

## **Jury Verdicts and Settlements in Bullying Cases** (November 2018 edition)

As part of Public Justice's [Anti-Bullying Campaign](#), we are tracking jury verdicts and settlements in bullying and harassment cases filed against school districts in federal and state courts throughout the country. Each case, organized by state, lists the relief achieved—both monetary and non-monetary—as well as the nature of the harassment, the number of plaintiffs, the basic facts, the causes of action, and the plaintiffs' attorneys. We hope this resource will be helpful to attorneys representing bullied students.

If you are working on, or know of, a bullying or harassment case that has resulted in a judgment or settlement, please let us know so that we can include the case on this list. Please send your information to Adele Kimmel, Senior Attorney, at [akimmel@publicjustice.net](mailto:akimmel@publicjustice.net). In addition, if you are interested in obtaining co-counsel or other legal assistance from Public Justice on a bullying or harassment case, please contact us. School districts and officials need to comply with the law and respond appropriately to bullying. We want to make sure that they do. For more information, please read our primer, [Litigating Bullying Cases: Holding School Districts and Officials Accountable](#).

### **ALASKA**

#### ***T.F. v. Anchorage School District (Super. Ct. 3d Judicial Dist. 2004)***

- Settlement: \$4.5 million.
- Harassment/Injuries: Verbal and physical harassment; attempted suicide.
- Single Plaintiff.
- Basic Facts: Following repeated bullying by other students, T.F., a 14-year-old eighth grade student, attempted to hang himself and suffered irreversible brain damage. T.F.'s classmates regularly harassed him verbally and physically, pushing him in the hallways, knocking textbooks out of his hands, throwing his clarinet in the trash, and assaulting him in the bathroom.
- Causes of Action: Unknown.
- Plaintiff's Attorney: Dennis Maloney of Anchorage, AK.
- More Information: [http://juneauempire.com/stories/070104/sta\\_details.shtml](http://juneauempire.com/stories/070104/sta_details.shtml).

### **CALIFORNIA**

#### ***Burke v. Brentwood Union School Dist., No. 3:15-cv-00286 (N.D. Cal. 2015)***

- Settlement: \$2 million.
- Harassment/Injuries: Sexual harassment; sexual assault; cyberbullying.
- Single Plaintiff.
- Basic Facts: Male student pressured middle school girl into sending nude pictures to him, then used the pictures to blackmail her into performing oral sex on him in school bathrooms on numerous occasions. Other students, part of a "sexting ring" discovered by police, posted pictures on Instagram of plaintiff performing oral sex.

- Causes of Action: Title IX claim for deliberate indifference to sexual harassment; claim under 42 U.S.C. § 1983 alleging equal protection violation for failure to train; state law tort claims; California statutory claims for gender violence, deprivation of a civil right, freedom from violence, and sex discrimination.
- Plaintiff's Attorney: Peter W. Alfert, Hinton Alfert and Kahn LLP, Walnut Creek, CA; Todd A. Boley, Alameda, CA.
- More Information: <http://kron4.com/2017/11/07/video-victim-of-brentwood-middle-school-sexting-ring-wins-2-million-settlement-from-district/>.

***Callahan ex rel. Roe v. Gustine Unified School District*, 678 F. Supp. 2d 1008 (E.D. Cal. 2009)**

- Settlement: Undisclosed amount.
- Harassment/Injuries: Sexual assault and hazing.
- Single Plaintiff.
- Basic Facts: Upper-class football players sodomized a freshman teammate at a school-sponsored camp by blowing pressurized air through his rectum with a battery-powered air pump. The teammates also groped him in the shower and beat him on the head and face with a pillow case full of heavy objects. After the weekend, the freshman became the target of anti-gay taunts.
- Causes of Action: Title IX claim for deliberate indifference to sexual harassment; claim under 42 U.S.C. § 1983 alleging equal protection violation; state tort law claims for sexual battery, assault and battery, intentional infliction of emotional distress, negligent supervision, negligent training and negligence per se; California state constitutional claim alleging an equal protection violation; and California statutory claims for gender violence, deprivation of a civil right, freedom from violence, sex discrimination, and vicarious liability of a parent for the willful acts of a minor.
- Plaintiff's Attorneys: Donald Proietti and Kimberly Flores of Allen, Proietti & Fagalde, LLP, Merced, CA.
- More Information: [http://www.gpo.gov/fdsys/pkg/USCOURTS-caed-1\\_07-cv-00796/pdf/USCOURTS-caed-1\\_07-cv-00796-8.pdf](http://www.gpo.gov/fdsys/pkg/USCOURTS-caed-1_07-cv-00796/pdf/USCOURTS-caed-1_07-cv-00796-8.pdf).

***Doe v. Roe School District*, Confidential Dkt. No. (Los Angeles Cnty. Super. Ct. 2012)**

- Settlement: \$1.35 million.
- Harassment/Injuries: Anti-Semitic and anti-gay taunts; attempted suicide.
- Single Plaintiff.
- Basic Facts: Students used anti-Semitic and anti-gay taunts to harass a 14-year old classmate. While the administrators conducted an investigation, the student attempted suicide in the school bathroom. The victim suffered emotional distress and sued the school for failing to suspend the bullies under its zero-tolerance bullying policy.
- Cause of Action: State tort claims.
- Plaintiff's Attorney: David M. Ring, Los Angeles, CA.
- More Information: *Verdicts & Settlements*, TRIAL, Dec. 2012, at 12.

***Doe v. Roe School District*, Confidential Dkt. No. (Riverside Cnty. Super. Ct. 2012)**

- Settlement: \$3 million.
- Harassment/Injuries: Sexual assault of special needs student.
- Single Plaintiff.

- Basic Facts: Students raped a 14-year-old special needs child over the course of several months near a bathroom located outside an enclosed area designed to keep the child safe at lunch. The child suffered severe emotional distress.
- Cause of Action: State tort law for negligent security.
- Plaintiff's Attorneys: David M. Ring, Los Angeles, CA; Chris Morey, Costa Mesa, CA.
- More Information: *Verdicts & Settlements*, TRIAL, March 2013, at 10.

***Doe, ex rel. Denari v. Kern High School District (Kern Cnty. Super. Ct. 2009)***

- Settlement: \$260,000 (\$42,500 from school district; remainder from bullies and parents).
- Harassment/Injuries: Physical assault; hazing.
- Single Plaintiff.
- Basic Facts: Ninth grade student on debate team physically assaulted by teammates. Five upperclassmen on the team encased him from ankles to shoulders in plastic wrap and then bound him tightly with duct tape. Teammates then mocked and threatened him until a trickle of blood began to run from his mouth. On several occasions, the upperclassmen tried to tape him to a wall. After each attempt, he fell to the ground, knocking the wind out of him. Another student urinated on his shirt.
- Cause of Action: State tort law.
- Plaintiff's Attorney: Unknown.
- More Information: <http://www.bakersfieldcalifornian.com/archive/x820007988/Exclusive-Bullying-case-costs-families-thousands>

***Donovan v. Poway Unified School District, 167 Cal. App. 4th 567 (Cal. Ct. App. 2008)***

- Jury Verdict: \$300,000 total to two students; judge awarded \$421,357 for attorneys' fees.
- Harassment/Injuries: Anti-gay harassment and physical assault.
- Multiple Plaintiffs (two).
- Basic Facts: A male and female student suffered severe and pervasive anti-gay peer harassment that included death threats; being spit on; physical violence and threats of physical violence; vandalism to personal property; and being subject to anti-gay epithets such as "fag," "faggot," "fudge packer," "dyke" and "fucking dyke." School officials took little or no action in response. Both students dropped out of school and completed their senior years through independent study.
- Causes of Action: Claim under 42 U.S.C. § 1983 alleging equal protection violation; claim under § 220 of the California Education Code (an anti-discrimination statute).
- Plaintiffs' Attorneys: Brian Chase and Hayley Gorenberg of Lambda Legal in Los Angeles, CA; Paula Rosenstein and Bridget Wilson of Rosenstein, Wilson & Dean, P.L.C. in San Diego, CA.
- More Information: [http://www.lambdalegal.org/news/ca\\_20081010\\_ca-court-upholds-award-to-bullied-high-school-students](http://www.lambdalegal.org/news/ca_20081010_ca-court-upholds-award-to-bullied-high-school-students).

***Flores v. Morgan Hill Unified School District, 324 F.3d 1130 (9th Cir. 2003)***

- Settlement: \$1 million and injunctive relief.
- Injunctive Relief: Comprehensive training program for administrators, staff, and students to combat anti-gay harassment. See [http://www.aclu.org/lgbt-rights\\_hiv-aids/settlement-fact-sheet-flores-v-morgan-hill-unified-school-district](http://www.aclu.org/lgbt-rights_hiv-aids/settlement-fact-sheet-flores-v-morgan-hill-unified-school-district).
- Harassment/Injuries: Anti-gay harassment, including physical assaults.
- Multiple Plaintiffs (six).
- Basic Facts: Six LGBT students experienced anti-gay harassment over the course of seven years, including physical assaults, anti-gay name-calling, anti-gay vandalism, and anti-gay

rumors. School district employees repeatedly ignored or minimized many reports by students that they were being abused because they were gay or perceived to be gay. Some school employees participated in the abuse.

- Cause of Action: Claim under 42 U.S.C. § 1983 alleging equal protection violation.
- Plaintiffs' Attorneys: ACLU of Northern California, the National Center for Lesbian Rights, the ACLU's national Lesbian and Gay Rights Project, and cooperating attorneys Stacey Wexler, Christine Sun, and Jay Kuo of Kecker & Van Nest, LLP in San Francisco, James Emery of San Francisco, Diane Ritchie of San Jose, and Leslie Levy of Boxer and Gerson in Oakland, CA.
- More Information: [http://www.aclu.org/lgbt-rights\\_hiv-aids/case-background-flores-v-morgan-hill-unified-school-district](http://www.aclu.org/lgbt-rights_hiv-aids/case-background-flores-v-morgan-hill-unified-school-district).

***John KZ Doe v. Hesperia Unified School District*, No. [CIVDS1616281](#) (Cal. Super. Ct. 2016)**

- Settlement: \$125,000. (This is the second of two settlements reached with the school district in 2017 involving hazing of student-athletes.)
- Harassment/Injuries: Hazing; Sexual Assault.
- Single Plaintiff.
- Basic Facts: School district was complicit in pattern of sexualized hazing by senior members of Oak Hills High School football team. The male victim, a freshman on the football team, was forced to the floor by older players and held down while they inserted fingers in his rectum.
- Causes of Action: Unknown.
- Plaintiff's Attorney: Vince Finaldi of Manly, Stewart, and Finaldi.
- More Information: <http://www.vvdailynews.com/news/20171120/hesperia-school-district-settles-second-hazing-case-for-125k-bumping-payouts-this-year-to-half-million-dollars>;  
<http://www.vvdailynews.com/news/20160930/second-alleged-hazing-victim-sues-oak-hills-high-school-district>.

***John VZ Doe v. Hesperia Unified School District*, No. [CIVDS1410904](#) (Cal. Super. Ct. 2014).**

- Settlement: \$375,000. (This is the first of two settlements reached with the school district in 2017 involving hazing of student-athletes.)
- Harassment/Injuries: Hazing; Sexual Assault.
- Single Plaintiff.
- Basic Facts: School district was complicit in pattern of sexualized hazing by senior members of Oak Hills High School football team. The male victim, a freshman on the football team, was forced to the floor by older players and held down while they inserted fingers in his rectum.
- Causes of Action: Unknown.
- Plaintiff's Attorney: Vince Finaldi of Manly, Stewart, and Finaldi
- More Information: <http://www.vvdailynews.com/article/20150806/NEWS/150809850>;  
<http://www.vvdailynews.com/news/20170508/hesperia-unified-settles-oak-hills-high-hazing-case-for-375k>.

***Ketchum v. Newport-Mesa Unified School District*, No. [30-2009-00120182-CU-CR-CJC](#) (Orange Cnty. Super. Ct. 2009)**

- Settlement: Injunctive relief and attorneys' fees.
- Injunctive Relief: The school district agreed to provide plaintiff a written apology and institute mandatory training on sexism and homophobia to administrators, teachers, and students.
- Harassment/Injuries: Anti-gay and anti-female cyberbullying; verbal threats and harassment on school grounds.

- Single Plaintiff.
- Basic Facts: Varsity athletes threatened via Facebook to kill and rape the lead actress of a school production of “Rent.” The athletes continued to harass the actress at school and administrators took little action to address the school’s hostile environment for female, gay, and lesbian students.
- Causes of Action: Claim under 42 U.S.C. § 1983 alleging equal protection violation; claim under Title IX for deliberate indifference to sexual harassment.
- Plaintiff’s Attorney: ACLU of Southern California attorneys Hector Villagra, Belinda Escobosa Helzer, Mark D. Rosenbaum and Lori Rifkin; M. Katherine Darmer, Orange, CA.
- More Information: [http://www.aclu.org/lgbt-rights\\_womens-rights/aclusc-settles-lawsuit-over-orange-county-high-school-tolerated-homophobia](http://www.aclu.org/lgbt-rights_womens-rights/aclusc-settles-lawsuit-over-orange-county-high-school-tolerated-homophobia); <http://artsbeat.blogs.nytimes.com/2009/09/10/settlement-reached-in-california-high-school-rent-case/>; <http://www.visuality.org/coronadelmarhigh/>.

***Loomis v. Visalia Unified School District*, 262 F. Supp. 2d 1088 (E.D. Cal. 2001)**

- Settlement: \$130,000 and injunctive relief.
- Injunctive Relief: School district was required to revise its anti-harassment policy, train staff and students, place compliance officers at each school, and submit annual incident reports.
- Harassment/ Injuries: Anti-gay verbal and physical assaults.
- Multiple Plaintiffs (one student and statewide Gay-Straight Alliance Network).
- Basic Facts: Loomis experienced anti-gay harassment at school for about five years. His classmates called him “faggot” and “queer,” and there were rumors that he was having sex with a teacher perceived to be gay. When he pierced his ear, a teacher commented tauntingly, “There are only two types of guys who wear earrings—pirates and faggots—and there isn’t any water around here.” His dream was to study at UC Berkeley, but when he complained to the school administration about the harassment, they forced him into an independent study program which was not geared for college-bound students.
- Causes of Action: Claim under 42 U.S.C. § 1983 alleging equal protection violations and procedural and substantive due process violations; state law claims under California Education Code and Unruh Civil Rights Act.
- Plaintiffs’ Attorneys: ACLU of Northern California; Kevin Lewis of Howard, Rice, Nemerovski, Canady, Falk & Rabkin in San Francisco, CA.
- More Information: [http://www.aclu.org/lgbt-rights\\_hiv-aids/groundbreaking-federal-lawsuit-settlement-school-agrees-strongest-anti-gay-hara](http://www.aclu.org/lgbt-rights_hiv-aids/groundbreaking-federal-lawsuit-settlement-school-agrees-strongest-anti-gay-hara).

***Shaposhnikov v. Pacifica School District*, No. 04-cv-01288-SI, 2006 WL 931731 (N.D. Cal. Apr. 11, 2006)**

- Settlement: School district settled on unknown terms; parents of students who harassed the plaintiff settled for \$100,000.
- Harassment/Injuries: Anti-gay physical and verbal harassment due to perceived sexual orientation.
- Single Plaintiff.
- Basic Facts: Plaintiff, a competitive dancer, endured repeated anti-gay slurs and physical harassment for two years in middle school. School took little action in response to plaintiff’s complaints. Plaintiff sued school district and parents of alleged bullies. On summary judgment, the court dismissed plaintiff’s Title IX and equal protection claims, but allowed the parties to

brief the remaining state law claims. Before the briefs were filed, the school district settled for an undisclosed amount.

- Causes of Action: Title IX claims for deliberate indifference to sexual harassment and for retaliation; claim under 42 U.S.C. § 1983 for equal protection violations; state tort law claims, including negligence, fraud, intentional infliction of emotional distress; breach of contract claims; California statutory claims, including a claim under the Unruh Civil Rights Act and a claim under § 48900 of the California Education Code (grounds for suspension or expulsion).
- Plaintiff's Attorneys: Paul Joseph Smoot and Robert M. Desky of Anderlini, Finkelstein, Emerick & Smoot, San Mateo, CA.
- More Information: <http://www.chron.com/news/nation-world/article/Parents-settle-suit-for-alleged-bullying-by-their-1580253.php>.

***Shimizu v. Folsom Cordova Unified Sch. Dist. (Sacramento, CA 2015)***

- Settlement: \$1,000,000 (pre-suit).
- Harassment/Injuries: Homophobic verbal and physical harassment/assaults. Forced into homeschooling and eventually committed suicide.
- Single plaintiff.
- Basic Facts: Boy subjected to constant and pervasive verbal bullying and physical harassment and assaults, due to perceived homosexuality for five years.
- Cause(s) of Action: Unknown.
- Plaintiff's Attorney(s): Mark Merin, Law Office of Mark E. Merin, Sacramento, CA.
- More information: <http://www.sacbee.com/news/local/education/article33811815.html>.

***Smith v. Menifee Union School District, No. RIC1103951 (Riverside Cnty. Super. Ct. 2011)***

- Settlement: \$25,000.
- Harassment/Injuries: Physical and verbal harassment.
- Multiple Plaintiffs (two).
- Basic Facts: A nine-year-old boy experienced physical assaults and verbal harassment that included a death threat in front of his eight-year-old brother. Witnessing the harassment triggered symptoms of a chronic condition the younger brother had. The boys' parents sued the school district for its alleged failure to protect their children.
- Causes of Action: State tort law claims for negligence and negligence per se alleging failure to protect children and failure to train and instruct staff members on how to respond to bullying.
- Plaintiffs' Attorney: Morton J. Grabel, Hemet, CA.
- More Information: <http://www.utsandiego.com/news/2013/jan/25/menifee-education-settlement-bullying-lawsuit/>.

***Walsh v. Tehachapi Unified School District, No. 11-cv-1489 (E.D. Cal. 2014)***

- Settlement: \$750,000 and injunctive relief.
- Injunctive relief: School implemented anti-harassment curriculum and updated procedures for reporting and investigating bullying. Lawsuit also caused the state legislature to pass the Safe Place to Learn Act, which requires school districts to address harassment based on sexual orientation, gender identity, and gender expression in school anti-discrimination policies.
- Harassment/Injuries: Severe verbal and physical anti-gay harassment leading to suicide.
- Single Plaintiff.
- Basic Facts: Seth Walsh was a thirteen-year-old gay middle school student who experienced daily taunts and physical harassment because of his sexual orientation. The names included



“fag,” “faggot,” “homo,” and “it,” among others; and the physical harassment included pushes and shoves, and inappropriate sexual touching. It was a common expression at school to say, “That’s gay, but not as gay as Seth.” The harassment allegedly caused Seth to commit suicide.

- Causes of Action: Claim under Title IX claim for deliberate indifference to sex-based harassment; claim under 42 U.S.C. § 1983 alleging equal protection violation; claims under state civil rights statutes; and claim alleging violation of mother’s right to family relationship and companionship.
- Plaintiff’s Attorney: Daniel Rodriguez, Bakersfield, CA.
- More Information: <http://www.bakersfield.com/news/2014/06/04/seth-walsh-case-settled-for-750-000.html>.

## **COLORADO**

### ***Stewart v. Board of Trustees for Colorado School for Deaf and Blind, No. 1:12-cv-02664-RM-KLM (D. Colo. 2015)***

- Settlement: \$1.4 million.
- Harassment/Injuries: Sexual assaults.
- Multiple Plaintiffs (two).
- Basic Facts: Two blind boys, one of whom was also developmentally disabled, were sexually abused by another student at a residential state school for the deaf and blind. Sexual assaults were repeatedly reported to school staff, including principal, who merely documented incidents, but took little action to protect boys from further abuse and did not report sexual abuse to state authorities. Sexual assaults were reported to police approximately two years later. Student accused of assaulting the boys admitted he had sexually assaulted five students at school in a two-year period and pled guilty. The boys’ parents sued the school board and school officials for failing to prevent and respond appropriately to the sexual abuse.
- Causes of Action: Title IX claims for deliberate indifference to sexual harassment; claims under 42 U.S.C. § 1983 alleging substantive due process violations; claims under Title II of Americans with Disabilities Act and § 504 of Rehabilitation Act for disability-based discrimination.
- Plaintiffs’ Attorney: Daniel Bristol of Godin & Baity, LLC in Denver, CO.
- More information: <http://gazette.com/1.4-million-settlement-finalized-in-sex-assaults-at-colorado-school-for-the-deaf-and-the-blind/article/1567732>.

## **CONNECTICUT**

### ***Anibal v. Greenwich Public Schools (Stamford Sup. Ct. 2005)***

- Settlement: Injunctive relief with no monetary damages.
- Injunctive Relief: School apology and revised anti-bullying policy.
- Harassment/Injuries: Verbal harassment.
- Single Plaintiff.
- Basic Facts: Elementary school student endured four years of almost daily taunting and teasing in school.
- Causes of Action: State tort law claims for negligent and intentional infliction of emotional distress.
- Plaintiff’s Attorney: Alyce Alfano, Hartford, CT.
- More Information: <http://www.insurancejournal.com/news/east/2005/08/23/58659.htm>; [http://parentadvocates.org/nicecontent/dsp\\_printable.cfm?articleID=5230](http://parentadvocates.org/nicecontent/dsp_printable.cfm?articleID=5230).

***Doe ex rel. A.N. v. East Haven Board of Education*, 430 F. Supp. 2d 54 (D. Conn. 2006), affirmed 200 F. App'x 46 (2d Cir. 2006)**

- Jury Verdict: \$100,000; judge also awarded attorneys' fees of \$34,422.50.
- Harassment/Injuries: Sexual assault, harassment and suicide attempt.
- Single Plaintiff.
- Basic Facts: Two upperclassmen raped a female freshman student, causing her to suffer sexual harassment at school. One male student barked at her, another threw a tennis ball at her head, while others regularly called her "slut," "bitch," and "whore," among other names. The harassment caused her to stop attending classes and to have to sit with the guidance counselor to complete her work. The harassment was so severe that the plaintiff was taken to the emergency room after threatening suicide. The school board and principal were allegedly unresponsive to complaints about the peer harassment.
- Cause of Action: Title IX claim for deliberate indifference to sexual harassment.
- Plaintiff's Attorneys: John Williams, New Haven, CT; Norman Pattis, Bethany, CT.

***Doe v. Madison Bd. of Educ.* 3:11-cv-01418-RNC (D. Conn. 2015)**

- Settlement: Undisclosed.
- Harassment/Injuries: Sexual assault.
- Single Plaintiff.
- Basic Facts: Female middle school student sexually assaulted by five male classmates at a party, sixth boy took photographs and showed other students. Girl continued to have to attend school with all six perpetrators, including continuing to high school with boy who took pictures.
- Cause(s) of Action: Title IX claim for sex-based discrimination.
- Plaintiff's Attorney(s): Margaret Rattigan, Murphy Laudati Kiel Buttler & Rattigan LLC, Farmington, CT; William Wilson II, Halloram & Sage LLP, Hartford, CT.
- More information: <http://www.norwichbulletin.com/article/20150120/News/150129968>.

***Jenkins v. Town of West Hartford*, No. HHD-CV14-6051677-S (Hartford Sup. Ct. 2018)**

- Settlement: \$87,500
- Harassment/Injuries: Sexual assault and post-traumatic stress disorder.
- Single Plaintiff.
- Basic Facts: An eighth-grader at Sedgwick Middle School was repeatedly sexually assaulted in and around the locker room during gym class. On one occasion, the student was grabbed by three other students in gym class who were yelling out to rape him. They dragged him into a closet where they assaulted him with a broom and groped him. A teacher entered the closet, told the boys to knock it off, and took no further action.
- Causes of Action: Negligence, Connecticut General Statutes § 10-222 d & g.
- Plaintiff's Attorneys: Peter K. O'Keefe & Jackson O'Keefe of Jackson O'Keefe LLP in Wethersfield, CT.
- More Information: <https://www.courant.com/community/west-hartford/hc-news-west-hartford-jenkins-school-board-settlement-87k-20180723-story.html>; <https://we-ha.com/town-west-hartford-settles-case-involving-alleged-sexual-assault-sedgwick-middle-school/>.

***Riccio ex rel. Andree v. New Haven Board of Education*, 467 F. Supp. 2d 219 (D. Conn. 2006)**

- Settlement: Undisclosed amount.
- Harassment/Injuries: Anti-gay verbal and physical harassment.



- Single Plaintiff.
- Basic Facts: Female eighth grade student endured a stream of physical harassment and name-calling such as “loser,” “freak,” “dyke,” “bitch,” “gay,” and “lesbian” because of her perceived sexual orientation. A student threw a pencil at her during lunchtime and other students threw paper balls at her in class and challenged her to fights.
- Cause of Action: Title IX claim of deliberate indifference to sexual harassment.
- Plaintiff’s Attorney: John R. Williams, New Haven, CT.

***Willia v. Bridgeport Board of Ed.*, Docket No: **FBT-CV12-6031135** (Conn. Super. Ct. 2015)**

- Settlement: \$37,000
- Injunctive Relief: Unknown.
- Harassment/Injuries: Physical violence, threats, and verbal harassment.
- Single Plaintiff
- Basic Facts: Middle school student was verbally harassed and threatened with physical violence by several female students, soon after she transferred to the school in 2011. The verbal abuse and threats culminated in an attack in eighth grade. During lunch in the cafeteria, one of the student’s tormentors struck her repeatedly, causing the dislocation of the girl’s right shoulder.
- Causes of Action: State law tort claim
- Plaintiff’s Attorney: Matthew Broder, Bridgeport, CT.
- More Information: <http://blog.ctnews.com/connecticutpostings/2015/04/30/family-wins-settlement-for-school-bullying-claim/>.

**FLORIDA**

***Doe v. Charter Schools USA, Inc.*, No. 12 -25666 CA 08 (Cir. Ct. Miami-Dade Cnty. 2014)**

- Jury Verdict: \$5.25 million.
- Harassment/Injuries: Sexual assault; attempted suicide.
- Single Plaintiff.
- Basic Facts: Eleven-year-old student raped a seven-year-old student in the back of a transport van on the way to school, and two more times in school bathroom.
- Causes of Action: Claim under state tort law; claim under Title IX for deliberate indifference to sexual harassment.
- Plaintiff’s Attorney: Jeffrey Herman, Miami, FL.
- More Information: <http://www.nbcmiami.com/news/local/Jury-Awards-525-Million-in-Downtown-Miami-Charter-School-Sex-Assault-Case-255357051.html>.

***Heidenberg v. Hillel School of Tampa*, No. 06-CA-512 (Cir. Ct. Hillsborough Cnty. 2007)**

- Jury Verdict: \$4 million; judge reduced to \$600,000, characterizing closing argument by plaintiff’s attorney as “highly inflammatory” for focusing too much on school’s punishment rather than liability.
- Settlement: Parties settled for an undisclosed sum exceeding \$600,000.
- Harassment/Injuries: Physical assault (broken arm and permanent nerve damage).
- Single Plaintiff.
- Basic Facts: 12-year old boy assaulted several times by fellow student, prompting bullied boy’s father to ask principal to protect his son. After reporting incident to principal, the bully assaulted the student on school grounds again. The student sustained a broken arm and was left with permanent nerve damage. During closing argument, plaintiffs’ attorney emphasized that school

officials never apologized and asked the jury to “teach the teachers,” stating, “Today’s the day that [the teachers] get taken to the woodshed.”

- Cause of Action: Negligence claim under state tort law.
- Plaintiff’s Attorney: David Tirella, Tampa, FL.
- More Information: [http://www.sptimes.com/2007/12/18/Hillsborough/Award\\_in\\_bullying\\_cas.shtml](http://www.sptimes.com/2007/12/18/Hillsborough/Award_in_bullying_cas.shtml).

***Oviedo v. School Board of Seminole County*, No. 2015CA001576 (Cir. Ct. of Seminole Cnty. Fla. 2017)**

- Settlement: \$200,000
- Harassment/Injuries: Physical assault.
- Single Plaintiff.
- Basic Facts: Plaintiff, an autistic student, was beat up on a school bus as the school bus attendant ignored the incident. The bus surveillance video shows a child hitting the plaintiff as the attendant sat nearby knitting. The suit alleged that the school should have been aware that the attacker had a propensity for violence.
- Causes of Action: Unknown.
- Plaintiff’s Attorney: Imran Malik of Maitland, FL.
- More Information: <http://www.orlandosentinel.com/features/education/os-lawsuit-bus-seminole-school-20161221-story.html>.

***S.B., ex rel. Cox v. Duval County School Board* (Cir. Ct. Duval Cnty. 2013)**

- Jury Verdict: \$100,000 (for past and future pain and suffering).
- Harassment/Injuries: Physical assault.
- Single Plaintiff
- Basic Facts: S.B. suffered a serious fracture requiring three surgeries on her left knee after a 12-year-old girl, known for her violent tendencies, assaulted S.B.
- Cause of Action: Unknown.
- Plaintiff’s Attorney: Unknown.
- More Information: <http://www.lexisnexis.com/legalnewsroom/litigation/b/jverdicts/archive/2013/05/08/failure-to-prevent-bullying-can-prove-costly-to-school-districts.aspx>.

***T.B. and S.W. v. The School Board of Palm Beach County, Florida*, (Cir. Ct. Palm Beach Cnty. 2013)**

- Jury Verdict: \$1.7 million (could be reduced to \$100,000 under state sovereign immunity statute).
- Harassment/Injuries: Sexual assault.
- Single Plaintiff.
- Basic Facts: A 15-year-old student raped a 3-year-old special needs girl on a school bus.
- Cause of Action: Unknown.
- Plaintiff’s Attorney: Stephan Le Clainche of West Palm Beach, FL.
- More Information: <http://www.palmbeachpost.com/news/news/crime-law/attorneys-ask-for-35-million-for-pahokee-girl-sexu/nWHNc/>.

## **GEORGIA**

### ***United States v. DeKalb County School District (2013 & 2014)***

- Settlement: injunctive relief only (pre-suit)
- Injunctive Relief:
  - First Settlement (2013): School district required to work with consultant to develop and implement anti-harassment training at student's middle and high school; immediately implement a safety plan to ensure that student is safe at school and, should incidents of harassment occur, that district responds quickly and effectively; and meet with the student, his family, and administrators from his middle school and the high school where he will enroll, to identify key school personnel who can support the student should any future incidents of harassment occur. See: <http://www.justice.gov/iso/opa/resources/85920135716465774430.pdf>.
  - Second Settlement (2014): School district required to provide information to non-English-proficient parents of district students about district's anti-harassment policies, regulations, and procedures; increased monitoring by DOJ; renewed round of anti-harassment training for staff and students. See: [http://www.justice.gov/sites/default/files/opa/press-releases/attachments/2014/11/18/dekalb\\_settlement\\_agreement.pdf](http://www.justice.gov/sites/default/files/opa/press-releases/attachments/2014/11/18/dekalb_settlement_agreement.pdf).
- Harassment/Injuries: Verbal and physical harassment based on national origin and religion.
- Single Plaintiff.
- Basic Facts: A Sikh middle school student endured bias-based taunts, including being called "Osama," "terrorist," and "curryhead." He was told that he had a "bomb on his head" and to "go back to [his] country." He also suffered physical harassment. A student cut off some of his hair in class, an affront to practicing Sikhs, whose faith prohibits haircuts.
- Causes of Action: The Sikh Coalition filed a complaint on the student's behalf with the United States Department of Justice ("DOJ"). DOJ negotiated a pre-suit settlement with the school district pursuant to Title IV of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, sex, religion, and national origin in public schools. The statute authorizes the U.S. Attorney General to file suit to enforce the Act, but does not create a private right of action.
- Student's Attorney: Sikh Coalition of New York, NY.
- More Information: <http://www.sikhcoalition.org/advisories/2013/legal-victory-bullied-for-years-sikh-student-gets-justice-in-landmark-settlement>; <http://www.justice.gov/opa/pr/2013/May/13-crt-516.html>; <http://www.sikhcoalition.org/advisories/2014/doj-settlement-of-sikh-complaint-will-protect-100000-school-children>.

## **HAWAII**

### ***Doe v. State of Hawaii, No. 11-cv-0550-KSC (D. Haw. 2013)***

- Settlement: \$5.75 million.
- Harassment/Injuries: Sexual assault and harassment.
- Multiple Plaintiffs (class action).
- Basic Facts: Gang at public school for the deaf and blind sexually assaulted and terrorized their classmates. The assaults included robberies, gang rapes and other forms of sexual assault. School officials knew about the assaults for more than a decade and covered up the acts.

- Causes of Action: Disability discrimination claims under Title II of the Americans with Disabilities Act, § 504 of the Rehabilitation Act, and the Individuals with Disabilities in Education Act; unspecified claims under 42 U.S.C. § 1983; Title IX claims for deliberate indifference to peer harassment; and claims under the state constitution.
- Plaintiffs' Attorneys: Glenn H. Uesugi, John Rapp, Michael J. Green of Honolulu, HI.
- More Information: <http://www.hawaiireporter.com/5-75-million-settlement-awarded-to-deaf-and-blind-students-sexually-assaulted-by-gang-at-hawaii-public-school/123>.

***K. S-A. v. State of Hawaii, Dep't of Education, No. 16-00115 ACK-KJM (D. Haw. 2018)***

- Settlement: \$10,000 (\$5,000 to each student).
- Injunctive Relief: Department must update its student misconduct code to cover bullying against protected classes, develop a complaints and investigation process, hire equity specialists for each complex area, and develop a web-based standardized training program on department procedures.
- Multiple plaintiffs (two students and their father).
- Harassment/Injuries: Physical and verbal bullying; sex discrimination.
- Basic Facts: Two brothers, ages 12 and 13, suffered verbal and physical abuse at school since they were 6 and 7. They were repeatedly subject to homophobic slurs like “faggot” and “queer,” and shoved to the ground. One teacher allegedly told one of the boys “maybe these things wouldn't happen if you believed in God.” As a result of the persistent bullying, the boys frequently switched schools, attending four different elementary schools.
- Causes of Action: Title IX and negligent infliction of emotional distress.
- Plaintiffs' Attorneys: Brooks L. Bancroft of Bancroft Law LLC in Hilo, Hawaii; Rob Roy Smith, Christina M. Gattuso, & Scott Kolassa of Kilpatrick Townsend & Stockton LLP in Seattle, Washington.
- More Information: <https://www.civilbeat.org/2018/04/are-hawaii-schools-doing-enough-to-address-bullying/>; <https://casetext.com/case/ks-a-v-hawaii>.

## **IDAHO**

***McDaniel v. Dietrich School District No. 314, No. 1:16-cv-202-BLW (D. Idaho 2016)***

- Settlement: Confidential.
- Harassment/Injuries: Racial and disability-based harassment; assault.
- Single Plaintiff.
- Basic Facts: African-American male student in small, predominantly white school district was routinely harassed by fellow football players for his race, as well as a mental disability for which he had an IEP. The victim was made to sing a racist KKK song, forced to fight a particularly large and vicious student at football practice, and was ultimately sodomized by several teammates with a coat hanger.
- Causes of Action: Race discrimination claims under 42 U.S.C. § 1983 for violations of Equal Protection and Due Process Clauses; race discrimination claims under Equal Educational Opportunities Act of 1974 and Title VI of the Civil Rights Act of 1964; state constitutional and tort claims.
- Plaintiff's Attorney: R. Keith Roark, The Roark Law Firm, Hailey, ID; Lee Schlender, Schlender Law Offices, Mountain Home, ID.
- More Information: <https://www.boiseweekly.com/boise/settlement-reached-in-dietrich-sex-assault-lawsuit/Content?oid=6996711>;

<https://apnews.com/0415b12939804de580e4276674ab9af8/Idaho-school-settles-in-locker-room-assault-case>; <https://www.idahoednews.org/kevins-blog/ap-dietrich-settles-lawsuit-locker-room-assault/>.

## **ILLINOIS**

### ***Acoff v. Wolf Branch School District, U.S. Dept. of Education, OCR Complaint (2015)***

- Settlement: \$75 for costs related to bullied student's therapy, and injunctive relief.
- Injunctive Relief: Pursuant to voluntary resolution agreement reached with U.S. Department of Education's Office for Civil Rights ("OCR"), school district agreed to take steps necessary to ensure that students enrolled at Wolf Branch Middle School are not subjected to hostile environment on basis of race, color or national origin; promptly investigate incidents of harassment and take appropriate disciplinary action; revise anti-bullying policies and procedures; provide anti-bullying training to staff; improve anti-bullying program for students; and report to OCR on implementation of all action items.
- Harassment/Injuries: Race-based harassment (both verbal and physical).
- Single Plaintiff.
- Basic Facts: An African American middle school student was targeted by other students for racially motivated bullying, which included racial slurs and incidents of physical abuse. His parents filed a complaint with OCR. (The parents also filed a civil suit, which they dropped.)
- Causes of Action: Title VI claim for school's failure to respond appropriately to racial harassment.
- Plaintiff's Attorney: None.
- More Information: <http://www.bnd.com/news/local/education/article19573368.html>; <http://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/05141021-b.pdf>.

### ***Doe v. Lake Zurich Comm. Unit School Dist. No. 95, No. 1:17-cv-00834 (N.D. Ill. 2017)***

- Settlement: \$399,000.
- Harassment/Injuries: Sexual harassment; hazing.
- Two Plaintiffs.
- Basic Facts: Two former members of the high school football team were sexually harassed in the locker room, including an unspecified incident in the showers and another instance when one victim was forced to perform oral sex. The victims alleged that sexual and other physical harassment was routinely used to haze new members of the football team, and also alleged that hazing was rampant in the school's athletic program since approximately 1997. Past hazing included stripping players naked, punching them in the genitals, and sodomizing them with broomsticks.
- Causes of Action: § 1983 claims for violations equal protection and substantive due process rights; state tort law.
- Plaintiffs' Attorney: Antonio Romanucci, Romanucci & Blandin, LLC, Chicago, IL.
- More Information: <http://www.chicagotribune.com/news/local/breaking/ct-lake-zurich-hazing-lawsuit-met-20170201-story.html>; <http://www.chicagotribune.com/suburbs/lake-zurich/news/ct-lzc-district-95-hazing-settlement-tl-1228-20171222-story.html>.

### ***Hunley v. St. Charles Community Unit School District 303 (Ill. Sup. Ct. 2013)***

- Settlement: \$15,000.
- Harassment/Injuries: Assault.

- Single Plaintiff.
- Basic Facts: A 10-year-old elementary school student was pushed on the playground at recess, suffering serious and permanent injuries, after having been bullied by another student. The incident happened despite the school district's knowledge of the bullying and previous agreement with the parents of both children that all staff members would be notified both orally and in writing that the children needed to be separated while on school property.
- Causes of Action: Reckless failure to prevent boys from contacting each other; reckless failure to ensure staff members were notified of policy not to allow the boys' contact; purposefully allowing boys to go to recess together; minor's parents failure to prevent boys from coming into contact; minor's parents' failure to remove son from school after learning of the bullying.
- Plaintiff's Attorney: Unknown.
- More Information: <http://www.kcchronicle.com/2014/09/02/d-303-parent-reach-settlement-in-bullying-case/anjybp/>.

***Kuhner v. Highland Community Unit School District No. 5, No. 15-cv-00107 (D. Ill. 2017)***

- Settlement: \$27,000.
- Harassment/Injuries: Verbal and physical bullying based on the victim's learning disability.
- Single Plaintiff.
- Basic Facts: The plaintiff, a student with learning disabilities and in a special education program at Highland High School, was subject to verbal and physical bullying by other students at the school. The plaintiff reported the bullying to her teacher, caseworker and her mother, who also spoke with the caseworker. The school took no action, the bullying continued, and the plaintiff's mother withdrew her daughter from school. The plaintiff subsequently attempted suicide. After the plaintiff returned to school, the mother spoke with the assistant principal about the harassment, but again no action was taken and the bullying continued. As a result, the plaintiff returned to homeschooling.
- Causes of Action: Claims under Title II of the Americans with Disabilities Act, § 504 of the Rehabilitation Act, and the Individuals with Disabilities in Education Act; § 1983 claims under the Fourteenth Amendment.
- Plaintiff's Attorney: David Cates and Chad M. Mooney of Swansea, IL.
- More Information: <http://www.bnd.com/news/local/community/highland-news-leader/article142875034.html>.

***Liggett v. El Paso-Gridley Community Unit Sch. Dist. No. 11, No 14-L-2 (Ill. Ct. Cl. 2014).***

- Jury Verdict: \$250,000
- Harassment/Injuries: Middle school boy with autism physically assaulted and bullied regularly by two high school students on school bus.
- Single Plaintiff.
- Basic Facts: Thirteen-year-old autistic boy rode in a school bus each day with Marcus Salley, then 16, and Dakota Dunn, then 15. The two perpetrators were in high school while Zachary was a student at El Paso-Gridley Junior High School. Zachary was routinely beaten and bullied by the two boys, but the bus driver, James Roberts, failed to report or stop the bullying. In fact, he lied to school administrators by telling them that everything was fine on the bus. Later, Zachary's parents called the police when they noticed cuts and bruises on his body.
- Causes of Action: State tort claims
- Plaintiff's Attorney: Nicolette A. Ward and Martin D. Gould of Romanucci & Blandin LLC, and James P. LeFante and Thomas L. Norman Jr. of LeFante Law Offices P.C.



- More Information: <https://rblaw.net/personalinjurylawyers/wp-content/uploads/2018/04/Bullied-Student-Wins-250000-in-Damages-Chicago-Daily-Law-Bulletin-3.2....pdf>; [http://www.pantagraph.com/news/local/crime-and-courts/jury-awards-in-local-bullying-case/article\\_82a1eaa4-ccd4-59d6-8bbf-527141134503.html](http://www.pantagraph.com/news/local/crime-and-courts/jury-awards-in-local-bullying-case/article_82a1eaa4-ccd4-59d6-8bbf-527141134503.html)

## **INDIANA**

### ***McCoy v. South Madison Community Schools (Madison Cnty. Cir. Ct. 2013)***

- Jury Verdict: \$50,000.
- Harassment/Injuries: Verbal and written harassment.
- Single Plaintiff.
- Basic Facts: Classmates photoshopped sexually suggestive pictures of the plaintiff when she was a freshman in high school, and posted them on flyers in school hallways and bathrooms that included her phone number.
- Causes of Action: State tort law claim for negligence.
- More Information: <http://www.wthr.com/story/23700742/2013/10/15/madison-county-school-district-found-liable-in-bullying-case>.

### ***Seiwert v. Spencer-Owen Community School Corporation, 497 F. Supp. 2d 942 (S.D. Ind. 2007)***

- Settlement: \$4,250.
- Harassment/Injuries: Anti-gay physical and verbal assault against a brother and sister.
- Multiple Plaintiffs (two).
- Basic Facts: S.S. experienced constant physical and verbal harassment because of his perceived sexual orientation, including threats and physical assaults in gym class. As a result of the bullying, he suffered medical problems that caused him to take medical leave from school. Students also threatened and assaulted K.S., S.S.'s sister, because she defended S.S. While S.S. was on medical leave, a student sent K.S. a text message threatening to kill her brother if he returned to school.
- Causes of Action: Claim under 42 U.S.C. § 1983 alleging equal protection violation; claim under Title IX for deliberate indifference to sexual harassment; breach of contract claim; state tort claims for negligent supervision, intentional infliction of emotional distress, and negligent infliction of emotional distress.
- Plaintiffs' Attorney: Michael K. Bonnell, Spencer, IN.

### ***Sobieralski v. Bartholomew Consolidated School Corporation, 10-cv-407-SEB-MJD (S.D. Ind. 2010)***

- Settlement: \$100,000 from school district; \$50,000 from family of alleged bully.
- Harassment/Injuries: Verbal harassment and sexual rumors.
- Single Plaintiff.
- Basic Facts: Fellow high school student and band member sexually harassed and spread sexual rumors about plaintiff because she would not go out with him. She alleged that school administrators failed to take meaningful steps to protect her from the harassment, even after the alleged harasser graduated from high school. The school social worker sent a letter alerting the administration to the effects that the harassment had on plaintiff's emotional health, but the principal allegedly told the social worker that she was acting unprofessionally. When the alleged harasser graduated, the band director invited him back as an assistant, but his presence at school greatly upset plaintiff. The alleged perpetrator's mother, who continued to volunteer at band functions after her son graduated, also allegedly harassed plaintiff.

- Causes of Action: Claim under Title IX for deliberate indifference to sexual harassment; state tort claims for failure to protect, negligent infliction of emotional distress, intentional infliction of emotional distress; state tort claims for slander against harasser; state common-law and statutory claims against harasser's parents.
- Plaintiff's Attorneys: C. Richard Marshall, Jason H. Guthrie, Michael Thomasson, Sean G. Thomasson, Shari E. Long, Columbus, IN.
- More Information: <http://www.wishtv.com/dpp/news/education/family-gets-150k-in-bullying-settlement>.

***Young v. Indianapolis Public Schools, No. 12-cv-1241-WTL-DKL (S.D. Ind. 2012)***

- Settlement: \$65,000 and injunctive relief.
- Injunctive relief: School district reversed plaintiff's expulsion from school.
- Harassment/Injuries: Anti-gay physical and verbal harassment.
- Single Plaintiff.
- Basic Facts: Student experienced severe verbal and physical harassment because he did not conform to stereotypical notions of masculinity. Instead of protecting him from his harassers, the school district told him that he was to blame for the harassment, and suggested that he be less flamboyant. When it was clear that the school district would not protect him, the student's mother gave him a "self-protection flashlight" that emits a loud noise and a weak electric charge when fired. The school district expelled the bullied student after he discharged the flashlight in the air in self-defense.
- Causes of Action: Claim under Title IX for deliberate indifference to peer harassment; claims under 42 U.S.C. § 1983 alleging denial of equal protection based on sexual orientation and sex, denial of the right to speech and expression, and denial of procedural and substantive due process; claim under Indiana law for failure to comply with expulsion hearing procedures.
- Plaintiff's Attorneys: Asaf Orr and Christopher F. Stoll of the National Center for Lesbian Rights in San Francisco; Brent P. Ray, Eliza Davis, Erin E. Wagner, Ferlillia V. Roberson, Margaret Hoppe, P. Daniel Bond and Vanessa Barsanti of Chicago, IL; and Richard A. Waples of Indianapolis, IN.
- More Information: <http://www.nclrights.org/cases-and-policy/cases-and-advocacy/young-v-ips-2/>; <http://www.usatoday.com/story/news/nation/2013/07/11/gay-bullying-victim-settles-lawsuit-school/2507903/>.

## **IOWA**

***Davidson v. Clear Lake Community School District, ICRC No. 06-13-64419 (2013)***

- Settlement: \$50,000.
- Injunctive Relief: Apology letter from football coach and school district will broaden the ways in which students may report bullying and harassment. Additional training for staff in bullying and harassment awareness and prevention.
- Harassment/Injuries: Unknown.
- Single Plaintiff.
- Basic Facts: After a payment to a student's father was listed in school board minutes and inquired into by a local newspaper, the school district admitted that the payment was for settlement of bullying claims and released the settlement agreement containing monetary and

injunctive relief. No further details of the bullying were released other than that the payment was for “bullying/harassment.”

- Causes of Action: personal injuries; pain and suffering; emotional distress; damage to reputation.
- Plaintiff’s Attorney: Roxanne Barton Conlin, DesMoines, IA.
- More Information: [http://www.clreporter.com/index.php?option=com\\_content&view=article&id=2274:school-district-involved-in-50k-bullying-settlement&catid=49:localnews&itemid=81](http://www.clreporter.com/index.php?option=com_content&view=article&id=2274:school-district-involved-in-50k-bullying-settlement&catid=49:localnews&itemid=81).

***Doe (Rothmeyer) v. Perry Community School District, No. 04-cv-40161-JEG (S.D. Iowa 2004)***

- Judgment: Over \$27,000.
- Harassment/Injuries: Anti-gay verbal and physical abuse.
- Single Plaintiff.
- Basic Facts: Rothmeyer experienced repeated verbal and physical abuse for three years because of his perceived sexual orientation. Classmates regularly called him “faggot,” “queer,” and “homo”—sometimes even in front of teachers. Rothmeyer suffered damages to his ear and a neck laceration in an assault.
- Causes of Action: Claim under Title IX for retaliation and deliberate indifference to sexual harassment; claim under 42 U.S.C. § 1983 alleging equal protection, substantive due process, unreasonable seizure, and free speech violations; conspiracy claim under 42 U.S.C. § 1985; claim under 42 U.S.C. § 1986; and state tort law claims for failure to supervise, negligence, false arrest, false imprisonment, and abuse of process.
- Plaintiff’s Attorney: Robert P. Montgomery, Des Moines, IA.
- More Information: [https://www.aclu.org/files/pdfs/cost\\_of\\_harassment\\_2012\\_final.pdf](https://www.aclu.org/files/pdfs/cost_of_harassment_2012_final.pdf).

***Gannaway v. Grinnell-Newberg School District (Iowa District Court for Poweshiek County 2015)***

- Settlement: Undisclosed amount.
- Harassment/injuries: Taunting by students; emotional abuse by principal.
- Single plaintiff.
- Basic Facts: After an eight-year-old boy was taunted and bullied by other elementary school students, his father reported this to the school. The school principal pulled the boy into his office, yelled at him, and made him repeat over and over that he would not lie again, traumatizing the boy. The boy developed cyclic vomiting syndrome and was scared to go to school and see the principal.
- Causes of Action: Claim under Iowa anti-bullying statute; due process and equal protection claims under Iowa constitution; state tort law claims.
- Plaintiff’s Attorney: Roxanne Barton Conlin, DesMoines, IA.
- More Information: <http://www.radioiowa.com/2015/06/09/grinnell-newburg-bullying-case-settled-before-trial/>.

***Greene v. Sioux City Community School District, (Iowa Dist. Ct. for Woodbury Cnty. 2017)***

- Settlement: \$262,500
- Harassment/Injuries: Physical assault resulting in permanent injuries.
- Single Plaintiff.
- Basic Facts: The plaintiff, a student who was recovering from a cornea transplant, required a second cornea transplant and suffered loss of vision after his tormenter punched him in the face. The mother had on several occasions informed the school administration, including the principal,

about her son's attacker and the need for the school to protect the plaintiff from him. The plaintiff's mother stressed that the school needed to protect her son from his tormentor before he returned from his first cornea transplant (not related to the bullying), and a doctor's note specified that her son stay indoors during recess. The school disregarded these instructions and the same student punched the plaintiff in the face during outdoor recess, leading to his injuries.

- Causes of Action: Negligence.
- Plaintiff's Attorney: Michelle D. Epstein of Omaha, NE.
- More Information: [http://siouxcityjournal.com/news/local/school-district-pays-to-settle-lawsuit/article\\_c8ca82bb-cc4c-501e-bcee-30b981207fe1.html](http://siouxcityjournal.com/news/local/school-district-pays-to-settle-lawsuit/article_c8ca82bb-cc4c-501e-bcee-30b981207fe1.html); <https://bloximages.chicago2.vip.townnews.com/siouxcityjournal.com/content/tncms/assets/v3/editorial/f/2c/f2c1f444-dbab-58eb-a893-61956940637e/55dcee8781baa.pdf.pdf> (complaint).

***Maschka v. Waukee Community School District, No. 17-cv-00424-HCA (S.D. Iowa 2018)***

- Settlement: \$150,000 (\$17,536 to parents to pay for daughter's education; \$60,000 to student; \$72,464 in attorney's fees).
- Harassment/Injuries: Bullying by students over weight and appearance; physical assault by administrators; anxiety and panic attacks from student-on-student bullying.
- Multiple Plaintiffs (student and her parents).
- Basic Facts: Walnut Hills Elementary School student Berkley was bullied by her peers since kindergarten and constantly subjected to demeaning insults about her weight and appearance. In third grade, administrators physically assaulted Berkley when she was too anxious to go to class because of the bullying. Berkley was on the floor of the school office crying while multiple administrators used their feet to kick her back and buttocks and push her across the floor. The administrators then tried to physically forced her into a wheelchair to get Berkley to class. After the incident, Berkley's parents pulled her and her brothers from school and began home schooling them.
- Causes of Action: Negligence; assault & battery; excessive use of force and unreasonably bodily restraint under § 1983; loss of parental consortium.
- Plaintiff's Attorneys: Grant C. Gangestad & Robert G. Rehkemper of Gourley Rehkemper & Lindholm PLC in West Des Moines, Iowa.
- More information: <https://www.desmoinesregister.com/story/news/local/waukee/2018/11/29/waukee-schools-bullying-harassment-federal-lawsuit-settlement-agreement-maschka/2127776002/>.

***Roe v. Prairie City-Monroe School District (Jasper County Civil Court 2014)***

- Settlement: \$100,000 from school district's insurer.
- Harassment/Injuries: Sexual harassment.
- Single Plaintiff.
- Basic Facts: A 12-year-old boy was sexually harassed by a ninth grade student during and after wrestling practice in the locker room showers, including repeated requests to see the boy's genitals. The bullying also included sexual requests on Facebook. As a result of the continued bullying, the boy eventually exposed himself to the older student. After repeatedly complaining to school officials about the bullying, the superintendent told the boy's mother that the incidents were not actionable and suggested that she destroy the Facebook exchanges. A member of the school board also told the boy's mother that the bullying was "not a big deal." The boy had to enroll in another school district to avoid further abuse.

- Causes of Action: Failure to investigate allegations of bullying; sexual harassment; aiding and abetting the sexual abuse of a minor.
- Plaintiff's Attorney: Roxanne Barton Conlin, DesMoines, IA.
- More Information: <http://www.newtondailynews.com/2014/07/27/pcm-bullying-civil-suit-dismissed/api061f/>.

***Santee v. Lisbon Community School District, No. LACV079780 (Lynn County Civil Court 2018)***

- Jury verdict: \$90,000 (found \$150,000 in damages, but district only 60% responsible)
- Harassment/Injuries: Physical and sexual assault; post-traumatic stress disorder.
- Single Plaintiff.
- Basic Facts: High school wrestler was subjected to demeaning assaults in locker-room by his teammates. Other students urinated on him and placed their exposed genitals on his face.
- Cause of Action: Negligence.
- Plaintiff's Attorney: Steve Hamilton of Hamilton Law Firm, P.C. in Des Moines, Iowa.
- More Information: <https://www.thegazette.com/subject/news/public-safety/lisbon-high-wrestling-assault-jury-trial-donald-santee-20180810>.

## **KANSAS**

***Theno v. Tonganoxie Unified School District No. 464, 377 F. Supp. 2d 952 (D. Kan. 2005)***

- Jury Verdict: \$250,000; judge also awarded \$270,000 in attorneys' fees. After school district appealed to Tenth Circuit, the parties reached a settlement.
- Settlement: \$440,000.
- Harassment/Injuries: Same-sex harassment involving gender-based stereotyping.
- Single Plaintiff.
- Basic Facts: Plaintiff was severely bullied by his peers for years during middle and high school, causing him to drop out of high school in his junior year. Harassment consisted of unrelenting name-calling, teasing, and gestures with sexual undertones. Students spread sexually-based rumors and called plaintiff names such as "fag," "faggot," "queer," "flamer," "masturbator" and "banana boy." On one occasion during a school basketball game, the plaintiff missed a basket and one of his classmates said, "Way to go, queer" loud enough for plaintiff's parents to hear from the stands. On another occasion, the student was talking with his teacher and a classmate said, "Mr. Bond, watch out, Dylan might go jack off in the bathroom." The teacher laughed at the classmate's ridicule. One student even convinced a teacher to call plaintiff "banana boy." Though plaintiff was not gay or perceived by his peers to be gay, the primary objective of his harassers was to disparage plaintiff's perceived lack of masculinity.
- Causes of Action: Title IX claim for deliberate indifference to sexual harassment; state law claim for negligent failure to supervise students (dismissed on summary judgment)
- Plaintiff's Attorneys: Arthur A. Benson II, Jamie Kathryn Lansford, Aften P. McKinney, Kansas City, MO.
- More Information: <http://www.nsba.org/SchoolLaw/Issues/Equity/Legal-Clips-Article-on-harassment.pdf>.

## **KENTUCKY**

### ***Griffith, et al. v. Casey County Board of Education (Casey Cnty. Cir. Ct. 2008)***

- Settlement: \$110,000 (\$108,000 shared collectively; \$2,000 for one plaintiff from a defendant sued in her individual capacity).
- Harassment/Injuries: Physical and verbal abuse.
- Multiple Plaintiffs (five).
- Basic Facts: Five female high school students, ages 15 through 18, sued the school district and administrators for repeated verbal and physical abuse they suffered from their peers at school. One girl had a bald spot on her head from where a bully pulled out her hair; another received death threats causing her to transfer school; and a third was diagnosed with adjustment disorder, which involves feelings of depression or anxiety. In response, the principal told one of the girls that there was nothing he could do about the bullying. The vice principal told another girl that she should toughen up.
- Causes of Action: Unknown.
- Plaintiffs' Attorneys: Ted Lavit of Lebanon, KY; Ned Pillersdorf of Prestonsburg, KY; Brenda Popplewell of Somerset, KY.
- More Information: [http://articles.centrankynews.com/2008-12-21/news/24870344\\_1\\_settlement-lawsuit-administrators](http://articles.centrankynews.com/2008-12-21/news/24870344_1_settlement-lawsuit-administrators); <http://abcnews.go.com/US/LegalCenter/story?id=2256089&page=1>; <http://www.caseynews.net/content/110000-paid-bullying-lawsuit>.

### ***Putman v. Board of Education of Somerset Independent Schools, 00-cv-00145-JBC (E.D. Ky. 2000)***

- Settlement: \$135,000 and injunctive relief.
- Injunctive relief: School district required to create a new anti-harassment policy.
- Harassment/Injuries: Anti-gay verbal and physical assault.
- Single Plaintiff.
- Basic Facts: Plaintiff experienced verbal and physical harassment because of his perceived sexual orientation. Students wrote three death threats to him within the span of a few months, threw objects at him, and called him names. One student grabbed his groin area and made sexually suggestive gestures at him.
- Causes of Action: Title IX claim for deliberate indifference to sexual harassment; claim under 42 U.S.C. § 1983 alleging equal protection violation on the basis of actual or perceived sexual orientation.
- Plaintiff's Attorneys: Everett C. Hoffman, Louisville, KY; John Frith Stewart, Crestwood, KY; Michael A. Owsley, Bowling Green, KY.
- More Information: <http://www.justice.gov/crt/about/edu/documents/putmanbr1.php>.

### ***Vance v. Spencer County Public School District, 231 F.3d 253 (6th Cir. 2000)***

- Jury Verdict: \$220,000.
- Harassment/Injuries: Sexual harassment, including assault.
- Single Plaintiff.
- Basic Facts: For years, a female student was subjected to verbal and physical sexual harassment by other students. As a result, she suffered from depression and withdrew from school. In virtually every class, plaintiff was asked for sexual favors and was touched in inappropriate ways. On one occasion, while in class, two male students held her down while others yanked off her shirt, pulled her hair, and attempted to disrobe. On another occasion, she was stabbed in the



hand with a pen. Plaintiff was also repeatedly hit with books by groups of students and subjected to name-calling.

- Cause of Action: Title IX claim for deliberate indifference to sexual harassment.
- Plaintiff's Attorney: Oliver H. Barber, Jr., Jeffery S. Miller, Louisville, KY.

## **LOUISIANA**

### ***Brammer v. Bossier Parish School Board (2014)***

- Verdict: \$150,000
- Harassment/Injuries: Physical assault resulting in broken arm.
- Single Plaintiff.
- Basic Facts: A 10-year-old boy broke his arm after he was attacked by three students on the playground. Before the attack, he had told his teacher that another student had pushed him down, but was told that there was nothing the teacher could do about it.
- Cause of Action: Negligent supervision.
- Plaintiff's Attorney: Adam Savoie, Simmons, Morris & Carroll.
- More Information: <http://www.ksla.com/story/26688964/bpsb-considering-appealing-162k-lawsuit-involving-playground-attack>.

### ***Lane v. School Board Sabine Parish, No. 14-CV-100-EEF-KLH (W.D. La. 2014)***

- Settlement: \$4,000 (to reimburse family for expenses incurred to send son to a school 25 miles from home); injunctive relief.
- Injunctive relief: Consent decree enjoins school officials from promoting/advancing prayer at school events and from organizing religious services at school.
- Harassment/Injuries: Teacher-on-student and student-on-student verbal harassment based on religion.
- Multiple Plaintiffs (5).
- Basic Facts: Science teacher ridiculed sixth grade student of Thai Buddhist descent by telling classmates that his religion was "stupid." Teacher's comments caused student's classmates to call Buddhism stupid as well, creating hostile environment for student and his entire family. School district also promoted Christianity in many ways, such as endorsing Christian prayer at all school events and scrolling Bible verses on electronic marquees.
- Cause of Action: Claim under 42 U.S.C. § 1983 alleging freedom from establishment of national religion protected by Establishment Clause of First Amendment to U.S. Constitution.
- Plaintiffs' Attorneys: Daniel Mach and Heather Weaver, ACLU National Foundation (Washington, DC); Justin Paul Harrison, ACLU of LA (New Orleans); Nelson Welch Cameron, Shreveport, LA.

## **MAINE**

### ***Doe v. Brunswick School Department, No. 15-cv-00257-DBH (D. Me. 2016)***

- Settlement: \$125,000 (including attorneys' fees) and injunctive relief.
- Injunctive Relief: School district agreed to provide annual anti-bullying training for the next two academic years to staff at Brunswick Junior High School, with a focus on sex stereotyping; provide schoolwide assemblies addressing bullying; maintain a searchable digital system for keeping records of alleged bullying even when incidents are unsubstantiated; form a gay-straight

alliance at the junior high school; conduct surveys related to school bullying; and provide annual compliance reports to plaintiff's counsel.

- Harassment/Injuries: Verbal abuse, physical assault, and sexual assault.
- Single Plaintiff (joined by Maine Human Rights Commission).
- Basic Facts: For over two years, students at junior high school verbally harassed male plaintiff, a fellow student, based on his appearance, lack of athletic ability and perceived sexual orientation. Plaintiff and his mother repeatedly complained about the harassment to teachers and the school's principal, but they took little corrective action. Verbal abuse eventually escalated to physical violence and sexual assaults, including sodomizing plaintiff multiple times and cutting him with a knife in school bathrooms. The boy's mother filed a discrimination complaint with the Maine Human Rights Commission. The Commission found that the school district failed to take sufficient action to address the ongoing harassment and joined plaintiff's lawsuit on his claim that the defendants violated the Maine Human Rights Act.
- Causes of Action: Claim under 42 U.S.C. § 1983 for violations of Equal Protection Clause and First Amendment; Title IX claim for deliberate indifference to sexual harassment; and Maine Human Rights Act claim for sex and sexual orientation discrimination.
- Plaintiff's Attorneys: David G. Webbert, Johnson, Webbert, & Young, LLP; Gary Goldberg and Christopher A. Harmon, Terry Garmey & Associates; Courtney I. Beer, Pine Tree Legal Assistance, Inc.; and Barbara Archer Hirsch, Maine Human Rights Commission.
- More Information: <http://www.pressherald.com/2016/11/15/brunswick-schools-pay-125000-to-settle-bullying-suit/>.

## **MARYLAND**

### ***Lawsuit against Baltimore City Public Schools (Cir. Ct. Baltimore City 2013)***

- Settlement: \$45,000.
- Harassment/Injuries: Physical assault.
- Single Plaintiff.
- Basic Facts: Female high school student was beaten up so severely that she required three surgeries. Attacker had a history of bullying the girl, which was well known by the school. Victim alleged that the school provided insufficient supervision to protect her when the fight broke out.
- Cause of Action: Unknown.
- Plaintiff's Attorney: Unknown.
- More Information: <http://www.wbalte.com/news/maryland/baltimore-city/baltimore-city-settles-bullying-lawsuit-for-45k/-/10131532/20437604/-/kqltiu/-/index.html>.

### ***Lawsuit against Prince George's County Public Schools (Cir. Ct. Prince George's Cnty. 2017)***

- Jury Verdict: \$100,000.
- Harassment/Injuries: Physical assault.
- Single Plaintiff.
- Basic Facts: The plaintiff, a female elementary school student, was attacked by another female student on a school bus as other kids recorded and encouraged the beating. Although the bus driver stopped the bus to address the attacker on two occasions, the beating still occurred afterwards, and the bus driver did nothing as the attack took place. The bus driver also did not report the incident to the school or police. The plaintiff's mother had previously reported to

school administrators that the attacker was physically bullying the plaintiff, but the school took no action prior to or after the beating.

- Cause of Action: Unknown.
- Plaintiff's Attorney: Unknown.
- More Information: [https://www.washingtonpost.com/local/public-safety/im-not-fighting-you-jury-awards-100000-to-family-of-girl-in-school-bus-assault/2017/04/20/89dd6234-25e9-11e7-b503-9d616bd5a305\\_story.html?utm\\_term=.f7c01d3ea955\\_highlight](https://www.washingtonpost.com/local/public-safety/im-not-fighting-you-jury-awards-100000-to-family-of-girl-in-school-bus-assault/2017/04/20/89dd6234-25e9-11e7-b503-9d616bd5a305_story.html?utm_term=.f7c01d3ea955_highlight).

## **MASSACHUSETTS**

### ***Prince v. South Hadley Public Schools, MCAD (2010)***

- Settlement: \$225,000 (obtained pre-suit).
- Harassment/Injuries: Verbal and physical harassment.
- Single Plaintiff.
- Basic Facts: A 15-year-old high school girl committed suicide after being bullied by her classmates. She had recently immigrated to the United States from Ireland and had only been at school for a few weeks before her death. On the day of her suicide, she was bullied in a school's library and a student followed her in a car and threw a can at her as she walked home from school. Prior to her death, her mother spoke to at least two school officials about the bullying, although the school later denied any knowledge of any bullying.
- Causes of Action: Unknown.
- Plaintiff's Attorney: Unknown.
- More information: <http://www.cnn.com/2011/12/28/us/new-york-bullying-settlement/>.

### ***Thomas, Jr. v. Chelmsford School Committee, No. 1:2016-cv-11689 (D. Mass. 2016)***

- Settlement: Confidential.
- Harassment/Injuries: Hazing; sexual assault; rape.
- Single Plaintiff.
- Basic Facts: Special needs student was a freshman member of the high school football team and was repeatedly bullied and harassed by senior members of the football team. At an annual football camp in 2013, the victim was ruthlessly bullied and ultimately held down and sodomized with a broomstick by three members of the team. Later, he was also held down while another student placed his scrotum on the victim's chin. Students continued to physically and emotionally harass the victim on a daily basis throughout 2014, 2015, and into 2016.
- Causes of Action: § 1983 claims for violations of substantive due process, equal protection, and free speech rights; Title IX claim for deliberate indifference to sexual harassment; IDEA reimbursement claim under 20 U.S.C. § 1400 *et seq.*; state constitutional and statutory claims; and state tort claims.
- Plaintiff's Attorney: Brian W. Leahey, Law Office of Brian W. Leahey, P.C., Tyngsborough, MA.
- More information: <http://chelmsford.wickedlocal.com/news/20170908/settlement-reached-in-chelmsford-lawsuit>; [http://www.lowellsun.com/breakingnews/ci\\_31285604/chelmsford-hazing-lawsuit-settled-out-court](http://www.lowellsun.com/breakingnews/ci_31285604/chelmsford-hazing-lawsuit-settled-out-court).

## **MICHIGAN**

### ***C.R. v. Novi Community School Dist., No. 14-14531, 2017 WL 528264 (E.D. Mich. 2017)***

- Settlement: \$695,000
- Harassment/Injuries: Student-on-student sexual assault and harassment.
- Single Plaintiff (and his parents).
- Basic Facts: A thirteen-year old boy with autism was repeatedly sexually assaulted and harassed by a much larger boy who also had special needs and a history of aggressive behavior. On one occasion, which was caught on video by a third student, the perpetrator touched the victim's groin area over his pants for over four minutes during class. At least three teachers witnessed the two boys holding hands or touching each other inappropriately prior to this incident, but never formally intervened or notified the boys' parents. After the groin-touching incident, school administrators were notified. Administrators conducted an investigation and concluded that the relationship was "mutual." After the victim's parents withdrew him from the school, school administrators attempted to pressure his parents into sending him back to the school and to the classes with his abuser.
- Causes of Action: Title IX (harassment and retaliation) claims; §1983 equal protection claims based on victim's disabled status and failure to train; substantive due process claim; tort claims.
- Plaintiff's Attorney: Joseph Pagano and Joseph Viviano of Viviano, Pagano, & Howlett PLLC, Mount Clemens, MI.
- More Information: <https://www.hometownlife.com/story/news/2018/02/05/novi-school-district-settles-sexual-abuse-suit-695-000/302732002/>.

### ***Doe v. Lansing Public Schools, No. 16-cv-00698 (W.D. Mich. 2017)***

- Settlement: \$180,000.
- Harassment/Injuries: Sexual assault; harassment.
- Single Plaintiff.
- Basic Facts: Plaintiff was sexually assaulted by another student in a stairwell at their school. Her assailant masturbated in front of her, rubbed his penis on her, and attempted to force oral sex. The assault was captured on camera. Plaintiff did not initially report the assault to school, but instead her attacker reported threats that followed from plaintiff's boyfriend. Plaintiff subsequently reported the assault to administrators, who viewed the video, questioned the credibility of her story by asking her why she didn't just tell him "Is that all you've got?" The school suspended her for engaging in sexual activity on school grounds. The Lansing Police Department viewed the video differently, charging plaintiff's assailant for the sexual assault. The school did little to accommodate plaintiff, which forced her to leave the school and enroll in an online course for which the school provided little support. She was later threatened with trespass charges when she attempted to attend an extracurricular club while homeschooling.
- Causes of Action: Title IX claim for deliberate indifference to sexual harassment; § 1983 claims under Fourteenth Amendment.
- Plaintiff's Attorney: Karen Truskowski of Lansing, MI.
- More Information: <http://www.lansingstatejournal.com/story/news/local/2017/04/28/lansing-school-district-pay-405k-settle-sex-assault-lawsuits/101018492/>.

### ***Patterson v. Hudson Area School, 551 F.3d 438 (6th Cir. 2009)***

- Jury Verdict: \$800,000 (later overturned after judge found bullying was not based on sex).
- Harassment/Injuries: Sexual harassment, including assault.

- Single Plaintiff.
- Basic Facts: Plaintiff was bullied by students for years during middle and high school, ultimately withdrawing from school. Harassment included regular taunting with names such as “queer,” “faggot” and “man boobs;” defacing plaintiff’s locker with a drawing of a penis inserted into a rectum; an episode in which student urinated on his clothes; and a locker room assault in which a star baseball player stripped naked, cornered plaintiff and rubbed his genitals in plaintiff’s face, while another student blocked exit so plaintiff couldn’t escape. Some school officials responded to taunts by saying “kids will be kids, it’s middle school.” One teacher asked plaintiff, “How did it feel to be hit by a girl?” Though school officials took some action to try to stop the harassment and disciplined some of the harassers, the harassment continued.
- Causes of Action: Title IX claim for deliberate indifference to sexual harassment; state tort claims.
- Plaintiff’s Attorney: Terry E. Heiss, Ada, MI.
- More Information: [http://www.onpointnews.com/NEWS/Jury-Awards-\\$800K-to-Victim-of-Pattern-of-Bullying.html](http://www.onpointnews.com/NEWS/Jury-Awards-$800K-to-Victim-of-Pattern-of-Bullying.html); <http://lawandeducation.wordpress.com/2009/10/11/pushing-the-limits-of-deliberate-indifference/>.

***Pratt v. Portage Public Schools, Case No. 2015-0217-CZ (Kalamazoo Cnty. Cir. Ct. 2016)***

- Settlement: \$30,000 (including attorneys’ fees) and injunctive relief.
- Injunctive Relief: Plaintiff was reinstated to tennis team so she could compete in state finals, and district agreed to provide favorable recommendation letters for her.
- Harassment/Injuries: Verbal harassment.
- Single Plaintiff.
- Basic Facts: Plaintiff, a female high school tennis captain, was bullied by her teammates and their parents. Coaches ignored her complaints, and school officials searched her property for drugs and alcohol and gave her a breathalyzer test in response to rumors spread by teammates. School officials cleared plaintiff, but asked her to step down as captain in exchange for their promise to stop the bullying. The verbal harassment continued. This isolated plaintiff and created friction on the team. Officials eventually removed her from tennis team.
- Causes of Action: Unknown state law claims.
- Plaintiff’s Attorney: Matthew DePerno, DePerno Law Offices, PLLC
- More Information: [http://www.mlive.com/news/kalamazoo/index.ssf/2015/06/judge\\_reinstates\\_portage\\_cent.html](http://www.mlive.com/news/kalamazoo/index.ssf/2015/06/judge_reinstates_portage_cent.html); [http://www.mlive.com/news/kalamazoo/index.ssf/2016/09/portage\\_settlement\\_with\\_high\\_s.html](http://www.mlive.com/news/kalamazoo/index.ssf/2016/09/portage_settlement_with_high_s.html); [http://media.mlive.com/kzgazette\\_impact/other/Pratt%20-%20Final%20SA%20\(002\).pdf](http://media.mlive.com/kzgazette_impact/other/Pratt%20-%20Final%20SA%20(002).pdf).

***Presas v. Lansing Public Schools Et Al., No. 16-cv-00580 (W.D. Mich. 2017)***

- Settlement: \$225,000.
- Harassment/Injuries: Rape; threats and harassment for reporting rape.
- Single Plaintiff.
- Basic Facts: Plaintiff was raped on school grounds by a senior at the high school. Plaintiff reported the rape to school principal as well as police. Plaintiff was subsequently bullied through social media. The school never followed up with plaintiff or her mother, and her mother could not get in touch with anyone at the school, including the principal, counselor, or superintendent. Plaintiff did not return to school after the incident, and was even forbidden from joining the school’s cheer squad. The district never provided plaintiff with any services (aside from online instruction) nor notified plaintiff about a Title IX coordinator.

- Causes of Action: Title IX claims for deliberate indifference to sexual harassment and retaliation; § 1983 claims under Fourteenth Amendment.
- Plaintiff's Attorney: Karen Truskowski of Lansing, MI.
- More Information: <http://www.lansingstatejournal.com/story/news/local/2017/04/28/lansing-school-district-pay-405k-settle-sex-assault-lawsuits/101018492/>.

## **MINNESOTA**

### ***Doe v. Anoka-Hennepin School District No. 11, Nos. 11-cv-01999-JNE-SER and 11-cv-02282-JNE-SER (D. Minn. 2011)***

- Settlement: \$270,000 and injunctive relief.
- Injunctive Relief: Pursuant to a consent decree, school district agreed to revise its harassment policies; immediately respond to and stop all harassment; fully investigate harassment on the basis of sexual orientation; train staff; and retain a third-party consultant to determine what additional measures were needed and to monitor compliance with consent decree. District was also required to retain a mental health consultant and create an anti-bullying taskforce. Finally, district was required to track reports of harassment. The injunctive relief cost district approximately \$500,000.
- Harassment/Injuries: Anti-gay harassment, including assaults.
- Multiple Plaintiffs (six).
- Basic Facts: Six current and former students were subjected to a torrent of harassment based on their actual or perceived sexual orientation that included physical assaults and threats, anti-gay name-calling, and a hostile educational environment. In some cases, students were strangled, shoved, urinated on and even stabbed with a pencil. The harassment was exacerbated by a gag policy that prevented teachers from discussing issues related to sexual orientation and required teachers to remain neutral about the subject when students discussed the issue. Although none of the plaintiffs committed suicide, four students in the school district committed suicide within nine months of one another because of anti-gay harassment.
- Causes of Action: Claims under 42 U.S.C. § 1983, alleging denial of equal protection on basis of sexual orientation; Title IX claims for deliberate indifference to sex discrimination; Minnesota Human Rights Act claims for discrimination based on sexual orientation.
- Plaintiffs' Attorneys: Southern Poverty Law Center; National Center for Lesbian Rights; Faegre Baker Daniels LLP in Minneapolis, MN. U.S. Department of Justice (Civil Rights Division) and U.S. Department of Education, through its Office for Civil Rights, investigated and subsequently intervened in case.
- More Information: <http://www.splcenter.org/get-informed/case-docket/anoka-hennepin-school-district>.

### ***Edwards v. Nova Classical Academy, Complaint filed with St. Paul Dep't of Human Rights and Equal Economic Opportunity (2017)***

- Settlement: \$120,000 and injunctive relief.
- Injunctive Relief: School will revise policies and practices to support transgender and gender-nonconforming students.
- Harassment/Injuries: Gender-based bullying and harassment.
- Single Complainant.



- Basic facts: Parents filed civil rights complaint against Nova Classical Academy, a St. Paul charter school, after harassment of their seven-year-old child, who was born a boy but presents as a girl.
- Causes of action: Claims under Minnesota Human Rights Act and city human rights ordinance.
- Plaintiffs' Attorney: Gender Justice, St. Paul, MN.
- More information: <https://www.twincities.com/2017/08/08/st-paul-family-reaches-settlement-with-nova-classical-academy/>.

***Grafe v. Bunnell*, No. 55-cv-11-7746 (Minn. Dist. Ct. 2011)**

- Settlement: \$87,500 from school district; \$32,000 from perpetrator's insurance.
- Harassment/Injuries: Physical assault.
- Single Plaintiff.
- Basic Facts: A student perpetrator repeatedly harassed Grafe in the boys' locker room before and after gym class. When Grafe's parents complained to school officials about the harassment, they agreed to assign a monitor to the locker room. On a day when the monitor was absent, the perpetrator assaulted Grafe, causing him to suffer a concussion, damage to a cochlear implant that had to be surgically replaced, and deafness in one ear. Grafe experienced additional trauma because the school assigned the perpetrator and Grafe to the same classroom even though a juvenile court had ordered the perpetrator to have no contact with Grafe.
- Cause of Action: State tort claims.
- Plaintiff's Attorney: Unknown
- More Information: <http://postbulletin.com/news/stories/display.php?id=1509107>.

***Pruitt v. Anderson*, No. 11-cv-2143-DSD-JJK (D. Minn. 2011)**

- Settlement Amount: \$90,000.
- Harassment/Injuries: Racial harassment.
- Class action filed by single plaintiff.
- Basic Facts: African-American student filed class action after Red Wing School District allowed students to hold a homecoming event known as "Wigger Day" or "Wangsta Day." ("Wigger" refers to "a white youth who affects the speech patterns, fashion and other manifestations of black youth;" "Wangsta" refers to "someone, especially a white person, who poses as a gangsta rapper.") The complaint alleged that about 70 students wore baggy pants and "do-rags" during this event, creating a racially hostile environment. This offensive activity sent plaintiff into a deep depression that almost prompted her to quit school. Although school administrators did not sanction the event, which dated back to at least 2007, the suit charged that they "failed to take adequate steps to address the conduct."
- Causes of Action: Title VI claim for deliberate indifference claim to race discrimination; claim under 42 U.S.C. § 1983, alleging equal protection violation (dismissed); state tort claim; and claim under Minnesota Human Rights Act.
- Plaintiff's Attorney: Joshua Williams, Minneapolis, MN.
- More information: <http://postbulletin.com/news/stories/display.php?id=1506100>; <http://legalclips.nsba.org/?p=15378>.

## **MISSISSIPPI**

### ***D.H. v. Moss Point School District, No. 1:13-cv-466-H50-RHW (S.D. Miss. 2015)***

- Settlement: Undisclosed.
- Injunctive Relief: School district required to adopt and implement new anti-bullying and harassment policies and procedures, including equal educational opportunity policies based on sexual and gender identity, and reform bullying reporting and response procedures.
- Harassment/Injuries: Anti-gay physical and verbal abuse.
- Single plaintiff.
- Basic Facts: Plaintiff, then 14, was continually harassed by fellow students, teachers, and administrators at her high school because of her sexual orientation. She was subjected to constant name-calling, students would throw things at her and encourage her to kill herself, and she was repeatedly barred from using the girls' bathroom. She attempted suicide once and expressed suicidal ideation a second time to a friend before school stepped in.
- Causes of Action(s): Title IX claim for deliberate indifference to sex-based discrimination; § 1983 claim for denial of equal protection by showing deliberate indifference to sex-based harassment.
- Plaintiff's Attorney(s): Jody E Owens II, Elissa Johnson, Samuel Wolfe, Alesdair Ittelson, and Anjali Nair of Southern Poverty Law Center, Jackson, MS and Montgomery, AL.
- More information: <http://www.splcenter.org/get-informed/news/splc-reaches-settlement-with-mississippi-school-district-to-stop-anti-lgbt-bullyin>.

### ***Malone v. Moss Point School District, No. 15-cv-00371-LG-RHW (S.D. Miss. 2017)***

- Settlement: Confidential
- Single plaintiff.
- Basic Facts: Plaintiff's son died as the result of severe bullying at his middle school. The victim was teased because of his size, clothing, looks, and practice of his religious beliefs which involved handing out crosses, pictures of angels, and anti-bullying slogans. Parents reported bullying on multiple occasions, but instead of punishing his tormentors, the school transferred the victim to another class. Plaintiff continued to report bullying to school, but school did little to protect the victim. Eventually, a group of students ganged up on victim and beat him, triggering a fatal heart condition.
- Causes of Action(s): § 1983 claims under Fourteenth Amendment based on religious discrimination.
- Plaintiff's Attorney(s): Edward Blackmon, Jr., Janessa E. Blackmon, Bradford J. Blackmon of Canton, MS; Greg J. Bosseler of Jackson, MS.
- More information: <http://www.clarionledger.com/story/news/local/2017/04/28/moss-point-school-settles-suit-over-7th-graders-death/101053388/>.

## **MISSOURI**

### ***Lewis v. Blue Springs School District, No. 4:17-cv-00538-NKL (W.D. Mo. 2017)***

- Settlement: \$185,000.
- Harassment/Injuries: Physical and verbal abuse; suicide.
- Single Plaintiff.
- Basic Facts: Throughout middle school and high school, plaintiff's son Ryker was constantly verbally and physically bullied due to his speech impediment, major clinical depression, and

attention-deficit disorder. Several of Ryker's friends attempted suicide because of similar bullying, and in the 2013-14 school year, Ryker's best friend committed suicide. Parents of these friends reported pervasive bullying school officials, who failed to follow the school's bullying policies and instead did nothing to protect the victims. After students told Ryker to "go ahead and kill himself," he attempted suicide. Ryker was admitted to an inpatient program, where he told doctors that bullying was the cause of his suicide attempt. The doctors relayed this to school officials. School officials did nothing and Ryker ultimately committed suicide in 2014.

- Causes of Action: Wrongful death claims under Section 504 of the Rehabilitation Act and Title IX; substantive due process claim under § 1983; tort claims.
- Plaintiff's Attorney: Erik A. Bergmanis of Bergmanis Law Firm, LLC, Camdenton, MO; Robert C. Sullivan and Timothy R. Morgan of Sullivan, Morgan & Chronic, LLC, Kansas City, MO.
- More information: <https://molawyersmedia.com/2018/03/20/blue-springs-school-district-settles-suicide-suit-for-185k/>; <http://www.kansascity.com/news/local/article207552934.html>.

***Lovins v. Pleasant Hill Public School District***, No. 99-cv-550-FJG (W.D. Mo. 1999)

- Settlement: \$72,500 and injunctive relief.
- Injunctive Relief: Pursuant to consent decree, school district was required to: conduct a climate assessment of student-to-student and teacher-to-student relations within its schools; develop a comprehensive plan to identify, prevent, and remedy harassment and discrimination on the basis of sex and sexual orientation; educate and train teachers, staff, and students about the operation of the policy and procedures; maintain written records of complaints and investigations; and file implementation reports with the U.S Department of Justice and the court.
- Harassment/Injuries: Anti-gay physical and verbal assaults.
- Single plaintiff.
- Basic Facts: Plaintiff experienced harassment because of his perceived sexual orientation from eighth through eleventh grade. After a classmate physically assaulted him, he was forced to leave school because of the harassment. School officials failed to respond appropriately to plaintiff's complaints of harassment.
- Causes of Action: Claim under 42 U.S.C. § 1983 alleging equal protection violations; Title IX claim for deliberate indifference to sexual assault.
- Plaintiff's Attorney: Douglas Patterson, Katherine Tess Argent, Kansas City, MO; United States Department of Justice (Civil Rights Division) intervened.
- More Information: <http://www.justice.gov/crt/about/edu/documents/casesummary.php#lovins>; <http://www.justice.gov/crt/about/edu/documents/lovinscom.php>.

***Myers v. Blue Springs School District R-IV***, No. 10-cv-00081-BP (W.D. Mo. 2010)

- Settlement: \$500,000 and injunctive relief.
- Injunctive Relief: Settlement included retraining two administrators in bullying awareness and requiring every school in the district to hold a bullying awareness day.
- Harassment/Injuries: Physical assaults and verbal harassment resulting in suicide.
- Single plaintiff.
- Basic Facts: A 12-year-old student hung himself after facing constant torment from classmates because of his cleft palate. Elementary school students taunted him and physically assaulted him beginning in third grade, with little or no response from school officials.
- Causes of Action: State tort law claim; claim under 42 U.S.C. § 1983 alleging substantive due process violation.
- Plaintiff's Attorneys: Daniel A. Thomas, Jonathan Soper, Independence, MO.

- More Information: [http://www.kshb.com/dpp/news/local\\_news/investigations/blue-springs-school-districts-insurance-company-settled-bullying-lawsuit-for-500000](http://www.kshb.com/dpp/news/local_news/investigations/blue-springs-school-districts-insurance-company-settled-bullying-lawsuit-for-500000); [http://www.kshb.com/dpp/news/local\\_news/investigations/blue-springs-parents-reach-landmark-settlement-over-bullying](http://www.kshb.com/dpp/news/local_news/investigations/blue-springs-parents-reach-landmark-settlement-over-bullying).

***Nugent v. Carl Junction R-1 School District, No. 3:13-cv-05089-MJW (W.D. Mo. 2015)***

- Settlement: \$300,000.
- Harassment/injuries: Suicide after bullying that included sexual orientation slurs, physical threats, and theft and destruction of property.
- Single plaintiff.
- Basic Facts: Parents alleged that their 14 year-old son, Luke, committed suicide after his school failed to protect him from ongoing bullying. The harassment started in seventh grade when Luke came out as bisexual. Students taunted him with slurs about his sexual orientation, suggested that he kill himself, physically threatened him, and stole and destroyed his personal belongings.
- Causes of Action: State tort law claims; Title IX claim for deliberate indifference to gender-based harassment; claim under 42 U.S.C. § 1983 alleging substantive due process and other violations.
- Plaintiffs' Attorneys: Daniel A. Thomas, Jonathan Soper, and Kenneth McClain, Independence, MO.
- More information: [http://www.joplinglobe.com/news/local\\_news/school-lawsuit-alleging-bullying-ends-with-settlement/article\\_9657e94a-c1f0-5032-9d0a-1a8e105594b8.html](http://www.joplinglobe.com/news/local_news/school-lawsuit-alleging-bullying-ends-with-settlement/article_9657e94a-c1f0-5032-9d0a-1a8e105594b8.html).

***S.Z. v. Laude School District, No. 15-cv-01220-CEJ (E.D. Mo. 2016)***

- Settlement: \$75,000 (including attorneys' fees) and injunctive relief.
- Injunctive Relief: School district agreed to conduct annual bullying and harassment training for students and teachers, and to review practices to ensure that parents of all students involved in bullying incidents are notified.
- Harassment/Injuries: Anti-gay verbal abuse and threats of violence.
- Single Plaintiff.
- Basic Facts: High school students sexually harassed plaintiff, a fellow male student, using anti-gay epithets and vulgar sexual language, as well as threats of violence. Plaintiff reported incidents to a teacher, but the teacher blamed plaintiff for the incidents. The teacher reported a few incidents to the assistant principal, and other officials became involved, but the school's investigation eventually blamed plaintiff.
- Causes of Action: Title IX claim for deliberate indifference to sexual harassment; sex discrimination claim under 42 U.S.C. § 1983 for violation of Equal Protection Clause; and intentional infliction of emotional distress under state law.
- Plaintiff's Attorney: Frank R. Ledbetter, Ledbetter Law Firm, LLC.
- More Information: [http://www.stltoday.com/news/local/crime-and-courts/ladue-school-district-to-pay-to-settle-bullying-claims/article\\_7d9bd633-c921-570c-b4aa-db8fa9796631.html](http://www.stltoday.com/news/local/crime-and-courts/ladue-school-district-to-pay-to-settle-bullying-claims/article_7d9bd633-c921-570c-b4aa-db8fa9796631.html).

## **NEBRASKA**

***Doe v. Malcolm Public Schools (Lancaster Cnty. Dist. Ct. 2013)***

- Settlement: \$75,000.
- Harassment/Injuries: Physical and verbal harassment.
- Multiple Plaintiffs.

- Basic Facts: A coach laughed at a student reporting that classmates had pushed his head into a toilet bowl. The harassment and ridicule the student endured caused him to enroll into another school. The plaintiff also alleged that the school failed to make accommodations for his diabetes.
- Causes of Action: Claim under Title II of the Americans with Disabilities Act; state tort law claim for negligent supervision.
- Plaintiffs' Attorney: Kathleen Neary, Lincoln, NE.
- More Information: [http://journalstar.com/news/local/education/mom-who-sued-malcolm-schools-reaches-settlement/article\\_59d2e6f5-9dfc-52df-9117-649d941ff7df.html](http://journalstar.com/news/local/education/mom-who-sued-malcolm-schools-reaches-settlement/article_59d2e6f5-9dfc-52df-9117-649d941ff7df.html); [http://journalstar.com/news/local/crime-and-courts/article\\_c9f60d01-98c5-58df-a3fc-f40ac7392d9b.html](http://journalstar.com/news/local/crime-and-courts/article_c9f60d01-98c5-58df-a3fc-f40ac7392d9b.html).

## **NEVADA**

### ***Doe v. Clark County School Dist. (8th Dist. Nev. 2017)***

- Judgment: \$400,000 (\$200,000 per plaintiff). Court held that school district violated Title IX and students' due process rights.
- Harassment/injuries: Sexual harassment.
- Two Plaintiffs.
- Basic Facts: Two students were sexually harassed continually while in band class at Greenspun Junior High. One student was stabbed in the groin with a pencil. Parents of the victims filed at least three complaints about the harassment, but administrators failed to respond with a timely investigation.
- Causes of Action: Title IX claim for deliberate indifference to known sexual harassment; § 1983 claim for due process violations under 14th Amendment.
- Plaintiffs' Attorney: Allen Lichtenstein, Paradise, NV.
- More Information: <http://www.lasvegasnow.com/news/families-win-bullying-lawsuit-against-ccsd/758587356>; <https://www.legalreader.com/judge-rules-against-clark-county-school-district-in-bullying-case/>; <https://www.reviewjournal.com/news/education/clark-county-school-district-must-pay-400k-in-bullying-case/#!>.

### ***Henkle v. Gregory, 150 F. Supp. 2d 1067 (D. Nev. 2001)***

- Settlement: \$451,000 and injunctive relief.
- Injunctive Relief: School district required to implement policies to protect gay and lesbian students from discrimination, including training all staff on preventing and responding to sexual harassment and intimidation.
- Harassment/Injuries: Anti-gay harassment and physical assault.
- Single Plaintiff.
- Basic Facts: Gay high school student experienced physical and verbal harassment because of his sexual orientation. Classmates called him names, shoved him against lockers, spit on him, and even threw a lasso around his neck and threatened to drag him behind a pick-up truck. After he escaped, a teacher laughed at him for being upset. Plaintiff transferred from school to school within the district because the harassment persisted. At one school, the principal warned him against "acting like a fag" and at another school, police officers stood by while a classmate punched him in the face.
- Causes of Action: Claims under 42 U.S.C. § 1983 alleging equal protection and free speech violations; Title IX claim for deliberate indifference to sex-based discrimination; and state tort

claims for negligence, negligent training and supervision, and intentional infliction of emotional distress.

- Plaintiff's Attorneys: Jon W. Davidson and Doni Gewirtzman of Lambda Legal Defense & Education Fund; Michael F. Tubach, Peter Obstler and Luann Simmons of O'Melveny & Myers LLP in San Francisco, CA.
- More Information: [http://www.lambdalegal.org/news/ca\\_20020828\\_groundbreaking-legal-settlement-first-to-recognize](http://www.lambdalegal.org/news/ca_20020828_groundbreaking-legal-settlement-first-to-recognize).

***Lamberth v. Clark County School District, No. A-14-708849-C (8th Dist. Nev. 2018)***

- Settlement: \$700,000.
- Harassment/Injuries: Bullying and suicide.
- Multiple plaintiffs (student's estate, brother, parents).
- Basic Facts: Hailee was shoved by fellow students, called names like "stupid bitch" and "slut," and received messages in her locker like "Drink Bleach and Die" and "Why don't you die?" Another student reported to the school that Hailee was being bullied, but the school never informed Hailee's parents. Three weeks later, Hailee committed suicide.
- Causes of Action: wrongful death through negligence and negligence per se; bystander negligent infliction of emotional distress; negligent infliction of emotional distress; unreasonable publicity given to private facts; defamation; false light.
- Plaintiffs' Attorneys: Janiece Marshal, Dominic Gentile, Paola Armeni, Colleen McCarty, and Lauren Paglini of Gentile Cristalli Miller Armeni Savarese in Las Vegas, NV.
- More Information: <https://www.lasvegasnow.com/news/local-news/ccsd-board-of-trustees-approve-700k-settlement-for-hailee-lamberth-s-family/1442327902>.

***Tolliver v. Lyon County School District, No. 3:18-cv-00003-LRH-WGC (D. Nev. 2018)***

- Settlement: Amount confidential, but court record show that city and school district agreed to pay at least \$160,000 to cover attorney's fees.
- Injunctive Relief: After suit was filed, the district agreed to consult U.S. Department of Education's racial harassment experts and pay for students' counseling.
- Harassment/Injuries: Bullying; racial epithets and threats; cyberbullying.
- Two Plaintiffs (sisters).
- Basic Facts: Two 15-year old African American sisters who were freshmen at Yerington High School were subjected to nearly daily racial slurs and threats for at least six months. The threats became terrifying when photos of a Lyon County deputy sheriff's son holding a gun and wearing a belt with knives was posted on social media, with messages superimposed over the photo saying, "the red neck god of all gods.we bout to go nigger huntin'" and "Watch out niggers."
- Causes of Action: Title VI claims of race discrimination.
- Plaintiff's Attorneys: Terri Keyser-Cooper of Law Office of Terri Keyser-Cooper & Kerry S. Doyle of Doyle Law Office in Reno, NV.
- More Information: <https://lasvegassun.com/news/2018/jun/26/rural-black-nevada-students-win-discrimination-set/>; <https://newsone.com/3814608/black-students-racist-bullying-lawsuit-settlement-nevada/>.



## **NEW HAMPSHIRE**

### ***Prout v. St. Paul's School, No. 1:16-cv-00225 (D.N.H.)***

- Settlement: Unknown/confidential.
- Harassment/Injuries: Sexual assault.
- Single Plaintiff (and parents).
- Basic Facts: A freshman girl at St. Paul's school, a residential prep school, was sexually assaulted by a male student during an annual tradition called "senior salute" during which senior boys attempt to have sexual relations with younger girls.
- Causes of Action: State tort claims.
- Plaintiff's Attorney: Charles G. Douglas, III of Douglas Leonard & Garvey, P.C., Concord, NH; Silverman Thompson Slutkin & White LLC, Baltimore, MD.
- More information: <https://patch.com/new-hampshire/concord-nh/labries-victims-parents-sue-st-pauls-school-0>; <https://patch.com/new-hampshire/concord-nh/st-paul-s-school-settles-civil-suit-prout-family>.

## **NEW JERSEY**

### ***D.O. v. Pennsauken Public Schools, L-000361-15 (N.J. Super. Ct., Camden Cnty. 2017)***

- Settlement: \$500,000.
- Harassment/Injuries: Harassment based on race, ethnicity, and disability.
- Single Plaintiff.
- Basic Facts: A high school student suffered multiple violent attacks by another student who acted as a "ringleader" of a group who harassed the victim based on her ethnicity, inability to speak English, and disability. The violence culminated when the ringleader slashed the victim across the face with a blade, causing serious injuries and permanent deformities.
- Causes of action: State tort claims.
- Plaintiff's Attorney: Norman M. Hobbie, Hobbie, Corrigan, & Bertucio, Eatontown, NJ.
- More information: <http://www.courierpostonline.com/story/news/local/2017/11/18/pennsauken-student-receives-500-000-school-settlement-over-alleged-slashing/869295001/>.

### ***Doe v. Manasquan Bd. of Educ. (N.J. Super. Ct. Law Div. 2016)***

- Settlement: \$75,000.
- Harassment/Injuries: Disability-based harassment, intimidation, and bullying.
- Single Plaintiff.
- Basic Facts: A male student enrolled at Manasquan High School to begin his junior year. Plaintiff's parents informed the school that he required a Section 504 plan due to a medical condition, but the school never prepared one. The student was then the victim of several instances of unspecified "harassment, intimidation, and bullying" because of his medical condition. Plaintiff reported the harassment and requested to be taken out of classes with his harassers, but the school refused. Ultimately, plaintiff was forced to withdraw from the school and attend private schools for the remainder of his education.
- Causes of Action: State statutory anti-discrimination claims; negligence; negligent supervision.
- Plaintiff's Attorney: Teresa L. Moore, Riker Danzig Scherer Hyland & Perretti LLP, Morristown, NJ.

- More Information: [http://www.nj.com/monmouth/index.ssf/2018/06/school\\_district\\_pays\\_out\\_75000\\_to\\_settle\\_bullying.html](http://www.nj.com/monmouth/index.ssf/2018/06/school_district_pays_out_75000_to_settle_bullying.html).

***George v. Board of Education of the Township of Millburn, No. 11-cv-00043-WJM (D.N.J. 2016)***

- Settlement: \$435,000.
- Harassment/Injuries: Racial harassment (verbal and physical); wrongful expulsion from school.
- Single Plaintiff.
- Basic Facts: High school students targeted an African-American male student with verbal abuse that included racial slurs and threats of violence, as well as physical harassment. Plaintiff and his parents complained to school officials, but school officials took no action against perpetrators. The day before a mediation session was scheduled, a physical altercation occurred outside the school where plaintiff, his dad, and his older brother defended themselves against attacks by a number of students. Plaintiff and his family were arrested, but the students who participated in the altercation were not disciplined or arrested. The family was cleared of charges, but plaintiff was expelled from school. The expulsion was overturned a year later, but plaintiff had to be homeschooled in the interim.
- Causes of Action: Federal constitutional claims under 42 U.S.C. § 1983; state law claims for violations of New Jersey’s constitution, civil rights statutes, and tort law.
- Plaintiffs’ Attorney: Harry Jay Levin, Levin Cyphers.
- More information: <http://archive.northjersey.com/news/ed-board-settles-bullying-case-for-435-000-1.1626999>; <http://ogtf.lpcnj.org/2016/2016249o1/GeoMilburn.pdf>.

***Hakim v. Bayonne Board of Education of the Township of Millburn (N.J. Super. Ct. Hudson Cnty. 2017)***

- Settlement: \$375,000.
- Harassment/Injuries: Physical assault resulting in permanent injuries.
- Basic Facts: Plaintiff, a student of Egyptian descent, was physically assaulted on the way home from school, suffering a fractured skull and other permanent injuries. Prior to the incident, administrators had been aware of “tensions, fights, harassment, bullying, and injuries,” but the school failed to implement procedures to eliminate danger to victim or confront those creating a dangerous environment.
- Causes of Action: Undisclosed.
- Plaintiffs’ Attorney: Richard D. Picini of Fairfield, NJ.
- More information: [http://www.nj.com/hudson/index.ssf/2017/04/bayonne\\_school\\_district\\_to\\_settle\\_assault\\_lawsuit.html](http://www.nj.com/hudson/index.ssf/2017/04/bayonne_school_district_to_settle_assault_lawsuit.html).

***J.B., et. al v. Mt. Ephraim School District, No. CAM-L-3606-12 (N.J. Sup. Ct. 2015)***

- Settlement: \$100,000 (\$50,000 per plaintiff), including attorney fees.
- Harassment/Injuries: Physical and verbal harassment based on disability.
- Multiple Plaintiffs (two siblings).
- Basic Facts: Two siblings in special education programs were subjected to verbal and physical harassment based on their disabilities by their middle school peers. While in eighth grade, the brother’s peers mocked his stutter and regularly called him as a “loser.” The verbal taunting escalated to physical attacks. On one occasion, fellow students threw the boy off his bicycle, then destroyed the bike. On another occasion, they punched him in the face. The student and his

mother repeatedly notified school officials, but no action was taken to prevent the continued harassment.

Several years later, when the sister was in fifth grade, her peers regularly mocked her disabilities, calling her a “ghost,” “weakling,” and “raccoon eyes.” Fellow students also kicked, punched, and stomped on her. The girl’s mother repeatedly reported the harassment to school officials and eventually notified the police. The school district took no action to stop the bullying. As a result, the mother withdrew her daughter from the middle school. The school district refused the mother’s request for home schooling in the family’s house, claiming that teachers would feel “unsafe” there. For the remainder of the school year, the mother incurred expenses to transport her daughter to a local public library for home schooling. Ultimately, the student was placed in another school outside the district, but the school district refused to provide transportation, and the mother then incurred additional transportation expenses.

- Cause of Action: Disability discrimination claims under New Jersey’s Law Against Discrimination.
- Plaintiffs’ Attorney: Kevin M. Costello and Daniel T. Silverman, Costello & Mains, LLC, Mount Laurel, NJ.
- More information:  
[http://www.nj.com/camden/index.ssf/2016/03/south\\_jersey\\_school\\_district\\_pays\\_50k\\_to\\_settle\\_al.html](http://www.nj.com/camden/index.ssf/2016/03/south_jersey_school_district_pays_50k_to_settle_al.html); <http://ogtf.lpcnj.org/2015/2015054Q6/MEsuitlessredact.pdf>.

***J.C. v. Emerson Board of Education* (N.J. Sup. Ct. Law Div. 2011)**

- Settlement: \$130,000.
- Harassment/Injuries: Physical and verbal harassment based on sexual orientation.
- Single Plaintiff.
- Basic Facts: Student endured physical and verbal harassment, in person and online, over a six-year period in middle and high school because of his perceived sexual orientation. The student’s peers created a social networking web site to post disparaging remarks about the plaintiff. The abuse was so severe, and the student became so emotionally distraught, that he was home-schooled for the final months of high school.
- Cause of Action: Unknown.
- Plaintiff’s Attorney: Unknown.
- More Information:  
[http://www.nj.com/news/index.ssf/2011/12/emerson\\_board\\_of\\_education\\_to.html](http://www.nj.com/news/index.ssf/2011/12/emerson_board_of_education_to.html);  
[http://www.nj.com/bergen/index.ssf/2011/12/emerson\\_board\\_of\\_education\\_will\\_pay\\_130k\\_to\\_former\\_student\\_for\\_alleged\\_bullying.html](http://www.nj.com/bergen/index.ssf/2011/12/emerson_board_of_education_will_pay_130k_to_former_student_for_alleged_bullying.html).

***J.R. v. Brooklawn Board of Education, No. L-4761-14* (N.J. Super. Ct. Law Div. 2014)**

- Settlement: \$100,000.
- Harassment/Injuries: Sexual harassment; physical assault.
- Single Plaintiff.
- Basic Facts: Female student was verbally harassed by three other female students with gender-based insults, including being called a “slut,” “bitch,” and “whore,” throughout fourth and fifth grade. The harassment escalated to physically assaults in fifth grade. In one fifth-grade incident, the three girls dragged the victim to a secluded area on the elementary school playground, then slapped, punched, and kicked her in the chest and groin.
- Cause of Action: Sex and disability discrimination claims under New Jersey’s Law Against Discrimination.

- Plaintiff's Attorney: Kevin Costello, Costello & Mains, P.C., Mount Laurel, NJ.
- More information: <http://www.courierpostonline.com/story/news/local/south-jersey/2017/10/30/brooklawn-school-settles-bullying-lawsuit/812200001/>;  
[http://www.nj.com/camden/index.ssf/2017/10/school\\_nurse\\_denied\\_4th\\_grader\\_anxiety\\_meds\\_after.html](http://www.nj.com/camden/index.ssf/2017/10/school_nurse_denied_4th_grader_anxiety_meds_after.html).

***K.K. v. Barnegat Township Board of Education, No. OCN-L-2013-14 (N.J. Super. Ct. Ocean County 2016)***

- Settlement: \$60,000.
- Harassment/Injuries: Sexual harassment.
- Basic Facts: Plaintiff suffered extreme emotional distress as a result of pervasive sexual harassment perpetrated by a student over a two-year period. The harasser regularly used disparaging remarks like “cunt” and “whore,” and threw objects at the plaintiff. The plaintiff and her mother reported the harassment to school officials throughout the two-year period, yet the school did nothing to halt or mitigate the harassment.
- Causes of Action: Sexual harassment under New Jersey's Law Against Discrimination.
- Plaintiffs' Attorney: Kevin M. Costello of Mt. Laurel, NJ.
- More information: <http://njcivilsettlements.blogspot.com/2016/12/barnegat-school-board-confidentially.html>.

***Lee ex rel. E.L. v. Lenape Valley Regional Board of Education, 2009 WL 900174 (D.N.J. Mar. 31, 2009)***

- Settlement: \$275,000.
- Harassment/Injuries: Racial harassment.
- Single Plaintiff.
- Basic Facts: Bi-racial student was continually harassed with racist slurs over the course of several years including “nigger” “black piece of shit,” and “Alabama porch monkey.” Plaintiff was one of only thirteen African-American students out of nearly 2,000 enrolled at high school. School officials did little or nothing to abate the harassment, causing plaintiff to suffer emotional injuries.
- Causes of Action: Title VI claim for deliberate indifference to racial harassment (dismissed on summary judgment); claim under 42 U.S.C. § 1983 alleging due process and equal protection violations; claims under New Jersey Law Against Discrimination and New Jersey Civil Rights Law.
- Plaintiff's Attorneys: Bennet Zurofsky, Newark, NJ; Joshua Friedman, Larchmont, NY.
- More Information: <http://njcivilsettlements.blogspot.com/2010/10/lenape-valley-regional-school-board.html>.

***Moore v. Sparta Board of Education, No. 0032g-0310 (N.J. Super. Ct. 2016)***

- Settlement: \$85,000.
- Harassment/Injuries: Bullying and physical assault.
- Single Plaintiff.
- Basic Facts: Plaintiff, a male high school student, was bullied and eventually physically assaulted by another student at his school. The school allegedly had been aware of the pattern of behavior exhibited by the perpetrator, but did nothing to discipline the him or prevent the attack.
- Causes of Action: State tort claim; claim under New Jersey Anti-Bullying Act.

- Plaintiffs' Attorney: Chuck McGivney, McGivney & Kluger, P.C.
- More information: <http://www.njherald.com/20160802/sparta-high-assault-case-settled-for-85000>; <http://ogtf.lpcnj.org/2015/2015054Q6/MooreSparta.pdf>.

***Patterson v. Irvington Board of Education, No. L-001093-09 (N.J. Sup. Ct. Law Div. 2012)***

- Jury Verdict: \$16.3 million (\$13 million against school district; \$3.3 million against bully).
- Harassment/Injuries: Physical assault, resulting in paralysis and brain damage.
- Single plaintiff.
- Basic Facts: 15-year old student was left a quadriplegic and brain damaged after his 17-year old classmate severely beat him. The attacker had been suspended from school the day before the beating, but the school nevertheless allowed him back the next morning.
- Cause of Action: State tort law.
- Plaintiff's Attorney: Jack Wurgaft, Springfield, NJ.
- More Information: [http://www.nj.com/essex/index.ssf/2012/10/irvington\\_teen\\_left\\_brain\\_dama.html](http://www.nj.com/essex/index.ssf/2012/10/irvington_teen_left_brain_dama.html).

***Roe v. Franklin Twp. School Board (2011)***

- Settlement: \$75,000.
- Injunctive Relief: School board must set aside \$2,500 for anti-bullying awareness program to be used during the current school year. School district agreed to review and potentially revise its policy on student harassment, intimidation, and bullying to ensure compliance with the New Jersey Anti-Bullying Bill of Rights. The policy will be posted on the school district's website and a hard copy will be available at each of the district's schools. The district will also train all school personnel responsible for responding to complaints of bullying and will provide the names, titles, and details of their training to the Division on Civil Rights.
- Harassment/Injuries: Verbal harassment.
- Single Plaintiff.
- Basic Facts: African-American elementary school student was the victim of race-based bullying from third to seventh grade. The student was called ugly by white students and told to, "go back to the 'hood.'" Her parents complained multiple times to the school's principal and superintendent. On one occasion, the school required two female bullies to watch videos on racial discrimination, including videos about Rosa Parks. However, the school district also told the girl's father, in response to another bullying incident, that they could "not stop children from calling out racial names... at the school."
- Causes of Action: Unknown.
- Plaintiff's Attorney: Acting Attorney General John J. Hoffman
- More Information: [http://www.nj.com/gloucester-county/index.ssf/2014/09/franklin\\_township\\_board\\_of\\_education\\_to\\_pay\\_student\\_75000\\_in\\_race-based\\_bullying\\_case.html](http://www.nj.com/gloucester-county/index.ssf/2014/09/franklin_township_board_of_education_to_pay_student_75000_in_race-based_bullying_case.html).

***Roe v. Old Bridge Township Public Schools (2013)***

- Settlement: \$75,000.
- Injunctive Relief: The school district implemented a bias-based harassment prevention program including an awareness component in the high school and middle school. All staff and administration received additional training.
- Harassment/Injuries: Physical and verbal harassment.
- Single Plaintiff.

- Basic Facts: A male student was bullied for his religion and perceived sexuality beginning in middle school and continuing into high school. The harassment took place at school, on the bus, and on the internet. The school district did not take any preventative measures to address the bullying, but instead focused on after-the-fact discipline.
- Causes of Action: Unknown.
- Plaintiff's Attorney: Unknown.
- More Information: [http://sub.gmnews.com/news/2013-10-03/Schools/Old\\_Bridge\\_school\\_district\\_settles\\_bullying\\_case.html](http://sub.gmnews.com/news/2013-10-03/Schools/Old_Bridge_school_district_settles_bullying_case.html).

***Rosenstein v. Board of Education of the Borough of Ramsey*, No. L-010993-09 (N.J. Sup. Ct. Law Div. 2012)**

- Settlement: \$4.2 million.
- Harassment/Injuries: Physical assault, resulting in paralysis.
- Single Plaintiff.
- Basic Facts: A 12 year-old student ended up paralyzed from the waist down soon after a bully punched him so hard in the abdomen that a blood clot formed in one of his major arteries and burst when it reached his spine. Prior to the incident, the student had complained to school officials about being bullied, writing e-mails to the guidance counselor and assistant principal informing them that the bullying had increased, asking for help to figure out coping mechanisms, and wanting to create a record in the event that the bullying continued. Complications from plaintiff's paralysis, including scoliosis, led to 19 surgeries and a complete spinal fusion. He nearly died several times.
- Cause of Action: Unknown.
- Plaintiff's Attorney: Jeffrey Youngman, Fair Lawn, NJ.
- More Information: <http://usnews.nbcnews.com/news/2012/04/19/11289813-42-million-settlement-for-student-paralyzed-by-bully#.UG8Ve7gt-dw.email>.

***Unknown v. Manasquan Board of Education*, No. MON-L-1675-15 (N.J. Super. Ct. Law Div. 2018)**

- Settlement: \$75,000.
- Harassment/Injuries: Bullying based on medical condition and physical disability.
- Single Plaintiff.
- Basic Facts: Student moved from private school to Manasquan High School for his junior year. He requested to be separated from certain students that had bullied him at his private school, but from day one, he suffered relentless bullying and harassment about his medical condition from those same students and eventually had to withdraw from school as a result.
- Causes of Action: Violations of New Jersey Law Against Discrimination, N.J.S.A. 10:5-12 *et seq.*, New Jersey Civil Rights Act, N.J.S.A. 10:6-1 *et seq.*, and New Jersey's Anti-Bullying Bill of Rights Act, N.J.S.A. 18A: 37-11 *et seq.*; negligent supervision; negligence.
- Plaintiff's Attorney: Teresa L. Moore of Riker Danzig Scherer Hyland & Perretti LLP in Morristown, New Jersey.
- More Information: [https://www.nj.com/monmouth/index.ssf/2018/06/school\\_district\\_pays\\_out\\_75000\\_to\\_settle\\_bullying.html](https://www.nj.com/monmouth/index.ssf/2018/06/school_district_pays_out_75000_to_settle_bullying.html); [https://drive.google.com/file/d/1oCJN4tKw7KA\\_Awc3H4CQhNvTh\\_0z11NJ/view](https://drive.google.com/file/d/1oCJN4tKw7KA_Awc3H4CQhNvTh_0z11NJ/view)

***Varnelas v. Morris School District* (N.J. Super. Ct. Law Div. 2014)**

- Settlement: \$625,000.
- Harassment/Injuries: Physical assault, bullying, robbery, suicide.



- Single Plaintiff.
- Basic Facts: A fifteen-year-old boy committed suicide in 2012 after constant bullying by three older boys. The assailants kicked Lennon Varnelas Baldwin in the groin, assaulted him, and robbed him of sixty dollars in a school parking garage. A security camera captured one of the assailants kicking Baldwin; the three students then warned the victim to tell school administrators that it was horseplay. When one of the assailants was suspended anyway, the three students robbed Baldwin as retribution.
- Cause of Action: Negligence; other claims possible, but unknown.
- Plaintiff's Attorney: Jeffrey R. Youngman, Fair Lawn, NJ.
- More Information: <https://www.usatoday.com/story/news/nation/2014/03/07/lawsuit-blames-school-teen-suicide/6166339/>;  
<https://www.dailyrecord.com/story/news/morris/2018/02/21/morris-school-district-settles-lawsuit-over-student-suicide-625-k/360027002/>

## **NEW YORK**

### ***Bari v. New York City Department of Education* (N.Y. Sup. Ct. 2004)**

- Jury Verdict: \$195,000.
- Harassment/Injuries: Physical and verbal harassment.
- Single Plaintiff.
- Basic Facts: Boy was physically and verbally harassed over a three-year period in elementary school. The school placed him and the bully in the same fifth grade class, even after the victim's mother requested that the school separate them. During a game of handball, the bully caused the boy to fall and break one wrist and sprain the other. The boy withdrew from school after that incident, as the school took no action to protect him after repeated complaints by his mother.
- Cause of Action: Unknown.
- Plaintiff's Attorney: Philip J. Rizzuto of Carle Place, NY.
- More information: <http://www.nytimes.com/2004/05/01/nyregion/01about.html>.

### ***Doe #1 v. New York City Department of Education, No. 1:16-cv-01684-NGG-RLM* (E.D.N.Y. 2016)**

- Settlement: Injunctive relief only.
- Injunctive Relief: N.Y. DOE had to reform its bullying reporting policies and practices. Reforms included requiring DOE to: (1) report bullying incidents to an electronic system within one day of a complaint; (2) grant school transfer requests to students who are being bullied; (3) investigate bullying complaints within ten days.
- Harassment/Injuries: Persistent physical and verbal bullying.
- Class action with 24 individual plaintiffs and Families for Excellent Schools.
- Basic Facts: Individually named plaintiffs were ages seven to fourteen. Each alleged that they had been subject to assaults, bullying, harassment, and threats by fellow students and that school administrators failed to follow required procedures.
- Causes of Action: Due Process and Equal Protection claims under §1983; claims under N.Y. Const. Article XI(1); claims under Dignity for All Students Act, N.Y. Educ. L. §§ 10-18.
- Plaintiffs' Attorneys: Jim Walden, Walden Macht & Haran LLP, New York, NY.
- More Information: <https://images.law.com/contrib/content/uploads/documents/389/39237/7-30-MO.pdf>; <https://www.law.com/newyorklawjournal/2018/07/31/settlement-on-bullying-in-nyc-schools-receives-final-approval/>.

***Eccleston v. Pine Bush Central School District*, No. 12-cv-2303-KMK-PED (S.D.N.Y. 2015)**

- Settlement: \$4.48 million and injunctive relief.
- Injunctive Relief: District will revise its policies and procedures regarding discrimination, bullying and harassment; promptly investigate and respond to harassment; report and track all harassment incidents; work with Anti-Defamation League to improve tolerance and reduce anti-Semitic harassment and other bullying through establishment of No Place for Hate Committee, curriculum for students, and professional development for all school employees and others who interact regularly with students; designate qualified Title VI Coordinator; administer anti-bullying survey to students; and make mental health counseling available to students with concerns connected with harassment or bullying. District must report on compliance to plaintiffs' counsel for three years. On an annual basis for three years, district must also submit anti-bullying policies and procedures, professional development, and curriculum to U.S. Department of Education's Office for Civil Rights for review.
- Harassment/injuries: Anti-Semitic harassment (verbal and physical).
- Multiple Plaintiffs (five).
- Basic Facts: Five Jewish students were subjected for years to severe and pervasive anti-Semitic harassment in Pine Bush Central School District. The harassment included anti-Semitic name-calling and taunts; Holocaust "jokes;" threats; physical violence; coins being thrown at or shoved in the mouths of Jewish children; Hitler salutes; and swastika graffiti. The students and their parents complained to school officials repeatedly, to no avail. Little to no discipline was imposed on the harassing students, and the district failed to take action to address the rampant and systemic harassment.
- Causes of Action: Claims under Title VI for deliberate indifference to harassment based on race or national origin; claims under 42 U.S.C. § 1983 alleging equal protection violations based on national origin or religion; claims under NY civil rights law based on national origin or creed.
- Plaintiffs' Attorneys: Ilann Maazel, O. Andrew F. Wilson, and Zoe Salzman of Emery Celli Brinckerhoff & Abady LLP, New York, NY; Michael Meth of Meth Law Offices, P.C., Chester, NY; and Adele P. Kimmel, Public Justice, P.C., Washington, DC.
- More information: [http://www.nytimes.com/2015/06/30/nyregion/pine-bush-school-district-anti-semitism-suit.html?\\_r=1](http://www.nytimes.com/2015/06/30/nyregion/pine-bush-school-district-anti-semitism-suit.html?_r=1).

***Ishmael v. City of New York*, (Richmond Cnty. Supreme Ct. 2015)**

- Settlement: \$300,000.
- Harassment/Injuries: Physical assaults based on race and religion.
- Single plaintiff.
- Basic Facts: Trinidadian Muslim junior high school student was physically harassed and assaulted for being a "terrorist" and "taking people's jobs." Primarily bullied by four students for one to two years. Boy left school system and was home schooled. The aggressors were found guilty of hate crimes in juvenile court proceedings.
- Cause(s) of Action: state tort claims.
- Plaintiff's Attorney(s): Edward J. Pavia Jr., D'Agostino & Assocs., P.C., Staten Island, NY.
- More information: [http://www.silive.com/northshore/index.ssf/2015/10/300000\\_settlement\\_in\\_bullying.html](http://www.silive.com/northshore/index.ssf/2015/10/300000_settlement_in_bullying.html); [http://www.silive.com/news/index.ssf/2011/11/since\\_being\\_bullied\\_at\\_school.html](http://www.silive.com/news/index.ssf/2011/11/since_being_bullied_at_school.html).

***J.L. v. Mohawk Central School District, No. 09-cv-00943-DNH-DEP (N.D.N.Y. 2009)***

- Settlement: \$50,000 for plaintiff; \$25,000 for attorneys' fees; and injunctive relief.
- Injunctive Relief: School district was required to (1) retain an expert consultant in the area of harassment and discrimination based on sex, gender identity, gender expression, and sexual orientation to review the district's policies and procedures; (2) develop and implement a comprehensive plan for disseminating the district's harassment and discrimination policies and procedures; (3) retain an expert consultant to conduct annual training for faculty, staff, and students as deemed appropriate by the expert, on discrimination and harassment based on sex, gender identity, gender expression, and sexual orientation; (4) maintain records of investigations and responses to allegations of harassment for five years; and (5) provide annual compliance reports to the United States and private plaintiffs.
- Harassment/Injuries: Harassment involving gender-based stereotyping.
- Single Plaintiff.
- Basic Facts: Plaintiff was the victim of severe student-on-student harassment because he failed to conform to gender stereotypes in both behavior and appearance. He exhibited feminine mannerisms, dyed his hair, wore makeup and nail polish, and maintained predominantly female friendships. The bullying included name-calling, physical threats, and violence.
- Causes of Action: Claim under 42 U.S.C. § 1983 alleging equal protection violation; Title IX claim for deliberate indifference to sex discrimination.
- Plaintiff's Attorneys: New York Civil Liberties Foundation; the United States Department of Justice (Civil Rights Division).
- More information: <http://www.justice.gov/opa/pr/justice-department-settles-new-york-school-district-ensure-students-have-equal-opportunities>.

***John M., et. al v. Brentwood Union Free School District, No. 12-cv-02603-PKC-SIL (E.D.N.Y. 2015)***

- Settlement: Undisclosed amount.
- Harassment/Injuries: Physical and verbal racial harassment.
- Single Plaintiff.
- Basic Facts: Family of Caucasian high school student with disability sued school district for inadequately addressing their son's claims of racial harassment as a "minority" in a predominantly Hispanic and black school. The student was subjected to racial remarks, taunts, epithets, episodes of spitting, and physical assaults inflicted by non-Caucasian students. The student also felt himself at risk due to his minority ethnicity, the absence of any network of social contact and the lack of any support from the school staff. As a result of the racial harassment, the student underwent two psychiatric evaluations concluding that he was suffering from anxiety and depression. The school placed him in a home tutoring program to ensure his safety, but the family alleged that the program did not provide him with the free appropriate public education to which he was entitled. The school district refused the family's request to place their son in a private school that would accommodate his disabilities, so they put in him a private school at their own expense for his junior and senior years.
- Causes of Action: Claims under 20 U.S.C. § 1415 for violations of Individuals with Disabilities Education Act, Title II of Americans with Disabilities Act, and Section 504 of Rehabilitation Act.
- Plaintiffs' Attorney: Wayne J. Schaefer, Smithtown, NY.
- More Information: <http://nypost.com/2016/04/12/school-district-settles-case-over-white-students-claims-of-racial-harassment/>.

***Kahn v. Onteora Central School District, No. 12-CV-206-TJM (N.D. N.Y. 2013)***

- Settlement: Undisclosed amount.
- Harassment/Injuries: Physical and verbal anti-gay harassment.
- Single Plaintiff.
- Basic Facts: Plaintiff endured severe and ongoing verbal and physical anti-gay harassment over the course of five years that ultimately cause him to drop out of school.
- Cause of Action: Claim under Title IX for deliberate indifference to peer-on-peer harassment.
- Plaintiff's Attorney: Stephen Bergstein of Chester, NY.
- More Information: <http://www.dailyfreeman.com/general-news/20130501/ontेora-school-district-settles-lawsuit-with-gay-former-student-liam-kahn>.

***Lawsuit against New York City Department of Education (N.Y. Sup. Ct. 2016)***

- Settlement: \$700,000.
- Harassment/Injuries: Physical assault and bullying resulting in permanent eye damage; bullying based on perceived sexual orientation.
- Single Plaintiff.
- Basic Facts: Plaintiff was beaten by several students in his junior high school cafeteria resulting in permanent eye damage that required a cornea transplant. His attackers called him a “fucking faggot” and “gay” among other disparaging remarks. The beating was caught on surveillance cameras. Prior to the beating, the plaintiff had reported other incidents involving physical bullying to school officials.
- Cause of Action: Unknown.
- Plaintiff's Attorney: Sanford Rubenstein of Brooklyn, NY.
- More information: <http://www.nydailynews.com/new-york/education/nyc-pays-700g-teen-bullied-blinded-school-article-1.2928216>

***L.W. v. New York City Department of Education, No. 1:17-cv-08415-DLC (S.D.N.Y. 2018)***

- Settlement: \$950,000.
- Harassment/Injuries: Gang rape; post-traumatic stress disorder; sleeplessness; hair loss; skin rashes; anxiety; and anger issues.
- Single Plaintiff.
- Basic Facts: K.M., a fifteen-year-old with a severe development disorder, was led by a group of male students to a school stairwell where she was forced to perform oral sex on two of the boys. When she reported the assault, she was suspended for engaging in sexual activity at school.
- Cause of Action: sex discrimination and retaliation under Title IX; disability discrimination and retaliation under Title II of the Americans with Disabilities Act; disability discrimination and retaliation under Section 504 of the Rehabilitation Act; race discrimination under Title VI; violations of Due Process and Equal Protection Clauses; negligence; gross negligence.
- Plaintiff's Attorneys: Carrie Goldberg & Aurore Circle DeCarlo of C.A. Goldberg in Brooklyn, NY.
- More Information: <https://www.nydailynews.com/new-york/education/ny-metro-one-million-settlement-for-student-raped-at-school-and-punished-for-it-20180713-story.html>; <https://www.cagoldberglaw.com/our-client-receives-a-950000-settlement-from-nyc-dept-of-education-for-its-negligence-in-handling-her-sexual-assault-complaint/#>.

***Motta v. Eldred Central School Dist.* (N.Y. Sup. Ct. 2017)**

- Verdict: \$1 million.
- Harassment/injuries: Verbal anti-gay harassment; physical assault.
- Single Plaintiff.
- Basic Facts: Victim was verbally harassed by students in form of anti-gay slurs, even though he was heterosexual. He was also subjected to physical abuse, which included students urinating on him.
- Causes of Action: Claim under NY's Dignity for All Students Act; state tort claims.
- Plaintiff's Attorney: JenniElena Rubino, Rubino Law Firm, New York, NY.
- More Information:  
<https://www.law.com/newyorklawjournal/sites/newyorklawjournal/2017/10/30/upstate-jury-awards-1m-to-bullied-student/?sreturn=20171127145159>;  
<http://www.recordonline.com/news/20171025/eldred-school-district-to-pay-1m-in-student-bullying-verdict>.

***Pratt v. Indian River Central School District, No. 09-cv-411-GTS-GHL* (N.D.N.Y. 2013)**

- Settlement: Unknown amount and injunctive relief.
- Injunctive Relief: District will, among other things, hire a consultant to advise and make recommendations concerning the District's anti-harassment training, education, and policies; administer anti-harassment surveys of students annually, with questions designed to ascertain "hot spots" where bullying or harassment is occurring; and provide live, interactive staff training and student education concerning LGBT student harassment.
- Harassment/Injuries: Physical and verbal anti-gay harassment; plaintiffs were prohibited from forming a gay-straight alliance in high school.
- Multiple Plaintiffs (two).
- Basic Facts: Student endured relentless anti-gay harassment beginning in his earliest years of school. The harassment, which intensified in middle school and high school, included physical harassment and verbal taunts such as "faggot," "sissy," "queer," and "fudgepacker." The high school principal responded by asking the student to "tone it down," and refused to allow him and his sister to form a gay/straight alliance at school.
- Causes of Action: Claims under 20 U.S.C. § 4071 for violations of the Equal Access Act; claims under 42 U.S.C. § 1983 for denial right to free speech and association, and denial of equal protection and state law claims, including violations of the New York State Constitution, the New York Human Rights Act, and the New York Civil Rights Act.
- Plaintiffs' Attorneys: Thomas W. Ude, Jr., Michael Kavey, and Hayley Gorenberg of Lambda Legal Defense and Education Fund, New York, NY; and Adam T. Humann, and Maura M. Klugman of New York, NY.
- More Information: <http://www.lambdalegal.org/blog/pratt-v-indian-river-central-school-district-settlement>.

***Premi v. The City of New York, No. 09-cv-2348-FB-VVP* (E.D.N.Y. 2010)**

- Settlement: \$30,000 and injunctive relief.
- Injunctive Relief: District agreed to: develop written lesson plans to address bias generally and against Sikhs specifically; discuss the school system's legal obligation to stop discrimination with school staff and security; and designate an individual at the high school to whom bias and harassment can be reported.
- Harassment/Injuries: Physical and verbal harassment.

- Single Plaintiff
- Basic Facts: Student endured ongoing physical and verbal bullying at school because of his Sikh faith and ethnicity. On one occasion, another student punched him in the face, causing a laceration near his eye, and tried to remove his turban—even though wearing a turban is mandated by the Sikh faith.
- Causes of Action: Claims under Title VI for deliberate indifference to peer harassment; New York Human Rights Law; and state tort law.
- Plaintiff’s Attorneys: Amardeep Singh Bhalla of The Sikh Coalition, New York, NY; Gurbir Singh Grewal and Gazeena Soni of New York, NY.
- More Information: <http://www.sikhcoalition.org/advisories/2010/public-school-settles-lawsuit-after-failing-to-protect-sikh-student-from-bullying>.

***Schneiderman v. Farmingdale United Free School District (Nassau Cnty. Supreme Ct. 2015)***

- Settlement: Undisclosed.
- Injunctive Relief: Unknown.
- Harassment/Injuries: Physical and verbal abuse.
- Single Plaintiff.
- Basic Facts: Middle school boy singled out for bullying by classmates for three years. Reason for targeting unclear. Boy experience serious physical attacks, repeated verbal harassment, social and psychological isolation. Result was suicidal ideation and one suicide attempt.
- Cause(s) of Action: state tort law claims.
- Plaintiff’s Attorney(s): Neal Goldstein and Lori Frucht of Goldstein & Bashner, East Meadow, NY.
- More information: <http://www.prweb.com/releases/2015/01/prweb12437971.htm>.

***T.K., et. al v. New York City Department of Education, No. 14-3078-cv (2d Cir. 2016)***

- Judgment: Court of Appeals unanimously upheld district court judgment awarding plaintiffs reimbursement for one year of private school education for their daughter, a student with learning disabilities who was denied access to a free appropriate public education (FAPE) because of defendant’s failure to address the severe bullying she endured.
- Harassment/Injuries: Physical and verbal harassment of learning-disabled student.
- Single Plaintiff.
- Basic Facts: Third grade student with autism was taunted and abused daily by classmates. She was socially ostracized by classmates in her mixed general and special education classroom, and sometimes physically abused to the point of sustaining bruises. As a result of the bullying, she lost her ability to function in class and focus on homework. The school principal repeatedly refused to discuss the bullying with the parents, and “stonewalled” their efforts to have the bullying addressed as part of the process for formulating the student’s Individualized Education Program (known as an “IEP”). As a result, the student’s parents removed their daughter from the school and enrolled her in a private school for children with learning disabilities.
- Cause of Action: Claim under Individuals with Disabilities Education Act.
- Plaintiffs’ Attorney: Gary S. Mayerson, New York, NY.
- More Information: <http://nypost.com/2016/01/21/city-to-pay-for-bullied-girls-private-school-tuition/>.



***Zeno v. Pine Plains Central School District*, 702 F.3d 655 (2d Cir. 2012)**

- Jury Verdict: \$1.25 million, reduced by judge to \$1 million.
- Harassment/Injuries: Racial harassment, including assault.
- Single Plaintiff.
- Basic Facts: Bi-racial student experienced severe and pervasive racist bullying. Although school district disciplined bullies and offered optional sensitivity training sessions, appeals court held that there was sufficient evidence for jury to conclude that school district should have done more to stop the serious and sometimes life-threatening harassment. Plaintiff endured racially derogatory graffiti, threats to his life, and physical assaults. At one point, bullies showed him a noose and threatened to take him to a tree for a hanging. Second Circuit affirmed \$1 million judgment.
- Cause of Action: Title VI claim for deliberate indifference to racial harassment.
- Plaintiff's Attorneys: Stephen Bergstein, Helen Ullrich, Chester, NY.
- More Information: <http://news.findlaw.com/apnews/f31e58b5863247b69853114e04dce837>.

**NORTH CAROLINA**

***J.L. v. Pitt County Board of Education*, No. 18-SP-57 (Pitt Co., NC Super. Ct. 2018)**

- Settlement: \$50,000 (\$37,500 for student; \$12,500 for attorney's fees).
- Injunctive Relief: Board agreed to provide mandatory training on Title IX requirements for all county public school staff, including specific training for principals and administrators on responding to sexual assault allegations. Training includes competency testing.
- Harassment/Injuries: Sexual and physical assault, bullying, depression, and suicidal ideation.
- Single Plaintiff.
- Basic Facts: J.L., age 14, was forcibly humped and threatened with rape by a popular senior during a quasi-military activity program offered by the school. After J.L. reported the incident, the teacher announced J.L.'s allegation to the class, leading to further assaults and bullying. Student became depressed and suicidal, and he eventually stopped attending school altogether.
- Causes of Action: Claims under Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 *et seq.*, and North Carolina special education statutes, N.C. Gen. Stat. §§ 115C-106 *et seq.* in state administrative action. Threatened additional claims under Title IX and § 1983.
- Plaintiff's Attorney: Leto Copeley of Copeley Johnson & Groninger PLLC, Durham, NC, and Stacey Gahagan, Gahagan Law, Chapel Hill, NC.

**NORTH DAKOTA**

***Unknown v. Fargo School District* (Cass Cnty. Dist. Ct. 2010)**

- Settlement: \$300,000 (\$190,600 for student; \$109,400 for attorney's fees).
- Injunctive Relief: District agreed to train teachers and staff on how to recognize and deal with bullying and to provide programs and curriculum on bullying for students at all grade levels.
- Harassment/Injuries: Physical and verbal harassment; several attempted suicides.
- Single Plaintiff.
- Basic Facts: Student endured ongoing physical and verbal harassment because of vision and speech impairments for nearly five years. He was hospitalized on six occasions after attempting to commit suicide. He withdrew from the school district because of its failure to protect him.
- Causes of Action: Unknown.
- Plaintiff's Attorney: Patricia Monson of Fargo, ND.

- More Information: <http://www.valleynewslive.com/Global/story.asp?S=13681290> ; <http://www.wdaz.com/event/article/id/5449/>.

## **OHIO**

### ***Allen, et. al v. Lebanon City Schools (Warren Cnty. Ct. 2015)***

- Settlement: \$150,000 (including attorney's fees), and injunctive relief pursuant to OCR complaint.
- Injunctive Relief: Pursuant to the resolution of OCR complaints filed by the plaintiffs, the school district will revise its policies on racial harassment and provide an employee training program on race discrimination. Policies will be reviewed and approved by OCR. The district will also form districtwide and student committees to foster a more inclusive atmosphere.
- Harassment/Injuries: Racial harassment.
- Multiple Plaintiffs (four).
- Basic facts: Biracial and African-American children reported racial slurs and harassment by other students in and outside of school, racist graffiti, and a racist Instagram post using racial slurs. Complaints included allegations of racism at both middle and high schools.
- Causes of Action: OCR investigated race discrimination claim under Title VI; damages claims filed in lawsuit are unknown.
- Plaintiffs' Attorney: Robert Newman, Newman & Meeks Co., L.P.A., Cincinnati, OH.
- More information: <http://www.daytondailynews.com/news/local-education/lebanon-schools-settle-federal-racial-harassment-case/EGu1NTvvq6AmREMjBQgZ3M/>; <http://www.mydaytondailynews.com/news/crime--law/lebanon-school-staff-questioned-about-complaints/B7VGgP97AxBIUKDT9DajyM/>; <http://www.daytondailynews.com/news/breaking-news/civil-rights-complaint-filed-against-lebanon-schools/IV11iBDpQV9K6UIvMkr5fM/>; <http://www.daytondailynews.com/news/local-education/lebanon-schools-pay-150-000-settle-racial-discrimination-case/LkyN5pCuMeKYOdNfPCJsaO/>; <http://www.daytondailynews.com/news/local/federal-civil-rights-investigation-opened-lebanon-schools/BisLoSD2swVKqvwAKdJyN/>; <https://www.cincinnati.com/story/news/local/2015/04/14/lebanon-racism-complaint/25790019/>.

### ***Fulton v. W. Brown Local School Dist. Bd. of Ed., No. 15-cv-00053 (S.D. Ohio 2017)***

- Settlement: \$200,000
- Harassment/Injuries: Race-based harassment and bullying.
- Single plaintiff.
- Basic Facts: Plaintiff, a biracial student in a mostly white school, was subjected to ongoing racial harassment and bullying by students and teachers despite repeated requests to administrators and school board for help. The verbal harassment included stereotypical comments about African Americans and racial slurs. Plaintiff and his family reported many of these incidents, but the school rarely investigated, and when it did, it failed to stop the racial bullying. After enduring years of this pervasive conduct, plaintiff informed the school of his intent to transfer because of the ongoing racial discrimination. Only then did the school initiate an investigation. A support services officer who had no training in identifying racial harassment conducted the investigation, and found that there was no racial harassment or discrimination. A finding of racial harassment would have allowed plaintiff to continue playing basketball with his team after he transferred.

- Causes of Action: Claims under Title VI of the Civil Rights Act; § 1983 claims under the Fourteenth Amendment.
- Plaintiff's Attorneys: Sonia T. Walker of Columbus, OH; Eric A. Jones of Columbus, OH.
- More Information: <http://www.wlwt.com/article/star-athlete-says-he-was-target-of-racial-harassment-in-brown-co-schools/9132755>.

***Galloway v. Chesapeake Union Exempted Village Schools Bd. of Educ. (S.D. Ohio 2014)***

- Settlement: \$322,500
- Injunctive relief: School district must provide mandatory anti-bullying and harassment training to employees; all future bullying complaints are to be directed to the district superintendent; individual school employee defendants fired.
- Harassment/Injuries: Disability-based physical and emotional harassment.
- Single plaintiff.
- Basic Facts: Plaintiff Joseph Galloway was diagnosed with Asperger's, ADHD, and seizure disorder. Students and teachers at two separate schools taunted, abused, and discriminated against Galloway b/c of his disabilities. Teasing included questioning his sexual orientation. Culminated in several sexual assaults by classmates. Teachers and administrators did nothing to stop harassment.
- Causes of Action: Substantive due process claim alleging intentional injury to plaintiff, and pain and suffering to his parents; claim of equal protection violation for disability-based discrimination; claim of ADA violation for disability-based discrimination; claim of Title IX violations for deliberate indifference to gender and sexual orientation-based harassment; § 1983 *Monell* claim for failure to train and supervise school officials; state law tort claims for negligence/gross negligence.
- Plaintiff's Attorney(s): Kenneth Myers of Cleveland, OH.
- More Information: <http://www.herald-dispatch.com/news/x406443740/District-pays-300K-to-settle-case#.VPtpage72S4.email>.

***Jackson v. Bellevue School District (N.D. Ohio 2013)***

- Settlement: \$110,000.
- Multiple Plaintiffs (two)
- Harassment/Injuries: Verbal and physical harassment based on race.
- Basic Facts: Biracial 16 and 17-year-old sisters brought a lawsuit against their school district after enduring racial bullying. During a school assembly, the principal of the school called one of the girls to the front of the auditorium and was told to go to the bathroom to put up her hair because it was a distraction to the school. The girl was later suspended after trying to defend herself when another student threw a pen at her head and called her the N-word. The same student also told the girl, "That's why your grandpa picked cotton for my grandpa." The principal of the school singled out the girl for a drug search, made her take off her socks, and searched her personal belongings in her locker. After a crime was committed in the neighborhood, a student stood up in front of the girl's class and said, "Of course it'd be a black guy, f\_cking n\_gger!" The teacher pretended not to hear the comment. Although the school district suspended one student for telling the girl to "go back to Africa," she was suspended after making a comment to another student about the incident who said in a text, "we brought em here to work that's all there good for aunt no other need for em at all." Several weeks later, the principal sent the girls' mother an email saying that they were a "distraction to the educational

process” and that if they did not “cease and desist” their actions, they may face out of school suspensions.

- Causes of Action: Violation of right to education environment free from racial discrimination, harassment, and intimidation (presumably, under Title VI).
- Plaintiffs’ Attorney: Unknown.
- More Information: [http://thebellevuegazette.com/news/home\\_top/50701482/An-uphill-battle](http://thebellevuegazette.com/news/home_top/50701482/An-uphill-battle).

***King v. Union-Scioto Local School District, Ross County (2012)***

- Settlement: \$30,000, plus \$5,000 in attorneys’ fees (pre-suit).
- Injunctive Relief: The school district agreed to improve its anti-bullying policies, create a complaint mechanism for students who are bullied, and train staff on “cultural understanding” and harassment of LGBT students.
- Harassment/Injuries: Anti-gay physical harassment.
- Single Plaintiff.
- Basic Facts: King was attacked by a classmate who had previously taunted him for being gay.
- Causes of Action: Unknown.
- Plaintiff’s Attorney: ACLU of Ohio.
- More Information: [http://www.dispatch.com/content/stories/local/2012/07/20/Beating-of-gay-student-costs-schools-\\$35x000-in-settlement.html](http://www.dispatch.com/content/stories/local/2012/07/20/Beating-of-gay-student-costs-schools-$35x000-in-settlement.html) ;  
[http://www.glbtc.com/blogs/bullied\\_student\\_reaches\\_settlement\\_with\\_school\\_district.html](http://www.glbtc.com/blogs/bullied_student_reaches_settlement_with_school_district.html).

***Litty v. Carlisle Local School District (S.D. Ohio 2015)***

- Settlement: \$10,000.
- Injunctive relief: Unknown.
- Harassment/Injuries: Verbal anti-gay harassment.
- Single Plaintiff (and parents).
- Basic Facts: Throughout sophomore and junior year of high school, students taunted and harassed Litty based on his sexual orientation. He began skipping school so often that he was prosecuted for truancy. He attempted suicide in January 2011 and received psychiatric treatment. Family moved to Florida to get son away from school environment.
- Cause(s) of Action: Substantive and procedural due process claims for gender-based discrimination; Title IX claim for deliberate indifference to gender-based harassment; § 1983 claim against school district under *Monell* for failure to prevent or stop bullying; state law claims for negligence and gross negligence; bad faith; wanton and reckless conduct (to avoid official immunity defense); failure to train and supervise; and loss of consortium.
- Plaintiff(s) Attorneys: Neal Duiker of Gray & Dunning, Lebanon, OH.
- More Information: <http://www.daytondailynews.com/news/news/local/bullying-lawsuits-increasing/njppD/>.

***Logan v. Sycamore Community School Board of Education, No. 09-cv-00885, 2012 WL 2011037 (S.D. Ohio June 5, 2012)***

- Settlement: \$154,000 for family; \$66,000 for attorneys’ fees.
- Harassment/Injuries: Physical and verbal harassment based on sex, resulting in suicide.
- Single Plaintiff.
- Basic Facts: Female high school student experienced physical and verbal harassment after classmates “sexted” nude images of her. The harassment intensified after she appeared on a television segment regarding sexting. Plaintiff subsequently committed suicide.

- Causes of Action: Claim under 42 U.S.C. § 1983 alleging equal protection violation; claim under Title IX for deliberate indifference to sexual harassment.
- Plaintiff's Attorneys: Alphonse Adam Gerhardstein, Jennifer Branch, Cincinnati, OH.
- More Information: <http://www.nydailynews.com/news/national/teen-bullying-victim-family-settlement-article-1.1178783>.

***Schroeder ex rel. Schroeder v. Maumee Board of Education*, 296 F. Supp. 2d 869 (N.D. Ohio 2003)**

- Settlement: Undisclosed amount.
- Harassment/Injuries: Anti-gay verbal and physical harassment based on perceived sexual orientation.
- Single Plaintiff.
- Basic Facts: High school student experienced physical and verbal anti-gay harassment because he began advocating for gay rights when his older brother came out. The harassment intensified after a girl injured his back and testicles with her knee. Another student slammed plaintiff's head against a urinal, chipping his tooth.
- Causes of Action: Claim under 42 U.S.C. § 1983 alleging equal protection violations; Title IX claim for deliberate indifference to sexual harassment.
- Plaintiff's Attorneys: Jillian S. Davis, Berkman, Gordon, Murray & DeVan, Cleveland, OH; Raymond V. Vasvari, Jr., ACLU of Ohio, Cleveland, OH.

***Shively v. Green Local School District Board of Education*, No. 5:11-cv-02398-BYP (N.D. Ohio 2015)**

- Settlement: \$500,000 and injunctive relief.
- Injunctive Relief: Anti-bullying training for all school district staff by U.S. Department of Education Office for Civil Rights ("OCR") or other third party; review of anti-bullying policies by OCR.
- Harassment/Injuries: Anti-Semitic and gender-based harassment (verbal and physical).
- Single Plaintiff (and parent).
- Basic Facts: Plaintiff endured years of anti-Semitic and gender-based harassment by her peers that escalated in middle and high schools. She was regularly taunted with anti-Semitic and gender-based slurs, harassed on social media where she was listed as a target on a "kill list," and physically abused, twice to the point of requiring medical treatment. Her and her mother's repeated complaints to school officials were to no avail. The harassment continued until she transferred to another school district.
- Causes of Action: Claim under 42 U.S.C. § 1983 alleging equal protection violation based on religion and substantive due process violation; claim under Title IX for deliberate indifference for gender-based harassment; and state tort law claims.
- Plaintiffs' Attorneys: Kenneth D. Myers, Law Offices of Kenneth D. Myers, Cleveland, OH; Christopher P. Thorman and Brendan D. Healy, Thorman Petrov Griffin Co., LPA, Cleveland, OH; Adele P. Kimmel, Public Justice, P.C., Washington, DC.
- More information: <http://www.ohio.com/news/break-news/green-school-board-agrees-to-500-000-settlement-to-end-lawsuit-over-bullying-1.598618>.

***Wencho v. Lakewood School District*, 177 Ohio Ct. App. 3d 469 (2008)**

- Settlement: Undisclosed
- Harassment/Injuries: Physical and verbal harassment.
- Single Plaintiff.

- Basic Facts: Sixth grade student suffered from a “pattern of violence and threats” that culminated in an attack. Plaintiff alleged that the school district did not discipline the attacker, nor did it assist the plaintiff after the attack.
- Causes of Action: State tort law claims for negligence, negligent infliction of emotional distress, and assault.
- Plaintiff’s Attorneys: John Chambers and James Burke of Cleveland.
- More information: <http://www.leagle.com/decision/In%20OHCO%2020080716361>;  
[http://blog.cleveland.com/metro/2009/06/michael\\_and\\_kelly\\_wencho\\_of\\_la.html](http://blog.cleveland.com/metro/2009/06/michael_and_kelly_wencho_of_la.html).

## **OKLAHOMA**

### ***Wright and Soupene v. Yukon Public Schools (Canadian Cnty. Dist. Ct. 2014)***

- Settlement: \$100,000 (school district); \$10,000 (teacher’s insurance company).
- Harassment/Injuries: Social isolation.
- Multiple Plaintiffs (two).
- Basic Facts: Plaintiffs, two women acting as whistleblowers, sued the school district after three agricultural instructors and their students began harassing plaintiffs’ daughters when the plaintiffs accused instructors of misappropriating funds from a vocational-agricultural high school program. The plaintiffs’ daughters were routinely excluded from vocational-agricultural events and misinformed about meeting times. Classmates locked one student outside the classroom while the school guidance counselor told the other student that it would be best if she transferred schools.
- Causes of Action: Unknown.
- Plaintiffs’ Attorney: Unknown.
- More Information: <http://newsok.com/yukon-school-district-settles-civil-lawsuit-with-former-vocational-agriculture-students/article/4747207>.

## **OREGON**

### ***Achcar-Winkels v. Lake Oswego School District, No. 3:15-cv-00385 (D. Or. 2015)***

- Jury Verdict: \$70,000.
- Harassment/Injuries: Hazing; sexual harassment.
- Single Plaintiff.
- Basic Facts: Senior members of Lakeridge High School dance team forced junior members to wear humiliating costumes, play sexually explicit games, dance with and for high school boys while wearing bikinis, and engage in other inappropriate activities. When the junior members complained to an assistant coach, the coaches retaliated against the girls by sending threatening messages to both the girls and their parents and removing them from the jazz competition team. The plaintiff was a junior member of the dance team.
- Causes of Action: Claims under §1983 for violating student’s due process and free speech rights; Title IX claim for deliberate indifference to sex discrimination; state tort claims.
- Plaintiff’s Attorneys: Leta Gorman and Diane Lenkowsky, Jordan Ramis PC, Lake Oswego, OR.
- More Information: [http://www.oregonlive.com/lake-oswego/index.ssf/2017/11/lake\\_oswego\\_teen\\_hazed\\_during.html](http://www.oregonlive.com/lake-oswego/index.ssf/2017/11/lake_oswego_teen_hazed_during.html);  
[http://www.oregonlive.com/lake-oswego/index.ssf/2015/03/family\\_of\\_former\\_lakeridge\\_hig.html](http://www.oregonlive.com/lake-oswego/index.ssf/2015/03/family_of_former_lakeridge_hig.html);



<https://portlandtribune.com/lor/48-news/376626-261642-hazing-lawsuit-against-lake-oswego-school-district-ready-for-trial>.

***Bang v. Eugene School District (Lane Cty. Cir. Ct. 2016)***

- Settlement: \$15,000 (from school district).
- Harassment/Injuries: Physical assault of middle school student by four classmates.
- Single Plaintiff.
- Basic Facts: Middle school student intentionally threw a football at the victim's head, and the two got into a physical fight. They separated, but then another boy quickly tackled and punched the victim. Two other boys then joined in the beating, making it four-against-one. The victim suffered bruising on his face, head, neck, and torso, and suffered psychological damage and pain. School allegedly knew that boy's attackers had a history of harassing and assaulting younger students.
- Causes of Action: Claim against school district for negligent supervision; claims against students for assault, battery, and intentional infliction of emotional distress.
- Plaintiff's Attorney: Kevin Brague, Kivel & Howard, LLP, Portland, OR
- More Information: <http://www.thefreelibrary.com/Schools+settle+bullying+lawsuit.-a0446697274>; <http://blog.lawinfo.com/2016/03/24/oregon-father-and-school-district-reach-settlement-over-sons-beating/>.

***CK v. Eugene School District, No. 12-CV-1640 (D. Or. 2012)***

- Settlement: \$5,000.
- Harassment/Injuries: Anti-gay verbal and physical harassment based on perceived sexual orientation.
- Single Plaintiff.
- Basic Facts: Middle school student experienced ongoing anti-gay verbal and physical harassment resulting in emotional distress and depression.
- Causes of Action: Title IX claim for deliberate indifference to peer-on-peer harassment; claim under 42 U.S.C. § 1983 alleging equal protection violations; claim under § 504 of the Rehabilitation Act; Oregon tort and statutory claims.
- Plaintiff's Attorney: Kevin C. Brague, Tigard, OR
- More Information: <http://www.registerguard.com/rg/news/local/30890695-110/district-suit-bullying-claimed-lawsuit.html.csp>.

***Harrison v. Clatskanie School District, No. 3:13-cv-01837 (D. Or. 2015)***

- Settlement: \$225,000 (\$75,000 for each of three plaintiffs), and injunctive relief.
- Injunctive Relief: School district changed policies, increasing mental health services available to students, creating programming/training for staff and students about sexual harassment, and prohibiting cell phone use during school hours. The school district also formed a committee of students, parents, staff, and other community members to undertake anti-bullying initiatives.
- Harassment/Injuries: Sexual harassment involving coercion and threats by male students to share naked photos of female students.
- Multiple Plaintiffs (three).
- Basic Facts: Three female middle school students were victims of a "sextortion" scheme by male students who pressured them into sending naked photos of themselves, then threatened them if they refused to send more. The boys collected the photos as part of a competition to see who could get the most naked photos of female students. One of the victims attempted suicide as

a result of the harassment. The students reported the incidents to school administrators, who told them to “suck it up” and that “boys will be boys.”

- Causes of Action: Title IX claim for deliberate indifference to sexual harassment, equal protection claim under 42 U.S.C. § 1983; Fourth Amendment claim under 42 U.S.C. § 1983; and state tort claims for intentional infliction of emotional distress, negligent breach of duty in loco parentis, and negligent breach of duty of supervision.
- Plaintiffs’ Attorneys: Loren Lunsford, Martinsen ❖ Wright PC, Sacramento, CA; Amber H. Lunsford, Attorney at Law, Sacramento, CA.
- More Information: <http://www.kgw.com/story/news/education/2015/04/09/clatskanie-bullying-lawsuit/25523487/>; [http://www.dailyastorian.com/Local\\_News/20150413/clatskanie-settles-suit-alleging-online-bullying#.VYiXx\\_CX8Qg.mailto](http://www.dailyastorian.com/Local_News/20150413/clatskanie-settles-suit-alleging-online-bullying#.VYiXx_CX8Qg.mailto).

#### ***North Bend School District (Oregon Department of Education Complaint)***

- Settlement: Injunctive relief (no money damages sought).
- Injunctive Relief: School principal removed; school district must work with ACLU of Oregon to develop policies and training to prevent LGBTQ discrimination. District will remain under Oregon Department of Education supervision for five years.
- Harassment/Injuries: LGBTQ discrimination/bullying by students and staff.
- Two Complainants.
- Basic Facts: Two LGBTQ students filed a civil rights complaint with the Oregon Department of Education after facing years of harassment at school. The school’s principal was particularly hostile to LGBTQ students; he failed to respond to reports of LGBTQ harassment at school and failed to discipline his own son for nearly hitting two students with his car while yelling homophobic slurs. District and high school staff also retaliated against staff members who voiced concerns about the school’s treatment of LGBTQ students.
- Causes of Action: State anti-discrimination statutes and regulations (ORS 659.850, OAR 581-021-0045, and OAR 581-029-0049).
- Complainants’ Attorneys: ACLU of Oregon (Mat dos Santos and Kelly Simon), Professor Warren Binford (professor leading legal clinic at Willamette Univ. College of Law).
- More Information: <https://www.aclu.org/news/aclu-oregon-reaches-sweeping-settlement-north-bend-school-district-over-lgbtq-discrimination>.

#### ***Telsheva v. Eugene School District (Lane Cty. Cir. Ct. 2017)***

- Settlement: \$24,000.
- Harassment/Injuries: Physical assault.
- Single Plaintiff.
- Basic Facts: A high school boy was assaulted twice by a classmate on November 13, 2015, causing the boy to suffer a concussion, chronic headaches, memory loss, and anxiety.
- Cause of Action: Negligent supervision.
- Plaintiff’s Attorney: Kevin Brague, Portland, OR.
- More Information: <http://www.registerguard.com/rg/news/local/36405793-75/eugene-school-district-settles-lawsuit-filed-by-parent-of-north-eugene-high-school-student.html.csp>; <http://www.registerguard.com/rg/news/local/35936390-75/woman-sues-eugene-school-district-and-student-who-allegedly-beat-up-her-son.html.cspl>.

## **PENNSYLVANIA**

### ***Bittenbender v. Bangor Area School District, No. 5:15-cv-06465 (E.D. Pa. 2015).***

- Settlement: \$45,000.
- Harassment/Injuries: Anti-lesbian verbal harassment; physical assault; threats of violence: suicidal ideation.
- Single Plaintiff.
- Basic Facts: Female student faced increasing harassment between fourth and eighth grade based on her perceived sexuality. A group of classmates and older students persistently verbally harassed and physically abused her until she contemplated suicide and ultimately transferred schools.
- Cause of Action: Title IX claim for deliberate indifference to sexual harassment.
- Plaintiff's Attorney: Jason Schiffer, Cohen, Feeley, Altemose & Rambo, P.C., Bethlehem, PA.
- More information: [http://www.lehighvalleylive.com/slate-belt/index.ssf/2017/12/45k\\_payout\\_for\\_alleged\\_bullyin.html](http://www.lehighvalleylive.com/slate-belt/index.ssf/2017/12/45k_payout_for_alleged_bullyin.html); <http://www.mcall.com/news/police/mc-nws-bangor-school-district-settles-bullying-lawsuit-20171214-story.html>; [http://www.theprogressnews.com/news/state/pennsylvania-school-district-settles-bullying-suit-for-k/article\\_a8ed8ab5-0755-534f-9c00-138170923d63.html](http://www.theprogressnews.com/news/state/pennsylvania-school-district-settles-bullying-suit-for-k/article_a8ed8ab5-0755-534f-9c00-138170923d63.html); <http://www.epgn.com/news/local/12655-bangor-student-abuse-case-settled>; <https://www.seattletimes.com/nation-world/pennsylvania-school-district-settles-bullying-suit-for-45k/>.

### ***C.S. v. Southern Columbia Area School District, No. 4:12-CV-01013-MWB (M.D. Pa 2014)***

- Settlement: \$130,000.
- Harassment/Injuries: Sexual assault.
- Basic Facts: Off-campus sexual assault.
- Single Plaintiff.
- Basic Facts: A member of the high school football team lured a female student off campus so that another member of the team could sexually assault her. After the sexual assault, the female student experienced bullying at school. The principal failed to take any action to address the resulting hostile sexual environment.
- Cause of Action: Title IX claim for deliberate indifference to peer-on-peer harassment, 14th Amendment Equal Protection Claim under 42 U.S.C. § 1983.
- Plaintiff's Attorneys: Benjamin Andreozzi and Heather Verchick of Harrisburg, PA.
- More Information: <http://wnep.com/2014/01/16/southern-columbia-schools-pay-130000-to-settle-lawsuit/>.

### ***Dahle ex rel. Timothy D. v. Titusville Area School District, 159 F. Supp. 2d 857 (W.D. Pa. 2001)***

- Settlement: \$312,000.
- Harassment/Injuries: Anti-gay harassment, including physical assault; attempted suicide.
- Single Plaintiff.
- Basic Facts: Plaintiff experienced verbal and physical harassment from sixth through tenth grade because of his sexual orientation, which caused him to attempt suicide and drop out of school.
- Cause of Action: Title IX claim for deliberate indifference to sexual harassment; claim under 42 U.S.C. § 1983 alleging equal protection and substantive due process violations; claims under Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act.
- Plaintiff's Attorneys: David C. Long, Oliveburg, PA; Michael L. Rosenfield, Pittsburgh, PA.

- More Information: <http://www.nclrights.org/site/DocServer/15reasons.pdf?docID=1621>.

***Doe v. Scranton School for Deaf & Hard-of-Hearing Children (Lackawanna County Court 2017)***

- Settlement: Unknown/confidential.
- Harassment/Injuries: Sexual assault.
- Single Plaintiff.
- Basic Facts: An eight-year-old girl who was a residential student at the Scranton School was sexually abused by a thirteen-year-old girl over the course of six months in 2009-2010. The victim told a dormitory counselor that the perpetrator had kissed her and touched her genital area in October of 2009, but the school did not conduct an investigation or report the conduct to police. In April of 2010, the victim went to the doctor for rectal bleeding. There, she notified the doctor that the perpetrator had touched her numerous times at school.
- Causes of Action: Unknown.
- Plaintiff's Attorney: John M. Elliott, Elliott Greenleaf. Blue Bell, PA.
- More information: <https://www.law.com/thelegalintelligencer/2018/02/27/sex-abuse-lawsuit-against-scranton-school-for-the-deaf-settles-midtrial/>; <http://www.thetimes-tribune.com/news/suit-against-scranton-deaf-school-settles-in-midst-of-trial-1.2307138>.

***D.S.B. v. Pittsburgh Public Schools, No. 13-CV-1129-JFC (W.D. Pa. 2014)***

- Settlement: School system agreed to create two education funds for two sisters, each worth \$20,000; \$25,000 in attorneys' fees.
- Harassment/Injuries: Physical and verbal sex-based and color-based harassment.
- Multiple Plaintiffs (two).
- Basic Facts: Two African-American sisters, ages 8 and 11, experienced physical and verbal harassment because of their sex and color. One sister was assaulted by another African-American classmate because of her lighter complexion. The sisters experienced verbal taunts and physical assaults that included having their earrings torn out and their clothes ripped off. The verbal harassment included names such as "blackey," "crispy," "nigger," "black African bush bunny," "whore," "bitch," "cunt," and "smut."
- Causes of Action: Claim under Title IX for deliberate indifference to sex-based harassment; claim under Title VI for deliberate indifference to color-based harassment.
- Plaintiffs' Attorney: Charles Steele, Pittsburgh, PA.
- More Information: <http://triblive.com/news/adminpage/6029342-74/district-settlement-education#axzz343d72Zb6>.

***Enright v. Springfield School District No. 464, No. 04-cv-1653-JCJ (E.D. Pa. 2006)***

- Jury Verdict: \$400,000.
- Harassment/Injuries: Disability harassment, including sexual assault; and a suicide threat.
- Single Plaintiff.
- Basic Facts: A high school student masturbated in front of a seven-year-old disabled student while another student urged the seven-year old to engage in sexual contact with the masturbating student. The child suffered post traumatic stress disorder and threatened to commit suicide.
- Causes of Action: Claims under Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, and Americans with Disabilities Act; claim under 42 U.S.C. § 1983 alleging due process violations.
- Plaintiff's Attorneys: Andrew Erba, Sherri Eyer, Gerald Williams, Philadelphia, PA.
- More Information: <http://www.paed.uscourts.gov/documents/opinions/08d0005p.pdf>.

***Evancho, et. al v. Pine-Richland School District, No. 2:16-cv-01537 (W.D. Pa. 2016).***

- Settlement: \$135,000 (\$20,000 to each student and \$75,000 in attorneys' fees), plus injunctive relief.
- Injunctive Relief: School will rescind its discriminatory bathroom policy and update its nondiscrimination policy to include gender identity.
- Multiple Plaintiffs (three).
- Harassment/Injuries: Transgender discrimination.
- Basic Facts: Three transgender high school students sued after the school revised their bathroom policy to require transgender students to use bathrooms associated with their biological sex.
- Causes of Action: Title IX claim for sex discrimination; §1983 claim for discrimination based on sex and transgender status in violation of students' rights under Equal Protection Clause of Fourteenth Amendment.
- Plaintiffs' Attorneys: Omar Gonzalez-Pagan, Lambda Legal Defense and Education Fund, Inc., New York, NY; Christopher Clark, Lambda Legal, Chicago, IL; Tracie Palmer and David Williams, Kline and Specter, P.C., Philadelphia, PA.
- More Information: <http://www.post-gazette.com/local/north/2017/03/13/Pine-Richland-transgender-bathroom-lawsuit-legal-experts-say-ruling-will-impact-national-cases/stories/201703090010>; <http://www.post-gazette.com/news/education/2017/08/08/Pine-Richland-School-District-transgender-students-lawsuit-settlement-bathroom-policy/stories/201708080093>; [https://www.washingtonpost.com/news/education/wp/2017/08/09/pennsylvania-school-district-settles-with-transgender-teens-who-alleged-discrimination-over-bathroom-policy/?utm\\_term=.a0fd056e4479](https://www.washingtonpost.com/news/education/wp/2017/08/09/pennsylvania-school-district-settles-with-transgender-teens-who-alleged-discrimination-over-bathroom-policy/?utm_term=.a0fd056e4479).

***MacLean v. Borough of Hellertown, No. 5:17-cv-02085-LKC (E.D. Pa. 2018).***

- Settlement: \$96,500, plus injunctive relief and \$15,000 in annual costs for three years of private or parochial school tuition for one of the plaintiffs.
- Injunctive Relief: School district must continue anti-bullying program, provide anti-bias training for next three years, and post the Safe Schools report on its website for three years.
- Multiple Plaintiffs (two students plus parents).
- Harassment/Injuries: Race discrimination and harassment, including racial slurs and threats of violence; sexual harassment.
- Basic Facts: Two African-American brothers experienced pervasive racial harassment and discrimination at Saucon Valley Middle School and High School, including regular verbal abuse and threats of physical violence. The two brothers were called racial epithets like "coon," "nigger," and "jungle bunny," and a group of white students threw a confederate flag around one of the boy's shoulders and told him to wear it with pride.
- Causes of Action: hostile educational environment based on race under Title VI; race discrimination in violation of Equal Protection under 42 U.S.C. § 1983; intentional infliction of emotional distress; violation of right to bodily integrity under Due Process Clause and § 1 of Pennsylvania's Constitution; willful misconduct constituting intentional & discriminatory failure to provide adequate or equivalent level of protective services, procedures, and policies in violation of the No Child Left Behind Act of 2001 20 U.S.C. § 6301 *et seq.*, and Pennsylvania's Safe Schools Act, 24 P.S. § 13-1301 *et seq.*
- Plaintiffs' Attorneys: Gary Schafkopf of Hopkins Schafkopf, LLC in Bala Cynwyd, PA; Matthew B. Weisberg & David A. Berlin of Weisberg Law PC in Morton, PA.

- More information: <https://www.mcall.com/news/education/mc-nws-saucon-racism-settlement-20181121-story.html>; <https://www.mcall.com/news/local/sauconvalley/mc-saucon-valley-racial-harassment-lawsuit-20170508-story.html>.

***Mary V. v. Pittsburgh Public Schools, No. 09-cv-1082-DWA (W.D. Pa. 2010)***

- Settlement: \$55,000.
- Harassment/Injuries: Harassment based on female student’s weight.
- Single plaintiff
- Basic Facts: A Frick Middle School student claimed that teasing from fellow students about her weight—and the administration’s failure to halt the abuse—led her to develop anorexia. The harassment often occurred at lunch and would cause the girl to throw away her food instead of eating it in front of the boys.
- Causes of Action: Title IX claim for deliberate indifference to sex discrimination; Title IX claim for retaliation; claim under Pennsylvania Fair Educational Opportunities Act.
- Plaintiff’s Attorney: Edward Olds, Pittsburgh, PA.
- More Information: <http://www.post-gazette.com/stories/local/neighborhoods-city/girls-mother-calls-settlement-with-pittsburgh-public-schools-unfair-258097/>; <http://www.post-gazette.com/stories/local/neighborhoods-city/pittsburgh-public-schools-settle-suit-over-girls-anorexia-taunting-257957/>.

***Price v. Scranton School District, No. 11-cv-0095 (M.D. Pa. 2012)***

- Settlement: \$97,500.
- Harassment/Injuries: Verbal harassment.
- Single Plaintiff.
- Basic Facts: Middle school student endured sex-based harassment and taunts for scratching her genitals due to a yeast infection. Students called the plaintiff names such as “bitch,” “slut,” “skank,” and “whore.” Teachers were aware of bullying, but took no action.
- Cause of Action: Claims under Title IX for deliberate indifference to peer harassment; 42 U.S.C. § 1983 for violation of substantive due process; and state tort law.
- Plaintiff’s Attorney: Dave Frankel and Joshua Kershenbaum of Bryn Mawr, PA.
- More Information: <http://thetimes-tribune.com/news/scranton-school-district-settles-bullying-case-1.1344185>; <http://thetimes-tribune.com/news/bullying-federal-lawsuit-suit-lodged-against-scranton-school-district-headed-to-settlement-talks-1.1289388>.

***United States v. School District of Philadelphia, No. 10-cv-7301-SD (E.D. Pa. 2010)***

- Settlement: Injunctive relief only.
- Injunctive Relief: Settlement agreement requires school district to retain an expert consultant on harassment and discrimination based on race, color and/or national origin to review the district’s harassment policies and procedures; develop and implement a comprehensive plan for preventing and addressing student-on-student harassment at South Philadelphia High School; conduct training of faculty, staff and students on discrimination and harassment based on race, color and/or national origin and to increase multi-cultural awareness; maintain records of investigations and responses to allegations of harassment; and provide annual compliance reports to the department and the Philadelphia Human Rights Commission, as well as make harassment data publicly available.
- Harassment/Injuries: National origin harassment, including assault.
- Multiple Plaintiffs (United States sued based on harassment of approximately 30 students)



- Basic Facts: Asian-American students were subjected to constant verbal and physical harassment at South Philadelphia High School. In December 2009, approximately 30 Asian-American students were attacked and 13 were sent to the emergency room. The Asian-American Legal Defense and Education Fund filed an administrative complaint and the U.S. Department of Justice investigated and filed suit.
- Causes of Action: Title IV claim for deliberate indifference to discrimination based on race, color and/or national origin; claim under 42 U.S.C. § 1983 alleging equal protection violation.
- Plaintiffs' Attorneys: U.S. Department of Justice (Civil Rights Division).
- More Information: <http://aaldef.org/news/news-story/justice-reaches-pact-with-philadelphia-schools-in-09-attacks-on-asian-american-students---washington.html>.

***Wible v. School District of Philadelphia, No. 15-043169 (Phila. Cty. Ct. of Comm. Pls. 2018)***

- Verdict: \$500,000.
- Harassment/Injuries: Physical, verbal, and sexual harassment; homophobic slurs; sex discrimination; physical assault; post-traumatic stress disorder and panic attacks.
- Single Plaintiff.
- Basic Facts: Amanda Wible, a sixteen-year old was bullied and harassed in school for several years due to her gender presentation and for failing to conform to gender stereotypes. She suffered a number of physical assaults, dating back to elementary school, including one in which she was attacked by ten students.
- Causes of Action: Sex discrimination claim under the Pennsylvania Human Relations Act, Pa.C.S.A. § 955.
- Plaintiff's Attorneys: David Berney, Jennifer Y. Sang, and Kevin Golembiewski of Berney & Sang in Philadelphia, Pennsylvania.
- More information: <https://www.phillymag.com/news/2018/06/05/philadelphia-school-district-bullying/>; <https://www.law.com/thelegalintelligencer/2018/06/04/judge-phila-school-district-must-pay-500k-for-failure-to-stop-bullying/>.

## **SOUTH CAROLINA**

***Jones v. McCray, No. 22-C1000 (Georgetown Cnty. Ct. 2017)***

- Jury Verdict: \$100,000.
- Harassment/Injuries: Verbal harassment and bullying by a coach.
- Single plaintiff.
- Basic Facts: Student was bullied by a high school cheerleading coach. Coach made derogatory comments about plaintiff's "private body parts" in front of other students. Coach also belittled the plaintiff in front of students and parents. Plaintiff and her mother reported incidents to the school, but the school failed to investigate or reprimand the coach.
- Causes of Action: State law claims for negligence and intentional infliction of emotional distress.
- Plaintiffs' Attorney: Bill Hopkins of Pawleys Island, SC.
- More information: [http://www.southstrandnews.com/education-business/georgetown-county-jury-returns-judgment-in-school-bullying-case/article\\_f26b164e-f2e9-11e6-9fba-9b7d41cd4dd0.html](http://www.southstrandnews.com/education-business/georgetown-county-jury-returns-judgment-in-school-bullying-case/article_f26b164e-f2e9-11e6-9fba-9b7d41cd4dd0.html).

## **TENNESSEE**

### ***Holland v. LaLevee*, No. 3:13-cv-00373 (M.D. Tenn. 2015)**

- Judgment: \$150,000 and injunction prohibiting use of plaintiff's photo.
- Harassment/Injuries: mental and emotional distress from online bullying.
- Single plaintiff (and his parents).
- Basic Facts: Photo of boy with Down syndrome taken at school was copied and reposted on internet sites by several unrelated individuals with offensive and derogatory words superimposed (e.g. "retard," "sick").
- Causes of Action: State invasion of privacy, misappropriation of likeness, defamation, intentional infliction of emotional distress, and Tenn. Personal Rights Protection Act claims.
- Plaintiffs' Attorney(s): Larry L. Crain, Crain, Shuette & Associates, LLC, Brentwood, TN.
- More information: <http://www.newschannel5.com/news/local-news/family-wins-150k-in-online-bullying-lawsuit>.

### ***Jones v. Robertson Cty. Bd. of Educ.*, No. 3:16-cv-00614 (M.D. Tenn. 2016)**

- Settlement: Unknown/confidential.
- Harassment/Injuries: Racial slurs/harassment.
- Single Plaintiff.
- Basic Facts: Plaintiff joined his high school baseball team in the fall of 2012. White upperclassmen began using racial slurs and epithets, including telling the victim to "run like the KKK is after you." The victim's mother later informed the coach of the harassment, but he did nothing. She then reported the bullying to the high school's principal. Plaintiff was then cited for a minor infraction and suspended; when he protested the punishment, he was sent to the principal. The principal grabbed plaintiff by the neck and threw him into a concrete wall. Plaintiff and his mother then met with the principal and other administrators about the altercation. When they raised the harassment that plaintiff had faced, the administrators denied any knowledge and informed plaintiff that they were sending him to another school. Ultimately, plaintiff returned to the baseball team, where the coach retaliated against him for reporting harassment by benching him and making him run over thirty miles over the course of several games.
- Cause of Action: Title VI claim.
- Plaintiff's Attorney: Larry L. Crain, Crain, Schuette & Associates, LLC, Brentwood, TN.
- More Information:  
<https://www.tennessean.com/story/news/local/robertson/2018/01/26/settlement-reached-springfield-high-racial-bullying-case/1067253001/>;  
[https://www.robertsoncountyconnection.com/news/education/school-board-settles-civil-rights-case-out-of-court/article\\_c4413c86-0557-11e8-9e07-9f5c6b552fb6.html](https://www.robertsoncountyconnection.com/news/education/school-board-settles-civil-rights-case-out-of-court/article_c4413c86-0557-11e8-9e07-9f5c6b552fb6.html).

### ***Mathis v. Wayne County Board of Education*, No. 09-cv-0034 (M.D. Tenn. 2009)**

- Jury Verdict: \$200,000 (divided equally between two plaintiffs).
- Harassment/Injuries: Sexual harassment, including assault.
- Two Plaintiffs.
- Basic Facts: An eighth grade student sexually assaulted two seventh grade students in the locker room. One plaintiff was held down by three students while another sodomized him with a felt-tipped marker. The other plaintiff was tricked into doing a blindfolded sit-up while a classmate stood above his face with his pants down.

- Causes of Action: Title IX claim for deliberate indifference to sexual harassment; claim under 42 U.S.C. § 1983 alleging equal protection and due process violations.
- Plaintiffs' Attorney: Edmund J. Schmidt III, Nashville, TN.
- More Information: <http://www.insurancejournal.com/news/southeast/2011/06/13/202320.htm>.  
[http://blogs.edweek.org/edweek/school\\_law/2012/08/jury\\_award\\_upheld\\_against\\_dist.html?qs=jury+verdict](http://blogs.edweek.org/edweek/school_law/2012/08/jury_award_upheld_against_dist.html?qs=jury+verdict).

***Phillips ex rel. Gentry v. Robertson County Board of Education*, No. M2012-00401-COA-R3-CV, 2012 WL 3984637 (Tenn. Ct. App. Sept. 11, 2012)**

- Judgment: \$300,000.
- Harassment/Injuries: Physical assault on disabled student with Asperger's syndrome.
- Single Plaintiff.
- Basic Facts: A classmate hit disabled student in the eye with a book while the teacher was out of the room. The injury required four surgeries and left the student legally blind in one eye. Plaintiff and his mother had reported prior incidents of bullying and teasing.
- Cause of Action: State tort law claim for negligence.
- Plaintiff's Attorney: Jonathan A. Street of Nashville, TN.
- More Information: [http://www.tsba.net/getdoc/d0faf055-9183-4e0a-9c93-a98ef152df89/SLQ\\_Sept\\_12.aspx](http://www.tsba.net/getdoc/d0faf055-9183-4e0a-9c93-a98ef152df89/SLQ_Sept_12.aspx).

***Richards v. Williamson County Board of Education*, No. 3:14-cv-0730 (M.D. Tenn. 2015)**

- Judgment: \$100,000 (plaintiff accepted Rule 68 offer of judgment).
- Harassment/Injuries: Sexual harassment and assault of female student by male student.
- Single Plaintiff.
- Basic Facts: Female high school student was sexually harassed and assaulted by male student with known history of violence and sexual misconduct. School did nothing in response to her first complaint of harassment. After plaintiff was sexually assaulted in front of multiple witnesses, the school suspended her attacker for a short period of time, but the harassment continued when he returned to school. Plaintiff transferred to another high school to ensure her safety.
- Cause of Action: Title IX claim for deliberate indifference to sexual harassment; plaintiff also filed separate state court action asserting tort claims.
- Plaintiff's Attorneys: Larry L. Crain, Crain, Shuette & Associates, LLC, Brentwood, TN; Adele P. Kimmel, Public Justice, P.C., Washington, DC; Brian Coleman, Drinker Biddle & Reath LLP, Washington, DC; Richard Lomuscio, Drinker Biddle & Reath LLP, New York, NY.

## **TEXAS**

***Gable v. Killeen Independent School District*, No. 6:16-cv-00038 (W.D. Tex. 2016).**

- Settlement: Confidential.
- Harassment/Injuries: Sexual harassment.
- Single Plaintiff.
- Basic Facts: Female middle school student was sexually harassed for three years by male students. One perpetrator would daily slap the victim's buttocks and touch her breasts. In another assault, the victim collar bone was broken. Male students would routinely restrain girls in the hallway and "hump" them as part of a game. The victim's father reported the harassment to the administration on at least six occasions, but the activity was dismissed as typical male behavior.

- Cause of Action: Title IX claim for sex discrimination.
- Plaintiff's Attorney: Cirkiel & Associates, P.C., Round-Rock, TX.
- More Information: [http://kdhnews.com/news/education/father-files-federal-lawsuit-against-killen-school-district/article\\_c306a8c6-dbe5-11e5-9673-9faca57a4945.html](http://kdhnews.com/news/education/father-files-federal-lawsuit-against-killen-school-district/article_c306a8c6-dbe5-11e5-9673-9faca57a4945.html);  
[http://kdhnews.com/news/education/kisd-school-board-votes-to-settle-litigation-details-scarce/article\\_e24fb31c-98f4-11e7-985c-87aa85c4e460.html](http://kdhnews.com/news/education/kisd-school-board-votes-to-settle-litigation-details-scarce/article_e24fb31c-98f4-11e7-985c-87aa85c4e460.html).

***K.P. v. Live Oak Classical School (250th Dist. Ct. in Travis Cty. 2018)***

- Verdict: \$68,000 (\$55,000 for pain and mental anguish, \$10,000 for disfigurement, and \$3,000 for medical expenses).
- Harassment/Injuries: Physical bullying, racial harassment, and rope burns around neck.
- Single Plaintiff.
- Basic Facts: K.P., an African-American sixth grader at a predominantly white private school, was pushed and kicked by fellow classmates. On a school field trip, three boys wrapped the end of a rope swing around K.P.'s neck and she was violently jerked to the ground.
- Cause of Action: Negligence; gross negligence; intentional infliction of emotional distress; premises liability.
- Plaintiff's Attorney: Levi G. McCathern of McCathern Law in Dallas, Texas.
- More information: <https://www.thedailybeast.com/texas-school-ordered-to-pay-dollar68k-to-black-girl-who-was-allegedly-dragged-by-rope-around-her-neck>;  
[https://www.wacotrib.com/read-the-civil-rights-lawsuit-filed-against-live-oak/pdf\\_3bbcf6f6-31ce-11e6-adeb-236a166c6dbd.html](https://www.wacotrib.com/read-the-civil-rights-lawsuit-filed-against-live-oak/pdf_3bbcf6f6-31ce-11e6-adeb-236a166c6dbd.html).

***Mitchell v. Georgetown Independent School District, No. 09-CV-0568-LY (W.D. Tex. 2010)***

- Settlement: Undisclosed amount.
- Injunctive Relief: School will work with the Anti-Defamation League's anti-bullying program and will provide faculty and students with anti-harassment training.
- Harassment/Injuries: Physical and verbal anti-gay harassment.
- Single Plaintiff.
- Basic Facts: Gay student was spit on, knocked unconscious, had his books thrown in the trash and his fingers broken because of his sexual orientation. He was called "gay" and "faggot" on a daily basis.
- Cause of Action: Title IX action for peer-on-peer harassment.
- Plaintiff's Attorney: Jim Harrington and Todd Batson of the Texas Civil Rights Project in Austin, TX.
- More Information: <http://www.texascivilrightsproject.org/2525/georgetown-isd-harassment-lawsuit-settled-brought-forth-by-youths-mother/>.

***Wyatt v. Kilgore Ind. School District (Tex. 2010)***

- Settlement: \$77,500.
- Injunctive Relief: Training session on sexual orientation and privacy policies. Update to student/teacher handbook that includes language about the district's anti-discrimination policy for sexual orientation.
- Single Plaintiff.
- Basic Facts: A 16-year-old high school sophomore was cornered in the locker room by her softball coaches who refused to let her leave until she admitted that she was a lesbian. They then called her mother and told her about her daughter's sexuality. After the girl's mother filed

a lawsuit against the school district, counsel for the district obtained sworn affidavits from the girl's classmates attacking her character and integrity.

- Cause of Action: Constitutional privacy violations; unspecified violations of the 14<sup>th</sup> amendment.
- Plaintiff's Attorney: Paula Hinton, Vinson & Elkins; Jennifer Doan, Texas Civil Rights Project
- More Information: <http://dallas.culturemap.com/news/city-life/02-28-14-kilgore-school-district-outing-lesbian-student-gay-discrimination-lawsuit-skye-wyatt-settlement/>.

## **UTAH**

### ***Phan v. Granite School District, DOE (2013)***

- Settlement: Undisclosed amount and injunctive relief (pre-suit).
- Injunctive Relief: Expanded definition of what gender harassment means among other assurances to combat bullying.
- Single Plaintiff.
- Harassment/Injuries: Anti-gay harassment.
- Basic Facts: 14-year-old gay teen shot himself in front of other students near school because he had been bullied. He had been released from school early that day but returned to commit suicide. School previously looked into reports of the student's bullying and had determined that he was doing well but had issues at home.
- Causes of Action: Would have been filed under Title IX for deliberate indifference to gender harassment.
- Plaintiff's Attorney: Unknown.
- More Information: <http://www.lgbtqnation.com/2014/09/settlement-reached-in-case-of-bullied-gay-teen-who-committed-suicide/>.

## **VERMONT**

### ***Atkins v. City of Burlington School District, No. S0463-11 CnC (Vt. Sup. Ct. Chittenden Civil Div. 2012)***

- Settlement: \$25,000 and injunctive relief.
- Injunctive Relief: School district's equity director will work with bullying victim to make presentations to students about bullying and harassment; district will update anti-bullying policy; and school board will consider establishing other anti-bullying resources.
- Harassment/Injuries: Physical assault and verbal harassment.
- Single Plaintiff.
- Basic Facts: Student was taunted throughout his first year in middle school. The school made some accommodations after complaints by his mother, but the student was later assaulted on the school bus by a girl with a history of altercations with other students, especially on the bus. He ended up with a broken arm after the assault.
- Cause of action: State tort law.
- Plaintiff's Attorney: Unknown.
- More Information: <http://www.burlingtonfreepress.com/article/20121219/NEWS02/312190023/Family-settles-bullying-lawsuit-against-Burlington-School-District>.

## **WASHINGTON**

### ***A.K. v. Shoreline School District No. 412, No. 11-cv-01521-JLR (W.D. Wa. 2011)***

- Settlement: \$160,000.
- Harassment/Injuries: Sexual assault.
- Single Plaintiff.
- Basic Facts: Five-year-old girl was forced to inappropriately touch two classmates and was later expelled.
- Cause of Action: Claim under state tort law.
- Plaintiff's Attorneys: Judith A. Lonquist, Susan B. Mindenbergs of Seattle, WA.
- More Information: <http://www.lexisnexis.com/legalnewsroom/litigation/b/jverdicts/archive/2013/05/08/failure-to-prevent-bullying-can-prove-costly-to-school-districts.aspx>

### ***A.M. v. Enumclaw School District (King Cty. Sup. Ct. 2016)***

- Settlement: \$295,000.
- Harassment/Injuries: Verbal and physical harassment.
- Single Plaintiff.
- Basic Facts: Middle school student was harassed by other students for two years, with little intervention by school officials. He endured regular name-calling, shoving, hitting, and assault. During a social event at school, a group of students surrounded the victim, then kicked him and hit him in the mouth while another student videotaped it. The victim suffered a bloody nose, bruised ribs, and broken braces in the assault.
- Cause of Action: Unknown, but appear to under state tort law.
- Plaintiff's Attorney: Yvonne Kinoshita Ward, Auburn, WA.
- More Information: <http://www.courierherald.com/news/369833401.html>; <http://komonews.com/news/local/bullied-teen-sues-enumclaw-school-district-for-12m>.

### ***Dickerson v. Aberdeen School District No. 5, No. 10-cv-05886-BHS (W.D. Wa. 2010)***

- Settlement: \$100,000 for plaintiff; \$35,000 for attorneys' fees.
- Harassment/Injuries: Racial harassment; anti-gay sexual harassment.
- Single Plaintiff.
- Basic Facts: A student faced severe and pervasive harassment during middle and high school because of his race and perceived sexual orientation. Fellow students created a website impersonating and mocking plaintiff and posting harassing and racist comments about him, including a threat to lynch him. In a separate incident, students modified a photograph of plaintiff to make it look as if he were kissing another man. The photo was posted in the school locker room and transmitted between students through their cell-phones. Students hurled a litany of gay slurs and variations of the "N" word at him, taping the derogatory words to his back, backpack and locker. Students also pushed him, spit on his lunch tray, and smashed a raw egg on his head.
- Causes of Action: Title VI claim for deliberate indifference to racial harassment; Title IX claim for deliberate indifference to sexual harassment; claim under Washington Law Against Discrimination; state tort claims.
- Plaintiff's Attorneys: Sarah A. Dunne and M. Rose Spidell, ACLU of Washington; Michael R. Scott; Joseph A.G. Sakay, Alexander Wu, Seattle, WA.



- More Information: <http://www.aclu-wa.org/sites/default/files/attachments/2010-12-07--Complaint%20Against%20Def%20Aberdeen%20SD.pdf>; [http://seattletimes.com/html/localnews/2017346456\\_bullied27m.html](http://seattletimes.com/html/localnews/2017346456_bullied27m.html).

***Doe v. Seattle Public Schools* (U.S. Dep’t of Educ. Office for Civil Rights, Seattle Regional Office, 2014)**

- Settlement: \$700,000.
- Harassment/Injuries: Sexual violence (rape).
- Single Plaintiff.
- Basic Facts: High school sophomore alleged that she was raped by classmate during an overnight school field trip. She immediately reported the rape to school officials. Police investigated but did not pursue criminal charges. Parents filed complaint with OCR in Seattle alleging that school district’s failure to follow proper investigatory and disciplinary procedures violated Title IX.
- Cause of Action: Sex-based discrimination under Title IX. (The family also filed a separate tort claim against the school district.)
- Plaintiff’s Attorney: Jeffrey R. Caffee of Van Siclen Stocks Firkins in Auburn, WA (represented family on tort claim).
- More information: <http://www.seattletimes.com/seattle-news/700000-settlement-reached-in-garfield-high-field-trip-case/>; <http://stopsexualassaultinschools.org/wp-content/uploads/2015/03/OCR-Complaint-opened-June-2014-sept-24.pdf>.

***Iversen v. Kent School District, No. 97-cv-01194-WLD* (W.D. Wa. 1997)**

- Settlement: \$40,000 and injunctive relief.
- Injunctive relief: School district required to enforce its anti-harassment policies; train teachers and administrators about student-on –student harassment and discrimination based on sexual orientation.
- Harassment/Injuries: Anti-gay verbal and physical harassment.
- Single Plaintiff.
- Basic Facts: High school student suffered ongoing verbal and physical harassment because of his perceived sexual orientation. Eight classmates severely beat him while yelling “faggot” and “queer.” Although approximately thirty students watched the beating, none intervened. One teacher allegedly told plaintiff, “I already have 20 girls in my class. I don’t need another.” Another teacher publicly questioned whether he was qualified to give blood, based on the perception that he was gay.
- Cause of Action: Claim under 42 U.S.C. § 1983 alleging equal protection violation.
- Plaintiff’s Attorney: ACLU–Washington.
- More Information: <http://aclu-wa.org/news/settlement-reached-harassment-gay-student>.

***Menefee v. Tacoma School District No. 10, No. 18-2-07020-7* (Pierce Cty. Super. Ct. 2018)**

- Settlement: \$1.2 million.
- Harassment/Injuries: Sexually inappropriate touching; sexual assault.
- Single Plaintiff.
- Basic Facts: Kindergartener was repeatedly sexually abused by a classmate both in the classroom and at recess. Teacher found student undressed with sexually aggressive student, but didn’t inform her parents.

- Causes of Action: Negligence, negligent infliction of emotional distress, outrage, failure to report
- Plaintiff's Attorney: Darrell L. Cochran of Pfau Cochran Vertetis Amala Attorneys at Law in Seattle, WA.
- More Information: <https://www.thenewtribune.com/news/local/article212610129.html>.

***S.H. v. Vashon Island School District, No. 2:16-cv-00567 (W.D. Wash. 2016)***

- Settlement: \$340,000, including attorney's fees.
- Harassment/Injuries: Sexual harassment; harassment based on sexual orientation; disability-based harassment.
- Multiple Plaintiffs (two).
- Basic Facts: Two middle school girls with disabilities were subjected to constant verbal sexual harassment and threats by male students. One of the girls was also harassed by students, teachers, and administrators for being openly gay.
- Causes of Action: Title IX claim for sex discrimination; claims for disability discrimination under Americans with Disabilities Act and §504 of Rehabilitation Act; §1983 claim of sex discrimination for violating Equal Protection Clause of Fourteenth Amendment.
- Plaintiffs' Attorney: Jeannette Cohen, Bellevue, WA.
- More Information: <http://www.vashonbeachcomber.com/news/vashon-school-district-settles-with-families-who-filed-harassment-lawsuit/>.

***Webster v. Bainbridge Island School District, No. 10-2-00346-2 (Kitsap Cnty. Sup. Ct. 2013)***

- Judgment: \$300,000.
- Harassment/Injuries: Sexual assault and harassment.
- Single Plaintiff.
- Basic Facts: Over a five-month period, four upperclassmen exposed their genitals approximately 75 times to a severely developmentally delayed 14-year-old student with Asperger's Syndrome. The upperclassmen rubbed and thrust their genitals against the student, chased him with their genitals exposed when he resisted, and made lewd sexual comments to the plaintiff. The school took little action to end the harassment even after the student's mother complained to school officials between 10 and 12 times.
- Causes of Action: Title IX claim for deliberate indifference to peer-on-peer harassment; state tort law claim.
- Plaintiff's Attorneys: Tom Vertetis and Elizabeth Calora, Tacoma, Washington.
- More Information: <http://www.insidebainbridge.com/2013/10/29/bainbridge-school-district-found-guilty-of-negligence-in-student-sexual-bullying-case/>; <http://www.bisd303.org/Page/8564>.

## **WISCONSIN**

***Hardy v. Racine Unified School District (Racine Cnty. Cir. Ct. 2012)***

- Settlement: \$15,000.
- Harassment/Injuries: Physical and verbal harassment.
- Single Plaintiff.
- Basic Facts: Classmates verbally and physically harassed kindergarten student. The boy was punched in the stomach and nose, pushed under tables, spit on, and strangled to the point where he could not breathe. Parents complained to the school, but the school took no action. Parents withdrew the boy from school and home-schooled him for the rest of the year.

- Cause of Action: Unknown.
- Plaintiff's Attorney: Timothy S. Knur of Racine, WI.  
More Information: <http://fox6now.com/2012/03/27/family-receives-bullying-settlement-from-racine-school-district/>; [http://journaltimes.com/news/local/family-files-bullying-suit-against-racine-unified/article\\_2b35ce8a-e95c-11e0-9f90-001cc4c002e0.html](http://journaltimes.com/news/local/family-files-bullying-suit-against-racine-unified/article_2b35ce8a-e95c-11e0-9f90-001cc4c002e0.html).

***Kleist v. Wisconsin Rapids Public School District, No. 13-CV-00094-BBC (W.D. Wis. 2014)***

- Settlement: \$100,000.
- Harassment/Injuries: Sexual and verbal abuse because of a student's disability.
- Single Plaintiff.
- Basic Facts: Student with physical and cognitive disabilities, including 20/200 vision, deafness, developmental delays, and tremors experienced sexual and verbal abuse by members of the high school wrestling team. School officials did not take any steps to address the harassment.
- Causes of Action: Unspecified violations of the 14th Amendment; violations under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.
- Plaintiff's Attorneys: Christine Muggli, Wausau, WI; Paul Gagliardi, Salem, WI.
- More Information: <http://www.waow.com/story/25868850/2014/06/25/wisconsin-rapids-bullying-lawsuit-settled>.

***Nabozny v. Podlesny, 92 F.3d 446 (7th Cir. 1996)***

- Settlement: \$962,000 (after jury found school officials liable, but before it determined amount of damages).
- Harassment/Injuries: Anti-gay harassment, including assaults; plaintiff hospitalized and attempted suicide.
- Single Plaintiff.
- Basic Facts: Student subjected to relentless anti-gay physical and verbal abuse by fellow middle and high school students for years. Students urinated on him, pretended to rape him during class, and when they found him alone kicked him so many times in the stomach that he required surgery. Although they knew of the abuse, school officials said at one point that plaintiff should expect it if he's gay. Plaintiff attempted suicide several times, dropped out of school, and ultimately ran away from home.
- Causes of Action: Claims under 42 U.S.C. § 1983, alleging equal protection and due process violations. (Note: This was the first legal challenge to anti-gay violence in public schools.)
- Plaintiff's Attorneys: Lambda Legal Defense and Education Fund (Patricia Logue, David Buckel); cooperating counsel from Skadden, Arps in Chicago (David Springer)
- More Information: <http://www.lambdalegal.org/in-court/cases/nabozny-v-podlesny>.

***Whitaker v. Kenosha Unified School District, 858 F.3d 1034 (7th Cir. 2017).***

- Settlement: \$800,000 (\$650,000 in attorneys' fees).
- Harassment/Injuries: Sex discrimination against transgender boy.
- Single Plaintiff.
- Basic Facts: Ashton Whitaker, a transgender boy, requested during his sophomore year at George Nelson Tremper High School that he be permitted to use the boys' bathroom at school. The school rejected his request, telling him instead that he could use either the girls' bathroom or the gender-neutral bathroom in the school's office. Ashton suffers from vasovagal syncope, a condition that makes Ashton susceptible to fainting and seizures if dehydrated. Because he felt that using the girls' bathroom would undermine his transition and using the gender-neutral

bathroom would draw attention to his status as a transgender student, Ashton restricted his water intake so he would not have to use the bathroom at all at school. Ashton began to contemplate suicide and feared for his safety as the controversy drew more attention to his transgender status.

- Causes of Action: Title IX claim; equal protection claim under § 1983.
- Plaintiff's Attorneys: Robert Theine Pledl of Pledl & Cohn, Milwaukee, WI; Joseph John Wardenski, and Sasha Samberg-Champion of Relman, Dane & Colfax PLLC, Washington, D.C.; Shawn Meerkamber and Ilona M. Turner of Transgender Law Center, Oakland, CA.
- More Information: <http://www.newsweek.com/transgender-student-won-800000-his-school-banning-him-boys-bathroom-777443>; <https://www.hercampus.com/news/wisconsin-high-school-settling-discrimination-lawsuit-after-allegedly-monitoring-trans-students>; Complaint at 2016 WL 10951088.

## **WYOMING**

### ***E.G. v. Laramie County School District #1, No. 14-cv-00220-SWS (D. Wyo. 2016)***

- Settlement: Unknown.
- Harassment/Injuries: Sexual assault; subsequent verbal harassment and physical assault.
- Single Plaintiff.
- Basic Facts: Plaintiff, a female high school student, was raped at school by an older male student. She reported the rape the next day to the school's vice principal, but he failed to properly investigate. The perpetrating student told school officials he had sex and smoking marijuana with plaintiff. The school suspended plaintiff for using marijuana, without any substantiation other than the perpetrator's word, and expelled the perpetrator for drug use. It did little to investigate the rape allegations and encouraged plaintiff not to press criminal charges because of the impact it would have on the accused student. Plaintiff was subsequently bullied by others who accused her of making false allegations. She was publicly admonished by a teacher, verbally abused by other students, and physically assaulted by a student, causing two broken ribs. The school took no action to prevent or address this subsequent bullying and retaliation.
- Causes of Action: Title IX claim for deliberate indifference to sexual harassment and retaliation; claims under 42 U.S.C. § 1983 for violations of Equal Protection and Due Process Clauses.
- Plaintiff's Attorneys: Robert J. Reese of Green River, WY.
- More Information: [http://www.wyomingnews.com/news/cheyenne-south-student-s-rape-lawsuit-settles-out-of-court/article\\_7cd86be0-173c-11e6-bf48-478f5f9572e7.html](http://www.wyomingnews.com/news/cheyenne-south-student-s-rape-lawsuit-settles-out-of-court/article_7cd86be0-173c-11e6-bf48-478f5f9572e7.html).

### ***Gray v. Natrona County School District No. 1, No. 10-cv-0099-NDF (D. Wyo. 2011)***

- Settlement: \$60,000.
- Harassment/Injuries: Physical and verbal harassment.
- Single Plaintiff.
- Basic Facts: Second-grade girl was verbally and physically harassed for months by a male classmate with a known history of assaulting others. The bully forced the girl to look at his underwear, punched her in the face, threw rocks at her, and pushed her off the monkey bars.
- Causes of Action: Claims under Title IX for deliberate indifference to peer harassment; 42 U.S.C. § 1983 for violation of Equal Protection Clause.
- Plaintiff's Attorneys: Frank Chapman and John H. Robinson of Casper, WY
- More Information: [http://trib.com/news/local/casper/parents-plan-to-donate-settlement-money-to-anti-bullying-effort/article\\_1c8d8187-a7e0-5786-b8af-b0ac646b25ab.html](http://trib.com/news/local/casper/parents-plan-to-donate-settlement-money-to-anti-bullying-effort/article_1c8d8187-a7e0-5786-b8af-b0ac646b25ab.html).

***Larose v. Lincoln County School District No 2, No. 15-cv-00158 (D. Wyo. 2017)***

- Settlement: Confidential.
- Harassment/Injuries: Sexual assault.
- Single Plaintiff.
- Basic Facts: Plaintiff, a male high school athlete, was sexually assaulted by another male athlete on several occasions. In addition to verbal bullying that included gay slurs, the attacker placed his genitals on the plaintiff while the plaintiff was sleeping on a bus, and similarly assaulted plaintiff in the locker room. The school was aware of the attacker's sexual bullying, harassment, and inappropriate touching, but did nothing to stop it prior to the plaintiff's assault. Plaintiff subsequently quit the football team because the school failed to do anything to protect him. The attacker was eventually suspended the following year, but only after repeated assaults on other students.
- Causes of Action: § 1983 claim under Fourteenth Amendment; state negligence claim.
- Plaintiff's Attorneys: John H. Robinson of Jackson, WY; Jack D. Edwards of Etna, WY.
- More Information: <http://k2radio.com/wyoming-school-district-settles-sexual-assault-bullying-claims/>.