

1 Covid-19 mitigation measures. As such, the Plaintiff class meets the  
2 typicality requirement.

3 94. The conduct of the named and absent Defendants in this action is virtually  
4 identical. They have all recklessly refused to implement reasonable Covid-19  
5 mitigation measures. As such, both the named and absent Defendant class  
6 members should have defenses with a common origin which will share a  
7 common basis meeting the typicality requirement.

8 95. Plaintiff is willing and prepared to serve the Court and proposed class in a  
9 representative capacity with all of the obligations and duties material hereto.  
10 She will fairly and adequately protect the interest of the class and has no  
11 interests adverse to, or which directly and irrevocably conflict with, the  
12 interests of other members of the class. She has also engaged the services of  
13 counsel indicated below. Said counsel is experienced in civil rights and class  
14 litigation, will adequately prosecute this action, and will assert, protect and  
15 otherwise well represent the named class representatives and absent class  
16 members.

17 96. The named Defendants are all from the FCSD and should have the means to  
18 defend this action. Given that the action is exclusively for declaratory and  
19 injunctive relief there should not be any conflict between the named and  
20 absent Defendant Class members. Similarly, this action focuses almost  
21 exclusively on questions of law and is not particularly fact specific, as such if  
22 the named Defendants' counsel adequately represents the named Defendants  
23 in this action, they are also adequately representing the class.

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**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Gina Kildahl, as Next Friend of SK, and as a class representative, requests entry of judgment in her favor and against Defendants SCHOOL DISTRICT OF FALL CREEK, SCHOOL DISTRICT OF FALL CREEK BOARD OF EDUCATION, BROCK WRIGHT, ERIC RYAN, ANNMARIE ANDERSON, JILL GESKE, COURTNEY KNEIFL, JOE SANFELIPPO, and Does 1-10 on behalf of themselves and those similarly situated, as follows:

- A. For declaratory and injunctive relief.
- B. Attorney Fees and Costs.

DATED: October 11, 2021

FREDERICK B. MELMS Esq

Bv: /s/ Frederick Melms \_\_\_\_\_  
Frederick Melms  
Attorney for Plaintiff  
Gina Kildahl