

**IN THE CIRCUIT COURT FOR ST. LOUIS CITY,
STATE OF MISSOURI**

REBECCA GEREMEW)

as Next Friend on behalf of Minor H.G.,)

Plaintiff,)

Case No.)

Div. No.)

ST. LOUIS PUBLIC SCHOOL DIST.,)

Serve at:)

801 N. 11th Street)

St. Louis, MO 63101)

Defendant.)

JURY TRIAL DEMANDED

PETITION FOR DAMAGES

COMES NOW Plaintiff H.G., by and through her attorneys and Next Friends and parent, Plaintiff Rebecca Geremew, and for her Petition for Damages against Defendant St. Louis Public School District states as follows:

INTRODUCTION

1. This matter is a public accommodation discrimination lawsuit based on and arising under the Missouri Human Rights Act ("MHRA"), R.S.Mo. § 213.010 *et seq.*

JURISDICTION AND VENUE

2. Venue in this Court is proper pursuant to Mo. Rev. Stat. § 213.111(1), because the allegations that gave rise to this action occurred in St. Louis, Missouri.

3. On or about January 18, 2024, Plaintiff H.G.'s mother and Next Friend, Plaintiff Rebecca Geremew ("Plaintiff Geremew"), filed a charge on her behalf against Defendant with the Missouri Commission on Human Rights ("MCHR"), alleging discrimination based on disability and race.

4. On or about August 20, 2024, Plaintiffs received a Right to Sue letter from the MCHR. See Exhibit 1.

5. Plaintiffs filed this action within 90 days of receipt of the foregoing notice. Plaintiffs fully complied with the administrative exhaustion requirements of the MHRA.

PARTIES

6. Plaintiff H.G. is a minor child and a citizen of Missouri who resides in St. Louis City with her parents. She was born on September 2, 2014.

7. At all times relevant herein, Plaintiff H.G. attended school at Gateway Michael Elementary School (“Gateway”).

8. Plaintiff Geremew is the mother and legal guardian of Plaintiff H.G and serves as her Next Friend.

9. Plaintiff Geremew is a citizen of Missouri who resides in St. Louis City.

10. Defendant St. Louis Public School District (“Defendant School District”) is a public educational institution that has the capacity to sue and be sued. Its main offices are located at 801 N. 11th Street, St. Louis, MO 63101.

11. Defendant School District conducts common school and educational curricula at multiple addresses within this Court’s jurisdiction.

FACTS COMMON TO ALL COUNTS

12. Plaintiff H.G. is biracial. Plaintiff H.G.’s mother is Caucasian, and her father is a Black man from Ethiopia.

13. Plaintiff H.G. has the conditions of nonverbal autism and developmental delays.

14. Plaintiff H.G.’s conditions of autism and developmental delays affect her major life activities of speaking, toilet usage, communication, focusing, and staying still. Plaintiff H.G.’s

developmental delays also cause Plaintiff H.G. to have muscle weakness and fatigue, which affect her ability to walk long distances.

15. Defendant School District is a public school district in St. Louis, Missouri.

16. At all times, Defendant School District acted by and through its agents and employees.

17. Due to Plaintiff H.G.'s disabilities, School District provided Plaintiff H.G. with behavioral, occupational, physical, and musical therapies.

18. Plaintiff H.G. began attending Gateway Michael Elementary School during the 2022-2023 school year.

19. Since Plaintiff H.G. started at Gateway Michael Elementary School, Defendant School District has been aware of Plaintiff H.G.'s conditions and resulting disabilities.

20. On one or more occasions, one of Plaintiff H.G.'s teachers who assisted in dressing Plaintiff H.G. complained that Plaintiff H.G. wore "too many layers" to school.

21. In one such instance, Plaintiff Geremew sent Plaintiff H.G. to school with leggings beneath her skirt because it was cold.

22. One of Plaintiff H.G.'s teachers accused Plaintiff Geremew of purposely sending Plaintiff H.G. to school with extra layers out of spite.

23. On one or more occasions, Plaintiff H.G. returned home with only a diaper beneath her skirt, when Plaintiff Geremew had sent Plaintiff H.G. to school in more layers.

24. On or about September 4, 2023, Plaintiff Geremew suspected Plaintiff H.G.'s instructors were failing to adequately provide academic instruction.

25. On or about September 11, 2023, Plaintiff Geremew sent Plaintiff H.G. to school with an "AngelSense" device, which performs one-way calls but does not record.

26. Plaintiff Geremew informed Plaintiff H.G.'s teachers that she was going to send Plaintiff H.G. to school wearing the AngelSense device.

27. Using the AngelSense device, Plaintiff Geremew listened to some of Plaintiff H.G.'s interactions with her instructors at school.

28. Through the device, Plaintiff Geremew heard Plaintiff H.G.'s instructors yelling and cursing at Plaintiff H.G.

29. On or about September 18, 2023, Plaintiff Geremew sent Plaintiff H.G. to school with a recording device.

30. The recordings indicated that Plaintiff H.G.'s instructors at Gateway were verbally abusing, bullying, shaming, and barely teaching Plaintiff H.G.

31. Plaintiff H.G.'s instructors used curse words frequently around Plaintiff H.G.

32. On at least one occasion, Plaintiff H.G.'s instructor used the "N" word in Plaintiff H.G.'s presence.

33. On one occasion, one of Plaintiff H.G.'s teachers called Plaintiff H.G. a "motherfucker" and a "heifer" after she took a piece of pizza out of a pizza box.

34. On one occasion, one of the instructors told Plaintiff H.G. "Momma gonna knock you out!"

35. On one or more occasions, one or more instructors joked and made fun of Plaintiff H.G. for having her hands down her own pants.

36. On one occasion, an instructor said of Plaintiff H.G., "She fucking with me, She knows it."

37. On one occasion, an instructor stated, "I don't know why she gotta come down here every day and get on my nerves," referring to Plaintiff H.G.

38. On one occasion, one of Plaintiff H.G.'s teacher's aides called Plaintiff H.G. a "heifer" when Plaintiff H.G. tried to take food from her desk.

39. Plaintiff H.G.'s instructors frequently talked about Plaintiff H.G.'s weight and/or harassed Plaintiff H.G. about her weight.

40. On one occasion, a teacher called Plaintiff H.G. "lazy as all get out" when Plaintiff H.G. was walking slowly back inside after she had been outside with her aide.

41. On one occasion, one of Plaintiff H.G.'s instructors yelled at Plaintiff H.G. and accused her of "holding up" the bus at the end of the day, when Plaintiff H.G. is unable to change her clothes or pack up her own things due to her disability.

42. On one occasion, Plaintiff H.G.'s teacher's aide told her she must "stress people out" at home and probably "tears up the house," and another instructor verbally agreed.

43. Plaintiff H.G.'s instructors and/or aides made other inappropriate and harassing comments to Plaintiff H.G. throughout the day as well.

44. Plaintiff Geremew kept Plaintiff H.G. home for two days after she listened to the recordings from September 18, 2023.

45. On or about September 21, 2023, Plaintiff Geremew emailed Gateway's Principal, informing her that Plaintiff H.G. would not attend school in-person for the foreseeable future because Plaintiff H.G.'s instructors verbally abused Plaintiff H.G.

46. Plaintiff H.G. has not returned to school in-person at Gateway since September 18, 2023.

47. On or about December 7, 2023, Plaintiff H.G. started home-bound instruction.

48. From September 18 to December 7, 2023, Plaintiff Geremew had to provide Plaintiff H.G. with full-time care.

49. From September 18 to December 7, 2023, Plaintiff H.G. did not receive any academic instruction or services from Defendant School District.

50. Defendant School District's actions caused Plaintiff H.G. to develop a sound sensitivity, extreme separation anxiety, a fear of strangers, and an increase in frustration and becoming upset.

51. Plaintiff H.G. also became physically weak because of the decreased physical activity from not attending school in-person.

VIOLATIONS OF LAW

COUNT I: Disability Discrimination in Violation of the Missouri Human Rights Act

52. Plaintiffs incorporate by reference the allegations in the foregoing paragraphs as if fully set forth herein.

53. Plaintiff H.G. has the conditions of nonverbal autism and developmental delays.

54. Plaintiff H.G.'s conditions of autism and developmental delays affect her major life activities of speaking, toilet usage, communication, focusing, and staying still. Plaintiff H.G.'s developmental delays also cause Plaintiff H.G. to have muscle weakness and fatigue, which affect her ability to walk long distances.

55. Plaintiff H.G.'s conditions constitute disabilities under R.S.Mo. § 213.010(15).

56. Defendant is a place of public accommodation within the meaning of R.S.Mo. § 213.010(16).

57. Defendant failed to properly provide academic instruction to Plaintiff H.G.

58. Defendant subjected Plaintiff H.G. to verbal abuse.

59. Defendant harassed Plaintiff H.G. and treated her less favorably than other students in her class.

60. Defendant thus denied Plaintiff H.G. the advantages, facilities, services, and privileges made available by Defendant to other students. This action violates R.S.Mo. § 213.065.

61. This discrimination was motivated by Plaintiff H.G.'s disability.

62. As a result of Defendant's conduct, Plaintiff H.G. has suffered and continues to suffer emotional distress and psychological damage.

63. Defendant School District's actions caused Plaintiff H.G. to develop a sound sensitivity, extreme separation anxiety, a fear of strangers, and an increase in frustration and emotional dysregulation.

64. Plaintiff H.G. also became physically weak because of the decreased physical activity from not attending school in-person.

65. Pursuant to R.S.Mo. § 213.111(2), Plaintiff H.G. seeks actual damages, including emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses, punitive damages against Defendant, and attorney's fees and costs.

66. At the time of Defendant's misconduct, Defendant knew its actions were outrageous, unlawful, and were undertaken maliciously and/or in reckless disregard for Plaintiff H.G.'s right to be free from discrimination.

WHEREFORE, Plaintiff Geremew, on behalf of Plaintiff H.G., respectfully requests that this Court enter judgment in her favor and against Defendant School District, and that the Court award emotional distress damages, compensatory damages, pre- and post-judgment interest, punitive damages, and attorney's fees and costs, and any such other relief this Court deems may be just and proper.

COUNT II: Race Discrimination in Violation of the Missouri Human Rights Act

67. Plaintiffs incorporate by reference the allegations in the foregoing paragraphs as if fully set forth herein.

68. Plaintiff H.G. is biracial. Plaintiff H.G.'s mother is Caucasian, and her father is a Black man from Ethiopia.

69. Defendant is a place of public accommodation within the meaning of R.S.Mo. § 213.010(16).

70. Defendant failed to properly provide academic instruction to Plaintiff H.G.

71. Defendant subjected Plaintiff H.G. to verbal abuse.

72. Defendant harassed Plaintiff H.G. and treated her less favorably than other students in her class.

73. Defendant thus denied Plaintiff H.G. the advantages, facilities, services, and privileges made available by Defendant to other students. This action violates R.S.Mo. § 213.065.

74. This discrimination was motivated by Plaintiff H.G.'s race.

75. As a result of Defendant's conduct, Plaintiff H.G. has suffered and continues to suffer emotional distress and psychological damage.

76. Defendant School District's actions caused Plaintiff H.G. to develop a sound sensitivity, extreme separation anxiety, a fear of strangers, and an increase in frustration and becoming upset.

77. Plaintiff H.G. also became physically weak because of the decreased physical activity from not attending school in-person.

78. Pursuant to R.S.Mo. § 213.111(2), Plaintiff H.G. seeks actual damages, including emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses, punitive damages against Defendant, and attorney's fees and costs.

79. At the time of Defendant's misconduct, Defendant knew its actions were outrageous, unlawful, and were undertaken maliciously and/or in reckless disregard for Plaintiff H.G.'s right to be free from discrimination.

WHEREFORE, Plaintiff Geremew, on behalf of Plaintiff H.G., respectfully requests that this Court enter judgment in her favor and against Defendant School District, and that the Court award emotional distress damages, compensatory damages, pre- and post-judgment interest, punitive damages, and attorney's fees and costs, and any such other relief this Court deems may be just and proper.

DEMAND FOR JURY TRIAL

80. Plaintiffs demand a trial by jury on all issues triable by a jury in the Petition.

Respectfully submitted,

KENNEDY HUNT, P.C.

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