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FILED  
7/24/2024  
Timothy W Fitzgerald  
Spokane County Clerk

SUPERIOR COURT OF WASHINGTON FOR SPOKANE COUNTY

and [REDACTED], husband and wife, individually  
and on behalf of [REDACTED], a minor child

Case No: 24-2-03569-32

Plaintiffs,

vs.

MEAD SCHOOL DISTRICT, quasi-  
governmental agency and agents thereof with  
responsibility; and DEFENDANT JOHN JANE  
DOES 1-10,

**COMPLAINT FOR DAMAGES  
AND INJUNCTIVE RELIEF**

Defendants.

COMPLAINT - 1

SWEETSER LAW OFFICE, PLLC

1020 N. Washington

Spokane, WA 99201

509-328-0678

## INTRODUCTION

Schools should be safe places. When parents send their kids to school sponsored activities, they should be able to trust the school officials tasked with keeping their kids safe. That trust has been betrayed by Mead School District.

This tort action is brought by a former sophomore of Mead High School in Spokane County, Washington, who was physically assaulted by fellow members of Mead's football team during an overnight summer football camp. Despite knowing Plaintiff (and others) was forcibly restrained by older teammates while they inserted a pulsating massage gun between his anus and testicles, Mead School District did not follow legally required reporting obligations, did not inform the parents, and made no meaningful effort to stop the assailants, allowing a permissive culture of hazing in their boys' athletic programs. A pattern of assaultive rituals were performed by a group of Mead's older male athletes dubbed the "sacrifice." The sacrifice is a form of sexual harassment, intimidation and bullying against targeted members of Mead's athletic teams. Plaintiff is but one of the male athletes who was assaulted over the years.

In addition to seeking damages to compensate for physical and emotional harm, Plaintiff seeks injunctive relief that will put an end to these assaults and reeducate Mead School District on mandatory reporting, so that future members of Mead High School will not be subjected to similar abuse and institutional neglect that he has suffered.

## **COMPLAINT - 2**

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## 1. PARTIES

1.1. Plaintiffs, both individually and as parents of [REDACTED], a minor, are or were residents of Spokane County, Washington at all material times hereto.

1.2. Minor Plaintiff [REDACTED] was born in 2008 and attended Mead High School in the 2022-2023 and 2023-2024 academic years.

1.3. Defendant Mead School District is a municipal corporation existing by and under the laws of the State of Washington, with its principal place of business location Spokane County, Washington.

1.4. Travis Hanson, as an agent of Mead School District, was at all times material to this action employed by and an agent of Defendant Mead School District as the Superintendent of Mead School District.

1.5. As Superintendent, Travis Hanson has final policy making authority with respect to implementing overall policies and procedures as well as hiring, training, and retention.

1.6. Kimberly Jensen, as an agent of Mead School District, was at all times material to this action employed by and an agent of Defendant Mead School District as the principal of Mead High School.

1.7. As principal, Kimberly Jensen has final policy making authority with respect to the day-to-day enforcement of the district's discipline procedures and extracurricular code of conduct, and anti-bullying policies within Mead High School.

## **COMPLAINT - 3**

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1       1.8. As principal, Kimberly Jensen has the ability and authority to take corrective action on  
2 behalf of the School District to stop harassment, violence, hazing and bullying and to discipline  
3 perpetrators of such discrimination and harassment.  
4

5       1.9. John Barrington, as an agent of Mead School District, was at all times material hereto,  
6 employed by and an agent of Defendant Mead School District as the Athletic Director of Mead  
7 School District.  
8

9       1.10. As Athletic Director, John Barrington had final policy making authority with respect to  
10 actively monitoring and reporting on subordinate coaches' job performance and recommending  
11 actions necessary to improve athletic programs. Mr. Barrington retired effective March 1, 2024.  
12

13       1.11. Keith Stamps, as an agent of Mead School District, was at all times material hereto,  
14 employed by and an agent of Defendant Mead School District as the head coach of the Mead  
15 High School boys football program.  
16

17       1.12. As head coach, Keith Stamps has responsibility for direct supervision, monitoring,  
18 player discipline, and reporting regarding the Mead High School football program.  
19

20       1.13. Jared Thomas and Gunner Drew, as agents of Mead School District, were at all times  
21 material hereto, employed by and agents of Defendant Mead School District as assistant coaches  
22 of the Mead High School boys football program. As assistant coaches attending the summer  
23 football camp, each had responsibility for direct supervision, monitoring, player discipline and  
24 reporting regarding the Mead High School football program.  
25

26       1.14. JOHN JANE DOES, at all times material hereto, are persons or entities not identified  
27 herein with legal responsibility concerning the conduct described herein.  
28

COMPLAINT - 4

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## 2. JURISDICTION AND VENUE

2.1. This court has jurisdiction and is an appropriate venue. Defendant Mead School District operates in Spokane County, and the events that form the basis of this action occurred in Spokane County.

### 3. FACTS

3.1. For years, the Mead High School football program has mandated players attend a summer camp with Mead's football coaches. Both players and coaches attended Eastern Washington University to participate along with other high school football programs, staying several nights in the dormitory housing.

## EWU Team Camp:

Please put this on your calendar now. We will be going to overnight camp at **Eastern Washington University** June 21-24. If you are planning to play football at **Mead High School** next fall, you need to attend this camp!!! We will take 3 teams to camp (Freshman, Junior Varsity and Varsity). This is a huge week for us, don't miss out!

3.2. Mead football players were supposed to be supervised by Mead School District employees.

3.3. Each day, the schedule was simple: players practiced in the morning, ate lunch, practiced again, ate dinner, and then free time before curfew.

3.4. For Mead's young athletes, the football camp was a chance to bond and to build camaraderie. The boys were eager to impress their coaches and look forward to the season ahead.

1       3.5. But for some players attending football camp with Mead High School, predominantly  
2 athletes of color, they found themselves the target of an assaultive ritual with a massage gun  
3 disturbingly called “the sacrifice.”  
4

5       3.6. The first known victim, [REDACTED], was assaulted at the Mead football camp in June 2022.

6       3.7. [REDACTED], a star athlete of mixed-race with a high GPA, had transferred to Mead High  
7 School in February 2022.

8       3.8. [REDACTED]’s first participation with the Mead football team was at the June 2022 football  
9 camp.  
10

11       3.9. As the June 2022 football camp kicked off, a group of [REDACTED]’s white teammates openly  
12 degraded him with racial epithets during on-field activities with Mead’s football team.

13       3.10. At night, while in his assigned dormitory, a knock came at [REDACTED]’s door. When the door  
14 was opened, several students in masks forcibly entered the room. [REDACTED] was restrained by his new  
15 ‘teammates’ and carried out of the room.  
16

17       3.11. The assailants carried [REDACTED] down two flights of stairs and into a separate room.

18       3.12. [REDACTED] was carried past Mead’s adult supervisor, down two flights of stairs, by boys  
19 chanting and wearing masks. The adult supervisor said something to the effect of “Hey boys,  
20 what are you guys doing?” but took no action to intervene.  
21

22       3.13. Over 20 teammates were in the room shouting and hollering as [REDACTED] was pinned down,  
23 most of his clothing pulled off, and his teammates applied a pulsating massage gun to his anus.  
24 The assault was recorded by other players.  
25

3.14. After the incident was over, [REDACTED] left the dormitory and walked over a mile to his sister's residence. No coaches attempted to locate [REDACTED] report him missing, or contact his parents.

3.15. The following morning, [REDACTED] requested to leave camp early.

3.16. Throughout the next months, videos of [REDACTED]'s assault were shared among Mead football players – even sons of Mead's assistant football coaches.

3.17. The videos were used to mock, laugh at, humiliate, and silence [REDACTED].

3.18. [REDACTED] requested to be transferred out the district, and his family left Mead School District that year.

3.19. But the violence did not end there.

3.20. At Mead's football camp in June 2023, emboldened by a culture of impunity, a group of white upperclassmen targeted younger black players: [REDACTED] and [REDACTED].

3.21. At the camp's outset, these white players stated an assault on these black players was coming.

“... a school with a negative school climate or a home with domestic violence [] can influence, perpetuate, and even shape behaviors between peers, students, and the adults on campus.”

## National Child Traumatic Stress Network "Bullying Effects"

3.22. On the second day of camp, ██████ learned the group was looking for him, so he sought help from Mead's coaching staff, telling at least one coach that a group of older white players were going to "rape" him. Like before, coaching staff did nothing.

**COMPLAINT - 7**

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1       3.23. The group found █ and, as they had intended, pinned █ to the ground inside a  
2 dorm room under a 6'6", 285-pound offensive lineman, while his legs were violently spread  
3 apart. █ managed to get one arm free, and attempted to use his hand to protect his anus. A  
4 masked teammate proclaimed this "sacrifice" would be "the first of many" as he applied a  
5 battery-powered massage gun to █'s private areas. Others recorded the attack on their cell  
6 phones as █ screamed in anguish and humiliation.  
7

8       3.24. Where Mead staff responsible for supervising these assailants were at the time of this  
9 assault is unknown.  
10

11       3.25. After the attack had ended, █ retreated to his own dorm room.  
12

13       3.26. When on-field activities resumed, and throughout the remainder of football camp, the  
14 group of older white players mocked █. They said things to the effect of: "look the monkey is  
15 quiet now, maybe we should do that to him more often."  
16

17       3.27. Before curfew the following evening, feeling no concern about coaches, supervision or  
18 consequences, the same group of older white players set out to find their next victim. █  
19

20       3.28. Plaintiff, █ – a sophomore – tried to do the right thing. He warned █ and █.  
21 Another student hid the targeted black students in his own room.  
22

23       3.29. Plaintiff, █, told the assailants that the assaults needed to stop and would not disclose  
24 the location of █ or █.  
25

26       3.30. █'s bravery was met with brutality.  
27

28       3.31. As █ exited a dorm room, he was tackled to the ground. Four old teammates pinned  
29 █ down by his limbs. They pulled his legs apart and held them towards his head as  
30

1 approximately 15 players yelled and cheered. Several of them filmed the incident on their cell  
2 phones. [REDACTED] managed to get one arm free. He attempted to cover his anus with his hand. A  
3 masked student stood at the other end of the room with the massage gun. He proclaimed the  
4 “price must be paid” as “punishment” and repeated the horrific assaultive ritual on [REDACTED]

5  
6 3.32. The “punishment” was for not revealing the location of [REDACTED] and [REDACTED]<sup>1</sup>

7  
8 3.33. The pulsating massage gun was applied to [REDACTED]’s anus even longer than the previous  
9 night. This too was filmed as [REDACTED] screamed. The videos were later passed around like a trophy by  
10 Mead football players.

11  
12 3.34. Word of the assaults travelled quickly—as did the videos—with hundreds from Mead  
13 and beyond viewing [REDACTED]’s assault on social media.

14  
15 3.35. Within two weeks, on July 5, 2023, a parent sent two videos of [REDACTED]’s assault to Mead’s  
16 athletic director, which was forwarded to Mead’s head football coach, showing what appeared to  
17 be a sexual assault—or as Mead would later write, “evidence of potential assaultive behavior.” If  
18 the video was unclear, the parent clarified it, expressly stating it showed players using a  
19 “massage gun” to assault a victim at the football camp.

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<sup>1</sup> Mead football coach Jared Thomas later told investigators he was perplexed as to why [REDACTED] would be targeted but that “the other three [black kids] are instigators.”

1 My daughter just come home from her dads and made a comment to me about how glad she was that her little brother  
2 (incoming freshman) isn't doing football and didn't go to camp. When I asked why she said that there were videos  
3 circulating on Snapchat of groups of boys holding down others and assaulting them with massage gun tools, as is the  
4 issue with Snapchat. not everything is still available but there were two videos I pulled and videoed from my phone  
(attached two videos, one of the videos is before and shows more of who the kids are).

5 She told me there were comments that it was also done to another kid, and comments of how after the video (the one  
6 attached) was not longer being recorded the kid was crying. These are no longer available in Snapchat.

7 I felt like I needed to pass this information on to you if another parent hasn't already. Based on the timing of the videos it  
8 looks to be at the EWU camp.

9  
10 3.36. One attached video showed [REDACTED] being assaulted by the group with the massage gun,  
11 with a caption added over the Snapchat post: "R".  
12

13 3.37. Mead's former athletic director admits he watched the videos attached to the email and  
14 "saw [a] massage gun, held [the] kid down and went after him."

15 3.38. Mead's head coach claimed he watched the videos attached to the email but  
16 supposedly "wasn't looking for [the massage gun] at that time."

17 3.39. On July 10, 2023, [REDACTED] was approached by Mead's head coach about being assaulted at  
18 camp. Coach Stamps initiated the conversation by saying he saw a video and knew what  
19 happened. [REDACTED] reported his assault to Coach Stamps. Coach Stamps assured [REDACTED] that everything  
20 would be taken care of.  
21

22 3.40. Both the parent's email, and [REDACTED]'s verbal report, triggered mandatory reporting duties  
23 under Mead's policies – including to parents and higher administrators. Those duties were  
24 ignored. Instead, Mead's head football coach, after learning some of the assailants were standout  
25

1 players, potential college recruits, and team 'leaders,' elected to chat informally with select  
2 players on the team.

3  
4  
5 "Harassment, discrimination or hazing (initiation) are prohibited. This includes  
6 discriminatory behavior that occurs on the basis of gender, race, ability,  
7 religion, position, etc. **Violations of these expectations will result in suspension**  
**and, if applicable, referral to law enforcement officials.**

8 Mead Extra-Curricular & Co-Curricular Honor Code  
9 See Also, Mead Athletic & Activities Handbook

10  
11  
12 "... **in the event of an alleged sexual assault, the school principal will**  
**immediately inform law enforcement and notify the targeted student(s) and**  
**their parents/guardians ...**"

13  
14 Mead Procedure 3205,  
15 "Sexual Harassment of Students Prohibited"

16  
17 3.41. Rather than follow state mandatory reporting laws, or Mead's own specific policies  
18 and procedures, Mead's athletic director and head coach did not issue any immediate  
19 suspensions, did not report to law enforcement, and did not formally document anything in the  
20 school records system.

21  
22 3.42. Worse, neither AD Barrington or Coach Stamps notified the parents of [REDACTED] or [REDACTED] that  
23 their kids had been sexually assaulted; and the assailants' parents didn't know their kids were  
24 engaged in unchecked, repetitive criminal conduct. Nor did they notify other players' parents

1 about the assaults, preventing other parents from asking their kids whether they had been  
2 assaulted or witnessed anything.

3 3.43. The district did not interview [REDACTED], or other disinterested witnesses—and there were  
4 many. Instead, they quietly ended the inquiry, leaving parents and administrators in the dark.

5 3.44. When asked what corrective action Coach Stamps felt he had taken, he answered that  
6 he “talked” with his standout players “about the role of seniors” while hosting a barbecue at his  
7 house. “No discussion” about the massage gun with the kids; he “doesn’t believe” he even asked.  
8 What Coach Stamps discussed was “social media and college recruiters and how videos can  
9 impact that.” Coach Stamps did not tell them to discontinue the behavior because it was wrong;  
10 he was telling them to stop because it could adversely affect their recruiting prospects.

11  
12  
13  
14 *“Coaches have a tremendous influence, for either good or ill, on the education*  
15 *of the student-athlete and, thus, shall place the value of instilling the highest*  
16 *ideals of character above the value of winning.”*

17 Mead Extracurricular Employees Association  
18 Collective Bargaining Agreement,  
19 “*Coaches Code of Conduct*”

20 3.45. Coach Stamps’ informal chats did nothing to stop hostile behavior from this group of  
21 older white players towards younger black players. Over the coming months, black players were  
22 called the n-word; they were called “monkeys”; they were called “snitches”; they were told they  
23 should be “leashed”; they were told they deserved to be assaulted because “black people squeal”;  
24 and much more.

3.46. [REDACTED] was repetitively and mockingly called a “SPED”—a derogatory term to insult special education students (though [REDACTED] is not a special education student). The assailants would make taunting comments at school like, “I heard you like the massage gun” and “how did that massage gun feel on you?”

3.47. Mead's later report confirmed that Mead's head coach kept parents in the dark:

"Believing he had addressed the issues brought to his attention and based on what the student/athletes had shared with him, Mr. Stamps did not believe that deeper investigation was necessary. Neither Mr. Stamps nor Mr. Barrington contacted any of the parents of the athletes involved. They also did not inform Mead's certificated administrators about the email and video sent to Mr. Barrington, or about any of the follow-up conversations Mr. Stamps had with football players."

Mead Summary Report (undated and unsigned)

3.48. The decision to quietly bury events prevented parents from carrying out their most important role in life: keeping their kids safe. That was not Coach Stamps' or AD Barrington's decision to make.

3.49. As months passed, Plaintiff [REDACTED] struggled to cope with the assaults. He felt unsafe at school. [REDACTED] continued to relive his assault, both in nightmares and flashbacks.

3.50. Mead offered no safety plan to 

3.51. Mead offered no counseling or other supportive measures to [REDACTED].

3.52. No one at Mead advised [REDACTED] of his rights or directed him to complete an incident reporting form.

1       3.53. [REDACTED] was mortified each time videos of his assault resurfaced on texts or social media,  
2 wondering what others must be thinking about him. He felt humiliated and embarrassed. He  
3 wished the whole thing could go away.  
4

5       3.54. Later, in mid-November and early-December, other parents confronted Coach Stamps  
6 about the incidents at camp.

7       3.55. After a football banquet on November 14, 2023, one mother held her phone up to  
8 Coach Stamps, telling him the videos showed sexual assault to [REDACTED] and [REDACTED] and that Mead's  
9 coaches knew about it. She went on, stating: "at her job she has seen kids jump off of bridges  
10 over things like this"; "racism and harassment, intimidation, and bullying occurs at Mead"; and  
11 she now had "no trust in the district." She demanded to know what discipline had occurred for  
12 the assailants. Coach Stamps assured this parent, like he had [REDACTED] and concerned parents before,  
13 that everything was taken care of.  
14

15       3.56. It took until December 11, 2024, for Coach Stamps to inform Mead's principal about  
16 escalating parental concerns.  
17

18       3.57. Coach Stamps told investigators that, on December 11, 2023, he told Principal Jensen  
19 he had received reports of alleged sexual assaults at football camp.  
20

21  
22       " ... in the event of an alleged sexual assault, the school principal will  
23 **immediately inform law enforcement and notify the targeted student(s) and**  
24 **their parents/guardians ...**  
25

Mead Procedure 3205,  
"Sexual Harassment of Students Prohibited"

3.58. Mead's principal told investigators a different story. Principal Jensen claimed that, at the meeting on December 11, 2023, she was never informed a massage gun was used to commit assault.

3.59. Mead's principal told investigators she did not request to watch the videos on December 11 because she was led to believe the incidents were "boys roughhousing," "boys screwing around," "messing around," "horseplay," just "boys being boys," so "there was no reason for her to get ahold of the victims."

3.60. Principal Jensen does remember, though, directing reports about the incidents be created in the school's electronic records system "to cover our ass." (*Notes of K. Jensen Interview*).

“[...] What they were concerned about was “what is her motive (parent’s). Told them here is my recommendations - first thing is logging the incident - for any of us - document to cover our ass.

Have to call the victims parents – [redacted] was victim of fight and knew [redacted] was held down and massage gun used on body. Also need to tell the parents of the other boys. They asked what would be the purpose now. [...]"

*Notes of K. Jenson Interview,  
Describing Meeting on December 11, 2023*

3.61. Coach Stamps told investigators he logged PowerSchool entries for all five assailants committing the assaults at the football camp.

1       3.62. The PowerSchool records reflect only three entries into students' records. The entries  
2 state that "inappropriate behavior" had occurred with "a group of players roughhousing in a  
3 dorm room."

4       3.63. The PowerSchool entries did not reflect alleged assaults with a pulsating massage gun  
5 inserted between the anus.

6       3.64. Coach Stamps told investigators that Principal Jensen did not direct him to notify the  
7 parents on December 11.

8       3.65. Jenson, however, reported she did direct Coach Stamps and AD Barrington to notify  
9 the parents of the targeted students on December 11, which was met with resistance from Stamps  
10 and Barrington asking "what would be the purpose now."

11       3.66. Still, no one informed the parents of the students involved.

12       3.67. The phone call that was made by Coach Stamps on December 11 was to the parent  
13 who approached him at the football banquet. Coach Stamps asked whether this parent would  
14 share videos with other school officials if requested. After the parent readily agreed, Coach  
15 Stamps quickly ended the call without providing a means of sharing of the videos to the school  
16 administration.

17       3.68. Over the next weeks, parents continued to report concerns about video footage of the  
18 camp assaults to Mead staff. Mead still didn't meaningfully investigate.

19       3.69. On January 19, 2024, Principal Jensen received an email from another set of  
20 concerned parents. The parents reported "multiyear hazing that has occurred on the football  
21 team."

1  
2 I've been wrestling for months with some of the things that have happened on the football team, with both the Panther  
3 Touchdown Club leadership, as well as the multiyear hazing that has occurred on the football team in the two years  
4 **Stude** has been a part of the sport at Mead High School.

5 In light of hearing about an altercation with **Stu** and **Stude**, I felt that I needed to talk with the school about our  
6 families experience. It's too much to write, perhaps we can talk sometime next week. Many families are hurting over  
7 these issues--including ours.

8 3.70. At the parents' insistence, Mead High School held a meeting on January 22, 2024.

9 According to notes of an interview with Principal Jensen, she described the meeting as follows:

**COMPLAINT - 17**

**SWEETSER LAW OFFICE, PLLC**

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Spokane, WA 99201

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"The parents came in and asked if she was aware - she said yes. Asked if she had seen the videos and she replied no. Red flag went off for her. Asked them to talk to her about the videos. JB was in room. Parents described massager being used on genitals. She looked at JB - He had chair resting back - he wouldn't look at her just zeroing in on parent. Parent described a mask. Said he felt fearful for his kid to go back to camp. Clearly some behaviors that need to be addressed. Their kid wont be back at camp. JB says that is too bad.

Dad says that 2nd year in a row where issues at camp and student had brought it up when coming home. Watched videos with kids and other parents. They described it as "got raped by massage gun." Boys using it on one side of body and then flipped it over and used it on his penis. Then described using it all over [REDACTED]'s body.

[...] Explained just things going on where not all of the boys feel safe and they need to be able to feel safe and not targeted.

After meeting turned to JB and asked "what the fuck was in those videos" He kept saying "I didn't see anything that they are describing"

Keith came later for an update and she told him they didn't actually want to talk about leadership, it was all about Summer Camp. Said how they described the videos was not how you and JB described them. She told him they described it as a massage gun on penis and in butthole.

[...] She told Keith need to contact Mark St. Clair. He was not happy with that... Keith said parents didn't want to share and if he started calling parents it would stir up.

[...] Next day JB says he reviewed the videos and it didn't look like anything more. Said there was literally nothing in the video. She asked him to forward them to her. He did not."

3.71. On January 23, 2024, Jenson told Coach Stamps that the district office had been notified and that they would need to conduct a formal interview.

3.72. Still, no one within Mead School District took immediate action to inform the parents or law enforcement, or to provide supportive measures to [REDACTED]

COMPLAINT - 18

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1       3.73. As Mead dithered, a school levy to secure more funds for the district narrowly passed  
2 on February 13, 2024.

3       3.74. Then, on February 21, 2024, Mead finally notified [REDACTED]’s parents about videos  
4 circulating showing their son had been assaulted with a massage gun at football camp.

5       3.75. The following day, Mead’s counselor called [REDACTED]’s parents to offer supportive measure  
6 for [REDACTED]. Nearly eight months had passed since the assaults at the football camp in June of 2023.

7       3.76. [REDACTED]’s parents gave permission for their son to talk with Adam Strate, a high school  
8 counselor, and gave permission for their son to be interviewed by others so long as a parent was  
9 present.

10      3.77. [REDACTED]’s parents set a date to meet with Principal Jensen on February 28, 2024, so that  
11 they could view the videos themselves.

12      3.78. As an administrative investigation began, Coach Stamps circled the wagons. He met  
13 with former AD Barrington to “rehash” their account of events. Coach Stamps reminded  
14 Principal Jensen she “didn’t know about it until December.”

15      3.79. Following Stamps reminder, Jensen told investigators she was not made aware of any  
16 videos until December 11, 2023 when she first received a text from Coach Stamps.

17      3.80. AD Barrington, though, who had since retried, admitted to investigators that Principal  
18 Jensen was informed at the end of the summer around the start of the football season. He “knew  
19 from video it was not good” and “knows [they] sat down and discussed it.”

20      3.81. On February 28, Mead’s principal no-showed the pre-arranged meeting with [REDACTED]’s  
21 parents to view the videos. The school’s front doors were locked when they arrived. [REDACTED]’s parents

1 emailed Jensen. Jensen did not immediately respond. That night, Jensen emailed a public records  
2 request form to fill out.

3 3.82. Mead School District later made false public statements claiming [REDACTED]'s parents "did  
4 not grant consent for their son to be interviewed and did not participate in the investigative  
5 process," among other misleading and offensive statements.

6 3.83. Due to continued harassment and bullying stemming from the June incident and the  
7 subsequent fallout, [REDACTED] made the difficult decision to transfer out of Mead High School nine  
8 weeks prior to the end of the school year.  
9

10  
11 **CAUSES OF ACTION**  
12

13 **4. NEGLIGENCE AND GROSS NEGLIGENCE**

14 4.1. Under Washington law, Mead School District is entrusted with an enhanced and  
15 solemn duty to protect the children attending their schools. This duty extends to a larger pool of  
16 risk than ordinary care for the general public.  
17

18 4.2. Mead School District, through the responsibilities granted to it, enjoys a special  
19 relationship of trust within the community as it stands in loco parentis, or in the place of parents,  
20 over the children in their care.  
21

22 4.3. Mead School District supervises a large population of minor children, and professional  
23 standards and laws are expected to be met.  
24

25 4.4. Mead School District, through its agents and ostensible agents, assumes the protective  
role of parents and has the responsibility of safeguarding students from foreseeable harm, even  
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1 harm from third parties or criminal acts. This duty encompasses protecting against harm that  
2 students may inflict upon one another while off-campus with an athletic program, as such risks  
3 are foreseeable within the student population.  
4

5  
6 **"SEXUAL HARASSMENT STATEMENT"**

7 **Students and staff are protected against sexual harassment by anyone in any**  
8 **school program or activity, including on the school campus, on the school bus,**  
9 **or off-campus during a school-sponsored activity."**

10 Mead High School Student Handbook

11  
12 "Sexual harassment can occur in any school program or activity and can take  
13 place in school facilities, on a school bus, or at off-campus locations, such as a  
14 school-sponsored field trip or training program at another location ... [which]  
15 can include, but is not limited to: [...]"

16 **Acts of physical violence, including rape, sexual assault, sexual battery, and**  
17 **sexual coercion."**

18 State Superintendent of Public Instruction,  
19 "Prohibiting Discrimination in Washington Public Schools"

20  
21 4.5. Mead School District is vicariously liable for the acts and omissions of its agents or  
22 ostensible agents.

23  
24 4.6. Mead School District, through agents or ostensible agents, committed one or more of  
25 the following negligent or grossly negligent acts or omissions in reckless disregard and  
indifference for the safety of the plaintiff:

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1       4.6.1. Did not provide adequate safety during school-sponsored football camp;

2       4.6.2. Did not prevent harassment, intimidation, bullying, and/or hazing;

3       4.6.3. Did not protect its students, including Plaintiff, from harmful or offensive

4            contacts;

5

6       4.6.4. Did not take action to prevent harmful or offensive contact during the football

7            camp by leaving boys in Mead High School's football program unattended;

8       4.6.5. Did not adequately train personnel how to professionally monitor or supervise

9            overnight school-sponsored sports camps, or how to handle reports of observed or

10            unobserved violence, despite obvious need and the severity of harms that can

11            occur;

12

13       4.6.6. Engaged in a clear pattern of institutional indifference and mishandling reports of

14            male-on-male assault with a massage gun;

15

16       4.6.7. Decided not to report assaults to proper authority in violation of policies,

17            procedures and state law;

18

19       4.6.8. Rather than disciplining the assailants for their acts, Mead counseled them on how

20            not to let their conduct impact recruiting eligibility;

21

22       4.6.9. Decided to not inform parents about knowledge of assaults or videos that had

23            come into the district's possession;

24

25       4.6.10. Decided to not effectively respond to or discipline perpetrators under their

                 supervision, normalizing the conduct and leading to further harassment;

- 4.6.11. Tolerated assaults at the expense of the physical and mental health of student athletes;
- 4.6.12. Allowed a permissive culture, custom, tradition, or practice in the Mead High School boys football program of committing battery and assault to new members of the team;
- 4.6.13. Did not provide supportive measures or safety plans to assaulted students;
- 4.6.14. Widely disseminated disparaging comments about the victims of assault and harassment in the Mead High School football program.

## 5. VIOLATION OF WASHINGTON'S MANDATORY REPORTING STATUTE

5.1. Mead School District's professional school personnel are mandatory reporters under RCW 26.44.

"A school district's sexual harassment policy and procedure provide the district with a mechanism for discovering sexual harassment as early as possible and for effectively correcting problems. [...] Any staff member who witnesses or receives a report of possible sexual harassment should *immediately* report the incident to a school administrator ... School districts must follow their sexual harassment policy and procedure"

State Superintendent of Public Instruction,  
*"Prohibiting Discrimination in Washington Public Schools"*

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1  
2     "This commitment extends to all students involved in academic, educational,  
3     extracurricular, athletic, and other programs or activities of the school, whether that  
4     program or activity is in a school facility, on school transportation or at a class or school  
   training held elsewhere."

5                   [...]

6     Any school employee who witnesses sexual harassment or receives a report, informal  
7     complaint, or written complaint about sexual harassment is responsible"

8                   Mead Policy 3205,  
9                   "Sexual Harassment of Students Prohibited"

10               5.2. Mead School District's professional school personnel had reasonable cause to believe  
11     that Plaintiff, a minor, had been sexually harassed, suffered injury, abuse or neglect, that was  
12     harmful to [REDACTED]'s mental and physical wellbeing.

13  
14  
15     "The district is on notice and required to take action when any employee knows, or in  
16     the exercise of reasonable care should know, about possible sexual harassment. This  
17     includes informal and formal reports made to any staff member.

18     Additionally, staff will also inform an appropriate supervisor or professional staff  
19     member when they receive complaints of sexual harassment, especially when the  
20     complaint [...] alleges serious misconduct."

21                   Mead Procedure 3205,  
22                   "Sexual Harassment of Students Prohibited"  
23                   See Also Mead Policy 5011, "Sexual Harassment"

24               5.3. Mead School District's professional school personnel knowingly decided not to make  
25     an immediate oral report, did not make a report at the first opportunity, and did not make a report  
   within forty-eight hours after having reasonable cause to believe that plaintiff had been sexually

1 harassed, suffered injury, abuse or neglect, that was harmful to the child's mental and physical  
2 wellbeing.

3  
4 5.4. Mead School District is civilly and vicariously liable for the acts and omissions of its'  
5 professional school personnel.

6  
7 **6. VIOLATION OF WASHINGTON LAW AGAINST DISCRIMINATION**

8 6.1. "It is the paramount duty of the state to make ample provision for the education of all  
9 children residing within its borders, without distinction or preference on account of race, color,  
10 caste, or sex." Wa. Const. Art. IX, § 1.

11  
12 "... the school district must take prompt and effective steps reasonably calculated to  
13 end the harassment, eliminate any hostile environment and its effects, and prevent the  
14 harassment from recurring. These duties are a school district's responsibility even if the  
15 misconduct is also covered by the school district's HIB policy, and regardless of whether  
16 a student has complained, asked the school district to take action, or identified the  
17 harassment as a form of discrimination. [...] A school district's responsibility is to  
eliminate the hostile environment created by the harassment, address its effects, and  
take steps to ensure that harassment does not recur."

18 State Superintendent of Public Instruction,  
19 "Prohibiting Discrimination in Washington Public Schools"

"The district will take prompt, equitable and remedial action within its authority on reports, complaints and grievances alleging sexual harassment that come to the attention of the district, either formally or informally. The district will take these steps every time a complaint alleging sexual harassment comes to the attention of the district, either formally or informally. Allegations of criminal misconduct will be reported to law enforcement"

Mead Policy 3205,  
*“Sexual Harassment of Students Prohibited”*

"When an informal or formal complaint of sexual harassment is made, the district will take steps to stop further harassment and prevent retaliation against the person who made the complaint, was the subject of the harassment, or against those who provided information as a witness. The district will investigate all allegations of retaliation and take actions against those found to have retaliated."

Mead Procedure 3205,  
*"Sexual Harassment of Students Prohibited"*

6.2. Mead School District and its agents are prohibited from discriminating against or granting preferential treatment to any individual on a ground or on the basis of sex or gender under RCW 49.60. *See also* RCW 28A.642.005.

“Sexual harassment can take different forms depending on the harasser and the nature of the harassment. The conduct can be carried out by school employees, students, and non-employee third parties, such as a visiting speaker. Both males and females can be targets of sexual harassment, and the harasser and the target can be of the same sex.”

State Superintendent of Public Instruction,  
*"Prohibiting Discrimination in Washington Public Schools"*

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1       6.3. Mead School District denied [REDACTED] the right to the full enjoyment of the  
2 accommodations, advantages, facilities, or privileges of a place of public accommodation,  
3 assemblage, or amusement, in violation of RCW 49.60.030. Specifically, Mead School District  
4 discriminated against [REDACTED] on the basis of sex in the following ways:  
5

6       6.3.1. Mead School District, through its agents, had notice of sexual harassment in a  
7           school-sponsored educational program or activity in which it exercised substantial  
8           control over Mead School District football players.  
9

10      6.3.2. Mead School District, through its agents, did not respond in a reasonable manner  
11           in light of the known circumstances.  
12

13      6.3.3. Mead School District, through its agents, intentionally, knowingly and  
14           deliberately did not promptly inform targeted students how to file a formal  
15           complaint or offer supportive measures.  
16

17      6.3.4. Mead School District, through its agents, treated sexual harassment victims  
18           differently on the basis of sex or gender.  
19

20      6.3.5. Mead School District, through its agents, did not treat assaulted boys in a manner  
21           comparable to the treatment it provides to assaulted girls.  
22

23      6.3.6. Mead School District, through its agents, minimized the seriousness of conduct  
24           with statements like: "boys will be boys."  
25

1           6.3.7. Mead School District, through its agents, denied sexual harassment victims the  
2           same aids, benefits, or services on the basis of sex or gender.  
3

4           6.3.8. Mead School District, through its agents, subjected students to different rules of  
5           behavior, sanctions, or other treatment on the basis of sex or gender.  
6

7           6.3.9. Mead School District, through its agents, allowed a severe, pervasive and  
8           objectively offensive culture to continue that deprived or limited the right of full  
9           access to educational opportunities or benefits and created a hostile environment at  
10           school.  
11

12           6.4. Mead School District's acts and omissions, and those of its agents, directly or  
13           indirectly resulted in distinctions or discrimination on the basis of sex or gender.  
14

15           6.5. Mead School District is strictly liable for the discriminatory conduct directed at GP by  
16           its agents in a place of public accommodation under *Floeting v. Grp. Health Coop.*, 192 Wash.  
17           2d 848, 859 (2019).  
18

19           **7. RESPONDENT SUPERIOR, VICARIOUS LIABILITY, JOINT AND SEVERAL  
                  LIABILITY**

20           7.1. Plaintiffs plead all causes of action sounding in tort, upon information and belief,  
21           against Defendants and DEFENDANT JOHN JANE DOES for respondent superior, vicarious  
22           liability, and joint and several liability.  
23  
24  
25

7.2. Plaintiffs plead all causes of action sounding in tort, upon information and belief, against DEFENDANT JOHN JANE DOES as currently unidentified parties with alleged or potential fault.

## 8. DAMAGES

8.1. Plaintiff [REDACTED] has suffered physically and emotionally.

8.2. The acts and omissions described herein caused emotional distress to Plaintiff and Plaintiff's family. [REDACTED] is attending weekly counseling sessions for ongoing severe emotional distress, which is an added expense for his parents.

8.3. The acts and omissions described herein caused the plaintiff's parent-child relationship to be affected.

1

1

## **COMPLAINT - 29**

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1  
2 "A child who is bullied may experience negative mental health effects – there may be  
3 feelings of sadness, loneliness, and isolation. Physical health can also be affected—sleep  
4 disturbance, heart disease, eating disorders and other ailments can last into adulthood.  
5 Academic performance and participation may slump and some may retaliate with  
6 violence. Bullying is also a risk factor for youth suicide. **Violence is an ACE [adverse**  
7 **childhood experience] from any perspective.**

8 ... In addition, those who witness others being bullied may experience this as an ACE  
9 [adverse childhood experience]. Witnesses of bullying have a higher rate of tobacco,  
10 alcohol, and drug use. Exposure to physical and emotional violence can result in myriad  
11 negative mental health and physical health consequences. **Cyberbullying brings added**  
12 **injury and stress due its immediate, indefinite, viral, and permanent nature. The**  
13 **emotional injury can affect children's view of the world, how they related to people, and**  
14 **where they feel safe and understood.**

15 **The effects of trauma are cumulative and can affect health across the lifespan."**

16 U.S. Department of Health and Human Services, StopBullying.gov  
17 "Bullying as an Adverse Childhood Experience"

18 "Being bullied can **severely affect a child's or teen's self-image, social interactions, or**  
19 **school performance, and can lead to mental health problems such as depression, anxiety,**  
20 **and substance use, and even suicidal thoughts and behaviors..."**

21 National Child Traumatic Stress Network  
22 "Bullying Effects"

23 "... a study on bullying and post-traumatic stress found that **some children may repress**  
24 **their thoughts or feelings about what took place. This can lead to numbness or loss of**  
25 **interest in activities. This study also found that children may experience intrusive**  
26 **thoughts, such as sudden flashbacks ...**"

27 U.S. Department of Health and Human Services, StopBullying.gov  
28 "Bullying and Trauma"

1       8.4. As direct and proximate result of the actions and omissions described herein,  
2 Plaintiffs are damaged in an amount equal to the amount required for full compensation for  
3 Plaintiffs' injuries, including but not limited to their economic damages, pain, mental anguish,  
4 suffering, and loss of enjoyment of life, plus the amount required for full compensation for  
5 Plaintiffs' loss of consortium, in an amount to be proven at trial, together with the cost of suit  
6 including reasonable attorneys' fees or any other appropriate remedy authorized by law.  
7  
8

## 9           **9. LIMITED WAIVER OF MEDICAL PRIVILEGE**

10       9.1. Plaintiffs hereby waive the physician-patient privilege ONLY to the extent required by  
11 RCW § 5.60.060, as limited by their constitutional rights of privacy, contractual rights of privacy,  
12 and the ethical obligation of physicians and attorneys not to engage in ex parte contact between a  
13 treating physician and the patient's legal adversaries.  
14  
15

## 16           **10. REQUEST FOR INJUNCTIVE RELIEF**

17       10.1. Pursuant to WAC 181-86-110, Mead's Superintendent had a responsibility to  
18 submit a report to the Office of Superintendent of Public Instruction (OSPI), and request an  
19 independent investigation.  
20

21       10.2. To date, Mead School District has provided no confirmation or reason to believe  
22 the district referred the mishandling of the football camp incidents to the OSPI for an  
23 independent investigation.  
24

25       10.3. OSPI would be an appropriate state agency to conduct an investigation and to  
require Mead implement mandatory and effective training programs for District administrators,

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1 faculty, staff and coaches relating to hazing, bullying, harassment, intimidation and sexual  
2 assault.

4 10.4. Plaintiffs request injunctive relief, as this court deems just and proper, including a  
5 complaint filed with the OSPI pursuant to WAC 181-86-110.

6 7 **11. REQUEST FOR COMPENSATORY RELIEF**

8 WHEREFORE, Plaintiff requests judgment against the Defendants, jointly and severally, in  
9 an amount that will fairly compensate Plaintiff for:

10

11 1. Damages, including past and future economic and noneconomic damages;

12 2. Loss of consortium damages;

13

14 3. Attorney fees, costs, pre and post judgment interest, to the extent allowable by  
15 law;

16

17 4. For costs of suit, pre and post judgment interest as authorized by law;

18

19 5. Other relief the Court deems just.

20 DATED at Spokane, Washington, this 24<sup>th</sup> day of July, 2024.

21

22 By:   
23 Marcus Sweetser (Jul 24, 2024 11:34 PDT)  
24 MARCUS SWEETSER, WSBA No. 52895  
ISAIAH T. PETERSON, WSBA No. 49794  
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25

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