

IN THE CIRCUIT COURT OF ST. LOUIS
COUNTY TWENTY-FIRST JUDICIAL CIRCUIT
STATE OF MISSOURI

| | | |
|---------------------------------------|---|-------------------|
| CHANDRA HAWKINS, |) | |
| as Next Friend on behalf of her minor |) | |
| son John Doe and in her individual |) | |
| capacity, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Cause No. |
| |) | |
| ROCKWOOD SCHOOL DISTRICT |) | |
| |) | JURY TRIAL DEMAND |
| Defendant |) | |

PETITION FOR DAMAGES

NOW COMES Plaintiff Chandra Hawkins and Minor Plaintiff John Doe by and through his attorneys and his Mother and Next Friend Plaintiff Chandra Hawkins, and for their Petition for Damages against the Rockwood School District, states as follows:

1. The minor Plaintiff Doe, by and through his Mother and Next Friend Plaintiff Hawkins, brings this lawsuit to hold Defendant responsible for the injuries he suffered due Defendant’s conduct and to protect others from the pain of childhood sexual harassment and abuse.

JURISDICTION AND VENUE

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

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

3. On March 29, 2022, Minor Plaintiff Doe’s Mother and Next Friend filed a charge on his behalf against Defendant with the Missouri Commission on Human Rights (MCHR), alleging harassment and discrimination based on sex, and retaliation.

4. On November 8, 2023, Plaintiffs received a Right to Sue letter from the MCHR. See Exhibit 1.

5. Plaintiffs filed this action within 90 days of receipt of the foregoing notices. Plaintiffs fully complied with the administrative exhaustion requirements of the Missouri Human Rights Act.

6. Plaintiffs Doe and Hawkins have filed a second action with the Missouri Commission on Human Rights, as Plaintiff has continued to suffer sexual discrimination and harassment and retaliation.

PARTIES

7. Plaintiff Doe is a minor child, aged 16. Both Plaintiff Doe and his mother and Next Friend Plaintiff Hawkins are residents of St. Louis County, Missouri.

8. Defendant is a public educational institution that has the capacity to sue and be sued. Its main offices are located at 111 East North Street, Eureka, Missouri 63025.

9. Defendant currently conducts common school and educational curricula at multiple addresses within this Court’s jurisdiction.

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

11. Dr. Corey Sink was and is the Principal of Eureka High School in the Rockwood School District and was an employee and agent of Defendant Rockwood School District during the period relevant to this cause of action.

12. Joseph Sumner was and is the Head Football Coach for Defendant Rockwood School District and was an employee and agent of Defendant Rockwood School District during the period relevant to this cause of action.

FACTS COMMON TO ALL COUNTS

13. At all times relevant to this matter, Plaintiff Doe was and is a student at Eureka High School in the Rockwood School District in St. Louis County, Missouri.

14. During the 2020-2021 School Years, Plaintiff Doe played on the Eureka High School Freshman football team.

15. Defendant's policies require an adult coach or member of the staff to supervise and monitor all student players while they are in the locker rooms.

16. There was often no adult coach or member of the staff supervising players in the locker rooms.

17. Defendant knew or should have known that upper-class students on the football team were hazing, harassing, and/or causing physical harm to freshmen players.

18. On or about September 30, 2021, two students, a sophomore and a junior approached Plaintiff Doe in the locker room. The sophomore student grabbed and held Plaintiff's arms and restrained him. Another student yelled "Who wants, Bubblegum?" While the sophomore student restrained Plaintiff Doe, the junior student exposed his own genitals and put them close to Plaintiff Doe's face, as though he was going to force Plaintiff Doe to perform oral sex on him. Plaintiff Doe broke free from the sophomore's grasp before the junior did anything else.

19. The term "bubblegum" is slang that refers to oral sex.

20. Following the incident of September 30, 2021, Plaintiff Doe asked the junior student, “You weren’t actually going to do that? You were playing right?” The junior responded “Maybe.”

21. Following the incident of September 30, 2021, several teammates laughed about the assault in front of Plaintiff Doe during football practices.

22. On or about October 1, 2021, the junior approached Plaintiff Doe from behind, asked Plaintiff Doe if he wanted “bubblegum,” and pressed his genitals against Plaintiff Doe’s buttocks. When Plaintiff Doe turned around, he saw the junior pulling up his pants.

23. Multiple members of the football team were present during the incident of October 1, 2021.

24. On or about the evening of October 1, 2021, Plaintiff Doe and/or Plaintiff Hawkins reported the incidents of September 30 and October 1, 2021 to Head Coach Joseph Sumner and Principal Sink.

25. On or about October 6, 2021, Plaintiff Hawkins filed a Title IX Complaint with Defendant regarding the incidents of September 30 and October 1, 2021.

26. On October 7, 2021, Defendant put a Safety Plan in place for Plaintiff Doe. Principal Sink and Student Counselor Molly Smith were to be Plaintiff Doe’s primary contact to report harassment during school hours. Coach Thebeau was to be Plaintiff Doe’s primary contact to report harassment during football. The junior that assaulted Plaintiff Doe was to be fully supervised at all events and activities after school hours and was to have no contact with Plaintiff Doe. The locker room was to be fully supervised by coaching staff while players were present. Counselor Smith was to periodically check in with Plaintiff Doe to make sure he was not being harassed.

27. Plaintiff Doe's teammates learned of Plaintiff's report of the assault and battery. The students continued to haze, tease, harass and threaten Plaintiff Doe.

28. One student told Plaintiff Doe he was going to get "beat up."

29. Students frequently asked Plaintiff Doe if he wanted "bubblegum." On one occasion, a student approached Plaintiff Doe, offered him a stick of bubblegum, and laughed when Plaintiff Doe declined to take it.

30. Plaintiff Doe's teammates and other students told Plaintiff Doe that the junior and other players on the varsity team would "touch him" if he tried to take a shower during summer football practice.

31. Plaintiff Doe continued to report the above incidents of harassment to staff at Defendant.

32. Defendant failed to take effective remedial action.

33. Defendant failed to monitor or discipline students who harassed Plaintiff Doe or who had participated in the incidents of September 30 and/or October 1, 2021.

34. Plaintiff Doe continued to have regular contact with the junior involved in the incidents of September 30 and October 1, 2021. Plaintiff Doe would encounter him in the halls during school, had the same lunch period as him, and was in the locker room with him during football practice without supervision or monitoring by the coaching staff.

35. On or about June 14, 2022, a student new to the district told Plaintiff Doe that the junior had said he was going to give Plaintiff Doe "bubblegum" again.

36. Plaintiff Hawkins then requested and set up a meeting with Coach Sumner and Defendants Athletic Director Gregg Cleaveland. Plaintiff Hawkins asked what was being done to keep Plaintiff Doe safe. Mr. Cleaveland responded that they "were not going to change anything

with their football program or sit on a high school student. We have followed all of the policies and procedures we have been asked to follow,” then ended the conversation.

37. On about that evening at football practice, Coach Sumner called Plaintiff Doe to the sidelines in front of the entire football team to speak to him about the most recent incident of harassment. After practice, several students approached Plaintiff Doe to ask him why he was talking to the Coach and accused him of being a “snitch.”

38. Plaintiff Hawkins then asked Dr. Sink to find a way for Plaintiff Doe to privately report issues without other students’ knowledge. Dr. Sink promised to stop the harassment and update Plaintiff Doe’s safety plan to reflect a way for him to privately report any harassment.

39. On or about June 15, 2022, Defendant put in place an updated (“First Revised”) Safety Plan for Plaintiff Doe. In the First Revised Safety Plan, in addition to the constant supervision of Plaintiff Doe and keeping the junior away from him, Plaintiff Doe was told report any sexual harassment or threats of harm directly to Principal Sink, Counselor Smith, or Coach Sumner. Counselor Smith was to check in with Plaintiff Doe every week via e-mail to make sure he was okay and was not being harassed or threatened.

40. Defendant still failed to take effective remedial action to prevent sexual harassment, discrimination, and/or retaliation against Plaintiff Doe.

41. Defendant continued to fail to supervise or monitor football players in the locker rooms.

42. On September 16, 2022, a student asked Plaintiff Doe in the lunchroom if he “wanted any bubblegum” and stated, “My favorite bubblegum is when balls are on my face.”

43. On or about October 11, 2022, Plaintiffs became aware of a group chat in which the junior and other students were threatening to “beat up” Plaintiff Doe. Plaintiffs informed Principal Sink of the threats to Plaintiff Doe’s safety.

44. On or about October 18, 2022, Plaintiff Doe informed Coach Sumner via e-mail as required by the First Revised Safety Plan that a student had sang a song about “bubblegum” in front of him in the locker room. Another football teammate told Plaintiff Doe that he was going to get the junior to “give you more bubblegum.”

45. On or about October 26, 2022, Plaintiff Doe again informed Coach Sumner that a student had asked him if Plaintiff Doe wanted the student to “buy him bubblegum.”

46. Plaintiff Doe reported the continuing sexual harassment, discrimination, and retaliation to Defendant through its employees and agents including but not limited to, Head Coach Sumner, Principal Sink, and Counselor Smith.

47. Still Defendant failed to discipline any students for the continued sexual harassment, discrimination, and retaliation.

48. On or about December 8, 2022, Defendant agreed to a Second Revised Safety Plan for Plaintiff Doe.

49. The Second Revised Safety Plan also required supervision of Plaintiff Doe and the junior, including in the locker rooms and during football practice. Plaintiff Doe was to report any sexual harassment or threats of harm directly to Principal Sink, Counselor Smith, or Coach Sumner. Plaintiff was to report any hazing or sexual harassment to Coach Gentry during wrestling activities. Counselor Smith was to meet personally with Plaintiff Doe weekly every Wednesday morning to make sure he was okay and was not being harassed or threatened.

50. Defendant still failed to take effective remedial action to prevent sexual harassment, discrimination, and/or retaliation against Plaintiff Doe.

51. Defendant continued to fail to supervise or monitor football players in the locker rooms.

52. Due to reasonable fear of further sexual harassment, assault, and battery, Plaintiff Doe was unable to fully participate in the football program at Eureka High School or attend clinics and camps that were necessary to make it onto the Varsity Team.

53. In about Summer 2023, due to reasonable fear of further sexual harassment, assault, and battery, Plaintiff Doe quit playing football for Eureka High School.

54. Plaintiff Doe suffered severe emotional distress, including, fear, anxiety, depression, humiliation, and anguish as a result of the sexual assault and battery, hazing and sexual harassment directed against him by the junior and other students.

55. Plaintiff Hawkins was forced to take so much time away from work to deal with this ongoing harassment and problems Defendant subjected Plaintiff Doe to that she ultimately lost her job.

COUNT I: Sex Discrimination/Harassment in Violation of the Missouri Human Rights Act

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

57. Following Plaintiff Doe and Plaintiff Hawkins' reports of the incidents of September 30 and October 1, 2021, Defendant failed to take effective remedial action to prevent sexual harassment and discrimination of Plaintiff Doe by students at the school.

58. Plaintiff Doe and Plaintiff Hawkins made multiple reports to Defendant regarding continuing sexual harassment and discrimination Plaintiff Doe experienced between September 30, 2021 through 2023.

59. Defendant has continued to fail to take remedial action to prevent additional sexual harassment and discrimination against Plaintiff Doe.

60. Defendant knew or should have known that the junior and other students had engaged in sexually inappropriate and abusive behavior toward Plaintiff Doe, yet Defendant took no remedial measures to prevent or stop such behavior following the incidents of September 30 and October 1, 2021.

61. Plaintiff Doe's sex (male) was a motivating factor in the actions taken against him.

62. Defendant's actions have affected Plaintiff Doe's ability to relate to his peers and prevented Plaintiff Doe from enjoying the social and educational benefits of being in a school setting with peers.

63. Defendant thus denied Plaintiff Doe the advantages, facilities, services, and privileges of attending Eureka High School, in violation of R.S.Mo. § 213.065.

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

65. Plaintiff Hawkins was forced to take so much time away from work to deal with this ongoing harassment and problems Defendant subjected Plaintiff Doe to that she ultimately lost her job.

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

67. At the time of Defendant's misconduct, Defendant knew its actions were outrageous, unlawful, and were undertaken maliciously and/or in reckless disregard for Plaintiff Doe's right to be free from harassment, discrimination and retaliation. Plaintiff Doe will seek leave of Court to file a claim for punitive damages at the appropriate time outlined by R.S.Mo. § 510.261.

COUNT II: Retaliation in Violation of the Missouri Human Rights Act

68. Plaintiff incorporates by reference the allegations in the foregoing paragraphs as if fully set forth herein.

69. Following Plaintiff Doe's reports of sexual harassment and discrimination, Defendant failed to take effective remedial action to prevent sexual harassment, discrimination, and retaliation against Plaintiff Doe.

70. Following Plaintiff Doe's reports of sexual harassment and discrimination, Defendant failed to supervise and monitor the locker rooms during football practice.

71. Following Plaintiff Doe's reports of sexual harassment and discrimination, Defendant allowed the junior student and other students to have contact with Plaintiff Doe.

72. Following Plaintiff Doe's reports of sexual harassment and discrimination, Defendant conspicuously called Plaintiff Doe out of class to discuss harassment incidents such that other students saw and believed that Plaintiff was continuing to make reports of harassment.

73. Defendant took the above actions because of Plaintiff Doe reporting the incidents of September 30 and October 1, 2021 and additional incidents of sexual harassment and/or discrimination to Defendant, in violation of R.S.Mo § 213.070(2).

74. Defendant placed three separate Safety Plans in place over the course of almost two years following Plaintiff Doe's reports, purportedly designed to protect Plaintiff Doe from the junior and from the hazing, sexual harassment, and threats of harm from other students.

75. On multiple occasions, Defendant failed to follow the Safety Plans in place for Plaintiff Doe, including failing to supervise students in the locker rooms.

76. Defendant has failed to take effective remedial action to stop and prevent the sexual discrimination, harassment, and retaliation Plaintiff Doe has experienced.'

77. Other students have continued to sexually harass and threaten Plaintiff Doe since Fall 2021.

78. Defendant's actions have affected Plaintiff Doe's ability to relate to his peers and prevented Plaintiff Doe from enjoying the social and educational benefits of being in a school setting with peers.

79. Defendant thus denied Plaintiff Doe the advantages, facilities, services, and privileges of attending Eureka High School.

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

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

82. At the time of Defendant's misconduct, Defendant knew its actions were outrageous, unlawful, and were undertaken maliciously and/or in reckless disregard for Plaintiff's right to be free from discrimination and retaliation. Plaintiff will seek leave of Court to file a claim for punitive damages at the appropriate time outlined by R.S.Mo. § 510.261.

DEMAND FOR JURY TRIAL

83. Plaintiff demands a trial by jury on all issues triable by a jury in the Petition.

Respectfully submitted,

KENNEDY HUNT P.C.

By: /s/Nicole A. Matlock
Nicole Matlock,#66894
Sarah Jane Hunt
Michelle Faron
4500 W Pine Blvd
St. Louis, MO 63108
Tel: (314) 872-9041
Fax: (314) 872-9043
nmatlock@kennedyhuntlaw.com
sarahjane@kennedyhuntlaw.com
michelle@kennedyhuntlaw.com
ATTORNEYS FOR PLAINTIFF