

IN THE CIRCUIT COURT OF JASPER COUNTY, MISSOURI

JANE DOE O.A.

[REDACTED]

Case No. _____

Plaintiff,

Division _____

Jury Trial Demanded

CARL JUNCTION R-1
SCHOOL DISTRICT

Serve: David Pyle
Superintendent
206 S. Roney Street
Carl Junction, MO 64834

KYLE WILLIAMS
Serve at: 206 S. Roney Street
Carl Junction, MO 64834

NICOLE KELLER
Serve at: 206 S. Roney Street
Carl Junction, MO 64834

CRAIG SMITH
Serve at: 301 Sherri Lane
Carl Junction, MO 64834

Defendants.

PETITION FOR DAMAGES AND DEMAND FOR JURY TRIAL

COMES NOW Plaintiff Jane Doe O.A., by and through counsel, and for her causes of action against Defendants Carl Junction R-1 School District, Kyle Williams, Nicole Keller, and Craig Smith (collectively “Defendants”), states and alleges as follows:

1. Plaintiff Jane Doe O.A. (“Plaintiff”) is an individual at least eighteen (18) years of age and at all times material hereto a Missouri citizen residing in Carl Junction, Missouri.
2. Plaintiff believes that anonymity is necessary to protect the identity of Plaintiff as a victim of sexual harassment while a minor. Plaintiff is agreeable to disclose her identity subject

to appropriate protective orders and/or as the Court may otherwise direct. Plaintiff's anonymity in the pleadings filed in this matter will not prejudice Defendants in any way. Plaintiff believes Defendants are already aware of her identity.

3. Defendant Carl Junction R-1 School District ("District") is a public school district existing in and organized under the laws and regulations of the State of Missouri. The District is subject to service of process as indicated herein above.

4. The District is a place of public accommodations under §§ 213.010(15)(e) and 213.065 R.S.Mo.

5. At all times material hereto, the District was acting by and through its agents, servants, and/or employees, actual or ostensible, including, but not limited to Defendants Kyle Williams, Nicole Keller, and Craig Smith, each of whom were acting individually and within the course and scope of their employment with the District. The District is liable for their actions and/or inactions described herein under principles of vicarious liability and/or respondeat superior and under the laws of the State of Missouri.

6. Defendant Kyle Williams ("Williams") is an Assistant Superintendent of the Defendant District, and at times material hereto, served as the principal of Carl Junction High School, located at 206 S. Roney Street, Carl Junction, Missouri 64834. Defendant Williams was responsible for the education and safety of all students attending Carl Junction High School, including Plaintiff. At all times material hereto, Defendant Williams acted both individually and within the course and scope of his employment and/or agency as principal. Defendant District is liable for Defendant Williams' actions and/or inactions alleged herein under principles of vicarious liability and/or respondeat superior, and the laws of the State of Missouri. Defendant Williams is a citizen of the State of Missouri, and subject to service of process as indicated herein above.

7. Defendant Nicole Keller (“Keller”) at all times material hereto served as an Assistant Principal of Carl Junction High School, located at 806 Walnut Street, Carl Junction, Missouri 64834. Defendant Keller was responsible for the education and safety of all students attending Carl Junction High School, including Plaintiff. At all times material hereto, Defendant Keller acted both individually and within the course and scope of her employment and/or agency as an assistant principal. Defendant District is liable for Defendant Keller’s actions and/or inactions alleged herein under principles of vicarious liability and/or respondeat superior, and the laws of the State of Missouri. Defendant Keller is a citizen of the State of Missouri, and subject to service of process as indicated herein above.

8. Defendant Craig Smith (“Smith”) at all time material hereto served as a teacher employed by the Carl Junction R-1 School District. At all times material hereto, Defendant Smith acted both individually and within the course and scope of his employment and/or agency as a teacher. Defendant District is liable for Defendant Smith’s actions and/or inactions alleged herein under principles of vicarious liability and/or respondeat superior, and the laws of the State of Missouri. Defendant Smith is a citizen of the State of Missouri, and subject to service of process as indicated herein above.

9. This Court has personal jurisdiction over all the parties hereto and subject matter jurisdiction over the action because the unlawful practices alleged herein were committed in Carl Junction, Missouri, located in Jasper County, Missouri.

10. Venue is proper in this Court pursuant to §§ 508.010 and 213.111 R.S.Mo. because Plaintiff was first injured by the wrongful acts alleged herein in Jasper County, Missouri.

11. Plaintiff timely filed a charge of discrimination for sexual harassment with the Missouri Commission on Human Rights on or about January 23, 2025, alleging Plaintiff was subjected to sexual harassment on a continuing basis in violation of the MHRA.

12. The Missouri Commission on Human Rights issued a Notice of Right To Sue to Plaintiff on or about November 12, 2025.

13. At all times material hereto, Plaintiff was a female student attending Carl Junction R-1 School District schools.

14. At all times material hereto, Defendant Smith was a music choir teacher employed by the Carl Junction R-1 School District.

15. Defendant Smith's employment by the District provided Defendant Smith access and interaction with students through choir and musical instrument lessons.

16. Defendant Smith had contact with Plaintiff in elementary school choir and trumpet lessons while serving as a District employee.

17. When Plaintiff moved to the Junior High School to attend seventh grade in the District, Defendant Smith also transferred positions to teach choir in the Junior High School, where he served as the Plaintiff's choir teacher.

18. When Plaintiff moved to the High School for her freshman year in August 2021, Defendant Smith attempted to transfer positions to teach in the High School but ultimately continued to teach in the Junior High School.

19. Throughout Plaintiff's High School attendance in the District, Defendant Smith continued to communicate with Plaintiff through cards, letters, text messages, phone calls, and in-person communications. These communications were unwanted by Plaintiff and harassing to Plaintiff.

20. Defendant Smith exhibited a pattern of behavior by sending Plaintiff written cards, letters, texts, gifts, and photos, expressing affection and pursuing an intimate relationship that was unwanted by Plaintiff and prohibited by District policies.

21. Defendant Smith gave Plaintiff cards and letters that were harassing, unwanted, and prohibited by District policy, to wit:

- I hope when you get this you will enjoy it and love it and smile at it, because I always smile @ my food before I eat it! If you want to send me a pic of you and your treat bag, I would love it! Have fun cheering tonight, it's supposed to get cold and storm! Let me know how it goes!
- [Redacted] – I hope you always know I am here for you, if you ever need to talk about your grandpa, family, school, me, You, I am always here!
- Dear [Redacted] – Hello. I am sorry for things that I have said that have been hurtful to you. I, honestly, from the bottom of my heart, was not trying to do that. In your text, you said “Im a good person”. I do not feel like a “good person”. In fact, I feel miserable. I sometimes struggle with things. I try not to, but sometimes I do. I try to be a better person. I try to do my best for you. But, regardless of all of the great, fun, and interesting times we have shared, I feel that I still cannot do anything right. I have done the worst thing to you, I added so much stress to your life, that you seemingly, do not want to have anything to do with me. I genuinely was just trying to help and be there for you. However, I failed. I made you push me away. I know and understand why you are no longer reading or responding to my texts. I've really screwed this up, and there is not anything I wouldn't do to fix it. I am praying that God will heal your heart towards me, and I am praying that He will just “fix” me. I have been very concerned about your mom, and have prayed for her since I found out. Please consider forgiving me. I am trying to do better. I don't feel good about myself, because I have hurt you. *Would you please text or call me? I am truly sorry, [Redacted]
- Dear [Redacted] – Hello – as much as it pains me to write this, I feel as if I need to ... partly to remind me, but partly so you know that I know – I have sincerely loved and cared for you for a long time, not in an inappropriate way, but in the truest form of what I think loving & caring for another person is. For many day & nights, and throughout the years, I would anticipate seeing you the next day & having fun & awesome interaction I would try to think of what I could do to make your day the best day ever! Or at least better than it was. I honestly put You before myself each and every day, because I thought it was the right thing to do. The 1st time you quit talking to me was when you started dating the boy from Kansas, it hurt & I didn't understand what I had done. Then we started talking again, I was cautiously optimistic . . . and then we started talking more & more & more! We had planned on you coming over to eat cookout steaks & stuff, we had met for lunch, sot ice cream @ DQ, talked some on the phone,

and was just having fun! I loved every minute of it! It reminded me of how things used to be. Then all hell broke loose w/ your teacher, Daly & I lost my mind. Kids kept telling me this and asking me that. Mr. Williams was texting & calling me. With everything else that was going on in my life, I was on overload. I went into extreme protection mode, because I didn't want you to be hurt. I wasn't seeking out anything. I didn't want to know. I just wanted to protect you. Then it seems as if people were making you think I was lying to you, and you got mad @ me & told me "you genuinely didn't have to talk to me". I wanted to talk to you more because I knew you were over stressed – I was trying to tell you – I'M HERE FOR YOU, [REDACTED]! USE ME!! I guess I should've known then, what I know now. I kept telling myself to not let this happen again (you not talking to me) I try to make each day a new day & be optimistic, and think – "hey, [redacted] will talk to me again & all will be back to normal" – But I have come to the realization that "[redacted] is not going to talk to me & things will not be the same". For what its worth – I didn't cause or desire any of that drama w/ your teacher. I should've never got involved.... I was only trying to protect & care for you. From what I was told that Friday night, I was only trying to save you from being humiliated on Monday morning. However, I lament, look @ where we are at today – You hate me – Your mom 100% hates me – your grandma has blocked me (I was only asking about preaching @ her church & how grandpa [redacted] killed moles.) & most likely hates me, & [redacted] has blocked me & hates me too. I've been a real blessing & inspiration to you, right? NOT! Not at all. Ive been a complete fool, who has allowed Satan to corrupt my thoughts & actions. I've allowed Satan to manipulate my fears & the thought of losing your friendship take over. I've never been mad or upset w/ you. Obviously, I'm not very smart! As I keep trying to talk to people who want nothing to do w/ me. I'm sorry [redacted] – a billion time over, I'm sorry. See Matthew 18:21-22 I hurt each & every day.... I keep thinking it will stop, but it doesn't. Some days are ok, but most aren't. I know I've hurt you & I know I've ruined every thing we worked so hard for. I truly hold out hope each & every day that someday we will have faith in each other & trust each other enough to be close friends again. I – as in ME take full blame for all of this. I know I've sent you a TON of Bible verses. I hope they have helped to encourage you. I've put treats & gifts in your mailbox & cones w/ baseballs on your pole. I know I've text you, even being blocked. Sent some snaps but no drama, just trying to be positive & encouraging. [Redacted] YOU ARE A BEAUTIFUL SOUL! When you were hurting sooooo bad on that Thursday, before all of this went down, all I wanted to do was take your pain away. I meant is sooooo much when I text you afterwards that "I loved you soooo much". I was honored to be there for you. I wanted to be there for you. Always wanted to be there for you.

- Give me some sign that you have re-opened your heart to me. You see [redacted] – Jesus saves, Jesus forgives, He saved me, He save you. He forgave me, He has forgiven you. Christ does awesome things for us each day. But one of the greatest things He did in my life was to bring this sweet girl named [redacted], born [redacted] in my life. Because of you, [redacted], my life is changed for the better. I truly hope to talk to you sooner than later. Bye – love – Smith

- I have never talked trash or badly about you & your family. I truly do love & care for you & your family. You all are great people & I am truly blessed by your friendship – Smith
- But hear me out – this is how well I know you – when I gave you your food on our super secret spy mission (SSSM) I knew something was up. I was headed to Neria, & I thought I need to turn around, [redacted] needs me. Instinct? Knowing you? Or God directing me to do so? Regardless – I knew you needed to talk. I could feel that vibe from you. To close – (you are thinking...about time) I just need to tell you. You have been someone in my life that means so much to me that it hurts so bad to lose you. There's not 1 thing on this Earth that I wouldn't do for you to make you happy. Which brings me to this – it would seem to make you truly happy – that you want me to leave you alone & be out of your life. As sad (and yes I'm crying) as it makes me, I want to do what is best for you. I will try my best to honor you and your wish. If anything ever changes, and you find it within your heart to let me back in, I'm here. I'm waiting for you, [redacted]. All you have to do is text me, call me, Face Time me, yell @ me, call my name out or stop by.

22. Defendant Smith sent text messages to Plaintiff that were harassing, unwanted, and prohibited by District policy, to wit:

- **Text Message Sat., October 21, 2023 at 8:19 A.M.:** It's like last night after the game—I called out ur name—u made a direct line to ur other teacher—totally ignored me—I can't make u talk to me, i can't make u have a relationship with me, but I can guarantee—if I was the other dude—and i used to be—I wouldn't have to beg u to open up and talk to me. I was so upset last night it was hard to announce and focus. if u think for a second that I don't want to be that person again....think again...i do...I've tried...later in the summer when we were Trying to get [redacted] to invite you over....so u could eat and hang out....on multiple occasions.....I TRIED MY BEST. there was nothing more then I wanted to do then to spend time with u. u have to befriend [redacted] again. he doesn't listen to me. I wanted to give u ur cookie cake in person but u wouldn't give me the time of day. but if I was the other person u would make time to make it happen. U told someone else u were mad at me because I lied to u. I, to my knowledge, have never lied to u. I get it [redacted]...until u talk to me there is nothing more I can say or do.
- **Text Message Sat., October 21, 2023 at 9:26 P.M.:** Hey! Have a fun trip home. I just wanted to tell you, [redacted] I really am invested in you. It doesn't matter what the cost it doesn't matter what I need to do. I am invested in you as a person and someone that you know that I really do care about. It's not a short term deal. You should know that. At times we're going to get frustrated at each other and at times we're gonna say and do stupid things. But I know it with those times happen that you don't hate me you have to know I don't hate you. I don't want you to ever be afraid of talking to me or spending time with me. I love telling you to have a good day in the morning. Of course I love telling you good night in the evening. I hope that doesn't bother you. And of course I just love talking to you any other time. Plz don't be afraid to talk to me. Also

I am no longer mad or frustrated or upset at u. I hope I will forgive me too. U know u can trust me. Have a good night and I hope to talk to you sometime soon.!!!

- **Text Message Tue., November 14, 2023 at 3:37 P.M.:** hi [Redacted]—u probably wonder “why?” do I still send u messages. i don’t think of it as necessarily “texting” just talking. just because it’s the only way i have to talk to u. sometimes—i do think—maybe u don’t want to talk to me—maybe ur mad at me—maybe u r just waiting for me to go away—maybe ur scared—or maybe u have been told not to talk to me....but the main thing that I pray for is that u will just talk to me again someday. I hope u never have to go through this anyone....it sucks....and it hurts and it’s humiliating. Now—back to the “why”...i thought of a top 5 of “why”.... 5—ur fun to talk to 4—u r genuinely a nice person 3—u have good stories to tell 2—we always have stuff to talk about 1—u r worth listening to again-im sorry for all of the hurtful things i have said to u. i hope u pray for me, u know I pray for u. I hope u take the time to read these. Im not mad at u—i am disappointed in how all of this has turned out. Neither of us have made a lot of good choices throughout this entire ordeal. u may think—why can’t i move on...the answer is easy—I hurt u—until u reach out to me and tell me that u forgive me....i can’t move on. i told u before....even when I’m 80 something and ur 60 something....i still will always love, care and remember u. you and ur life mean a lot to me. But ultimately...i cannot continue to beg u to be my friend...or to talk to me...or to do stuff with our family....I’ve repeatedly asked u to forgive me and to not give up on me...I’m not trying to trick u or manipulate u in any way....i genuinely like u [redacted]....I just don’t know if I could ever treat a person that I genuinely cared for like that. im not stupid and at some point may realize u don’t want me a part of ur life and then i will be gone forever. i hope that never happens. But I will tell you it would be a mistake on both of our parts to not have the friendship that we’ve been having over the years. You can’t base our friendship based on your friendship with [redacted]. You know how he is. And it’s not fair to base our friendship over what’s happened in the last month. You and I already had a connection with our lives even before we started doing anything. i just pray every night that I’ll wake up some morning and u will have sent me a message letting me know everything is ok and we can talk freely as we did before. I did have a couple of hs students bring me a sonic drink today. I appreciated that. We r gonna eat at the mall tonight around 5:45ish. U r more than welcome to join us. Hope u had a good day.

23. Defendant Smith had in-person communications with Plaintiff that were harassing, unwanted, and prohibited by District policy.

24. Defendant Smith had phone communications with Plaintiff and Plaintiff’s mother that were harassing, unwanted, and prohibited by District policy.

25. The communications from Defendant Smith were distressing, harassing, and unwanted.

26. The harassment occurred on a continuing basis while Plaintiff was less than 18 years of age.

27. Complaints were made to the District about the conduct of Defendant Smith, but no effective remedial action was taken.

28. In the fall of 2023, Plaintiff's mother sought meetings with Defendant Williams to discuss the ongoing harassment by Defendant Smith but those meetings were cancelled by Defendant Williams.

29. In January 2024, Plaintiff's mother met with Defendant Keller to address the ongoing harassment by Defendant Smith, but Defendant Keller refused to discuss Defendant Smith or his actions because Defendant Smith was a middle school teacher.

30. Defendant Keller refused to review written communications Plaintiff received from Defendant Smith.

31. On January 29, 2024, Plaintiff's mother met with Defendant Williams to address the ongoing harassment by Defendant Smith, but Defendant Williams refused to discuss Defendant Smith or his actions because Defendant Smith was a middle school teacher.

32. Defendant Williams refused to review written communications Plaintiff received from Defendant Smith.

33. Within days of that meeting between Plaintiff's mother and Defendant Williams, the mother of Plaintiff's friend contacted Scott Sawyer who was employed by the District as the Junior High School principal to report the written communications Plaintiff had received from Defendant Smith. Principal Sawyer indicated concerns about Defendant Smith were to be handled by superintendent Cook.

34. The following day, the mother of Plaintiff's friend reported Defendant Smith's conduct to the Carl Junction Police Department.

35. The continuous harassment by Defendant Smith was so severe that the mother of Plaintiff's friend contacted the police to ensure Plaintiff's safety and the safety of other students because the District continuously failed to take effective remedial action to address Defendant Smith's conduct.

36. Defendant Smith continued his harassment of Plaintiff on an ongoing basis because the District failed to take effective remedial action.

37. On or about August 9, 2024, Defendant Smith attended the high school band rehearsal where Plaintiff was performing as a band member. Defendant Smith stared and leered at Plaintiff for a prolonged time. Defendant Smith's conduct was noticed by Plaintiff and was harassing and distressing to Plaintiff. Defendant Smith's conduct was noticed by Plaintiff's mother and others present at the rehearsal.

38. On or about August 9, 2024, Defendant Smith showed up at the mall food court where Plaintiff was eating with her friends. Defendant Smith sat a few tables away from Plaintiff and tried to get her attention by staring, leering, and waiving at her. Defendant Smith's conduct was noticed by Plaintiff and was harassing and distressing to Plaintiff.

39. On or about August 9, 2024, Defendant Smith sent a text message to Plaintiff's mother which was harassing and distressing to Plaintiff, to wit:

- **Text Message Fri., August 9, 2024:** [Redacted]-hello-I truly and sincerely hope that life is treating you and your family well. I saw [redacted] today at the mall. I waved, but she probably didn't see me. Haha. I just wanted to say how proud I am of [redacted] and her high standards that she sets for herself. I know that she will reach any goal that she sets for her life. It was a true honor and unique pleasure to watch her grow up for many years. She has grown into a fine young lady. I still remember those first sounds out of her trumpet and how excited she was to play. It was a true honor to be her teacher and at one point a trusted friend. There was

nothing more that I wanted for her than the very best. Through the good times and the tough times, I always tried to do my best for her and your family. It is my sincere prayer that her senior year is the absolute best. I still lift you all up in prayer each night. Take care and be blessed.

40. Due to the ongoing harassment by Defendant Smith, Plaintiff was reluctant to post on social media about dating an age-appropriate individual because Defendant Smith contacted Plaintiff's previous boyfriend.

41. On or about August 12, 2024, Plaintiff posted a picture of her boyfriend on her social media account.

42. On or about August 16, 2024, Plaintiff's best friend received a text message from the phone of Defendant Smith's son, asking who Plaintiff was dating. Plaintiff rarely spoke to Defendant Smith's son. Based on information and belief, the text was sent by Defendant Smith, which was harassing and distressing to Plaintiff.

43. On or about September 5, 2024, Defendant Smith entered the high school office where Plaintiff was serving as the office student aid. Defendant Smith stared and leered at Plaintiff for a prolonged time, which was distressing, harassing and retaliatory to Plaintiff in continuous violation of Missouri law.

44. On or about September 5, 2024, Plaintiff described the incident in the high school office to her mother in the following text message:

- **Text Messages Thurs., September 5, 2024:** Mr. Smith was just in the office to pick up [Redacted] and he was literally burning a hole through me, I could feel him staring at me I was so scared, officer Danny was in there too and so was Mr. Graham so I just looked back at Mr. Graham until he left but he stayed for so long.

You could tell that Danny didn't care a bit.

45. This ongoing and continuous conduct by Defendant Smith was harassing, distressing, discriminatory, and retaliatory, thereby denying Plaintiff full and equal access to her public education.

46. Defendant District, Defendant Williams, and Defendant Keller continuously discounted, ignored, and/or minimized Defendant Smith's actions and refused to take effective remedial action, which was distressing to Plaintiff and discriminatory based on Plaintiff's sex in continuous violation of Missouri law.

47. The report to law enforcement resulted in criminal investigation of Defendant Smith and a child welfare investigation due to the continuous and ongoing harassment of Plaintiff by Defendant Smith.

48. On January 13, 2025, the Missouri Department of Social Services issued a determination finding emotional abuse and harassment by Defendant Smith towards Plaintiff through messages, letters, gifts, and in person contact.

49. On January 17, 2025, the Prosecuting Attorney for Jasper County, Missouri, charged Defendant Smith with the class E felony of stalking in the first degree by Complaint filed in Case No. 25AO-CR00075.

50. On January 17, 2025, the Prosecuting Attorney for Jasper County, Missouri, charged Defendant Smith the class B felony of possession of child pornography by Complaint filed in Case No. 25AO-CR00074.

51. As a direct and proximate result of Defendants' acts and omissions alleged herein, Plaintiff has suffered and will continue to suffer emotional distress, mental anguish, anxiety, loss of sleep, distrust of authority, and other manifestations. Plaintiff has incurred expenses and will

incur expenses in the future for necessary therapy, counseling and treatment, and will suffer a loss of earning capacity.

COUNT I – VIOLATION OF THE MISSOURI HUMAN RIGHTS ACT
(Against Defendant District)

52. Plaintiff incorporates the foregoing allegations as though fully set forth herein.

53. Plaintiff timely filed a complaint with the Missouri Human Rights Commission and received a right to sue letter affirming Plaintiff's right to file this suit.

54. Pursuant to Missouri law and the holding in *M.N. v. N. Kan. City Sch. Dist.*, 597 S.W.3d 786 (Mo.App. 2020), Defendant District is vicariously liable for the actions of Defendant Smith solely by virtue of their relationship as employee/employer.

55. Plaintiff is a member of a class protected by § 213.065 of the Missouri Human Rights Act by being a female.

56. A public school is a place of public accommodation as it is considered a "person" defined by § 213.010(14) of the Missouri Human Rights Act.

57. Defendant District has a duty to provide an environment free from discrimination and harassment based on gender or sex, and free from retaliation based on opposition to discriminatory and retaliatory practices or complaints of gender discrimination or harassment.

58. Plaintiff was discriminated against in the use of a public accommodation and was denied the full and equal use and enjoyment of the school and its services due to the conduct of the Defendants.

59. Plaintiff was subjected to unwelcome sexual harassment by Defendant Smith, an employee of the District, while attending school, on multiple occasions, during school hours and on school grounds.

60. Defendant Smith gained access to Plaintiff via his position as an employee of the District which provided him with the means, opportunity, and apparent authority to interact with Plaintiff during school hours and on school grounds and away from school under the guise of being her choir teacher.

61. Defendant Smith's interactions with Plaintiff were harassing and distressing to Plaintiff and unwanted by Plaintiff on an ongoing basis in continuous violation of the Missouri Human Rights Act.

62. The sexual harassment occurred on the basis of Plaintiff's sex and gender, and constituted discrimination on the basis of her sex and gender, specifically prohibited by the Missouri Human Rights Act.

63. Plaintiff's status of being a female was the contributing factor for the harassment and discrimination she suffered at the hands of the Defendants.

64. In addition to Defendant Smith's direct actions as an employee of the District and the District's liability pursuant to *respondeat superior*, the District refused to recognize Plaintiff as a victim of sexual harassment and discrimination and refused to take effective remedial action, which was discriminatory based on Plaintiff's sex and gender.

65. Defendant Williams' and Defendant Keller's refusal to review or address Defendant Smith's communications with Plaintiff, refusal to report, refusal to take effective remedial action, and refusal to recognize Plaintiff as a victim of sexual harassment and discrimination, was discriminatory based on Plaintiff's sex and gender.

66. The ongoing indifference and failure of the Defendant District, Defendant Williams, and Defendant Keller to take effective remedial action in response to the harassment

was discriminatory and constitutes a continuing violation of the Missouri Human Rights act, thereby denying Plaintiff full and equal access to her public education.

67. The refusal of the Defendant District, Defendant Williams, and Defendant Keller to recognize Plaintiff as a victim of unwanted sexual harassment denied Plaintiff the accommodations, advantages, facilities, services, and/or privileges made available in the public school system.

68. The collective acts and omissions of the Defendants denied Plaintiff the full, free and equal use and enjoyment of the school and its services.

69. As a direct and proximate result of Defendants' acts and omissions alleged herein, Plaintiff has suffered and will continue to suffer emotional distress, mental anguish, anxiety, loss of sleep, distrust of authority, and other manifestations. Plaintiff has incurred expenses and will incur expenses in the future for necessary therapy, counseling and treatment, and will suffer a loss of earning capacity.

WHEREFORE, Plaintiff prays for Judgment against Defendant Carl Junction R-1 School District for compensatory damages in an amount to be determined as fair and reasonable by a jury together with attorney's fees and costs associated with this matter, and any further relief this court deems just and proper.

COUNT II – NEGLIGENCE
(Against All Defendants)

70. Plaintiff incorporates the foregoing allegations as though fully set forth herein.

71. The Defendant District, upon information and belief, has further waived its sovereign immunity for respondeat superior liability through the purchase of liability insurance.

72. Defendants Williams and Keller had mandatory ministerial non-discretionary duties to report Defendant Smith's ongoing communications received by Plaintiff but failed to do so. These ministerial duties are contained in District policies as follows:

a. Policy GBH – Staff/Student Relations - Any staff member who possesses knowledge or evidence of possible violations of this policy must immediately make a report to the district's administration.

b. Policy AC – Prohibition Against Illegal Discrimination, Harassment And Retaliation - All employees, students and visitors must immediately report to the district for investigation any incident or behavior that could constitute discrimination, harassment or retaliation in accordance with this policy. . . . All sexual harassment reports must be made to the Title IX coordinator identified in policy ACA and evaluated for policy ACA applicability. If a sexual harassment report is made to any other district employee, the report must be promptly referred to the Title IX coordinator for intake.

c. Policy ACA: Sexual Harassment Under Title IX - Any person may report sexual harassment regardless of whether the person is the alleged victim (complainant). However, board members and employees must immediately report to the Title IX coordinator any incident or behavior that could constitute sexual harassment or retaliation in accordance with this policy.

73. Defendants Williams and Keller each possessed knowledge or evidence of possible violations of the Staff/Student Relations policy, and therefore had a mandatory, non-discretionary, and ministerial duty to immediately make a report to the District's administration. Their failure to

do so breached the foregoing mandatory, ministerial non-discretionary duties, and they were thereby negligent.

74. Defendants Williams and Keller were each aware of incident(s) and/or behavior(s) that they knew could constitute discrimination, harassment or retaliation in violation of policy AC and/or ACA, and therefore had a mandatory, non-discretionary, and ministerial duty to immediately make a report to the District. Their failure to do so breached the foregoing mandatory, ministerial non-discretionary duties, and they were thereby negligent.

75. Defendant Smith had mandatory ministerial non-discretionary duties contained in Policy GBH to refrain from making sexual advances or engaging in illegal harassment and discrimination towards Plaintiff, but Defendant Smith failed to do so.

76. Defendant Smith had mandatory ministerial non-discretionary duties contained in Policy GBH to refrain from engaging in conduct that violates Board policies and regulations or that constitutes criminal behavior, but Defendant Smith failed to do so.

77. Defendant Smith had mandatory ministerial non-discretionary duties contained in Policy GBH to refrain from meeting Plaintiff in nonwork settings without the parent/guardian present, to refrain from discussing his personal problems with Plaintiff, to refrain from inviting Plaintiff to his home, and to refrain from giving Plaintiff gifts, all of which served no educational purpose, but Defendant Smith failed to do so.

78. Defendant Smith breached one or more of the foregoing mandatory ministerial non-discretionary duties and was thereby negligent.

79. Defendant District is vicariously liable for the foregoing negligent acts and omissions.

80. As a direct and proximate result of Defendants' acts and omissions alleged herein, Plaintiff has suffered and will continue to suffer emotional distress, mental anguish, anxiety, loss of sleep, distrust of authority, and other manifestations. Plaintiff has incurred expenses and will incur expenses in the future for necessary therapy, counseling and treatment, and will suffer a loss of earning capacity.

WHEREFORE, Plaintiff prays for Judgment against Defendants Carl Junction R-1 School District, Kyle Williams, Nicole Keller, and Craig Smith, jointly and severally, for compensatory damages in an amount to be determined as fair and reasonable by a jury together with attorney's fees and costs associated with this matter, and any further relief this court deems just and proper.

DEMAND FOR JURY TRIAL

81. Plaintiff hereby demands a trial by jury on all triable issues in this action.

/s/ Michael S. Kilgore
Attorney for Plaintiff

Respectfully Submitted,

HUMPHREY, FARRINGTON & McCLAIN, P.C.

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