

COMMONWEALTH OF KENTUCKY
MARSHALL CIRCUIT COURT
CASE NO. _____

JODI HOLSAPPLE, individually, and
in her capacity as Administrator for the
ESTATE OF SKYLER HOLSAPPLE
-and-
KEVIN HOLSAPPLE

PLAINTIFFS

v.

COMPLAINT

MARSHALL COUNTY BOARD OF EDUCATION
-and-
BRENT LOVETT in his individual capacity
-and-
SHANNON SOLOMON in her individual capacity
-and-
EVAN MERRICK in his individual capacity
-and-
TRACY WATWOOD in his individual capacity

DEFENDANTS

*** **

ELECTRONICALLY FILED

*** **

Come the Plaintiffs, Jodi Holsapple, individually and as Administrator for the Estate of Skyler Holsapple, and Kevin Holsapple, individually (“Plaintiffs”), by counsel, and file this Complaint against the Marshall County Board of Education, Director of Pupil Personnel Brent Lovett in his individual capacity, Shannon Solomon, in her individual capacity, Evan Merrick, in his individual capacity, and Tracy Watwood, in his individual capacity, and allege as follows:

INTRODUCTION

1. Skyler Blake Holsapple was born October 11, 2008.

2. At around 16 months old, Skyler was legally and formally adopted by Plaintiffs Jodi and Kevin Holsapple.

3. Through his early childhood, Skyler lived a normal, happy life with his parents and sister in Benton, Marshall County, Kentucky.

4. Skyler attended Benton Elementary School from 2014 to 2020.

5. Skyler attended South Marshall Middle School from 2020 to 2023, before matriculating to Marshall County High School ("MCHS") in the fall of 2023.

6. For the most part, Skyler went through elementary and middle school without issue. It was not until approximately 8th grade and into high school that many problems began for Skyler.

7. Throughout his time in school, Skyler was a good student, well-liked by the majority of his classmates, had a good-natured and cheerful personality, and treated others with respect.

8. Despite being well-liked by the majority of his classmates, certain students repeatedly, continually, systematically, and intentionally assaulted, abused, harassed, menaced, taunted, hazed, threatened, teased, and bullied Skyler.

9. The constant harassment, bullying, and hazing of Skyler created a hostile and abusive educational environment for Skyler.

10. Defendants all had actual knowledge, or in the exercise of due care should have known, of the harassment, bullying, and hazing of Skyler.

11. On numerous occasions, Skyler was improperly and unfairly punished, derided, and singled out for minor or even perceived transgressions.

12. On numerous occasions, other students were not punished in any regard for threats, harassment, bullying, or hazing of Skyler.

13. On multiple occasions, Skyler suffered serious punishment from administration for his retaliation to such actions, while aggressors were minimally punished, if at all.

14. Defendants and the individual teachers and staff of MCHS, all knew, or in the exercise of due care should have known, that the harassment, bullying, and hazing of Skyler would lead to physical harm, depression, suicide, and/or other harmful consequences.

15. In the very early hours of June 29, 2025, Skyler died of a self-inflicted gunshot wound.

16. Defendants were aware of, permitted, did not abate, and in fact harbored the bullying, aggression, harassment, intimidation, and exceptionally destructive unsafe climate that persisted at MCHS.

17. Plaintiffs now bring this case seeking fair compensation for Skyler's untimely death and to ensure that in the future, the students at MCHS are kept safe and the school administration institutes appropriate mandatory training and policies to ensure that nothing of this nature can ever happen again.

PARTIES AND JURISDICTION

18. At all times relevant to this Complaint, Skyler Holsapple was a resident of Marshall County, Kentucky.

19. Plaintiff Jodi Holsapple is the adoptive mother of Skyler Holsapple and was appointed as Administrator of the Estate of Skyler Holsapple on April 30, 2026, by the Marshall County District Court, Case No. 26-P-00119. *See* Exhibit 1. She brings this action individually, and as Administrator of the Estate of Skyler Holsapple.

20. Plaintiff Kevin Holsapple is the adoptive father of Skyler Holsapple and the husband of Plaintiff Jodi Holsapple.

21. Defendant Marshall County Board of Education is a political subdivision capable of suing and being sued under Kentucky law. Defendant Marshall County Board of Education is the municipal education department operating Marshall County Public Schools, located in Marshall County. It may be served with process at 86 High School Road, Benton, Kentucky, 42025, to its Superintendent, Bill Thorpe.

22. Upon information and belief, at all times relevant to this Complaint, Defendant Brent Lovett was the Director of Pupil Personnel for Marshall County Schools. He is being sued in his individual capacity. Upon information and belief, he may be served with process at 86 High School Road, Benton, Kentucky, 42025 or 108 Shady Hill Drive, Benton, Kentucky 42025.

23. Upon information and belief, at all times relevant to this Complaint, Defendant Shannon Solomon was the Principal at Marshall County High School, in Marshall County, Kentucky. She is being sued in her individual capacity. Upon information and belief, she may be served with process at 416 High School Road, Benton, Kentucky, 42025 or 1265 Old Rosebower Church Road, Paducah, Kentucky, 42003.

24. Upon information and belief, at all times relevant to the allegations in this Complaint, Evan Merrick was Assistant Principal at Marshall County High School. Prior to his tenure at Marshall County High School, Defendant Evan Merrick was Assistant Principal at South Marshall Middle School. He is being sued in his individual capacity. Upon information and belief, he may be served with process at 416 High School Road, Benton, Kentucky, 42025 or 2808 State Route 534, Symsonia, Kentucky, 42082.

25. Upon information and belief, Defendant Tracy Watwood, was, at all times relevant to this action, a law enforcement officer employed by the Marshall County Sheriff's Department, working as a School Resource Officer ("SRO") at Marshall County High School. He is being sued

in his individual capacity. Upon information and belief, he may be served with process at 416 High School Road, Benton, Kentucky, 42025 or 43 Fox Run Lane, Benton, Kentucky, 42025.

26. Defendants Shannon Solomon, Evan Merrick, and Tracy Watwood shall be collectively referred to as “School Defendants” unless named individually.

27. Defendants Marshall County Board of Education and Brent Lovett shall be collectively referred to as “Board Defendants” unless named individually.

28. Upon information and belief, Defendants Marshall County Board of Education and Brent Lovett are based in Marshall County, Kentucky.

29. Upon information and belief, all School Defendants reside in Marshall County, Kentucky, and/or were employed in the county at the time of the events alleged herein.

30. This Court has personal jurisdiction of the named Defendants because all Defendants reside and/or are employed in Marshall County, Kentucky, and the claims in this matter arise from events occurring in Marshall County, Kentucky

FACTS

31. Plaintiffs adopt and incorporate by reference all other facts and allegations contained in this Complaint.

32. Throughout the 2022-2023, 2023-2024, and 2024-2025 school years, Skyler was subjected to repeated bullying, harassment, threats, humiliation, ostracism, and student misconduct known to school personnel, including Defendants.

33. The harassment directed toward Skyler included threats of physical violence, false and humiliating sexual accusations, cyberbullying, the circulation of graphic images attributed to him, mockery of his mental health, mockery of prior hospitalization, and statements encouraging self-harm.

34. School personnel were repeatedly placed on actual notice of the ongoing harassment, bullying, and threats involving Skyler.

35. Despite repeated notice, school personnel failed to reasonably investigate, document, intervene, protect Skyler, prevent further harassment, notify appropriate personnel, preserve evidence, or take other reasonable corrective action.

2022-2023 School Year at South Marshall Middle School

36. During Skyler's eighth-grade year, another student, C.W., sent Skyler a Snapchat message containing photographs of bullets.¹

37. In the Snapchat message, C.W. stated words to the effect of, "These will be in you tomorrow."

38. The message was threatening, violent, and directed specifically toward Skyler.

39. Upon discovering the message from Skyler and viewing the image herself, Plaintiff Jodi Holsapple reported the threatening Snapchat message and image to numerous staff at South Marshall Middle School, including but not limited to Defendant Merrick.

40. During this conversation, South Marshall Middle School staff directed Plaintiff Jodi Holsapple to speak with the School Resource Officer regarding any potentially illegal or threatening incidents.

41. As directed, Plaintiff Jodi Holsapple immediately went to the School Resource Officer and explained the threatening image and message.

42. During this conversation, the School Resource Officer dismissed or minimized the threat.

¹ Out of an abundance of caution and to protect the privacy interests of the students involved, students identified herein are referred to by their initials.

43. Upon information and belief, the School Resource Officer laughed off the allegation and stated words to the effect that C.W. was harmless.

44. Upon information and belief, some investigation was conducted regarding C.W.'s threatening Snapchat message.

45. Upon information and belief, C.W. received only three days of detention as a result of the threatening Snapchat message.

46. Upon information and belief, C.W. did not receive more serious discipline despite sending Skyler an image of bullets and threatening that the bullets would be "in" Skyler the next day.

47. Upon information and belief, C.W. received more favorable treatment because of familial connections to school administration.

48. Defendants failed to treat C.W.'s message as a serious threat to Skyler's safety.

49. Defendants failed to take reasonable steps to protect Skyler after receiving notice that C.W. had sent him a threatening message involving bullets.

50. Defendants failed to impose discipline reasonably proportionate to the seriousness of C.W.'s threat.

51. A few weeks after this incident, on or about November 27, 2022, Skyler sent a Snapchat message to a few friends and classmates indicating that he was bringing gum to school to sell to other students.

52. Upon information and belief, C.W. viewed or learned of Skyler's message and claimed to feel threatened by it.

53. Upon information and belief, C.W. claimed to feel threatened by Skyler's message for the purpose of getting Skyler in trouble.

54. Skyler's Snapchat message did not contain a threat of violence.
55. Skyler's Snapchat message did not threaten C.W. or any other student.
56. Skyler's Snapchat message concerned gum.
57. Despite the non-threatening nature of Skyler's message, Skyler was referred to the prosecutor.
58. As a result, Skyler faced terroristic threatening charges.
59. Following investigation into the image or message, Skyler was ultimately expelled from South Marshall Middle School and assigned to the alternative school located at or near Marshall County High School.
60. Upon information and belief, Skyler was treated unfavorably in this situation due to his lack of familial relationships to school administration unlike other similarly situated students (as described above).
61. Upon information and belief, the decision to expel Skyler from South Marshall Middle School and assign him to the alternative school was made by Defendants Evan Merrick, and/or Brent Lovett, together or separately.
62. Upon information and belief, Skyler was given a "Level 4" punishment under the Student Code of Conduct.
63. Upon information and belief, the Student Code of Conduct did not permit middle school students to receive Level 4 punishments for such actions.
64. Skyler was punished for alleged conduct occurring outside of school.
65. The alleged conduct had no reasonable bearing or relevance on school safety, school discipline, or the educational environment.
66. At the time the punishment was imposed, Defendants Merrick, and/or Lovett

represented to Plaintiffs Jodi and Kevin Holsapple that Skyler would attend the alternative school for the remainder of the semester, through Christmas break.

67. Defendants Merrick and/or Lovett further represented that Skyler would return to South Marshall Middle School the following January, depending on his grades and behavior.

68. Plaintiff Kevin Holsapple later met in person with Defendants Brent Lovett and Evan Merrick.

69. During that meeting, Defendant Lovett stated that Skyler's term of detention or alternative placement would conclude at Christmas break.

70. Skyler had no disciplinary incidents during that time period.

71. Skyler had no grade-related issues during that time period.

72. Despite Skyler having no disciplinary incidents or grade-related issues, he was not permitted to return to South Marshall Middle School after Christmas break.

73. Upon information and belief, Defendant Merrick did not want Skyler to return to South Marshall Middle School.

74. Upon information and belief, Defendants Merrick and Lovett prevented Skyler from returning to South Marshall Middle School despite prior representations that he would be allowed to return if he maintained appropriate grades and behavior.

75. Skyler remained in alternative placement, or otherwise never returned to South Marshall Middle School for the remainder of his eighth-grade year.

76. Defendants treated Skyler more harshly than his peers, including C.W., despite the fact that C.W. had previously sent Skyler a Snapchat message containing photographs of bullets and a direct threat of violence.

77. Defendants' handling of the two incidents was arbitrary, inconsistent, and unfair.

78. Defendants minimized a direct threat made against Skyler, while later imposing severe punishment against Skyler for a non-threatening message about gum.

79. Defendants failed to apply discipline in a fair, neutral, consistent, and non-arbitrary manner.

80. Defendants' conduct caused Skyler embarrassment, humiliation, emotional distress, fear, educational disruption, and loss of trust in school officials.

2023-2024 School Year at Marshall County High School

81. After eighth grade, Skyler transitioned from South Marshall Middle School to Marshall County High School.

82. Upon information and belief, Defendant Evan Merrick also transitioned to Marshall County High School and continued to have authority over Skyler as a school administrator.

83. Just before the beginning of Skyler's freshman year, in approximately July 2023, Skyler attended a soccer camp with the Marshall County High School soccer team at the University of Kentucky in Lexington, Kentucky.

84. During the trip to Lexington, the bus transporting students stopped at a gas station.

85. Students were permitted to enter the gas station to purchase snacks and other items.

86. While inside the gas station, Skyler overheard a number of older students laughing and observed them purchasing dog food and duct tape.

87. Based upon what he observed, Skyler believed the older students were planning to do something harmful, humiliating, or inappropriate to another student during the trip.

88. Skyler did not know who the intended target was.

89. After returning to the bus, Skyler reported his concerns to his coach, "Coach Scott".

90. Skyler told Coach Scott words to the effect that somebody was about to have

something done to them during the trip by the older students.

91. Rather than taking Skyler's report seriously, Coach Scott responded with words to the effect of, "They probably deserve it."

92. Coach Scott failed to take reasonable action to investigate, prevent, or stop the anticipated hazing.

93. Upon information and belief, Coach Scott was later separated from employment or otherwise removed from his coaching position as a result of the incident, along with another coach.

94. During the soccer camp, Skyler's friend, E.S., was staying in a hotel room with another student on the soccer team.

95. Upon information and belief, one or more students obtained a key to the room where E.S. was staying.

96. Upon information and belief, one or more students entered the room while E.S. was inside.

97. Upon information and belief, one or more of the students involved had familial relationships to employees within the Marshall County school system.

98. After entering the room, the students violently accosted E.S.

99. The students forced wet dog food into E.S.'s mouth and taped his mouth shut.

100. E.S. suffered injuries as a result of the incident, including choking and aspirating on the dog food.

101. Upon information and belief, E.S.'s mother pursued criminal charges against the students involved.

102. Upon information and belief, the students involved received community service as a result of the criminal proceedings.

103. Skyler had attempted to prevent the incident by reporting suspicious behavior to Coach Scott before the hazing occurred.

104. Skyler was one of the only students who stood up for E.S. after the incident.

105. After the hazing incident, two brothers, both identified herein by the initials J.B., became angry with Skyler.

106. Upon information and belief, J.B. and J.B. held familial relations to employees within the Marshall County School system.

107. Upon information and belief, J.B. threatened Skyler and stated words to the effect that Skyler was supposed to be the one hazed instead of E.S.

108. The threats directed toward Skyler were reported to school personnel.

109. On or about September 8, 2023, school personnel were placed on written notice that Skyler had been threatened in the bathroom by J.B.

110. Upon information and belief, J.B. referenced the prior hazing incident and threatened that students were going to “do that to him instead of E.S.”

111. Defendants knew or should have known that Skyler had reported suspected hazing before it occurred.

112. Defendants knew or should have known that Skyler was later threatened because he supported E.S. and/or because he was associated with reporting or objecting to the hazing.

113. Defendants failed to reasonably protect Skyler from retaliation, threats, intimidation, and harassment following the soccer camp hazing incident.

114. Around the same time, an incident occurred in a bathroom at Marshall County High School involving a nicotine vape.

115. While Skyler was in a bathroom stall, another student handed Skyler a nicotine

vape device under the stall.

116. Upon information and belief, the other student handed Skyler the vape in an attempt to avoid trouble when a teacher approached and/or entered the bathroom.

117. Skyler did not use the nicotine vape.

118. Skyler did not attempt to use the nicotine vape.

119. Skyler protested that he had not used the nicotine vape and had not attempted to use it.

120. Because of Skyler's protests, Plaintiffs Jodi and Kevin Holsapple immediately took Skyler to his doctor's office for testing.

121. Skyler was tested for a full array of substances, including nicotine.

122. The nicotine test came back negative.

123. The negative test result confirmed that Skyler had not used the nicotine vape device that had been confiscated from him in the bathroom.

124. Upon information and belief, the applicable team or school rules punished use of a nicotine vape device, rather than mere possession under the circumstances described herein.

125. Despite Skyler's protests and negative nicotine test, Skyler was removed from the soccer team as a punishment.

126. Upon information and belief, Skyler was removed from the soccer team without proper cause.

127. Principal Shannon Solomon determined, approved, or participated in the decision that Skyler would be removed from the soccer team.

128. The soccer coach blamed the decision on administration.

129. Administration, including Defendant Solomon, pushed responsibility for the

decision back onto the coach.

130. The shifting explanations regarding who made the decision to remove Skyler from the soccer team caused confusion and prevented Plaintiffs from obtaining a clear explanation of the basis for the punishment.

131. Upon information and belief, the applicable rules provided that a parent could request a meeting with the Athletic Director regarding discipline or removal from the team.

132. Plaintiff Kevin Holsapple requested a meeting with the Athletic Director.

133. Plaintiff Kevin Holsapple was denied a meeting.

134. Defendants failed to provide Skyler and his parents with a fair, consistent, and meaningful process to challenge his removal from the soccer team.

135. Defendants treated Skyler unfairly and inconsistently after he reported suspected hazing, supported E.S., and was later threatened by students connected to the soccer program.

136. Defendants' conduct caused Skyler embarrassment, humiliation, emotional distress, loss of trust in school officials, and loss of the opportunity to participate on the soccer team.

137. Shortly thereafter, Defendant Evan Merrick instructed Skyler's friend, C.H. not to hang out with Skyler, indicating that he was a "bad influence" or some other negative connotation.

138. Defendant Merrick made this statement to another student while acting in his position as Assistant Principal.

139. Defendant Merrick's statement was not made as part of any legitimate disciplinary process involving Skyler.

140. Defendant Merrick did not advise Skyler of any rule, policy, or directive that Skyler had violated in connection to his friend.

141. Defendant Merrick did not advise Plaintiffs Jodi or Kevin Holsapple that he had instructed another student not to associate with Skyler.

142. By telling another student that Skyler was a “bad influence,” Defendant Merrick stigmatized Skyler and encouraged another student to avoid or isolate him.

143. Defendant Merrick’s conduct amounted to further bullying, harassment, embarrassment, stigmatization, and ostracization.

144. Defendant Merrick’s statement communicated to another student that Skyler was dangerous, undesirable, or unworthy of association at school.

145. Defendant Merrick’s conduct caused or contributed to Skyler being socially isolated and negatively labeled within the school environment.

146. Defendant Merrick’s conduct was improper, unprofessional, and inconsistent with his duties as a school administrator.

147. Defendant Merrick’s conduct constituted an improper use of his position of authority over students.

148. Defendant Merrick’s conduct disrupted or interfered with Skyler’s ability to participate in the school environment free from stigmatization by school staff.

149. To the extent Defendant Merrick’s statement was based upon Skyler’s discipline history, school records, behavioral records, or other student information, Defendant Merrick improperly disclosed or referenced protected student information to another student.

150. Defendant Merrick’s conduct implicated the Board’s policies governing staff duties, disruption of the educational process, student privacy, and harassment/discrimination.

151. As a direct and proximate result of Defendant Merrick's conduct, Skyler suffered embarrassment, humiliation, social isolation, emotional distress, and loss of trust in school officials.

152. Following these events, Plaintiff Jodi Holsapple sent an email directly to Defendant Merrick explaining her concerns and specifically requesting that Defendant Merrick not participate in anything to do with Skyler, especially regarding punishment or enforcement. *See* Exhibit 2.

153. Upon information and belief, this request was ignored by the Defendants.

154. On or about February 2, 2024, Plaintiff Jodi Holsapple informed school therapist Shelby Buechlein that Skyler had purchased books on suicide. Plaintiff Jodi Holsapple further explicitly informed Shelby Buechlein that Skyler was hiding his deteriorating mental state.

155. On or about February 2, 2024, Plaintiff Jodi Holsapple also reported concerns regarding Skyler's soccer coach to Shelby Buechlein. *See* Exhibit 2.

156. Plaintiff Jodi Holsapple reported that the soccer coach was bullying Skyler, was not keeping him informed about soccer or tryouts, and disliked him because Skyler was kind to students involved in a prior hazing issue.

157. In or around February 2024, Skyler was again subjected to threatening, intimidating, and harassing conduct by another student.

158. The student, identified herein as T.C., stepped on Skyler's shoes and made threatening statements toward Skyler.

159. T.C.'s conduct was intentional, unwanted, and directed toward Skyler.

160. T.C.'s conduct was not accidental or isolated horseplay, but part of continued intimidation and mistreatment directed toward Skyler by other students.

161. The act of stepping on Skyler's shoes, when combined with threatening statements, constituted physical intimidation, bullying, harassment, and threatening behavior.

162. Upon information and belief, school officials were made aware of T.C.'s conduct.

163. Upon information and belief, Defendants failed to meaningfully investigate T.C.'s conduct.

164. Upon information and belief, Defendants failed to document T.C.'s conduct as bullying, harassment, intimidation, threatening behavior, or a violation of the Code of Acceptable Behavior and Discipline.

165. Upon information and belief, Defendants failed to impose any meaningful punishment, discipline, reprimand, corrective action, or restriction upon T.C. for his conduct toward Skyler.

166. Defendants' failure to discipline or correct T.C. was consistent with their broader pattern of minimizing threats, bullying, harassment, and intimidation directed toward Skyler.

167. Defendants' failure to respond further communicated to Skyler and other students that threatening, intimidating, and harassing conduct directed toward Skyler would not be meaningfully punished.

168. Defendants' failure to respond allowed the bullying, harassment, intimidation, and targeting of Skyler to continue.

169. As a direct and proximate result of Defendants' failure to reasonably respond, Skyler suffered embarrassment, humiliation, fear, anxiety, loss of trust in school officials, and further emotional distress.

170. Thereafter, on or about March 14, 2024, Plaintiff Jodi Holsapple emailed Principal Shannon Solomon regarding graphic sexual harassment and cyberbullying directed toward Skyler.

171. In that email, Plaintiff Jodi Holsapple reported that students had displayed pornographic or sexually explicit images attributed to Skyler during Spanish class. *See* Exhibit 2.

172. Plaintiff Jodi Holsapple further reported that the images had been circulated to other students.

173. Plaintiff Jodi Holsapple expressly requested that the school take action regarding the harassment and cyberbullying directed toward Skyler.

174. On or about March 14, 2024, Plaintiff Jodi Holsapple came to Marshall County High School and met with Defendant Evan Merrick and Shelby Buechlein regarding the harassment.

175. After meeting at the school, Plaintiff Jodi Holsapple went to the Marshall County Board of Education and spoke with Defendant Brent Lovett regarding the image-distribution incident.

176. Defendant Lovett stated that he would call Defendant School Resource Officer Tracy Watwood and get him involved.

177. On or about March 14, 2024, Defendant Watwood became involved in the image-distribution issue.

178. Upon information and belief, Defendant Watwood acknowledged the difficulty of obtaining Snapchat evidence or obtaining a subpoena from Snapchat.

179. On or about March 14, 2024, school officials were informed that students had circulated pornographic or sexually explicit images attributed to Skyler.

180. On or about March 14, 2024, school officials were informed that students had mocked Skyler's mental health and hospitalization.

181. On or about March 14, 2024, C.K. and D.I. were identified as students who called Skyler a “pill popper.”

182. C.K. and D.I. were also identified as students who mocked Skyler’s mental-health hospitalization.

183. C.K. and D.I. were further identified as students who participated in distributing the graphic image during Spanish class.

184. C.K. was specifically identified as the student who “sent the actual picture around saying it was Skyler.”

185. H.J. was identified as the student who sent the image to some of the soccer players.

186. K.O. and A.M. were identified as additional participants in the harassment directed toward Skyler.²

187. On or about March 15, 2024, Defendant Solomon was placed on additional notice concerning the harassment directed toward Skyler.

188. The March 15, 2024 email reported that students mocked Skyler’s depression and hospitalization. *See* Exhibit 2.

189. The March 15, 2024, email further reported that students made statements that Skyler “tries to kill himself every week.”

190. By March 15, 2024, Defendants had actual knowledge that students were engaging in sexualized harassment, cyberbullying, mental-health-related harassment, and suicide-related harassment directed toward Skyler.

² In fact, A.M. was referred for prosecution in connection with criminal charges for distribution of child sexual abuse materials; however, that referral had nothing to do with MCHS’s response to Skyler’s reports. Rather, the referral arose from a separate, unrelated law-enforcement investigation conducted by the Marshall County Sheriff’s Office, during which law enforcement searched A.M.’s phone and discovered the materials referenced herein.

191. By March 15, 2024, Defendants had actual knowledge of the identities of multiple students alleged to be involved in the harassment.

192. The circulation of pornographic or sexually explicit images attributed to Skyler constituted sexualized harassment, bullying, humiliation, cyberbullying, and targeted mistreatment.

193. The mocking of Skyler's depression, hospitalization, and suicide-related history constituted bullying, harassment, humiliation, and targeted mistreatment.

194. The harassment was especially serious because it involved both sexualized humiliation and comments concerning Skyler's mental health, hospitalization, and suicide-related history.

195. Despite receiving notice of the harassment, Defendants failed to take reasonable and appropriate action to stop the continued harassment.

196. Despite receiving notice of the harassment, Defendants failed to meaningfully investigate the conduct of the students involved.

197. Despite receiving notice of the harassment, Defendants failed to impose meaningful discipline upon the students responsible for circulating the images, mocking Skyler's mental health, or participating in the harassment.

198. Upon information and belief, none of the above-named students received any meaningful punishment, reprimand, or corrective action for the conduct described above.

199. Upon information and belief, many of the students received minimal or no punishment as a result of their relationships with school administrators.

200. Defendants failed to take reasonable steps to protect Skyler from further circulation of the images.

201. Defendants failed to take reasonable steps to prevent additional students from obtaining, possessing, sharing, displaying, or discussing the images.

202. Defendants failed to take reasonable steps to protect Skyler from continued bullying, cyberbullying, sexualized harassment, mental-health-related harassment, and suicide-related harassment.

203. Defendants failed to provide Skyler with reasonable protection, support, intervention, referral, or follow-up after learning of the harassment.

204. During the 2023-2024 school year, Defendants had actual knowledge that students were circulating pornographic or sexually explicit images attributed to Skyler at Marshall County High School.

205. During the 2023-2024 school year, Defendants had actual knowledge that Skyler was the victim of sexual harassment as a result of the circulation of the images described herein.

206. During the 2023-2024 school year, Defendants MCBOE, Brent Lovett, and Shannon Solomon had authority to institute corrective measures, including but not limited to investigation, discipline, no-contact directives, removal from class settings, suspension, expulsion, referral, and other corrective action.

207. Despite having actual knowledge and authority to act, Defendants MCBOE, Brent Lovett, and Shannon Solomon failed to take reasonable corrective action to stop or limit the harassment.

208. Defendants' lack of meaningful response to reports that students were circulating pornographic or sexually explicit images attributed to Skyler amounted to an official decision not to take reasonable action to end or limit the harassment.

209. Defendants acted with reckless disregard to known student-on-student harassment directed toward Skyler.

210. By failing to reasonably respond to the image-based harassment, sexualized harassment, cyberbullying, and mental-health-related harassment, Defendants placed Skyler at great and unreasonable risk of continued harassment, humiliation, emotional distress, and harm.

211. The harassment substantially interfered with Skyler's ability to participate in the educational environment free from harassment, humiliation, and emotional distress.

212. As a direct and proximate result of the students' conduct and Defendants' failure to reasonably respond, Skyler suffered humiliation, embarrassment, emotional distress, reputational harm, social isolation, worsening mental-health concerns, loss of trust in school officials, loss of educational opportunities, and eventually death.

2024-2025 School Year at Marshall County High School

213. Early in the 2024-2025 school year, Skyler began experiencing further targeted and unfair treatment at school.

214. On or about August 16, 2024, Skyler briefly laid his head down on his desk while in class because he was tired.

215. Skyler did not engage in any disruptive conduct.

216. Skyler did not possess alcohol, drugs, or contraband.

217. Skyler did not smell of alcohol.

218. Skyler did not slur his speech.

219. Skyler did not stumble, lose balance, or otherwise display signs of intoxication.

220. Upon information and belief, the only basis for suspecting Skyler of intoxication was that he briefly laid his head down on his desk during class.

221. Upon information and belief, following an unidentified report, Skyler was removed from class by Defendants Merrick, Watwood, and/or other MCHS staff.

222. Skyler was escorted through the school to the administration offices.

223. The removal and escort occurred in a manner visible to other students and caused Skyler embarrassment and humiliation.

224. After arriving at the administration offices, Skyler was subjected to a pat-down search.

225. Skyler was also required to submit to a sobriety test.

226. The pat-down search and sobriety test were conducted despite the absence of reasonable facts indicating that Skyler was intoxicated, possessed contraband, or posed a threat to himself or others.

227. Upon information and belief, no alcohol, drugs, or contraband were found on Skyler.

228. Upon information and belief, the sobriety test did not establish that Skyler was intoxicated at school.

229. Plaintiffs Kevin and Jodi Holsapple were not notified before Skyler was removed from class, searched, or subjected to a sobriety test.

230. Plaintiffs Kevin and Jodi Holsapple were not notified at the beginning of any investigation involving allegations that Skyler was intoxicated at school.

231. While Skyler was being removed, searched, investigated, or questioned, another student who was friends with Skyler's sister contacted Plaintiff Jodi Holsapple and asked whether she knew what was happening with Skyler.

232. Plaintiffs Kevin and Jodi Holsapple first learned that something may have happened at school from another student rather than from school administration.

233. Plaintiffs Kevin and Jodi Holsapple did not receive meaningful notice from the school regarding the allegations against Skyler.

234. Plaintiffs Kevin and Jodi Holsapple did not receive meaningful notice from the school regarding the investigation conducted by school personnel.

235. Plaintiff Kevin Holsapple attempted to call the school multiple times to obtain information about what had happened to Skyler.

236. Plaintiff Kevin Holsapple left messages for school personnel.

237. School personnel failed to return Plaintiff Kevin Holsapple's calls.

238. Because the school failed to return his calls or provide information, Plaintiff Kevin Holsapple drove to the school after work to speak with school personnel in person.

239. Plaintiff Kevin Holsapple encountered Defendant Merrick in or near the school bus line.

240. Plaintiff Kevin Holsapple asked Defendant Merrick for information about what had happened to Skyler.

241. Defendant Merrick told Plaintiff Kevin Holsapple that he could not provide him with any information.

242. Plaintiffs Kevin and Jodi Holsapple were never provided a meaningful explanation of the allegations against Skyler.

243. Plaintiffs Kevin and Jodi Holsapple were never provided a meaningful explanation of the basis for removing Skyler from class, escorting him through school, searching him, or subjecting him to a sobriety test.

244. Plaintiffs Kevin and Jodi Holsapple were never provided a meaningful explanation of the investigation or the results of the investigation.

245. The school's actions caused Skyler to feel embarrassed, humiliated, targeted, and treated as though he had done something wrong despite the absence of any reasonable indication that he was intoxicated.

246. The school's failure to communicate with Skyler's parents caused Kevin and Jodi Holsapple fear, confusion, frustration, and concern for Skyler's safety and well-being.

247. The conduct of school staff and/or administrators was arbitrary, unfair, unsupported by reasonable investigation, and inconsistent with the duties owed to Skyler and his parents.

248. By this point, the conduct of the Defendants, including but not limited to Defendants Merrick and Watwood, amounted to bullying and harassment by his own teachers and school administration.

249. A few weeks later, multiple MCHS students again began circulating nude and/or sexual images of Skyler amongst other students.

250. Shortly thereafter, as a result of the intense bullying at school, on September 7, 2024, Skyler attempted suicide but survived.

251. As a result of his suicide attempt, he was hospitalized at Vanderbilt University.

252. After Skyler returned to school following his hospitalization at Vanderbilt, he continued to be subjected to bullying, harassment, humiliation, and false accusations by other students.

253. Upon information and belief, shortly after Skyler's return to school, a blood drive was held at Marshall County High School.

254. The blood drive was a school event and/or school-sponsored activity.

255. During the blood drive, one or more students, including but not limited to A.L., screamed to the students in attendance that Skyler “likes little girls.”

256. The statement was false, humiliating, sexually charged, and directed toward Skyler.

257. The statement was made in the school environment and in the presence of other students.

258. The statement constituted bullying, harassment, humiliation, and a false sexual accusation directed toward Skyler.

259. The statement was especially harmful because Skyler had recently returned to school following hospitalization and was known to be vulnerable due to serious mental-health concerns.

260. Upon information and belief, Defendant Tracy Watwood was aware of the incident.

261. Upon information and belief, Defendant Watwood told the students, including A.L., to stop making statements about Skyler.

262. Upon information and belief, no other actions were taken by Defendant Watwood in this regard.

263. Accordingly, school personnel had actual knowledge that students, including A.L., were making false, humiliating, and sexually charged statements about Skyler at a school event.

264. The blood-drive incident placed school personnel on notice that Skyler was continuing to be targeted, harassed, and humiliated by other students after his return from hospitalization.

265. The blood-drive incident triggered the Board’s duties to report, document, investigate, correct, discipline, and protect Skyler from continued bullying and harassment.

266. The blood-drive incident further triggered the mandatory duty to report the bullying and harassment to Skyler's principal.

267. Upon information and belief, Defendants failed to document a formal report to the principal concerning the blood-drive incident.

268. Upon information and belief, Defendants failed to complete any bullying report, harassment report, investigation form, parent notification, discipline record, or corrective-action documentation concerning the blood-drive incident.

269. Upon information and belief, Defendants failed to meaningfully investigate which students participated in the blood-drive harassment.

270. Upon information and belief, Defendants failed to impose meaningful discipline or corrective action upon the students responsible for making false and humiliating statements about Skyler.

271. Upon information and belief, Defendants failed to take reasonable steps to protect Skyler from continued harassment by A.L., A.L.'s friends, and/or other students involved in the incident.

272. Defendants' failure to meaningfully respond allowed the harassment and humiliation of Skyler to continue.

273. As a direct and proximate result of the blood-drive harassment and Defendants' failure to reasonably respond, Skyler suffered embarrassment, humiliation, emotional distress, social isolation, worsening fear and anxiety, and loss of trust in school officials.

274. As of this date, the bullying and harassment had been increasing, while Skyler's mental health continually declined.

275. Despite actual and constructive knowledge of this, Defendants did nothing to protect Skyler from continuous and repeated harassment, embarrassment, abuse, and ostracization.

276. On or about January 31, 2025, Skyler attempted to speak with one of his in-school therapists.

277. When Skyler arrived at the therapist's office, the office door was open and the light was on, but the therapist was not in the office.

278. As a general practice, students understood that when the therapist's office door was open and the light was on, the therapist was in the building and would be available upon returning to the office.

279. In those circumstances, students were expected to wait patiently outside the therapist's office until the therapist returned.

280. While waiting for the therapist to return, Skyler went to the nearby school library to look for a mental-health related book that had been recommended by his therapist.

281. After searching for the book and determining that it was checked out by another student or was otherwise unavailable, Skyler immediately returned to the therapist's office.

282. Upon information and belief, shortly thereafter, Defendant Evan Merrick saw Skyler in the hallway outside the therapist's office.

283. Upon information and belief, Defendant Merrick accused Skyler of skipping class.

284. Skyler denied that he was skipping class and explained that he had been waiting outside his therapist's office.

285. Skyler further explained that he had briefly gone to the library to look for a mental-health-related book recommended by his therapist or therapists before returning to the therapist's office.

286. Skyler asked school staff and/or administrators to review camera footage, which would have confirmed his location and shown that he was not intentionally skipping class.

287. Despite Skyler's explanation and request that camera footage be reviewed, school staff and/or administrators failed or refused to meaningfully investigate his explanation before disciplining him.

288. School staff and/or administrators failed or refused to review readily available camera footage before imposing discipline.

289. Defendant Merrick and/or other school staff punished Skyler for allegedly skipping class.

290. Skyler was subjected to in-school detention as a result.

291. The punishment was imposed despite Skyler's explanation that he was attempting to access mental-health counseling and/or therapy services at school.

292. The punishment was imposed despite the existence of readily available evidence that could have confirmed Skyler's location.

293. The punishment was arbitrary, unfair, and unsupported by a reasonable investigation.

294. Defendants failed to take reasonable steps to determine whether Skyler had actually violated any attendance, class-skipping, or student-conduct rule before imposing discipline.

295. Defendants failed to correct the discipline after Skyler explained that he had been waiting for his in-school therapist.

296. By punishing Skyler under these circumstances, Defendants communicated to him that seeking or waiting for mental-health treatment at school could result in punishment.

297. As a result, Skyler became worried, nervous, apprehensive, and fearful that he would be punished in the future for speaking with or attempting to access his counselors or therapists.

298. After this incident, Skyler became reluctant to seek mental-health counseling or therapy services at school except during scheduled or pre-planned times.

299. Defendants knew or should have known that punishing a student for attempting to access mental-health support would deter the student from seeking needed mental-health treatment in the future.

300. As a direct and proximate result of Defendants' conduct, Skyler suffered embarrassment, humiliation, emotional distress, fear of further punishment, and reluctance to seek mental-health counseling or therapy services at school.

301. Sometime in early 2025, sexually explicit photographs depicting or purporting to depict Skyler were again circulated among students at Marshall County High School.

302. These photographs were explicit, inappropriate, humiliating, and purposefully degrading.

303. Any reasonable person would be embarrassed to have these photographs attributed to them.

304. The images at issue are illegal, illicit, shock the conscience, and are so vile that they are unable to be attached hereto.

305. Multiple students obtained, possessed, shared, transmitted, displayed, or otherwise circulated the photographs.

306. The photographs were shared among students through electronic devices, text messages, social media platforms, and/or other electronic means.

307. The distribution of the photographs became known within the student body at Marshall County High School.

308. The circulation of the photographs caused Skyler embarrassment, humiliation, emotional distress, reputational harm, and social isolation.

309. Defendants Solomon, Merrick, and/or Watwood were notified that sexually explicit photographs depicting or purporting to depict Skyler were being circulated among students.

310. These Defendants knew that the photographs purported to show Skyler were vile, offensive, humiliating, and illegal.

311. Defendants were further notified of the identities of one or more students responsible for possessing, sharing, distributing, displaying, transmitting, or further disseminating the photographs.

312. Despite receiving this information, Defendants failed to take reasonable and appropriate action to protect Skyler from the bullying and harassment that he faced.

313. Despite receiving this information, Defendants failed to meaningfully investigate the conduct of the students involved.

314. Despite receiving this information, Defendants failed to impose meaningful discipline upon the students responsible for possessing, sharing, distributing, displaying, transmitting, or further disseminating the photographs.

315. Despite receiving this information, Defendants failed to take reasonable steps to protect Skyler from further dissemination of the photographs.

316. Despite receiving this information, Defendants failed to take reasonable steps to prevent additional students from obtaining, possessing, sharing, or displaying the photographs.

317. The circulation of the photographs constituted harassment, bullying, humiliation, sexualized mistreatment, and targeted misconduct directed toward Skyler.

318. The circulation of the photographs substantially interfered with Skyler's ability to participate in the educational environment free from harassment, humiliation, and emotional distress.

319. Upon discovering the circulation of these explicit photographs, Defendants had a duty to report the photographs and surrounding incident to the Marshall County Board of Education.

320. Upon information and belief, Defendants failed to notify the Marshall County Board of Education regarding the photographs and incident.

321. Thus, all Defendants had actual knowledge that students were circulating sexually explicit photographs depicting or purporting to depict Skyler.

322. All Defendants had actual knowledge of the identities of one or more students involved in the circulation of the photographs.

323. All Defendants failed to take reasonable corrective measures despite possessing such knowledge.

324. On or about February 3, 2025, Defendant Evan Merrick informed Plaintiffs Kevin and Jodi Holsapple that the information and photographs had been turned over to the Marshall County Sheriff's Department.

325. Upon information and belief, Defendant Merrick's statement was false.

326. Upon information and belief, the information and photographs had not been turned over to the Marshall County Sheriff's Department at the time Defendant Merrick represented that they had been.

327. By representing that the matter had been turned over to law enforcement when it had not, Defendant Merrick caused Plaintiffs Kevin and Jodi Holsapple to believe that Defendants had taken action that had not actually occurred.

328. Defendant Merrick's statement delayed, obstructed, or interfered with Plaintiffs Kevin and Jodi Holsapple's ability to understand what action had been taken and what further steps were necessary to protect Skyler.

329. Defendants failed to provide Plaintiffs Kevin and Jodi Holsapple with accurate and complete information regarding Defendants' response to the circulation of the photographs.

330. Defendants failed to meaningfully intervene, investigate, discipline, supervise, report, correct, or protect Skyler after learning that sexually explicit photographs depicting or purporting to depict him were being circulated among students.

331. Defendants' failure to reasonably respond allowed the harassment, humiliation, and emotional harm to continue.

332. Defendant Merrick's failure and/or refusal to turn over the photographs attributed to Skyler to the Marshall County Sheriff's Department constitutes further bullying, harassment, and humiliation toward Skyler by the very person who is supposed to protect him.

333. As a direct and proximate result of the students' conduct and Defendants' failure to reasonably respond, Skyler suffered humiliation, embarrassment, emotional distress, reputational harm, social isolation, loss of trust in school officials, and loss of educational opportunities.

334. Not long after, on or about February 28, 2025, another student, Z.G., openly mocked Skyler's prior suicide attempt or attempts in the classroom of teacher Hannah Green.

335. The statements made by Z.G. were cruel, humiliating, targeted, and dangerous.

336. The statements were especially serious because they involved suicide, self-harm, and Skyler's known mental-health history.

337. A verbal altercation occurred after Z.G. mocked Skyler's prior suicide attempt or attempts.

338. Rather than treating Z.G.'s conduct as suicide-related bullying, harassment, or a serious student-safety concern, school staff treated the incident as a mutual disciplinary matter.

339. Both Z.G. and Skyler were punished as a result of the altercation.

340. Skyler was subjected to discipline, including but not limited to in-school detention.

341. Upon information and belief, Z.G. was not subjected to any meaningfully greater discipline for mocking Skyler's prior suicide attempt or attempts.

342. Upon information and belief, no meaningful bullying investigation was conducted regarding Z.G.'s suicide-related comments toward Skyler.

343. Upon information and belief, school staff failed to meaningfully investigate whether Z.G.'s comments constituted bullying, harassment, intimidation, humiliation, or targeted mistreatment.

344. Upon information and belief, school staff failed to meaningfully consider the seriousness of suicide-related bullying directed toward a student with known mental-health concerns.

345. Upon information and belief, school staff failed to treat the incident as a mental-health, student-safety, or at-risk-student issue.

346. Upon information and belief, school staff failed to provide Skyler with reasonable protection, support, intervention, referral, or follow-up after the incident.

347. Upon information and belief, school staff failed to take reasonable steps to protect Skyler from continued suicide-related bullying or harassment.

348. On or about February 28, 2025, teacher Hannah Green documented in a contact note, which is accessible by administration members such as Defendant Evan Merrick, that Skyler's mother reported Skyler had been airlifted to Vanderbilt back in September 2024 for his initial suicide attempt. *See* Exhibit 3.

349. In the same contact note, teacher Hannah Green documented that Skyler's mother reported Skyler had been in Cumberland Hall in the fall due to a potential risk of harm to himself.

350. Accordingly, by no later than February 28, 2025, Marshall County High School and its personnel had knowledge of Skyler's serious mental-health history and risk of self-harm, as documented by their own employee.

351. Despite this knowledge, Defendants failed to treat suicide-related comments directed toward Skyler as a serious safety concern.

352. Defendants knew or should have known that mocking a student's prior suicide attempt or self-harm history could cause severe humiliation, emotional distress, and increased risk of harm.

353. Defendants knew or should have known that suicide-related bullying required immediate and meaningful intervention, investigation, documentation, discipline, and mental-health support.

354. Defendants failed to reasonably intervene, investigate, discipline, correct, document, or otherwise address the suicide-related bullying directed toward Skyler.

355. Defendants failed to protect Skyler from ongoing bullying at school, despite actual and constructive knowledge that he suffered from mental-health concerns and had suicidal ideations.

356. Defendants' failure to reasonably respond allowed the bullying, humiliation, and emotional harm to continue.

357. As a direct and proximate result of the suicide-related bullying and Defendants' failure to reasonably respond, Skyler suffered humiliation, embarrassment, emotional distress, fear, isolation, worsening mental-health concerns, and loss of trust in school officials.

358. In approximately early April 2025, Defendant Evan Merrick told Skyler's girlfriend, E.H. that he would advise her not to date him, indicating that he was a "bad kid".

359. Defendant Merrick made this statement to another student while acting in his position as Assistant Principal.

360. Defendant Merrick's statement was not made as part of any legitimate disciplinary process involving Skyler.

361. Defendant Merrick did not advise Skyler of any rule, policy, or directive that Skyler had violated in connection with his relationship with his girlfriend.

362. Defendant Merrick did not advise Plaintiffs Jodi or Kevin Holsapple that he had instructed another student not to associate with Skyler.

363. By telling another student that Skyler was a "bad kid," Defendant Merrick stigmatized Skyler and encouraged another student to avoid or isolate him.

364. Defendant Merrick's conduct amounted to further bullying, harassment, embarrassment, stigmatization, and ostracization.

365. Defendant Merrick's statement communicated to another student that Skyler was dangerous, undesirable, or unworthy of association at school.

366. Defendant Merrick's conduct caused or contributed to Skyler being socially isolated and negatively labeled within the school environment.

367. Defendant Merrick's conduct was improper, unprofessional, and inconsistent with his duties as a school administrator.

368. Defendant Merrick's conduct constituted an improper use of his position of authority over students.

369. Defendant Merrick's conduct disrupted or interfered with Skyler's ability to participate in the school environment free from stigmatization by school staff.

370. To the extent Defendant Merrick's statement was based upon Skyler's discipline history, school records, behavioral records, or other student information, Defendant Merrick improperly disclosed or referenced protected student information to another student.

371. Defendant Merrick's conduct implicated the Board's policies governing staff duties, disruption of the educational process, student privacy, and harassment/discrimination.

372. As a direct and proximate result of Defendant Merrick's conduct, Skyler suffered embarrassment, humiliation, social isolation, emotional distress, and loss of trust in school officials.

373. A couple of weeks later, while attending prom with E.H. and a few friends, Skyler was singled out, pulled aside, and searched in front of others.

374. The prom dance was a school-sponsored event.

375. Defendant Evan Merrick was present at prom in his capacity as Assistant Principal at MCHS.

376. Upon arrival at prom, Skyler was with or near other students and friends, including his girlfriend, E.H.

377. Defendant Evan Merrick directed Skyler to submit to a pat-down and/or search.

378. Upon information and belief, the other students who were with Skyler were not subjected to the same pat-down or search.

379. Skyler was singled out for search while similarly situated students were not searched.

380. Defendant Evan Merrick did not identify any specific conduct by Skyler at prom that justified searching Skyler but not the other students who were with him.

381. Defendant Evan Merrick did not apply the search procedure uniformly to Skyler and the other students present with him.

382. The search was not conducted as part of a neutral, consistently applied screening procedure for all students entering or attending prom.

383. Instead, Skyler was intentionally singled out by Defendant Merrick.

384. The selective search was consistent with Defendant Merrick's prior conduct toward Skyler, including his statement to Skyler's girlfriend that she should not hang out with Skyler because Skyler was a "bad kid."

385. Defendant Merrick's decision to single Skyler out for a pat-down/search was arbitrary, targeted, and based upon his negative perception of Skyler rather than a legitimate, uniformly applied school safety procedure.

386. By singling out Skyler for a pat-down/search in front of or near other students, Defendant Merrick stigmatized Skyler and communicated to others that Skyler was suspicious, dangerous, or untrustworthy.

387. Defendant Merrick's conduct caused Skyler embarrassment, humiliation, and distress at a school-sponsored event.

388. Defendant Merrick's conduct interfered with Skyler's ability to participate in the school-sponsored event on equal terms with other students.

389. Defendant Merrick's conduct implicated the Board's policies governing search and seizure, school-sponsored social events, equal educational opportunity, student harassment/discrimination, staff duties, disruption of the educational process, and student discipline.

390. Upon information and belief, Defendants failed to ensure that searches of students at school-sponsored events were conducted in a fair, neutral, and non-arbitrary manner.

391. Upon information and belief, Defendants failed to prevent school administrators from selectively targeting students for searches based on reputation, personal dislike, or prior negative perceptions.

392. As a direct and proximate result of the selective search, Skyler suffered embarrassment, humiliation, social isolation, emotional distress, and loss of trust in school officials.

393. By late April and early May 2025, Skyler had been subjected to significant bullying, harassment, embarrassment, and humiliation by both his peers and his own Assistant Principal, Defendant Evan Merrick.

394. As a result, Skyler's parents were concerned that Marshall County High School was not providing Skyler with a safe or supportive school environment.

395. Skyler was being repeatedly punished, targeted, and left unsupported despite his known mental-health concerns.

396. On or about April 30, 2025, Plaintiff Kevin Holsapple spoke with Marshall County Academy Counselor Marian Fickey regarding alternative schooling options for Skyler.

397. During that conversation, Plaintiff Kevin Holsapple expressed serious concern regarding Skyler's mental health due to his experiences and treatment at Marshall County High School.

398. Marian Fickey later sent an email to school administrators regarding Plaintiff Kevin Holsapple's concerns. *See* Exhibit 2.

399. The email was sent to school administrators including, but not limited to, Defendants Shannon Solomon and Brent Lovett.

400. In that email, Marian Fickey communicated that Plaintiff Kevin Holsapple was very concerned with Skyler's mental health due to his experiences and treatment at Marshall County High School.

401. Marian Fickey told Plaintiff Kevin Holsapple that she would make Marshall County High School staff aware of his concerns.

402. Because Marshall County Academy was not a viable alternative for the remainder of the school year, Marian Fickey asked school staff to convey available options for Skyler to finish the school year.

403. On or about May 8, 2025, Plaintiff Kevin Holsapple spoke with Defendant Shannon Solomon regarding Skyler.

404. During that conversation, Plaintiff Kevin Holsapple explained that he intended to remove Skyler from Marshall County High School due to the bullying, harassment, humiliation, and embarrassment that he suffered and was not protected from.

405. During that meeting or conversation, Plaintiff Kevin Holsapple explained that the school year was almost over, but that he intended to remove Skyler from Marshall County High School because nothing was being done to protect or support him.

406. Kevin explained that Skyler was constantly being punished.

407. During this meeting or conversation, Defendant Shannon Solomon stated words to the effect of, “We can’t help every student with mental health issues,” and that “maybe Marshall County is not for him.”

408. Despite that statement, neither Defendant Shannon Solomon nor any other person communicated to Plaintiff Kevin Holsapple that Marshall County High School could not provide safe and adequate education to Skyler due to his mental health condition.

409. Defendant Solomon’s statement reflected a failure or refusal to meaningfully address Skyler’s known mental-health concerns and the ongoing issues he was experiencing at school.

410. By this time, Defendants, including but not limited to Defendants Solomon and Lovett, were on notice of Skyler’s mental-health concerns due to his treatment at Marshall County High School.

411. Despite this notice, Defendants failed to take reasonable steps to address the ongoing concerns regarding Skyler’s treatment, discipline, mental health, and safety at school.

412. Defendants failed to provide Skyler and his parents with meaningful support, intervention, protection, or a workable plan to allow Skyler to safely complete the school year at Marshall County High School.

413. Defendants' failure to reasonably respond caused or contributed to Skyler's removal from the school environment and his need to pursue online schooling for mental-health reasons.

414. As a direct and proximate result of Defendants' conduct, Skyler and his parents suffered fear, frustration, emotional distress, loss of trust in school officials, and disruption of Skyler's education.

415. Coincidentally, also on or about May 8, 2025, Skyler emailed Defendant Shannon Solomon regarding yet another series of harassing events. *See* Exhibit 2.

416. An unknown student made statements to school officials and/or other students accusing Skyler of being intoxicated at school.

417. Said unknown student also accused Skyler of hitting or damaging their vehicle.

418. The accusations made by this unknown student were false.

419. Upon information and belief, said unknown student knew the accusations were false when they were made.

420. Upon information and belief, said unknown student made the false accusations for the purpose of getting Skyler in trouble, damaging Skyler's reputation, and causing Skyler to be viewed by school officials and other students as dangerous, intoxicated, irresponsible, or untrustworthy.

421. The false accusations were serious and were likely to cause Skyler embarrassment, humiliation, disciplinary scrutiny, and social isolation within the school environment.

422. The false accusations also reinforced and contributed to the negative labeling of Skyler by school staff and students.

423. After the false accusations were reported directly by Skyler, Defendant Shannon Solomon stated that the incident would be addressed.

424. Despite this, Defendants failed to take reasonable action to investigate, address, correct, or discipline the knowingly false accusations.

425. Upon information and belief, no meaningful corrective action was taken against the unknown student for making knowingly false accusations against Skyler.

426. Upon information and belief, all Defendants failed to notify Plaintiffs Jodi or Kevin Holsapple of any meaningful investigation, finding, corrective action, or resolution concerning the false accusations.

427. The failure to address the false accusations allowed the accusations to remain uncorrected within the school environment.

428. The failure to address the false accusations further contributed to Skyler being stigmatized, targeted, and treated as a problem student.

429. The conduct of the unknown student implicated the Board's policies governing bullying/hazing, student conduct, disruption of the educational process, and the Code of Acceptable Behavior and Discipline.

430. The conduct of Defendant Shannon Solomon implicated the Board's policies governing supervision of students, reporting and handling of student code violations, staff duties, and the Board's obligation to respond to student misconduct.

431. Defendants knew or should have known that knowingly false accusations of intoxication and property damage could cause substantial harm to a student's reputation, emotional well-being, and ability to participate in the school environment.

432. Defendants failed to take reasonable steps to protect Skyler from false, stigmatizing, and targeted accusations by another student.

433. These actions and inactions constituted further bullying, harassment, humiliation, and embarrassment to Skyler.

434. As a direct and proximate result of the false accusations and Defendants' failure to reasonably respond, Skyler suffered embarrassment, humiliation, emotional distress, reputational harm, social isolation, and loss of trust in school officials.

435. Upon information and belief, many of the students engaging in the bullying, harassment, and torment of Skyler were never disciplined for their bullying and/or harassment during the 2024-2025 school year.

436. As a result of the bullying, harassment, and torment described herein, Skyler exhibited clear and escalating signs of emotional distress, anxiety, and psychological harm, while at school including threats of suicide, lethargy, emotional withdrawal, and lack of motivation.

437. Upon information and belief, Skyler's mood and affect at school were significantly depressed as a result of the environment at Marshall County High School.

438. Skyler's last day physically attending Marshall County High School was April 25, 2025.

439. Skyler attended school remotely for the remaining few weeks of the school year, but was unable to recover from the pervasive, aggressive, and continuous bullying he experienced at Marshall County High School by both students and staff as alleged above.

440. On or about June 29, 2025, after enduring years of pervasive bullying, harassment, and torment from both students and administration while at Marshall County High School, Skyler Holsapple died of suicide via a self-inflicted gunshot.

441. Shortly thereafter, Plaintiff Kevin Holsapple, Skyler's father, walked into Skyler's bedroom and discovered Skyler's deceased body. Both parents watched in horror as Skyler's body was removed from their residence.

442. Upon information and belief, despite repeated reports of bullying, harassment, threats, cyberbullying, sexual humiliation, and mental-health-related harassment, Defendants produced no completed harassment investigation reports for Skyler.

443. Upon information and belief, despite repeated reports of sexual harassment and graphic image distribution attributed to Skyler, Defendants produced no completed Title IX reporting forms for Skyler.

444. Upon information and belief, despite repeated reports of threats, self-harm concerns, suicide-related comments, and escalating risk, Defendants produced no completed threat assessment records for Skyler.

445. The absence of completed investigation forms, harassment reports, Title IX forms, and threat assessment records reflects Defendants' failure to reasonably respond to repeated reports concerning Skyler's safety, welfare, and mental health.

446. The repeated reports made by the Holsapple family placed Defendants on actual notice that Skyler was being targeted by students and adults within the school environment.

447. The repeated reports also placed Defendants on actual notice that Skyler was vulnerable, that his mental health was deteriorating, and that the harassment directed toward him included suicide-related bullying and humiliation.

448. Defendants failed to take reasonable steps to stop the harassment, separate Skyler from known aggressors, investigate the reported misconduct, discipline the involved students,

address employee misconduct, preserve electronic evidence, involve appropriate Title IX or threat-assessment personnel, or otherwise protect Skyler from further harm.

449. As a direct and proximate result of the acts and omissions of Defendants, Skyler was subjected to continued bullying, harassment, threats, humiliation, ostracism, emotional distress, and eventually death.

Bullying Leads to Suicide

450. Numerous studies have established a connection between bullying and suicide in young people. These studies have found that bullying is a significant contributor to suicidal ideation.³

451. A review of cross-sectional and longitudinal findings showed that “there is an increased risk of suicidal ideation and suicide attempts associated with bullying behavior.”⁴

452. As educators, Defendants are well aware of the link between bullying and suicide in school children.

COUNT I – NEGLIGENCE **(Common Against All Defendants)**

453. Plaintiffs adopt and incorporate by reference all other facts and allegations contained in this Complaint.

454. Defendants owed a duty to Skyler to exercise reasonable care for his safety, welfare, supervision, and protection while a student at MCHS.

³ Suicidal ideation among suburban adolescents. The influence of school bullying and other mediating risk factors. J. Child Adolsc. Ment. Health, 2016 Oct., 28(3) 213-231.

⁴ The Association of Suicide and Bullying in Childhood to Young Adulthood. A Review of Cross-Sectional and Longitudinal Research Findings

455. Defendants owed a duty to Skyler to provide a reasonably safe education environment free from harassment, intimidation, bullying, and sexual exploitation.

456. Defendants owed a duty of reasonable supervision over their students for the safety of other students, including Skyler Holsapple.

457. Defendants owed a duty to Skyler to take reasonable steps to protect him from bullying, harassment, intimidation, targeted mistreatment, and emotional harm.

458. Defendants owed a duty to Skyler to reasonably investigate, respond to, correct, and prevent known misconduct affecting his safety, welfare, and ability to participate in a school environment.

459. Defendants owed a duty to Skyler to act reasonably after receiving information that he had been subjected to bullying, harassment, sexual humiliation, false accusations, arbitrary discipline, and mental health related mistreatment.

460. Defendants owed a duty to Skyler to take reasonable steps to ensure that school employees did not target, stigmatize, isolate, or arbitrarily discipline him.

461. Defendants breached their duties by allowing school employees along with students to label, stigmatize, and target Skyler as a “bad kid.”

462. Defendants breached their duties by permitting Skyler to be selectively searched at school-sponsored events while similarly situated students were not searched.

463. Defendants breached their duties by failing to ensure that searches of students were conducted in a fair, reasonable, neutral, and non-arbitrary manner.

464. Defendants breached their duties by failing to reasonably respond after another student knowingly made false accusations that Skyler was drunk at school and hit or damaged another student’s vehicle.

465. Defendants breached their duties by failing to investigate, correct, discipline, document, or otherwise address false and stigmatizing accusations made against Skyler.

466. Defendants breached their duties by failing to reasonably respond after explicit photographs of Skyler were circulated among students.

467. Defendants breached their duties by failing to take reasonable steps to stop the continued possession, sharing, distribution, display, or dissemination of explicit photographs of Skyler after school officials learned who was involved.

468. Defendants breached their duties by failing to reasonably investigate, discipline, correct, document, or address the students responsible for circulating photographs of Skyler.

469. Defendants breached their duties by punishing Skyler for allegedly skipping class while waiting outside of his therapist's office.

470. Defendants breached their duties by failing to review readily available camera footage or otherwise meaningfully investigate Skyler's explanation before disciplining him.

471. Defendants breached their duties by imposing detention or other penalties under circumstances that caused Skyler to fear he would be punished for seeking or waiting for mental-health treatment at school.

472. Defendants breached their duties by failing to act reasonably after school personnel learned that Skyler had previously attempted suicide.

473. Defendants breached their duties by failing to report, escalate, document, communicate, or act upon known information concerning Skyler's prior suicide attempt through appropriate channels.

474. Defendants breached their duties by failing to provide or initiate reasonable support, safety planning, counseling intervention, wellness checks, or other protective measures after learning of Skyler's known risk factors.

475. Defendants breached their duties by failing to intervene when teachers, staff, and/or school employees heard students tell Skyler to kill himself.

476. Defendants breached their duties by failing to intervene when teachers, staff, and/or school employees heard students mock, ridicule, or reference Skyler's prior suicide attempt or attempts.

477. Defendants breached their duties by failing to separate Skyler from students engaging in suicide-related bullying and harassment.

478. Defendants breached their duties by failing to report, investigate, discipline, correct, document, or otherwise address suicide-related bullying and harassment directed toward Skyler.

479. Defendants breached their duties by failing to treat suicide-related bullying as a serious student-safety and mental-health issue.

480. Defendants knew or should have known that the conduct described herein created an unreasonable risk of harm to Skyler.

481. Defendants knew or should have known that repeated targeting, stigmatization, false accusations, sexual humiliation, arbitrary discipline, and suicide-related bullying could cause serious emotional distress and interfere with Skyler's ability to safely participate in school.

482. Defendants knew or should have known that a student with a known history of suicide attempt required reasonable care, appropriate response, and heightened attention to bullying, harassment, humiliation, discipline, and access to mental-health support.

483. As a direct and proximate result of Defendants' negligence, Skyler suffered embarrassment, humiliation, emotional distress, mental anguish, fear, anxiety, social isolation, reputational harm, loss of trust in school officials, reluctance to seek mental-health treatment, loss of the ability to fully and safely participate in the school environment, and eventual death.

484. The acts and omissions committed by Defendants that caused Skyler's death were willful, wanton, and/or grossly negligent. These acts and omissions were committed with reckless disregard for Skyler's safety and with awareness that these acts and omissions would result in bodily harm or death to Skyler.

485. As a result of these acts and omissions, Defendants are liable for punitive damages to punish them for their willful, wanton, oppressive, reckless, and/or grossly negligent conduct.

COUNT II – BREACH OF MINISTERIAL DUTIES

486. Plaintiffs adopt and incorporate by reference all other facts and allegations contained in this Complaint.

487. At all times relevant to this Complaint, the Marshall County Board of Education, its administrators, employees, agents, teachers, school resource officers, and other personnel, including Defendants, were required to follow the Marshall County Schools Code of Acceptable Behavior and Discipline, the Marshall County Schools Employee Handbook, applicable Marshall County Board of Education policies and procedures, and applicable Kentucky statutes — including but not limited to KRS 158.148, KRS 158.150, KRS 158.156, and KRS 161.180 — all of which were designed to protect students from bullying, harassment, discrimination, threats, violence, and self-harm.⁵

⁵ The Student Code of Conduct, Code of Acceptable Behavior and Discipline, and Employee Handbook are promulgated by the Marshall County Board of Education and published online and are incorporated by reference herein as a public record.

488. The Code of Acceptable Behavior and Discipline expressly provided that it was intended to provide consistent and equitable treatment for all students in the Marshall County School District.

489. The Code of Acceptable Behavior and Discipline further provided that students were responsible for adherence to the Code at school, at school-sponsored or related activities, on school buses, and at extra-curricular or co-curricular activities, whether at or away from school.

490. The Code of Acceptable Behavior and Discipline recognized that students had the right to physical safety, consultation with teachers, counselors, administrators, and other school personnel, respect and courtesy from other students and school personnel, and the presentation of complaints or grievances to school authorities with receipt of authoritative replies regarding the disposition of those complaints or grievances.

491. The Employee Handbook required employees to be familiar with Board policies and administrative procedures related to their job responsibilities.

492. The Employee Handbook required employees to use sound judgment in the performance of their duties and to take reasonable and commonly accepted measures to protect the health, safety, and well-being of others.

493. The Employee Handbook required employees to cooperate fully with District investigations authorized by policy or law.

494. The Employee Handbook required employees who believed or were made aware that a student had been subjected to harassment, discrimination, or Title IX sexual harassment to bring the matter to the attention of the proper administrator, supervisor, or Title IX/Equity Coordinator as required by Board policy.

495. The Employee Handbook required employees to report situations that threatened,

harassed, or endangered student safety, including bullying, hazing, harassment, threats, and other reportable misconduct.

496. The Employee Handbook incorporated ethical duties requiring personnel to protect students' health, safety, and emotional well-being; respect student rights; maintain confidentiality of student information; and refrain from false or malicious statements concerning students.

497. The policies, procedures, statutes, Code provisions, and Employee Handbook provisions described above imposed specific, mandatory, and ministerial duties upon school and District personnel, including the School Defendants and the Board Defendants.

498. These duties were not discretionary policy choices. They required specific action once school or District personnel received notice of harassment, discrimination, bullying, threats, violence, sexual harassment, criminal conduct, or student safety concerns.

499. The mandatory duties included, but were not limited to, duties to investigate harassment and discrimination complaints, notify parents, report criminal conduct to law enforcement, report felony assault-related conduct, report Title IX sexual harassment to the Title IX Coordinator, report bullying and harassment to the principal, provide written suspension notices, administer discipline fairly and equally, provide students an opportunity to explain their side before punishment, conduct searches only upon reasonable grounds, and initiate or document threat-assessment procedures.

500. Defendants received repeated notice that Skyler Holsapple was being bullied, harassed, threatened, ostracized, humiliated, and targeted by other students.

501. Defendants also received repeated notice that the harassment directed toward Skyler included sexual harassment, cyberbullying, false sexual accusations, graphic images falsely attributed to him, threats of violence, and suicide-related bullying.

502. Despite receiving repeated notice, Defendants failed to comply with mandatory ministerial duties required by applicable policies, procedures, statutes, the Code of Acceptable Behavior and Discipline, and the Employee Handbook.

A) School Defendants

503. At all times relevant herein, Defendants Shannon Solomon, Evan Merrick, and Tracy Watwood ("School Defendants") were employees, agents, administrators, school officials, and/or school personnel acting within the course and scope of their employment or authority with Marshall County Schools.

504. At all times relevant herein, the School Defendants owed Skyler duties arising from their roles as school administrators, school employees, school officials, and/or school personnel.

505. The School Defendants were responsible for receiving, reporting, documenting, investigating, escalating, and responding to reports of bullying, harassment, threats, hazing, sexualized misconduct, cyberbullying, student discipline, student safety concerns, and mental-health-related concerns involving Skyler.

506. The School Defendants were responsible for following, implementing, and enforcing District policies and procedures governing bullying, harassment, Title IX sexual harassment, sexual extortion, student discipline, student supervision, threat assessments, student health and safety, student welfare, at-risk students, search and seizure, student privacy, employee duties, and reporting of criminal activity.

507. The School Defendants were also required to comply with mandatory reporting obligations imposed by Kentucky law.

508. KRS 158.156 imposed a mandatory duty upon any school employee who knew or had reasonable cause to believe that a student had been the victim of a felony offense under KRS

Chapter 508, committed by another student on school premises, school-sponsored transportation, or at a school-sponsored event, to immediately cause an oral or written report to be made to the principal of the school attended by the victim.

509. KRS 158.156 further required the principal to notify the student's parents, guardians, or custodians and to file a written report with the local school board and local law enforcement, Kentucky State Police, or the county attorney within forty-eight hours of the original report.

510. KRS 158.148 further required procedures for reporting incidents to the parents or guardians of the students involved and protecting complainants and reporting persons from retaliation.

511. The reports that Skyler had been harassed, threatened, and targeted by other students triggered the mandatory reporting requirements of KRS 158.156.

512. Upon information and belief, the School Defendants failed to complete the required reports, notifications, and written filings required by KRS 158.156.

513. Upon information and belief, the School Defendants failed to ensure that incidents involving Skyler were reported to his parents or guardians as required by KRS 158.148 and applicable District policies and procedures.

514. Upon information and belief, the School Defendants failed to protect Skyler, his parents, and/or reporting persons from retaliation after reports were made regarding bullying, threats, harassment, hazing, cyberbullying, sexualized misconduct, and student safety concerns.

515. The School Defendants knew or should have known that Skyler had been repeatedly subjected to bullying, harassment, threats, humiliation, ostracism, sexualized misconduct, cyberbullying, false accusations, arbitrary discipline, and suicide-related

mistreatment.

516. The School Defendants knew or should have known that Skyler had a known history of serious mental-health concerns, including suicide-related risk factors.

517. The School Defendants knew or should have known that student-on-student bullying, harassment, sexualized image distribution, threats, physical violence, and suicide-related comments could cause serious emotional and psychological harm to Skyler.

518. The School Defendants knew or should have known that reports involving threats of violence, physical assaults, explicit or pornographic images, cyberbullying, suicide-related comments, mental-health deterioration, and known self-harm risk required immediate, meaningful, and documented action.

519. The School Defendants violated and/or failed to follow District policies and procedures, including but not limited to, Policy 09.422, by failing to reasonably investigate, document, intervene, correct, discipline, and prevent bullying and hazing directed toward Skyler. *See Exhibit 4, collectively.* ⁶

520. The School Defendants violated and/or failed to follow Policy 09.42811 and its related procedures by failing to reasonably respond to repeated harassment, humiliation, cyberbullying, mental-health-related harassment, suicide-related harassment, and targeted mistreatment directed toward Skyler.

521. The School Defendants violated and/or failed to follow Policy 09.428111 and its related procedures by failing to reasonably respond after receiving notice that pornographic, sexually explicit, or sexualized images depicting or purporting to depict Skyler were displayed,

⁶ The associated policies and procedures alleged to have been violated are attached hereto as Exhibit 4, collectively.

transmitted, circulated, or attributed to him by other students.

522. The School Defendants violated and/or failed to follow Policy 09.4221, to the extent sexually explicit images or sexualized images depicting or purporting to depict Skyler were possessed, shared, displayed, distributed, transmitted, used, or referenced to humiliate, intimidate, exploit, pressure, or target him.

523. The School Defendants violated and/or failed to follow Policy 09.425 by failing to reasonably respond to threats and physical violence directed toward Skyler, including but not limited to threats involving bullets, threats referencing prior hazing, and threats communicated through electronic means.

524. The School Defendants violated and/or failed to follow Policy 09.429 by failing to treat reports of threats, physical violence, suicide-related bullying, self-harm concerns, and escalating mental-health risk as serious student-safety issues requiring appropriate threat assessment, documentation, review, and response.

525. The School Defendants violated and/or failed to follow Policy 09.221 by failing to reasonably supervise students and failing to intervene when students targeted, threatened, assaulted, humiliated, harassed, sexually exploited, or bullied Skyler.

526. The School Defendants violated and/or failed to follow Policy 09.2211 by failing to properly report, document, preserve, escalate, or accurately communicate information concerning threats, physical violence, sexualized image distribution, and other potentially criminal student conduct.

527. The School Defendants violated and/or failed to follow Policy 09.438 by failing to reasonably address student misconduct directed toward Skyler and by failing to provide Plaintiffs Kevin and Jodi Holsapple with meaningful notice, explanation, investigation results, or corrective

action.

528. The School Defendants violated and/or failed to follow Policy 09.426 by allowing bullying, harassment, threats, sexualized humiliation, false accusations, arbitrary discipline, suicide-related mistreatment, and staff targeting to interfere with Skyler's ability to safely participate in school.

529. The School Defendants violated and/or failed to follow Policies 08.14, 08.141, 09.2, and/or 09.22 by failing to reasonably respond to known information concerning Skyler's deteriorating mental health, prior suicide attempt, suicide-related bullying, and need for support and protection at school.

530. The School Defendants violated and/or failed to follow Policies 09.43, 09.431, 09.432, 09.434, 09.4341, and 09.435 by imposing or allowing arbitrary, inconsistent, unsupported, excessive, or unfair discipline against Skyler without reasonable investigation, fair process, or meaningful parent communication.

531. The School Defendants violated and/or failed to follow Policy 09.436 by subjecting Skyler to searches, pat-downs, and/or sobriety-related investigation without reasonable, neutral, consistently applied, or non-arbitrary justification.

532. The School Defendants violated and/or failed to follow Policy 09.423 by removing Skyler from class, escorting him through school, searching him, and subjecting him to a sobriety test despite the absence of reasonable facts indicating that he was intoxicated, possessed contraband, or posed a threat to himself or others.

533. The School Defendants violated and/or failed to follow Policy 09.4232 by punishing or allowing Skyler to be punished in connection with a nicotine vape despite his denial of use, negative nicotine testing, and the absence of reasonable proof that he used the device.

534. The School Defendants violated and/or failed to follow Policy 09.35 by failing to ensure that Skyler could attend and participate in school-sponsored social events free from arbitrary, selective, stigmatizing, and non-uniform treatment.

535. The School Defendants violated and/or failed to follow Policy 09.13 by failing to treat Skyler fairly and consistently with similarly situated students, including students who threatened him, assaulted him, harassed him, circulated sexualized images, falsely accused him, or participated in misconduct directed toward him.

536. The School Defendants violated and/or failed to follow Policy 09.14 to the extent they disclosed, referenced, discussed, or relied upon Skyler's private student information, discipline history, behavioral history, mental-health information, or other protected student information when discussing him with students or others without a legitimate educational basis.

537. The School Defendants violated and/or failed to follow Policies 08.2323, 08.2324, and 09.4261 by failing to reasonably address the electronic possession, transmission, display, circulation, or distribution of sexualized images, threatening messages, and cyberbullying directed toward Skyler.

538. The School Defendants violated and/or failed to follow Policy 03.133 by failing to act professionally, fairly, reasonably, and consistently with their duties as school employees and administrators.

539. The School Defendants violated and/or failed to follow Policy 03.1325 by targeting, stigmatizing, arbitrarily disciplining, failing to protect, and failing to reasonably support Skyler in a manner that interfered with his ability to participate safely in school.

540. The School Defendants violated and/or failed to follow Policies 03.162 and 03.1621, to the extent their own conduct or their failure to respond to known conduct contributed

to a hostile, humiliating, sexually harassing, or unsafe school environment for Skyler.

541. Defendant Solomon violated and/or failed to follow the above policies, procedures, and statutory duties by receiving repeated notice of threats, bullying, sexualized image distribution, cyberbullying, mental-health-related harassment, false accusations, physical violence, and Skyler's deteriorating mental health, yet failing to ensure meaningful investigation, documentation, discipline, reporting, threat assessment, Title IX response, parent communication, or protection.

542. Defendant Solomon further violated and/or failed to follow the above policies, procedures, and statutory duties by failing to provide Skyler and his parents with a meaningful plan for protection, support, intervention, or safe completion of the school year after being placed on notice that Skyler's mental health was being harmed by his treatment at Marshall County High School.

543. Defendant Merrick violated and/or failed to follow the above policies, procedures, and statutory duties by selectively searching Skyler, subjecting him to unsupported discipline, punishing him for seeking or waiting for mental-health services, stigmatizing him to another student as a "bad kid," failing to reasonably investigate before imposing discipline, and misrepresenting or inaccurately communicating the District's response to the sexualized image distribution.

544. Defendant Merrick further violated and/or failed to follow the above policies, procedures, and statutory duties by treating Skyler as suspicious, dangerous, untrustworthy, or undesirable without a legitimate, neutral, documented, or consistently applied basis.

545. Defendant Watwood violated and/or failed to follow the above policies, procedures, and statutory duties by minimizing or dismissing a direct threat involving bullets, failing to treat

threats directed toward Skyler as serious safety concerns, and failing to ensure appropriate reporting, documentation, threat assessment, investigation, preservation, law-enforcement response, or parent notification.

546. Defendant Watwood further violated and/or failed to follow the above policies, procedures, and statutory duties by failing to take reasonable action after becoming involved in reports concerning sexualized image distribution, cyberbullying, threats, physical violence, and other potentially criminal or safety-related misconduct directed toward Skyler.

547. The School Defendants' repeated failures to follow applicable statutes, policies, and procedures allowed bullying, harassment, threats, humiliation, sexualized misconduct, false accusations, arbitrary discipline, and suicide-related mistreatment of Skyler to continue.

548. The School Defendants' failures reflected a pattern of inaction, minimization, selective enforcement, arbitrary discipline, poor documentation, inadequate investigation, failure to notify parents, failure to report, and failure to protect Skyler despite repeated notice.

549. Upon information and belief, despite repeated reports of bullying, harassment, threats, physical violence, cyberbullying, sexual humiliation, and mental-health-related harassment, the School Defendants failed to complete or preserve required bullying investigation forms, harassment reports, Title IX forms, threat assessment records, reports required by KRS 158.156, parent-notification records, discipline records, or other required documentation concerning Skyler.

550. The School Defendants' failure to follow applicable statutes, District policies, and District procedures was a substantial factor in causing Skyler to suffer continued bullying, harassment, threats, humiliation, ostracism, emotional distress, deterioration of mental health, loss of trust in school officials, educational disruption, and foreseeable harm, including suicide.

551. As a direct and proximate result of the School Defendants' acts and omissions, Skyler suffered damages recoverable by law.

B) Board Defendants

552. At all times relevant herein, Defendant Marshall County Board of Education was responsible for the operation, supervision, administration, management, and governance of Marshall County Schools, including South Marshall Middle School and Marshall County High School.

553. At all times relevant herein, Defendant Brent Lovett was the Director of Pupil Personnel for Marshall County Schools and acted within the course and scope of his employment, authority, and duties with the Marshall County Board of Education.

554. Defendants Marshall County Board of Education and Brent Lovett are collectively referred to herein as the "Board Defendants."

555. At all times relevant herein, the Board Defendants were responsible for adopting, implementing, enforcing, supervising, and ensuring compliance with District policies and procedures.

556. The Board Defendants were responsible for ensuring that District employees, administrators, teachers, coaches, school resource officers, counselors, and staff followed policies and procedures governing bullying, harassment, Title IX sexual harassment, sexual extortion, student discipline, student supervision, threat assessments, student health and safety, student welfare, at-risk students, search and seizure, student privacy, employee duties, school-sponsored activities, school-related trips, athletics, and reporting of criminal activity.

557. Defendant Lovett, as Director of Pupil Personnel, had duties and responsibilities related to student attendance, discipline, placement, alternative education, parent communication,

student welfare, and appropriate administrative response to student safety concerns.

558. The Board Defendants were responsible for ensuring that school-level administrators and employees were properly trained, supervised, and directed regarding their obligations to report, document, investigate, correct, discipline, and respond to bullying, harassment, threats, sexualized misconduct, cyberbullying, student violence, and mental-health-related safety concerns.

559. The Board Defendants were responsible for ensuring that reports involving threats of violence, sexually explicit or pornographic images, cyberbullying, suicide-related comments, mental-health deterioration, prior suicide attempt, hospitalization, and known self-harm risk were treated as serious student-safety issues.

560. The Board Defendants were required to comply with and ensure District-wide compliance with mandatory reporting obligations imposed by Kentucky law.

561. KRS 158.156 imposed a mandatory duty upon any school employee who knew or had reasonable cause to believe that a student had been the victim of a felony offense under KRS Chapter 508, committed by another student on school premises, school-sponsored transportation, or at a school-sponsored event, to immediately cause an oral or written report to be made to the principal of the school attended by the victim.

562. KRS 158.156 further required the principal to notify the student's parents, guardians, or custodians and to file a written report with the local school board and local law enforcement, Kentucky State Police, or the county attorney within forty-eight hours of the original report.

563. KRS 158.148 further required procedures for reporting incidents to the parents or guardians of the students involved and protecting complainants and reporting persons from

retaliation.

564. The reports that Skyler had been threatened, targeted, harassed, humiliated, and subjected to sexualized image distribution triggered duties under Kentucky law and District policies.

565. Upon information and belief, the Board Defendants failed to ensure that required reports, notifications, written filings, investigation forms, threat assessments, Title IX forms, harassment reports, bullying reports, parent notices, and corrective-action documentation were completed and preserved.

566. The Board Defendants knew or should have known that Skyler had been repeatedly subjected to bullying, harassment, threats, humiliation, ostracism, sexualized misconduct, cyberbullying, false accusations, arbitrary discipline, and suicide-related mistreatment.

567. The Board Defendants knew or should have known that school personnel had repeatedly been placed on actual notice of bullying, harassment, threats, cyberbullying, sexualized misconduct, and mental-health-related concerns involving Skyler.

568. The Board Defendants knew or should have known that repeated reports involving Skyler required meaningful investigation, documentation, discipline, parent communication, threat assessment, Title IX review, mental-health support, and corrective action.

569. Defendant Lovett had actual notice of issues involving Skyler, including but not limited to alternative placement, disciplinary treatment, image-based harassment, cyberbullying, sexualized harassment, and mental-health concerns.

570. During Skyler's eighth-grade year, Skyler was severely disciplined and assigned to alternative placement after a non-threatening Snapchat message about gum.

571. Upon information and belief, Defendant Lovett participated in, approved, ratified,

or failed to correct the decision to remove Skyler from South Marshall Middle School and assign him to alternative placement.

572. Defendant Lovett represented to Plaintiff Kevin Holsapple that Skyler's term of detention or alternative placement would conclude at Christmas break.

573. Despite that representation, Skyler was not permitted to return to South Marshall Middle School after Christmas break, despite having no disciplinary incidents or grade-related issues during that time period.

574. The Board Defendants violated and/or failed to follow District policies and procedures including, but not limited to, 09.43, 09.431, 09.432, 09.434, 09.4341, 09.435, and 09.438 by allowing Skyler to be subjected to excessive, arbitrary, inconsistent, unsupported, or unfair discipline without reasonable process, investigation, or meaningful parent communication.

575. The Board Defendants further violated and/or failed to follow Policy 09.13 by allowing Skyler to be treated more harshly than similarly situated students, including students who threatened, harassed, humiliated, or targeted him.

576. On or about March 14, 2024, Plaintiff Jodi Holsapple communicated with Marshall County Board of Education, and specifically Defendant Lovett, regarding the image-distribution incident involving pornographic or sexually explicit images attributed to Skyler.

577. Defendant Lovett stated that he would call Defendant SRO Tracy Watwood and get him involved.

578. By March 14, 2024, the Board Defendants had actual notice that students were circulating pornographic or sexually explicit images attributed to Skyler.

579. By March 14, 2024, the Board Defendants had actual notice that the image distribution involved sexualized harassment, cyberbullying, humiliation, and targeted

mistreatment of Skyler.

580. By March 15, 2024, Defendants had actual knowledge that students were mocking Skyler's depression, hospitalization, and suicide-related history.

581. By March 15, 2024, Defendants had actual knowledge of the identities of multiple students alleged to be involved in sexualized harassment, cyberbullying, mental-health-related harassment, and suicide-related harassment directed toward Skyler.

582. During the 2023-2024 school year, Defendants MCBOE, Brent Lovett, and Shannon Solomon had authority to institute corrective measures, including but not limited to investigation, discipline, no-contact directives, removal from class settings, suspension, expulsion, referral, and other corrective action.

583. Despite having actual knowledge and authority to act, the Board Defendants failed to take reasonable corrective action to stop or limit the harassment.

584. The Board Defendants violated and/or failed to follow District policies and procedures including, but not limited to, 09.428111 and its related procedures by failing to ensure a meaningful Title IX response after receiving notice of pornographic, sexually explicit, or sexualized images depicting or purporting to depict Skyler.

585. The Board Defendants violated and/or failed to follow Policy 09.4221 to the extent sexually explicit or sexualized images depicting or purporting to depict Skyler were possessed, shared, displayed, distributed, transmitted, used, or referenced to humiliate, intimidate, exploit, pressure, or target him.

586. The Board Defendants violated and/or failed to follow Policy 09.42811 and its related procedures by failing to ensure a meaningful response to repeated harassment, humiliation, cyberbullying, mental-health-related harassment, suicide-related harassment, and targeted

mistreatment directed toward Skyler.

587. The Board Defendants violated and/or failed to follow Policy 09.422 by failing to ensure that bullying and hazing directed toward Skyler were investigated, documented, corrected, disciplined, and prevented.

588. The Board Defendants violated and/or failed to follow Policies 08.2323, 08.2324, and 09.4261 by failing to ensure a reasonable response to the electronic possession, transmission, display, circulation, or distribution of sexualized images, threatening messages, and cyberbullying directed toward Skyler.

589. The Board Defendants' lack of meaningful response to reports that students were circulating pornographic or sexually explicit images attributed to Skyler amounted to an official decision not to take reasonable action to end or limit the harassment.

590. The Board Defendants continued to have reckless disregard for known student-on-student harassment directed toward Skyler.

591. By failing to reasonably respond to image-based harassment, sexualized harassment, cyberbullying, and mental-health-related harassment, the Board Defendants placed Skyler at great and unreasonable risk of continued harassment, humiliation, emotional distress, and harm.

592. The Board Defendants violated and/or failed to follow Policy 09.425 by failing to ensure reasonable response to threats and physical violence directed toward Skyler, including threats involving bullets, threats referencing prior hazing, and threats communicated through electronic means.

593. The Board Defendants violated and/or failed to follow Policy 09.429 by failing to ensure that reports of threats, physical violence, suicide-related bullying, self-harm concerns, and

escalating mental-health risk were treated as serious student-safety issues requiring appropriate threat assessment, documentation, review, and response.

594. The Board Defendants violated and/or failed to follow Policy 09.221 by failing to ensure that students were reasonably supervised and that school staff intervened when students targeted, threatened, assaulted, humiliated, harassed, sexually exploited, or bullied Skyler.

595. The Board Defendants violated and/or failed to follow Policy 09.2211 by failing to ensure that threats, physical violence, sexualized image distribution, and other potentially criminal student conduct were properly reported, documented, preserved, escalated, and accurately communicated.

596. The Board Defendants violated and/or failed to follow Policy 09.438 by failing to ensure that student misconduct directed toward Skyler was reasonably addressed and by failing to ensure that Plaintiffs Kevin and Jodi Holsapple received meaningful notice, explanation, investigation results, or corrective action.

597. The Board Defendants violated and/or failed to follow Policy 09.426 by allowing bullying, harassment, threats, sexualized humiliation, false accusations, arbitrary discipline, suicide-related mistreatment, and staff targeting to interfere with Skyler's ability to safely participate in school.

598. The Board Defendants violated and/or failed to follow Policies 08.14, 08.141, 09.2, and 09.22 by failing to ensure reasonable response to known information concerning Skyler's deteriorating mental health, prior suicide attempt, suicide-related bullying, and need for support and protection at school.

599. The Board Defendants violated and/or failed to follow Policy 09.224 to the extent Skyler's suicide-related risk, prior suicide attempt, hospitalization, and escalating emotional

distress required immediate safety-related response, referral, communication, or intervention.

600. On or about April 30, 2025, Plaintiff Kevin Holsapple spoke with Marshall County Academy Counselor Marian Fickey regarding alternative schooling options for Skyler.

601. During that conversation, Plaintiff Kevin Holsapple expressed serious concern regarding Skyler's mental health due to his experiences and treatment at Marshall County High School.

602. Marian Fickey later placed school administrators, including but not limited to Defendants Shannon Solomon and Brent Lovett, on written notice of Plaintiff Kevin Holsapple's concerns.

603. In that email, Marian Fickey communicated that Plaintiff Kevin Holsapple was very concerned with Skyler's mental health due to his experiences and treatment at Marshall County High School.

604. By April 30, 2025, Defendant Lovett and the Board Defendants had actual notice that Skyler's parents believed his mental health was being harmed by his treatment at Marshall County High School.

605. By April 30, 2025, Defendant Lovett and the Board Defendants had actual notice that Skyler's parents were seeking alternative schooling because they believed the District was failing to protect, support, or fairly treat him.

606. Despite this notice, the Board Defendants failed to ensure that Skyler and his parents were provided meaningful support, intervention, protection, or a workable plan to allow Skyler to safely complete the school year.

607. Despite this notice, the Board Defendants failed to ensure that appropriate administrators, counselors, mental-health personnel, Title IX personnel, threat-assessment

personnel, or other District personnel responded meaningfully to Skyler's known risk factors and ongoing harassment.

608. The Board Defendants violated and/or failed to follow Policies 09.1224 and 08.1312 to the extent Skyler's mental-health condition, safety concerns, or need for alternative educational arrangements required consideration of online, virtual, remote, or other alternative instructional options.

609. Upon information and belief, despite repeated reports of bullying, harassment, threats, physical violence, cyberbullying, sexual humiliation, suicide-related harassment, and mental-health-related concerns, the Board Defendants failed to ensure the completion or preservation of required bullying investigation forms.

610. Upon information and belief, despite repeated reports of harassment, cyberbullying, sexual humiliation, suicide-related harassment, and mental-health-related concerns, the Board Defendants failed to ensure the completion or preservation of required harassment investigation reports.

611. Upon information and belief, despite repeated reports of sexual harassment and graphic image distribution attributed to Skyler, the Board Defendants failed to ensure the completion or preservation of required Title IX reporting forms.

612. Upon information and belief, despite repeated reports of threats, self-harm concerns, suicide-related comments, and escalating risk, the Board Defendants failed to ensure the completion or preservation of required threat assessment records.

613. Upon information and belief, despite reports triggering KRS 158.156 and KRS 158.148, the Board Defendants failed to ensure completion or preservation of required reports, notifications, written filings, and parent communications.

614. The Board Defendants violated and/or failed to follow Policies 03.133, 03.1325, 03.162, and 03.1621 by failing to properly train, supervise, direct, discipline, or correct staff whose acts and omissions contributed to the hostile, humiliating, sexually harassing, unsafe, and unsupported school environment experienced by Skyler.

615. The Board Defendants violated and/or failed to follow Policies 09.31 and 09.311 by failing to ensure reasonable supervision, investigation, discipline, reporting, and corrective action concerning the soccer camp hazing, threats following the hazing, removal from the soccer team, and retaliation or unfair treatment connected to Skyler's support for E.S.

616. The Board Defendants failed to properly train, supervise, direct, and correct school administrators, teachers, coaches, counselors, school resource officers, and other staff regarding their duties to respond to bullying, harassment, Title IX sexual harassment, sexual extortion, threats, hazing, student violence, suicide-related comments, mental-health concerns, discipline, student searches, reporting of criminal activity, and parent notification.

617. The Board Defendants failed to properly train, supervise, direct, and correct school administrators, teachers, coaches, counselors, school resource officers, and other staff regarding the need to protect reporting persons and complainants from retaliation.

618. The Board Defendants failed to ensure that Skyler was separated from known aggressors, protected from continued harassment, provided mental-health support, offered meaningful intervention, or permitted to safely participate in the educational environment.

619. The Board Defendants failed to ensure that students involved in threatening, humiliating, sexually harassing, cyberbullying, or otherwise targeting Skyler were meaningfully disciplined, restricted, separated, or corrected.

620. The Board Defendants failed to ensure that school employees who ignored,

minimized, mishandled, or contributed to the conduct directed toward Skyler were meaningfully corrected, trained, disciplined, or supervised.

621. The Board Defendants' failures reflected a pattern of inaction, minimization, selective enforcement, arbitrary discipline, poor documentation, inadequate investigation, failure to notify parents, failure to report, failure to protect, and failure to provide mental-health support despite repeated notice.

622. The Board Defendants' failures allowed bullying, harassment, threats, humiliation, sexualized misconduct, false accusations, arbitrary discipline, retaliation, and suicide-related mistreatment of Skyler to continue.

623. The Board Defendants' violations and failures were a substantial factor in causing Skyler to suffer continued bullying, harassment, threats, humiliation, ostracism, emotional distress, deterioration of mental health, loss of trust in school officials, educational disruption, and foreseeable harm.

624. As a direct and proximate result of the Board Defendants' acts and omissions, Skyler suffered damages recoverable by law.

625. Each of the above duties is fixed, certain, and/or ministerial in nature.

626. The School Defendants acted in bad faith in the performance of these duties.

627. The Board Defendants acted in bad faith in the performance of these duties.

628. Upon information and belief, one or more of the Defendants breached some or all of these duties, and as a result, Skyler suffered significant damages and untimely death.

COUNT III – OUTRAGE

629. Plaintiffs adopt and incorporate by reference all other facts and allegations contained in this Complaint.

630. On or about June 29, 2025, Plaintiffs Jodi and Kevin Holsapple discovered Skyler's body after he had committed suicide and witnessed the gruesome aftermath of his death.

631. In their actions and repeated failures to act, Defendants engaged in extreme and outrageous conduct.

632. The actions and inactions of the Defendants, as set forth above, were grossly negligent, intentional, or reckless.

633. The actions and inactions of the Defendants, as set forth above, caused and continue to cause severe emotional distress to Plaintiffs.

634. As a direct and proximate result of Defendants' outrageous conduct and intentional or reckless acts and omission, Plaintiffs have suffered, and will in the future continue to suffer, mental anguish, loss of enjoyment of life, emotional and psychological harm, and other past, present, and future damages.

COUNT IV – WRONGFUL DEATH

635. Plaintiffs adopt and incorporate by reference all other facts and allegations contained in this Complaint.

636. KRS 411.130 provides that whenever the death of a person results from an injury inflicted by the negligence or wrongful act of another, damages may be recovered from the person who caused it or whose agent or servant caused it. If the act was willful or gross negligence, punitive damages may be recovered.

637. Based on the facts alleged herein, Plaintiffs allege that one or more of the Defendants' actions were negligent, wrongful, and/or willful, malicious, and/or reckless, and Plaintiffs are thus entitled further to pursue claims for the wrongful death of Skyler Holsapple.

638. Such damages include but are not limited to the total destruction of Skyler's power

to labor and earn money, loss of love, affection, and companionship, conscious pain and suffering, including fear, apprehension, and terror, funeral expenses, and costs and attorney fees to the extent allowed by law.

639. Plaintiffs suffered these damages as a result of the injuries inflicted upon Skyler Holsapple by one or more of the Defendants as alleged hereinabove.

**COUNT V – PLAINTIFFS KEVIN AND JODI HOLSAPPLE’S
LOSS OF LOVE, AFFECTION, AND COMPANIONSHIP**

640. Plaintiffs adopt and incorporate by reference all other facts and allegations contained in this Complaint.

641. At all times relevant herein, Skyler Holsapple was the minor child of Plaintiffs Kevin Holsapple and Jodi Holsapple.

642. Pursuant to KRS 411.135, in a wrongful death action involving the death of a minor child, the surviving parent or parents may recover for the loss of affection and companionship that would have been derived from the child during the child’s minority, in addition to all other elements of damages usually recoverable in a wrongful death action.

643. As a direct and proximate result of Defendants’ acts and omissions described herein, Plaintiffs Kevin Holsapple and Jodi Holsapple lost the affection, companionship, society, comfort, love, and relationship they would have derived from Skyler during his minority.

644. Plaintiffs Kevin Holsapple and Jodi Holsapple also suffered the loss of the unique parent-child relationship, daily companionship, emotional bond, and familial affection they shared with Skyler.

645. The loss suffered by Plaintiffs Kevin Holsapple and Jodi Holsapple is separate and distinct from the damages recoverable by Skyler’s Estate and is recoverable pursuant to KRS 411.135.

646. Plaintiffs Kevin Holsapple and Jodi Holsapple are entitled to recover all damages permitted by law, including damages for the loss of affection and companionship that would have been derived from Skyler during his minority.

WHEREFORE, Plaintiffs, Jodi Holsapple, individually and as Administrator of the Estate of Skyler Holsapple, and Kevin Holsapple, demand judgment against Defendants, jointly and severally, as follows:

1. For all compensatory damages including damages for the wrongful death of Skyler Holsapple, funeral costs, pain and suffering, destruction of the power to labor and earn money, loss of love, affection, and companionship to Plaintiffs Jodi and Kevin Holsapple, and all other amounts which will fairly and reasonably compensate Plaintiffs for the damages incurred as a result of the Defendants' negligence in an amount to be determined at trial;
2. For punitive damages in an amount to be determined by a jury;
3. For all costs incurred herein, including a reasonable attorney's fee;
4. For all interest available under the law on the above sums from the date of the Skyler's injuries and death until paid;
5. For a trial by jury; and
6. For any and all other relief to which the Plaintiffs may be entitled.

Respectfully submitted,

/s/ W. Bryce Koon

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