JESSICA KEERAN)
 1311 Park Street)
 Russellville, MO 65074,)
)
 Defendants.)

PETITION FOR DAMAGES AND INJUNCTIVE RELIEF

COMES NOW Plaintiff, Daryl Matheis¹ as guardian on behalf of B.M., by and through his undersigned attorneys, and files this Petition against Cole R1 School District (“the District”), Lori Clark, Tina Kauffman, Jeff Jennewein, Christie Murphy, Alex Metcalf, Ginger Grellner, Olivia Gilpin, Elizabeth Thompson, and Jessica Keeran. Defendants Clark, Kauffman, Jennewein, Murphy, Metcalf, Grellner, Gilpin, Thompson, and Keeran are named in their official and individual capacities. In support thereof, Plaintiff states and alleges the following:

¹ Matheis has been appointed legal guardian of B.M.

INTRODUCTION

1. B.M. is now a nine-year-old boy and former student at the District. B.M. attended school at the District until February 2025.

2. B.M. has a record of disability and suffers from disabilities including, but not limited to, Cerebral Palsy.

3. The District has regarded B.M. as a disabled student since his enrollment in the District.

4. B.M.'s disability substantially limits his major life activities including standing, sitting, walking, movement, writing and other fine motor skills, speaking and articulation, toileting, feeding himself, and learning, among others.

5. Due to his disability, B.M. requires various accommodations.

6. B.M. has been denied the accommodations, advantages, facilities, services, or privileges made available at the District and has been segregated or discriminated against because of his disability.

7. The District is well aware of B.M.'s disability and issued B.M. an Individualized Education Program ("IEP") so that he could meaningfully participate at the District.

8. B.M. uses a wheelchair and walker for mobility.

9. B.M.'s IEP provided for accommodations in toileting, for pick-up at the flagpole, and for assistance in feeding, among other accommodations due to B.M.'s limitations.

10. At times, Defendants failed to provide B.M.'s accommodations and treated B.M. in an abusive and derogatory manner.

11. Although the District's policies did not allow for restraining a student for purposes of discipline, B.M. was restrained at times by various District personnel as a disciplinary measure.

12. The District's policies require that a parent or guardian is to be notified the day a restraint is used on a student, and B.M.'s guardians were not notified per policy.

13. In addition, the District's policies require written notification within a set number of days to a parent or guardian with various required information for any time a restraint is used on a student; B.M.'s guardians did not receive the written notice required by policy.

14. In Spring of 2024, B.M. was restrained, again, resulting in damage to his AAC device—an electronic device used for communication.

15. In September of 2024, B.M. was in the process of potty training and required a special potty chair. The potty chair the school used was inadequate because it lacked a deflector and led to B.M. soiling himself on multiple occasions.

16. Defendants Murphy, Metcalf, and Grellner refused to help B.M. use the potty chair because he was male.

17. B.M.'s guardians complained on B.M.'s behalf about the discriminatory treatment that B.M. received from Defendants, and Defendants retaliated against B.M.

PARTIES, JURISDICTION, AND VENUE

18. At all times relevant hereto, B.M. is a resident of Missouri.

19. B.M. was a student in the District until February 2025 when he was forced to leave due to discrimination and retaliation.

20. B.M. is a minor male and has disabilities for which he sought, and was granted, services from the District.

21. The District is a place of public accommodations under the MHRA § 213.065, RSMo.

22. Defendant Christie Murphy was, at all relevant times, school nurse for the District, who was to help B.M. with toileting, among other things.

23. Defendant Lori Clark was, at all relevant times, Special Education Director for the District. Defendant Clark failed to obtain necessary equipment for B.M. and was aware of the discriminatory treatment B.M. faced.

24. Defendant Tina Kauffman was, at all relevant times, Principal of B.M.'s school in the District. Defendant Kauffman was aware of various

discriminatory acts and failed to take appropriate action to alleviate the discrimination.

25. Defendant Jeff Jennewein was, at all relevant times, Superintendent of the District. Defendant Jennewein was aware of various discriminatory acts and failed to take appropriate action to alleviate the discrimination.

26. Defendants Alex Metcalf and Ginger Grellner were, at all relevant times, paraprofessionals in the District.

27. Defendants Olivia Gilpin and Elizabeth Thompson were, at all relevant times, teachers in the District.

28. Defendant Jessica Keeran was, at all relevant times, a speech therapist in the District.

29. This Court has venue over this case because the unlawful actions described herein took place in Cole County.

30. On or about July 25, 2025, Plaintiff filed a Charge of Discrimination with the Missouri Commission on Human Rights naming defendants.

31. Plaintiff's charge was filed within 180 days of the discriminatory and retaliatory acts alleged herein.

32. On or about March 3, 2026, the Missouri Commission on Human Rights closed its investigation and issued Plaintiff a Notice of Right to Sue.

33. Plaintiff filed this Petition within 90 days of receiving his Notice of Right to Sue and within two years of the discriminatory conduct alleged herein.

34. Plaintiff has fully complied with all prerequisites under the MHRA.

35. This Court has subject matter jurisdiction over Plaintiff's claims pursuant to Article 5, section 14 of the Missouri Constitution.

FACTS COMMON TO ALL COUNTS

36. B.M. suffers from cerebral palsy, which is a neurological condition that affects movement, muscle tone, posture, and coordination. It impacts speech, walking, standing, communicating, and the ability to use the restroom, among other activities.

37. B.M. requires the use of facilitative equipment to maneuver, sit, and stand.

38. B.M. uses an electronic AAC device to communicate.

39. Rather than help Plaintiff use the school provided potty chair, which was not properly equipped for B.M., staff failed to provide necessary assistance with toileting to B.M. resulting in numerous occasions where he soiled himself, his clothes, and shoes.

40. On one such occasion, after soiling his clothes and shoes, staff made B.M. wear only socks on his feet—a tripping hazard when using his walker.

41. Staff made B.M. stand outside in frigid temperatures wearing only socks on his feet—which became wet from the snow and ice on the ground—while waiting for pickup after that school day.

42. On occasion, staff yelled at or yelled about B.M. in the hallway, much to B.M.'s dismay and to such a severe degree that other students told their parents about the yelling who then then forwarded that information to B.M.'s guardians. At no time did the District inform B.M.'s guardians about the episodes of yelling, chiding, and berating.

43. After B.M.'s guardian made a complaint to the Superintendent of the District about the conditions described above, the District retaliated against B.M. by changing the procedure for pickup.

44. B.M.'s guardian's complaint had a chilling effect on communication between staff and B.M.'s guardians because staff refused to communicate with them about events of the day, something that took place regularly prior to the complaint. The failure to communicate had a particularly detrimental effect on B.M. due to his communication limitations.

COUNT I—DISABILITY DISCRIMINATION IN VIOLATION OF THE
MISSOURI HUMAN RIGHTS ACT

(against all defendants)

45. Plaintiff incorporates by reference all paragraphs of this Petition as if fully set forth herein.

46. Plaintiff's disability, including his actual disability, being regarded as disabled, and the record of his disability, is a protected class under the Missouri Human Rights Act ("MHRA"), § 213.010 et seq. RSMo.

47. Defendants subjected B.M. to discrimination on the basis of his disability.

48. Such discrimination denied Minor Plaintiff of the accommodations, advantages, facilities, services, or privileges made available in a place of public accommodation, and/or discriminated against him in the use thereof on the grounds of their disability(s) in violation of § 213.065-213.070 RSMo.

49. Minor Plaintiff's disability(s) was a motivating factor in the discrimination.

50. Defendants both perpetuated the discrimination and knew or should have known of the harassment, retaliation, and failure to accommodate and failed to take prompt and effective remedial action regarding the discrimination and/or retaliation.

51. In addition, the actions of the agents of the Defendants subject the Defendants to vicarious liability.

52. These actions by the Defendants are an example of the Defendants' failure to properly provide a safe environment for its disabled students.

53. As a direct and proximate result of Defendants' actions, B.M. has suffered damages, including, but not limited to, emotional and mental distress, embarrassment, humiliation, and loss of enjoyment of life, all to his damage and detriment. Additionally, monetary damages have been and will be incurred in caring for Minor Plaintiff to ameliorate the effects of Defendants' actions.

54. Defendants' actions were outrageous because of Defendants' evil motive or reckless indifference to the rights of Minor Plaintiff.

WHEREFORE, Plaintiff requests that the Court grant him judgment against Defendants and award damages, punitive damages, costs and attorneys' fees, interest, injunctive relief, including but not limited to, an order to prevent further disability discrimination against B.M. which might allow him to return to school in the District, and the development of appropriate policies and procedures to help protect disabled students from discrimination in the District, and such other relief as this Court deems just and proper.

**COUNT II—SEX DISCRIMINATION IN VIOLATION OF THE
MISSOURI HUMAN RIGHTS ACT**

(against all Defendants)

55. Plaintiff incorporates by reference all paragraphs of this Petition as if fully set forth herein.

56. Plaintiff's sex is a protected characteristic under the MHRA § 213.010 et seq., RSMo.

57. Defendants subjected B.M. to discrimination on the basis of his sex.

58. Such discrimination denied Minor Plaintiff of the accommodations, advantages, facilities, services, or privileges made available in a place of public accommodation, and/or discriminated against him in the use thereof on the grounds of his sex in violation of §213.065-213.070 RSMo.

59. Minor Plaintiff's sex was a motivating factor in the discrimination.

60. Defendants both perpetuated the discrimination and knew or should have known of the harassment, retaliation, and failure to accommodate and failed to take prompt and effective remedial action.

61. In addition, the actions of the agents of the Defendants subject the Defendants to vicarious liability.

62. As a direct and proximate result of Defendants' actions, B.M. has suffered damages, including, but not limited to, emotional and mental distress,

embarrassment, humiliation, and loss of enjoyment of life, all to his damage and detriment. Additionally, monetary damages have been and will be incurred in caring for Minor Plaintiff to ameliorate the effects of Defendants' actions.

63. Defendants' actions were outrageous because of Defendants' evil motive or reckless indifference to the rights of Minor Plaintiff.

WHEREFORE, Plaintiff requests that the Court grant him judgment against Defendants and award damages, punitive damages, costs and attorneys' fees, interest, injunctive relief, including but not limited to, an order to prevent further sex discrimination against B.M. which might allow him to return to school in the District, and the development of appropriate policies and procedures to help protect students from discrimination in the District, and such other relief as this Court deems just and proper.

COUNT III—RETALIATION IN VIOLATION OF THE MISSOURI HUMAN RIGHTS ACT, 213.070

(against all Defendants)

64. Plaintiff incorporates by reference all paragraphs of this Petition as if fully set forth herein.

65. Plaintiff complained of discrimination to the District.

66. Plaintiff's complaints of discrimination are protected actions under MHRA, § 213.070, RSMo.

67. Defendant District is a political subdivision of this State and discriminated against Plaintiff on the basis of his disability and sex.

68. Defendants and their agents retaliated against Plaintiff for making a complaint of discrimination by, among other things, treating B.M. differently, refusing to provide relevant information to B.M.'s guardians, failing to ensure a safe educational location for B.M., and making him feel unwelcome at school.

69. Defendants also aided, abetted, incited, compelled, or coerced the commission of acts prohibited under Chapter 213 of the Missouri Revised Statutes as described herein.

70. Plaintiff's complaints of discrimination were a motivating factor in Defendants' retaliation toward Plaintiff in violation of the MHRA, § 213.070 RSMo.

71. Defendants both perpetuated the retaliation and knew or should have known of the retaliation and failed to take prompt and effective remedial action.

72. In addition, the actions of the agents of the Defendants subject the Defendants to vicarious liability.

73. As a direct and proximate result of Defendants' actions, Plaintiff has suffered damages, including, but not limited to, emotional and mental distress, embarrassment, humiliation, and loss of enjoyment of life, all to Plaintiff's damage and detriment. Additionally, monetary damages have been and will be incurred in caring for B.M. to ameliorate the effects of Defendants' actions.

74. Defendants' actions were outrageous because of Defendants' evil motive or reckless indifference to the rights of Plaintiff.

WHEREFORE, Plaintiff requests that the Court grant him judgment against Defendants and award damages, punitive damages, costs and attorneys' fees, interest, injunctive relief, including but not limited to, an order to prevent further retaliation against Plaintiff and the development of appropriate policies and procedures to help protect other parents and students from retaliation from Defendants, and such other relief as this Court deems just and proper.

COUNT IV – BATTERY

(against all defendants)

73. Plaintiff incorporates by reference all paragraphs of this Petition as if fully set forth herein.

74. Defendants Grellner, Metcalf, Gilpin, Thompson, and Keeran were subordinate employees and agents of Defendants District, Clark, Kauffman, Jennewein, and Murphy.

75. Defendants Grellner, Metcalf, Gilpin, Thompson, and Keeran attempted and succeeded in causing offensive and harmful contact with Minor B.M. Those employees intended to touch Minor B.M. when they physically restrained him.

76. School District policy expressly prohibits personnel from physically restraining students as a form of punishment.

77. The contact was unlawful, unjustified, and done without Minor B.M./guardian's consent.

78. This contact would be offensive to a reasonable person.

79. The District and the herein named defendants have ratified the acts of their subordinates by their failure to act.

80. As a direct and proximate result of Defendants' actions, Plaintiff has suffered damages, including, but not limited to, suffering emotional and mental distress, embarrassment, humiliation, and loss of enjoyment of life, all to Plaintiff's damage and detriment. Additionally, monetary damages have been incurred in caring for Minor B.M. to ameliorate the effects of Defendants' actions.

81. Defendants' actions were outrageous because of Defendants' evil motive or reckless indifference to the rights of Plaintiff, thereby entitling Plaintiff to an award of punitive damages in an amount that will punish Defendants and will deter defendants and others from like conduct.

WHEREFORE, Plaintiff requests that the Court grant him judgment against Defendants and award compensatory and punitive damages, costs and attorneys' fees, post-judgment interest, injunctive relief, and such other relief as this Court deems just and proper.

COUNT VI - ASSAULT

(against all defendants)

82. Plaintiff incorporates by reference all paragraphs of this Petition as if fully set forth herein.

83. Defendants attempted and succeeded in causing the immediate apprehension of physical contact by Minor B.M.

84. Defendants have ratified the acts of their subordinates by their failure to act.

85. As a direct and proximate result of Defendants' actions, Plaintiff have suffered damages, including, but not limited to, suffered emotional and mental distress, embarrassment, humiliation, and loss of enjoyment of life, all to plaintiff's damage and detriment. Additionally, monetary damages have

been incurred in caring for Minor B.M. to ameliorate the effects of Defendants' actions.

86. Defendants' conduct described herein was committed within the course and scope of their agency and employment with the District.

87. Defendants' actions were outrageous because of Defendants' evil motive or reckless indifference to the rights of Plaintiff, thereby entitling plaintiff to an award of punitive damages in an amount that will punish Defendants and will deter Defendants and others from like conduct.

WHEREFORE, Plaintiff requests that the Court grant him judgment against Defendants and award compensatory and punitive damages, costs and attorneys' fees, post-judgment interest, injunctive relief, and such other relief as this Court deems just and proper.

COUNT VI - FALSE IMPRISONMENT

(against all defendants)

88. Plaintiff incorporates by reference all paragraphs of this Petition as if fully set forth herein.

89. Defendants Grellner, Metcalf, Gilpin, Thompson, and Keeran detained Minor B.M. against his will when they restrained him.

90. Such detention of Minor B.M. by Defendants and their employees and agents was unlawful and without justification.

91. The herein named defendants have ratified the acts of their subordinates by their failure to act.

92. As a direct and proximate result of Defendants' actions, Minor B.M. has suffered damages, including, but not limited to, suffering emotional and mental distress, embarrassment, humiliation, and loss of enjoyment of life, all to their damage and detriment. Additionally, monetary damages have been and will be incurred in caring for Minor Plaintiff to ameliorate the effects of Defendants' actions.

93. Defendants' actions were outrageous because of Defendants' evil motive or reckless indifference to the rights of Minor B.M., thereby entitling him to an award of punitive damages in an amount that will punish Defendants and will deter Defendants and others from like conduct.

WHEREFORE, Plaintiff requests that the Court grant him judgment against Defendants and award compensatory and punitive damages, costs and attorneys' fees, post-judgment interest, injunctive relief, and such other relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demand a trial by jury on all claims asserted herein.

