

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

MICHAEL DIAMOND, both in his individual capacity and as the next of friend of minor C.D., and JAMIE DIAMOND,

Plaintiffs,

v. MARY INSTITUTE AND SAINT LOUIS COUNTRY DAY SCHOOL;

JENNIFER SCHUCKMAN;

JAY RAINEY;

ERIC TAYLOR;

And

ROBERT GRAEFF;

Defendants.

JURY TRIAL DEMANDED

PETITION

COMES NOW Plaintiffs Michael Diamond, individually and as next friend of C.D., and Jamie Diamond (collectively, "Plaintiffs"), by and through counsel, and for their Petition against Defendants, state as follows:

PARTIES

- 1. Plaintiff Michael Diamond ("M. Diamond") is an adult resident of St. Louis County, Missouri, and the parent of minor Plaintiff C.D.
2. Plaintiff Jamie Diamond ("J. Diamond") is an adult resident of St. Louis County, Missouri, and the parent of minor Plaintiff C.D.

3. Plaintiff C.D. is a minor child residing in St. Louis County, Missouri, and brings claims through her parents and next friends.

4. Defendant Mary Institute and Saint Louis Country Day School ("MICDS") is a private educational institution located in St. Louis County, Missouri.

5. MICDS allows public rental of its facilities and maintains an open campus.

6. MICDS is a place of public accommodation under the Missouri Human Rights Act ("MHRA"), §213.010, *et seq.*

7. Defendant Jennifer Schuckman ("Schuckman") was, at all relevant times, an administrator at MICDS and a resident of Missouri.

8. Schuckman was an employee or agent of MICDS with authority over students and educational services.

9. In her capacity as administrator, Schuckman exercised authority over student accommodations and discipline, and was directly involved in decisions impacting C.D.'s rights and access to education.

10. Defendant Jay Rainey ("Rainey") was, at all relevant times, Head of School at MICDS and a resident of Missouri.

11. Rainey was an employee or agent of MICDS with authority over students and educational services.

12. In his position as Head of School, Rainey exercised ultimate decision-making authority over student discipline, accommodations, and policy enforcement, and was directly involved in the actions alleged herein.

13. Defendant Eric Taylor ("Taylor") was, at all relevant times, a dean or administrator at MICDS and a resident of Missouri.

14. Taylor was an employee or agent of MICDS with authority over students and educational services.

15. In his position as dean and/or administrator, Taylor participated in the development and implementation of accommodations for C.D. and was involved in the decision-making process leading to the adverse actions alleged herein.

16. Defendant Robert Graeff ("Graeff") was, at all relevant times, Director of Security at MICDS and a resident of Missouri.

17. Graeff was an employee or agent of MICDS with authority over students and educational services.

18. In his position as Director of Security, Graeff was directly involved in the events and disciplinary actions affecting C.D., including security measures and enforcement of school policy.

19. At all relevant times, Defendants acted individually and in concert with one another.

**VENUE AND JURISDICTION**

20. Venue is proper under Mo. Rev. Stat. §508.010 because the acts and omissions giving rise to these claims occurred in St. Louis County, Missouri.

21. This Court has subject matter jurisdiction pursuant to Mo. Rev. Stat. § 478.070, as the Missouri circuit courts have original jurisdiction over all civil cases.

22. On May 1, 2025, Plaintiffs M. Diamond and C.D. filed charges of discrimination with the Missouri Commission on Human Rights ("MCHR") against Defendants.

23. On May 22, 2025, Plaintiff J. Diamond filed charges of discrimination with the MCHR against Defendants.

24. On March 3, 2026, MCHR issued rights to sue on the Plaintiffs' charges of discrimination. *See* Exhibits 1-3.

25. Plaintiffs bring this action within ninety (90) days of receiving the Right to Sue notices and within all applicable statutes of limitation.

### **LEGAL BACKGROUND**

26. The Missouri Human Rights Act ("MHRA") entitles all persons in the State to the full and equal use and enjoyment of public accommodations without discrimination. Mo. Rev. Stat. § 213.065.1.

27. The MHRA defines "discrimination" as unfair treatment based on race, color, religion, national origin, ancestry, sex, age, as it relates to employment, disability, or familial status as it relates to housing. Mo. Rev. Stat. § 213.010(6).

28. The MHRA defines "places of public accommodation" as all businesses or establishments offering goods, services, privileges, or facilities to the general public. § 213.010(16).

29. The MHRA provides a non-exhaustive list of types of places, businesses, and establishments that the legislature intended to include within this definition. § 213.010(16)(a)-(f).

30. The MHRA states that "[i]t is an unlawful discriminatory practice for any person, directly or indirectly, to refuse, withhold from or deny any other person, or to attempt to refuse, withhold from or deny any other person, any of the accommodations, advantages, facilities, services, or privileges made available in any place of public accommodation, as defined in Mo. Rev. Stat. § 213.010 and this section, or to segregate or discriminate against any such person in the use thereof because of race, color, religion, national origin, sex, ancestry, or disability." § 213.065(2).

## FACTUAL ALLEGATIONS

31. C.D. is currently 14 years old, but at the time of the events outlined herein, she was 9 to 13 years old. C.D. is intelligent, loves anime and Korean popular music (also known as K-Pop), and is a hard worker. While she struggles with making friends because of her disabilities, she has made friends who share her love of K-Pop and anime, who have helped her tremendously when experiencing periods of depression and anxiety.

32. At all relevant times, C.D. was a qualified individual with disabilities, including Autism Spectrum Disorder (ASD), anxiety, and depression, which substantially limit one or more major life activities, including learning, thinking, communicating, emotional regulation, and social interaction.

33. C.D.'s ASD, anxiety, and depression substantially limit her major life activity of learning, causing difficulty with social cues, frustration, depression, self-harm, and occasional emotional dysregulation.

34. C.D.'s disabilities affect her daily life, especially at school, as C.D. struggles with social interactions, frustration, depression, engagement in learning, impulse control, and emotional regulation.

35. The symptoms of C.D.'s combined diagnoses can cause emotional dysregulation and suicidal ideation.

36. With reasonable accommodation, C.D. could access and complete her education at MICDS. In fact, she received first honors while she attended MICDS.

37. Defendants were aware of C.D.'s disabilities and her parents' association with her.

38. Despite this knowledge, Defendants repeatedly failed to implement effective accommodations and took punitive actions rather than supportive interventions, disregarding recommendations from treating professionals and Plaintiffs.

39. The individual Defendants acted within the course and scope of their employment at MICDS.

#### **Plaintiff C.D.'s Enrollment at MICDS**

40. In 2020, Plaintiffs sought to enroll C.D. at MICDS as a 4th-grade student.

41. As part of the enrollment process, MICDS reviewed C.D.'s school records. Records from kindergarten and 2<sup>nd</sup> grade showed that C.D. had disabilities that caused her emotional dysregulation. Records from 3<sup>rd</sup> grade did not highlight any concerns.

42. After reviewing the records, MICDS deferred her enrollment due to "mental health concerns."

43. In 2021, C.D. applied again to MICDS for enrollment.

44. MICDS again attempted to defer C.D.'s enrollment on the same grounds despite no additional concerns in the records for 4<sup>th</sup> grade.

45. M. Diamond and J. Diamond advocated for C.D., informing MICDS that she was working with a therapist to manage C.D.'s disabilities. M. and J. Diamond told MICDS they would secure additional mental health services, if needed.

46. Due to Plaintiffs' advocacy, MICDS admitted C.D. as a student.

47. C.D. began attending MICDS in August 2021.

48. Plaintiffs entered into an enrollment agreement with MICDS for educational services in exchange for tuition and fees.

49. During her enrollment, C.D. received positive progress reports, earned straight As, and achieved first honors.

50. Despite her academic success, C.D. struggled internally. In February 2022, while C.D. was in the 5<sup>th</sup> grade, she began therapy with Lutheran Family and Children's Services of Missouri for "frequent dysregulation," which impacted her ability to make and keep friends. Additionally, C.D. experienced low self-esteem, anxiety, and depression.

51. Defendants were aware that C.D.'s disabilities caused significant anxiety, difficulty with social cues, depression, self-harm, and dysregulation because they required her to sign a behavioral contract that alleged "frequent dysregulation" during school hours. MICDS informed C.D. that her continued enrollment at the school was conditioned on successful completion of the behavioral contract.

52. During the 2022-23 school year, MICDS acknowledged that C.D.'s dysregulation was markedly improved and advised C.D. that she was no longer on a behavioral "contract".

53. Despite her significant improvement, C.D. suffered some major emotional upheaval in Summer 2023. C.D. lost several friendships in the closing weeks of school and tragically witnessed the death of her grandmother just days into the summer, which worsened her depression. C.D.'s father advised Defendants of these personal losses, and Defendants agreed to provide C.D. with reasonable accommodations.

#### **Plaintiff C.D.'s Diagnosis of ASD And Request for Reasonable Accommodation**

54. In April 2024, C.D. was formally diagnosed with ASD by a psychiatrist with Lutheran Family and Children's Services of Missouri. At the time, C.D. was in 7<sup>th</sup> grade.

55. On April 19, 2024, Plaintiffs informed MICDS Middle School Counselor [REDACTED] of C.D.'s ASD diagnosis.

56. Plaintiffs requested accommodations and educational resources for C.D.

57. MICDS agreed to provide C.D. with reasonable accommodations.

58. On April 26, 2024, [REDACTED] sent Plaintiffs therapeutic referrals for teens with ASD and anxiety.

59. [REDACTED] also asked Plaintiffs to suggest accommodations, such as preferred seat selection, extended time on assignments, and distraction-reduced testing.

60. On May 5, 2024, Plaintiffs requested that [REDACTED] inform C.D.'s teachers of her ASD diagnosis and sensitivity to social interactions.

61. Plaintiffs highlighted that a teacher told C.D. she was "wasting his time" and informed [REDACTED] of the negative impact this had on C.D. due to her diagnosis.

62. On May 6, 2024, Sutherlin introduced Plaintiffs to MICDS's Learning Specialist [REDACTED]

63. [REDACTED] requested C.D.'s ASD evaluation report from Lutheran Child & Family Services and informed Plaintiffs that she and [REDACTED] would review it to prepare C.D.'s accommodation plan.

64. In June 2024, C.D.'s therapist sent her ASD evaluation to MICDS.

**Plaintiff C.D.'s Eighth Grade Year**

65. In August 2024, C.D. began her eighth-grade year at MICDS.

66. During eighth grade, C.D. struggled to adjust due to depression and social anxiety, resulting in frequent visits to [REDACTED] and School Nurse [REDACTED]).

67. On September 4, 2024, [REDACTED] requested a support team meeting, noting C.D.'s increased visits to the counselor and nurse, as well as increased requests to leave school and go home.

68. On September 17, 2024, C.D. expressed suicidal thoughts.

69. Defendants found concerning self-harm search terms on C.D.'s laptop during a routine search of school-issued computers, including:

- i. "I'm going to kill myself,"
- ii. "What happens if you don't eat,"
- iii. "Suicidal ideation: symptoms,"
- iv. "What if I just stop eating,"
- v. "What if I stop going to school," and
- vi. "504 plan."

70. Later that day, Plaintiffs attended a support meeting with C.D., [REDACTED], Defendant Taylor, and C.D.'s English teacher, [REDACTED].

71. At the meeting, they discussed triggers related to C.D.'s disabilities, including disruptions to routine, stern language, and physical touch.

72. Plaintiffs and MICDS staff developed an accommodation plan for C.D., including:

- i. reminders of when changes in C.D.'s routine would occur,
- ii. check-ins with [REDACTED], and
- iii. break times during periods of crisis.

73. MICDS also agreed to provide interventions and mindfulness support.

74. On September 18, 2024, [REDACTED] provided crisis resources and said she would follow up in three weeks to evaluate the accommodations.

75. Throughout the fall, C.D. regularly emailed her parents, expressing her desire to come home early from school, her sadness, and that the accommodations were not working.

76. On October 8, 2024, Plaintiffs met with [REDACTED] and C.D.'s therapist to discuss her progress and accommodations, and they addressed C.D.'s ongoing depression and sleep difficulties.

77. On January 29, 2025, Plaintiffs met with Defendant Taylor to discuss C.D.'s recent struggles, explaining that C.D. was facing both emotional and physical challenges related to her braces, motion sickness, intense menstrual cramps, and adjustments to her depression medication.

78. Plaintiffs also highlighted C.D.'s disability-related challenges as she returned to school following winter break and several snow days and explained that, due to her ASD diagnosis, changes in her routine can be particularly hard for C.D. and could lead to possible dysregulation.

79. Defendant Taylor agreed that it was important for Defendants to understand C.D.'s challenges to provide her with proper support.

#### **Plaintiff C.D.'s Therapy Notebook**

80. On January 31, 2025, C.D. attended drama class and, while acting out a scene with another student, her notebook, which she used as a prop, fell to the floor. The notebook was, in certain portions, written in character from one of C.D.'s favorite anime shows. However, the student who saw the notebook did not understand that it was a prop for a Halloween costume and expressed concern to MICDS's staff.

81. Subsequently, MICDS's staff searched C.D., her belongings, and her locker. MICDS's staff confiscated the prop notebook along with another notebook C.D. used for therapy. The therapy notebook contained sensitive therapeutic information about C.D., who used it as a coping mechanism and accommodation during episodes of depression or stress.

82. C.D. is a fan of anime and "K-Pop," which is well-known throughout the MICDS community. C.D. and her friends were members of the MICDS Anime Club. This therapy notebook

was, in certain portions, written in character as one of C.D.'s favorite anime characters and also included drawings, as C.D. is a talented artist.

83. MICDS's Head Counselor, [REDACTED] met with C.D. that afternoon.

84. During that conversation, C.D. explained that her notebook and the information inside were for therapeutic purposes only and served as accommodations for her disabilities.

85. Later that day, Plaintiffs arrived at school upon Defendant MICDS's request and met with [REDACTED] Defendant Taylor, and Defendant Schuckman.

86. During that meeting, staff informed Plaintiffs about the situation related to C.D.'s therapeutic notebook. They repeatedly stated that C.D. was not in trouble and would not face any disciplinary action. Instead, they repeatedly indicated that they wanted to know how best to support C.D. and offered to provide additional counseling and service recommendations.

87. After that meeting, [REDACTED] e-mailed Plaintiffs to reiterate her intention to share mental health resources and requested that Plaintiffs prepare C.D. for a meeting with [REDACTED] the following week so that [REDACTED] could assess C.D.'s mood and provide additional support. [REDACTED] asked Plaintiffs to keep her informed about additional therapeutic services the family might seek outside of school, in addition to C.D.'s current therapeutic services.

### **February 2025 Incident**

88. On February 21, 2025, C.D. learned that a group of male MICDS students had bullied her best friend the previous day, and C.D. became very upset due to her own past experiences with bullying. C.D.'s friend was still in tears about this incident the following day and informed C.D.

89. Due to her disabilities, C.D. lacks impulse control, and in her dysregulated state, she sent an anonymous e-mail to one of the male students.

90. Due to her disabilities, C.D. could not control her impulses, could not regulate her emotions, and did not understand the potential consequences of her words.

91. Later that day, Defendants requested a meeting with Plaintiffs, where Defendants informed them about C.D.'s e-mail and that Defendants would likely expel C.D. for her actions unless Plaintiffs voluntarily unenrolled C.D.

92. Multiple similarly situated students without disabilities were involved in physical altercations and threatening behavior at MICDS. However, MICDS did not expel or severely discipline those non-disabled students for these behaviors, demonstrating a double standard in disciplinary enforcement.

93. The student who bullied C.D.'s friend did not face any punishment for his actions.

94. Defendants did not speak with C.D.'s friend about the incident.

95. At the meeting, Plaintiffs met with Defendants Graeff and Schuckman.

96. MICDS did not include [REDACTED], who knew C.D. and the scope of her diagnoses and accommodations, in the meeting.

97. It was clear that Defendants decided prior to the meeting to expel C.D. without conducting a thorough investigation.

98. Though the meeting lasted only ten minutes, C.D. tried to explain that she wrote the e-mail to defend her friend, and the situation triggered her because of past bullying she experienced from MICDS students due to her disabilities.

99. Defendants remained unmoved and directed Graeff to confiscate C.D.'s school computer.

100. Defendant Graeff searched C.D.'s backpack without cause or consent.

101. When C.D. attempted to retrieve her belongings from her locker, Graeff blocked her path and "perp walked" her and her father out of the building.

102. Graeff gloated when C.D. began crying and stared at her menacingly through the glass security door in an effort to intimidate C.D.

103. On February 22, 2025, Schuckman told Plaintiffs that she did not believe C.D. understood the severity of her actions, but nevertheless, Schuckman recommended expulsion.

104. Schuckman informed Plaintiffs that Defendant Rainey would review her recommendation and the evidence on February 24, 2025.

105. On February 23, 2025, Plaintiffs e-mailed Rainey and Schuckman to explain that C.D.'s actions did not warrant expulsion and were symptoms of her disabilities.

106. In the email, Plaintiffs described C.D.'s worsening depression and self-harm inclinations after experiencing the trauma of her grandmother's death over the past year; listed C.D.'s academic success and overwhelmingly positive reports received from MICDS's staff members; explained how C.D. did not understand the severity of her actions, at first, due to her ASD diagnosis, but once she discussed the situation with her family, she was extremely sorry and wished to apologize to the other student; and urged Rainey and Schuckman not to punish C.D. so severely for her disability-related behaviors.

107. Plaintiffs also questioned Rainey and Schuckman's deviation from MICDS's handbook procedures, as Defendants did not conduct a formal investigation or follow the progressive disciplinary steps outlined in the handbook. In fact, the timing from the incident to the recommendation of expulsion was less than a day.

108. Plaintiffs highlighted that Defendants' disciplinary actions for C.D. deviated from their decisions for other MICDS students who did not demonstrate C.D.'s disability symptoms who had far more concerning behavior, including physical assaults.

109. Defendants were aware that multiple MICDS students bullied C.D. and her classmate, but Defendants did not punish those students, including the student who bullied C.D.'s friend.

110. At 9:00 pm on Sunday, February 23, 2025, Rainey informed Plaintiffs that he would begin his review at 1:00 PM the following day to determine whether C.D. would be expelled.

111. Contrary to the guidelines in the student handbook which Plaintiffs had pointed out to Rainey, Rainey stated that he was not going to look at extenuating circumstances.

112. Rainey threatened Plaintiffs that if Defendants expelled C.D., it would go on her permanent record, so Plaintiffs had until 1:00 PM the next day to withdraw C.D. from MICDS, giving them approximately five business hours to make a decision.

113. Rainey's response confirmed Plaintiffs' belief that the Defendants' decision was driven by disability discrimination and retaliation for Plaintiffs' advocacy efforts.

114. Based on Rainey's response, Plaintiffs felt Rainey had already decided to expel C.D. and was using the threat of adding expulsion to C.D.'s transcript to coerce Plaintiffs into withdrawing C.D. from MICDS.

115. On February 24, 2025, Plaintiffs notified [REDACTED], the Director of Enrollment Management, of their decision to withdraw his C.D, emphasizing that they made this decision under duress for fear that "expulsion" would be added to C.D.'s school records and impact her ability to enroll in another school.

116. As a direct result of Defendants' discriminatory and retaliatory conduct, C.D. has suffered extreme emotional distress, including being placed on suicide watch by Plaintiffs, and has experienced significant psychological harm and loss of educational harm that the MHRA was enacted to prevent.

117. Due to Defendants' actions, Plaintiff C.D. has been deeply upset, struggling to cope with the loss of contact with her best friend, which has been particularly difficult given her disability-related challenges with change. As a result, Plaintiff C.D. has been utterly inconsolable, experiencing significant emotional turmoil that has severely impacted her well-being and daily functioning.

118. Currently, C.D. is in an intensive half-day therapeutic mental health outpatient program to process and cope with her experiences at MICDS.

119. As a direct result of Defendants' discriminatory and retaliatory conduct, Plaintiffs J. Diamond and M. Diamond have suffered extreme emotional distress, significant psychological harm, and loss of the ability to meaningfully participate in their child's education, harm that the MHRA was enacted to prevent.

**Count I**  
**Disability Discrimination by Defendant MICDS Against Plaintiff C.D.**  
**in Violation of the MHRA**

120. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

121. At all relevant times, Defendant MICDS was an educational institution.

122. MICDS allows the public to rent its facilities and maintains an open campus.

123. MICDS is a place of public accommodation under RSMo §213.010 (16).

124. At all times relevant, MICDS worked by and through its employees, including the individually named Defendants.

125. Plaintiff C.D. is a qualified individual with a disability within the meaning of R.S.Mo. §213.010(5). She has physical and mental impairments that substantially limit major life activities, including thinking, communicating, and learning.

126. C.D.'s disabilities significantly impact her major life activities.

127. C.D. can access the educational services offered by Defendant MICDS with reasonable accommodation.

128. The requested accommodations did not impose an undue burden on Defendant MICDS.

129. At all relevant times, as described in more detail above, Defendants discriminated against Plaintiff C.D. due to her disabilities.

130. Defendant MICDS discriminated against C.D. because of her disabilities when it deferred C.D.'s enrollment in 2020 due to her disabilities.

131. Defendant MICDS discriminated against C.D. because of her disabilities when it attempted to defer Plaintiff C.D.'s enrollment in 2021 due to her disabilities.

132. Defendant MICDS discriminated against C.D. because of her disabilities when it punished C.D. for behaviors they knew were symptoms of her disabilities, including ASD.

133. Defendant MICDS knew or should have known that C.D.'s February 21, 2025, email was not intentional or voluntary, but a symptom of her disability.

134. Defendant MICDS discriminated against C.D. because of her disabilities when it forced her to withdraw or else face expulsion because she manifested a behavior of her disability.

135. Defendant MICDS discriminated against C.D. because of her disabilities when it failed to intervene and protect C.D. from discrimination, denying her the advantages, facilities, services, and privileges offered to other students in violation of R.S.Mo. 213.065.

136. Defendant MICDS discriminated against C.D. because of her disabilities when it treated C.D. less favorably, more suspiciously, and more punitively than other students who did not have disabilities and who exhibited similar, or even worse, behaviors.

137. Defendant MICDS discriminated against C.D. because of her disabilities when it failed to accommodate C.D.

138. Defendant MICDS's actions directly interfered with Plaintiff C.D.'s ability to access and benefit from the educational services, programs, facilities, and activities that MICDS offers other similarly situated non-disabled students.

139. Defendant MICDS acted maliciously or with reckless disregard for C.D.'s rights.

140. As a direct and proximate result, C.D. has suffered and will continue to suffer physical and emotional pain, distress, embarrassment, loss of self-esteem, humiliation, and loss of enjoyment of life, and has incurred and will continue to incur medical and psychological treatment expenses.

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

142. Defendant MICDS's misconduct was outrageous, unlawful, and undertaken maliciously or in reckless disregard for C.D.'s rights. C.D. will seek leave to file a claim for punitive damages under R.S.Mo. § 510.261.

143. WHEREFORE, Plaintiff C.D. respectfully requests judgment in her favor, including damages, interest, attorney's fees, and any other relief the Court deems just and proper.

**Count II**  
**Disability Discrimination by Defendant Rainey Against Plaintiff C.D. in Violation of the MHRA**

144. Plaintiffs incorporate all prior paragraphs by reference.

145. At all relevant times, Defendant MICDS was an educational institution.

146. MICDS allows the public to rent its facilities and maintains an open campus.

147. MICDS is a place of public accommodation under R.S.Mo. §213.010.

148. At all relevant times, Defendant Rainey was a person under the law who could not, either directly or indirectly, to refuse, withhold from or deny any other person, or to attempt to refuse, withhold from or deny any other person, any of the accommodations, advantages, facilities, services, or privileges made available in any place as outlined by R.S.Mo. §213.065(2).

149. Plaintiff C.D. is a qualified individual with a disability within the meaning of R.S.Mo. §213.010(5). She has physical and mental impairments that substantially limit major life activities, including thinking, communicating, and learning.

150. C.D.'s disabilities significantly impact her major life activities.

151. C.D. can access the educational services offered by Defendant MICDS with reasonable accommodation.

152. The requested accommodations did not impose an undue burden on Defendant MICDS.

153. At all relevant times, as described in more detail above, Defendant Rainey discriminated against Plaintiff C.D. due to her disabilities.

154. Defendant Rainey discriminated against C.D. because of her disabilities when he punished C.D. for behaviors he knew were symptoms of her disabilities, including ASD.

155. Defendant Rainey knew or should have known that C.D.'s February 21, 2025, email was not intentional or voluntary, but a symptom of her disability.

156. Defendant Rainey discriminated against C.D. because of her disabilities when he forced her to withdraw or else face expulsion because she manifested a behavior of her disability.

157. Defendant Rainey discriminated against C.D. because of her disabilities when he failed to intervene and protect C.D. from discrimination, denying her the advantages, facilities, services, and privileges offered to other students in violation of R.S.Mo. §213.065.

158. Defendant Rainey discriminated against C.D. because of her disabilities when he treated C.D. less favorably, more suspiciously, and more punitively than other students who did not have disabilities and who exhibited similar, or even worse, behaviors.

159. Defendant Rainey discriminated against C.D. because of her disabilities when he failed to accommodate C.D.

160. Defendant Rainey's actions directly interfered with Plaintiff C.D.'s ability to access and benefit from the educational services, programs, facilities, and activities that MICDS offers other similarly situated non-disabled students.

161. Defendant Rainey acted maliciously or with reckless disregard for C.D.'s rights.

162. As a direct and proximate result, C.D. has suffered and will continue to suffer physical and emotional pain, distress, embarrassment, loss of self-esteem, humiliation, and loss of enjoyment of life, and has incurred and will continue to incur medical and psychological treatment expenses.

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

164. Defendant Rainey's misconduct was outrageous, unlawful, and undertaken maliciously or in reckless disregard for C.D.'s rights. C.D. will seek leave to file a claim for punitive damages under R.S.Mo. § 510.261.

165. WHEREFORE, Plaintiff C.D. respectfully requests judgment in her favor, including damages, interest, attorney's fees, and any other relief the Court deems just and proper.

**Count III**  
**Disability Discrimination by Defendant Schuckman Against Plaintiff C.D. in Violation of the MHRA**

166. Plaintiffs incorporate all prior paragraphs by reference.

167. At all relevant times, Defendant MICDS was an educational institution.

168. MICDS allows the public to rent its facilities and maintains an open campus.

169. MICDS is a place of public accommodation under §213.010 RSMo.

170. At all relevant times, Defendant Schuckman was a person under the law who could not, either directly or indirectly, to refuse, withhold from or deny any other person, or to attempt to refuse, withhold from or deny any other person, any of the accommodations, advantages, facilities, services, or privileges made available in any place as outlined by §213.065(2) RSMo.

171. Plaintiff C.D. is a qualified individual with a disability within the meaning of R.S.Mo. §213.010(5). She has physical and mental impairments that substantially limit major life activities, including thinking, communicating, and learning.

172. C.D.'s disabilities significantly impact her major life activities.

173. C.D. can access the educational services offered by Defendant MICDS with reasonable accommodation.

174. The requested accommodations did not impose an undue burden on Defendant MICDS.

175. At all relevant times, as described in more detail above, Defendant Rainey discriminated against Plaintiff C.D. due to her disabilities.

176. Defendant Schuckman discriminated against C.D. because of her disabilities when he punished C.D. for behaviors he knew were symptoms of her disabilities, including ASD.

177. Defendant Schuckman knew or should have known that C.D.'s February 21, 2025, email was not intentional or voluntary, but a symptom of her disability.

178. Defendant Schuckman discriminated against C.D. due to her disabilities by forcing her to withdraw from school or face expulsion because she exhibited behavior associated with her disability. Defendant Schuckman discriminated against C.D. because of her disabilities when she failed to intervene and protect C.D. from discrimination, denying her the advantages, facilities, services, and privileges offered to other students in violation of R.S.Mo. §213.065.

179. Defendant Schuckman discriminated against C.D. because of her disabilities when she treated C.D. less favorably, more suspiciously, and more punitively than other students who did not have disabilities and who exhibited the same behaviors.

180. Defendant Schuckman discriminated against C.D. because of her disabilities when she failed to accommodate C.D.

181. Defendant Schuckman's actions directly interfered with Plaintiff C.D.'s ability to access and benefit from the educational services, programs, facilities, and activities that MICDS offers other similarly situated non-disabled students.

182. Defendant Schuckman acted maliciously or with reckless disregard for C.D.'s rights.

183. As a direct and proximate result, C.D. has suffered and will continue to suffer physical and emotional pain, distress, embarrassment, loss of self-esteem, humiliation, and loss of enjoyment of life, and has incurred and will continue to incur medical and psychological treatment expenses.

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

185. Defendant Schuckman's misconduct was outrageous, unlawful, and undertaken maliciously or in reckless disregard for C.D.'s rights. C.D. will seek leave to file a claim for punitive damages under R.S.Mo. § 510.261.

186. WHEREFORE, Plaintiff C.D. respectfully requests judgment in her favor, including damages, interest, attorney's fees, and any other relief the Court deems just and proper.

**Count IV**  
**Disability Discrimination by Defendant Taylor Against Plaintiff C.D.**  
**in Violation of the MHRA**

187. Plaintiffs incorporate all prior paragraphs by reference.

188. At all relevant times, Defendant MICDS was an educational institution.

189. MICDS allows the public to rent its facilities and maintains an open campus.

190. MICDS is a place of public accommodation under R.S.Mo. §213.010.

191. At all relevant times, Defendant Taylor was a person under the law who could not, either directly or indirectly, to refuse, withhold from or deny any other person, or to attempt to

refuse, withhold from or deny any other person, any of the accommodations, advantages, facilities, services, or privileges made available in any place as outlined by R.S.Mo. §213.065(2).

192. Plaintiff C.D. is a qualified individual with a disability within the meaning of R.S.Mo. §213.010(5). She has physical and mental impairments that substantially limit major life activities, including thinking, communicating, and learning.

193. C.D.'s disabilities significantly impact her major life activities.

194. C.D. can access the educational services offered by Defendant MICDS with reasonable accommodation.

195. The requested accommodations did not impose an undue burden on Defendant MICDS.

196. At all relevant times, as described in more detail above, Defendant Taylor discriminated against Plaintiff C.D. due to her disabilities.

197. Defendant Taylor discriminated against C.D. because of her disabilities when he punished C.D. for behaviors he knew were symptoms of her disabilities, including ASD.

198. Defendant Taylor knew or should have known that C.D.'s February 21, 2025, email was not intentional or voluntary, but a symptom of her disability.

199. Defendant Taylor discriminated against C.D. because of her disabilities when he forced her to withdraw or else face suspension because she manifested a behavior of her disability.

200. Defendant Taylor discriminated against C.D. because of her disabilities when he failed to intervene and protect C.D. from discrimination, denying her the advantages, facilities, services, and privileges offered to other students in violation of R.S.Mo. §213.065.

201. Defendant Taylor discriminated against C.D. because of her disabilities when he treated C.D. less favorably, more suspiciously, and more punitively than other students who did not have disabilities and exhibited the same behaviors.

202. Defendant Taylor discriminated against C.D. because of her disabilities when he failed to accommodate C.D.

203. Defendant Taylor's actions directly interfered with Plaintiff C.D.'s ability to access and benefit from the educational services, programs, facilities, and activities that MICDS offers other similarly situated non-disabled students.

204. Defendant Taylor acted maliciously or with reckless disregard for C.D.'s rights.

205. As a direct and proximate result, C.D. has suffered and will continue to suffer physical and emotional pain, distress, embarrassment, loss of self-esteem, humiliation, and loss of enjoyment of life, and has incurred and will continue to incur medical and psychological treatment expenses.

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

207. Defendant Taylor's misconduct was outrageous, unlawful, and undertaken maliciously or in reckless disregard for C.D.'s rights. C.D. will seek leave to file a claim for punitive damages under R.S.Mo. § 510.261.

208. WHEREFORE, Plaintiff C.D. respectfully requests judgment in her favor, including damages, interest, attorney's fees, and any other relief the Court deems just and proper

**Count V**  
**Disability Discrimination by Defendant Graeff Against Plaintiff C.D.**  
**in Violation of the MHRA**

209. Plaintiffs incorporate all prior paragraphs by reference.

210. At all relevant times, Defendant MICDS was an educational institution.

211. MICDS allows the public to rent its facilities and maintains an open campus.

212. MICDS is a place of public accommodation under R.S.Mo. §213.010.

213. At all relevant times, Defendant Graeff was a person under the law who could not, either directly or indirectly, to refuse, withhold from or deny any other person, or to attempt to refuse, withhold from or deny any other person, any of the accommodations, advantages, facilities, services, or privileges made available in any place as outlined by R.S.Mo. §213.065(2).

214. Plaintiff C.D. is a qualified individual with a disability within the meaning of R.S.Mo. §213.010(5). She has physical and mental impairments that substantially limit major life activities, including thinking, communicating, and learning.

215. C.D.'s disabilities significantly impact her major life activities.

216. C.D. can access the educational services offered by Defendant MICDS with reasonable accommodation.

217. The requested accommodations did not impose an undue burden on Defendant MICDS.

218. At all relevant times, as described in more detail above, Defendant Rainey discriminated against Plaintiff C.D. due to her disabilities.

219. Defendant Graeff discriminated against C.D. because of her disabilities when he punished C.D. for behaviors he knew were symptoms of her disabilities, including ASD.

220. Defendant Graeff knew or should have known that C.D.'s February 21, 2025, email was not intentional or voluntary, but a symptom of her disability.

221. Defendant Graeff discriminated against C.D. because of her disabilities when he failed to intervene and protect C.D. from discrimination, denying her the advantages, facilities, services, and privileges offered to other students in violation of R.S.Mo. §213.065.

222. Defendant Graeff discriminated against C.D. because of her disabilities when he treated C.D. less favorably, more suspiciously, and more punitively than other students who did not have disabilities and who exhibited the same behaviors.

223. Defendant Graeff discriminated against C.D. because of her disabilities when he failed to accommodate C.D.

224. Defendant Graeff's actions directly interfered with Plaintiff C.D.'s ability to access and benefit from the educational services, programs, facilities, and activities that MICDS offers other similarly situated non-disabled students.

225. Defendant Graeff acted maliciously or with reckless disregard for C.D.'s rights.

226. As a direct and proximate result, C.D. has suffered and will continue to suffer physical and emotional pain, distress, embarrassment, loss of self-esteem, humiliation, and loss of enjoyment of life, and has incurred and will continue to incur medical and psychological treatment expenses.

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

228. Defendant Graeff's misconduct was outrageous, unlawful, and undertaken maliciously or in reckless disregard for C.D.'s rights. C.D. will seek leave to file a claim for punitive damages under R.S.Mo. § 510.261.

229. WHEREFORE, Plaintiff C.D. respectfully requests judgment in her favor, including damages, interest, attorney's fees, and any other relief the Court deems just and proper

**COUNT VI**  
**Disability Discrimination for Failure to Accommodate Plaintiff C.D.**  
**in Violation of the MHRA**

230. Plaintiffs hereby incorporate the facts noted above.

231. At all relevant times, MICDS was a place of public accommodation under R.S. Mo. §213.010(16).

232. Plaintiff C.D.'s disabilities significantly impact her major life activities.

233. Plaintiff is disabled under the Missouri Human Rights Act, R.S.Mo. §213.010, *et. seq.*

234. Plaintiffs requested the reasonable accommodation of providing additional supports to C.D. and not enacting harsh disciplinary punishments, including expulsion, for actions related to her disabilities of ASD, anxiety, and depression.

235. This reasonable accommodation did not impose an undue hardship on Defendants.

236. Despite Plaintiffs' request for Defendants to abstain from harsh, overly punitive punishments, Defendants refused to readmit Plaintiff C.D. to MICDS or consider less harsh punishments than expulsion.

237. Based on the foregoing, Defendants discriminated against Plaintiff C.D. because of her disabilities by denying the reasonable accommodation of less punitive discipline practices.

238. Defendants' actions were undertaken maliciously or in reckless disregard to Plaintiff C.D.'s right to be free from discrimination.

239. As a direct and proximate result of the above-described acts, Plaintiff C.D. has suffered, and will continue to suffer, pain of mind and body, depression, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, humiliation, and loss of enjoyment of life. Plaintiff has also, been and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life. Plaintiff has also incurred, and will continue to incur, expenses for medical and psychological treatment, therapy, and counseling.

240. Pursuance to R.S.Mo. §213.111(2), Plaintiffs seek actual damages, including emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, other nonpecuniary losses, punitive damages against Defendants, and attorney's fees and costs.

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

242. Plaintiffs request a trial by jury on all issues triable by jury.

243. WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in their favor against Defendants, awarding emotional distress damages, compensatory damages, pre-and post-judgment interest, and attorney's fees and costs, as well as any other relief this Court deems may be just and proper.

#### **COUNT VII**

**Violation of Mo. Rev. Stat. 213.010 et seq. Disability Discrimination for Plaintiffs M. Diamond and J. Diamond for Association with an Individual with a Disability**

244. Plaintiffs incorporate by reference the allegations in the foregoing paragraphs as if fully set forth herein.
245. At all relevant times, Defendant MICDS was a place of public accommodation under R.S.Mo. §213.010 (16).
246. Plaintiff M. Diamond is associated with an individual who has a disability, his daughter, Plaintiff C.D.
247. Plaintiff J. Diamond is associated with an individual who has a disability, her daughter, Plaintiff C.D.
248. Specifically, Plaintiff C.D. has ASD, depression, and anxiety.
249. Plaintiff C.D.’s diagnoses of ASD, depression, and anxiety substantially limit her major life activity of learning, causing difficulty with social cues, frustration, depression, self-harm, and occasional emotional dysregulation.
250. In the case of Plaintiff C.D. and the context of her medical diagnosis of ASD, anxiety, and depression, emotional dysregulation – including sending highly emotional e-mails– are not voluntary and intentionally disrespectful acts but rather are symptomatic of Plaintiff C.D.’s disabilities.
251. “One of the hallmarks of autism is that the behavioral issues associated with it are involuntary.” *D.L. v. St. Louis City Sch. Dist.*, 950 F.3d 1057, 1064 (8th Cir. 2020).
252. Defendants imposed Plaintiff C.D.’s expulsion as punishment for manifestations of C.D.’s disabilities and Plaintiff M. Diamond’s association with Plaintiff C.D.
253. Defendants imposed Plaintiff C.D.’s expulsion as punishment for manifestations of C.D.’s disabilities and Plaintiff J. Diamond’s association with Plaintiff C.D. Because of Plaintiff M. Diamond’s association with an individual with a disability and his complaints

about disability discrimination on the individual's behalf, Defendants continued penalizing Plaintiff C.D. for behaviors consistent with her disability, culminating in her recommended expulsion from MICDS.

254. Because of Plaintiff M. Diamond's association with an individual with a disability and his complaints about disability discrimination on the individual's behalf, Defendants continued penalizing Plaintiff C.D. for behaviors consistent with her disability, culminating in her recommended expulsion from MICDS.

255. Defendants forcing Plaintiff C.D. to withdraw or face expulsion caused great hardship and inconvenience to Plaintiffs M. Diamond and J. Diamond.

256. Based on the foregoing, Defendants harshly punished Plaintiff C.D., recommending expulsion from MICDS, as punishment for actions related to her disabilities and Plaintiff M. Diamond's statements to Defendants that the recommended expulsion was a form of disability discrimination and their association with an individual with a disability.

257. Based on the foregoing, Defendants harshly punished Plaintiff C.D., recommending expulsion from MICDS, as punishment for actions related to her disabilities and Plaintiff J. Diamond's statements to Defendants that the recommended expulsion was a form of disability discrimination and their association with an individual with a disability.

258. Defendants' attempts to push Plaintiff C.D. out of MICDS have caused great emotional distress, pain, and inconvenience to Plaintiffs.

259. Defendants' actions were undertaken maliciously or in reckless disregard for Plaintiff M. Diamond's right to be free from discrimination.

260. Defendants' actions were undertaken maliciously or in reckless disregard for Plaintiff J. Diamond's right to be free from discrimination.

261. As a direct and proximate result of the above-described acts, Plaintiff M. Diamond has suffered and will continue to suffer pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life.
262. As a direct and proximate result of the above-described acts, Plaintiff J. Diamond has suffered and will continue to suffer pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life.
263. As a direct and proximate result of the above-described acts, Plaintiffs have suffered loss of income due to taking off work.
264. Pursuant to R.S.Mo. § 213.111(2), Plaintiffs seek actual damages, including emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, other nonpecuniary losses, punitive damages against Defendant, and attorney's fees and costs.
265. At the time of Defendants' misconduct, Defendants knew their actions were outrageous, unlawful, and were undertaken maliciously and/or in reckless disregard for Plaintiffs' right to be free from discrimination and retaliation. Plaintiffs will seek leave of Court to file a claim for punitive damages at the appropriate time outlined by R.S.Mo. § 510.261.
266. Plaintiff requests a trial by jury on all issues triable by jury.
267. WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in their favor and against Defendants, awarding emotional distress damages, compensatory damages, pre-and post-judgment interest, and attorneys' fees and costs, as well as any other relief this Court deems may be just and proper.

**COUNT VIII**

**Retaliation by Defendants Against Plaintiff C.D. in Violation of the MHRA**

268. Claimant hereby incorporates by reference the allegations in the foregoing paragraphs as if fully set forth herein.

269. The MHRA prohibits retaliation against individuals who oppose practices made unlawful under the Act, including disability discrimination.

270. C.D., Plaintiff M. Diamond, and Plaintiff J. Diamond engaged in protected activity under the MHRA by advocating for reasonable accommodations, raising concerns about inequitable disciplinary practices, and opposing discrimination by Defendants.

271. Defendants retaliated against C.D. by engaging in the following adverse actions:

a. Ignoring Plaintiff M. Diamond’s complaints regarding the discriminatory treatment of C.D.;

b. Failing to engage in a collaborative process to address C.D.’s educational needs;

c. Taking actions designed to discourage and intimidate Plaintiffs from further advocacy.

272. Defendants’ retaliatory conduct was motivated by C.D. and Plaintiff M. Diamond’s opposition to Defendant MICDS’s unlawful practices under the MHRA.

273. As a result of Defendant MICDS’s conduct, C.D. has suffered and continues to suffer emotional distress and psychological damage.

274. WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in their favor and against Defendants, awarding emotional distress damages, compensatory damages, pre-and post-judgment interest, and attorneys’ fees and costs, as well as any other relief this Court deems may be just and proper.

**COUNT IX**  
**Retaliation by Defendant MICDS Against Plaintiffs J. Diamond and M. Diamond in**  
**Violation of the MHRA**

275. Plaintiffs hereby incorporate by reference the allegations in the foregoing paragraphs as if fully set forth herein.
276. The MHRA prohibits retaliation against individuals who oppose practices made unlawful under the Act, including disability discrimination.
277. C.D., Plaintiff M. Diamond, and J. Diamond engaged in protected activity under the MHRA by advocating for reasonable accommodations, raising concerns about inequitable disciplinary practices, and opposing discrimination by Defendants.
278. Defendants retaliated against C.D. by engaging in the following adverse actions:
- a. Ignoring Plaintiff M. Diamond's complaints regarding the discriminatory treatment of C.D.;
  - b. Failing to engage in a collaborative process to address C.D.'s educational needs;
  - c. Taking actions designed to discourage and intimidate Plaintiffs from further advocacy.
279. Defendants' retaliatory conduct was motivated by C.D. and M. Diamond's opposition to Defendant MICDS's unlawful practices under the MHRA.
280. As a result of Defendant MICDS's conduct, C.D. has suffered and continues to suffer emotional distress and psychological damage.
281. WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in their favor and against Defendants, awarding emotional distress damages, compensatory damages, pre-and post-judgment interest, and attorneys' fees and costs, as well as any other relief this Court deems may be just and proper.

**COUNT X**  
**Negligence Against All Defendants, In the Alternative**

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

283. Plaintiffs plead this Count in the alternative to their claims under the Missouri Human Rights Act.

284. As an educational institution that enrolled C.D. as a student and undertook responsibility for her care, supervision, and education, Defendant MICDS owed C.D. a duty of reasonable care, including a duty to implement appropriate accommodations for her known disabilities, to follow its own established disciplinary procedures, and to protect her from harm while under MICDS's supervision.

285. The individual Defendants, as administrators and staff exercising direct authority over C.D.'s education, discipline, and safety, each independently owed C.D. a duty of reasonable care in the exercise of that authority.

286. Defendants knew, at all relevant times, that C.D. had been diagnosed with ASD, anxiety, and depression; that these conditions caused, among other symptoms, impulse control difficulties and occasional emotional dysregulation; and that punitive disciplinary responses could foreseeably cause C.D. serious psychological harm.

287. Defendants breached their duties of care by, among other things: (a) failing to implement the accommodation plan they agreed to provide; (b) treating disability-related behavior as a disciplinary infraction subject to expulsion rather than as a symptom warranting supportive intervention; (c) failing to conduct any meaningful investigation before recommending expulsion; (d) excluding staff members with knowledge of C.D.'s diagnoses and accommodations from the disciplinary meeting; (e) deviating from MICDS's own handbook procedures for progressive

discipline; and (f) applying far harsher discipline to C.D. than to non-disabled students who engaged in comparable or more serious conduct.

288. Defendant Graeff further breached his duty of reasonable care by searching C.D.'s backpack without cause or consent, physically blocking C.D.'s access to her locker, forcibly escorting her out of the building in a humiliating manner, and deliberately intimidating her as she was removed from campus.

289. As a direct and proximate result of Defendants' negligence, C.D. has suffered and will continue to suffer severe emotional distress, psychological harm, loss of educational opportunity, and physical manifestations of distress, including placement on suicide watch and enrollment in an intensive half-day therapeutic outpatient program.

290. As a direct and proximate result of Defendants' negligence, Plaintiffs M. Diamond and J. Diamond have suffered and will continue to suffer emotional distress, loss of income, and loss of the ability to meaningfully participate in their child's education.

291. WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in their favor and against Defendants, awarding compensatory damages, pre- and post-judgment interest, and any other relief this Court deems just and proper.

**COUNT XI**  
**Negligent Infliction of Emotional Distress**  
**Against All Defendants, In the Alternative**

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

290. Plaintiffs plead this Count in the alternative to their claims under the Missouri Human Rights Act.

291. Defendants owed a duty of care to Plaintiffs not to act in a manner that would negligently cause severe emotional distress.

292. Defendants knew or should have known that C.D. was a minor with serious mental health vulnerabilities — including a documented history of suicidal ideation, self-harm, and emotional dysregulation — and that the manner in which they conducted C.D.'s expulsion would foreseeably cause her severe emotional distress.

293. Defendants breached that duty by: summoning Plaintiffs to a meeting with no prior notice of expulsion; demanding that Plaintiffs choose between voluntary withdrawal or permanent expulsion within approximately five business hours; confiscating C.D.'s school-issued computer and belongings in front of her; permitting Graeff to block C.D.'s access to her locker, escort her out of the building in a degrading and humiliating manner, and stare at her menacingly through the glass security door while she cried; and threatening that expulsion would remain on C.D.'s permanent record if she did not withdraw immediately.

294. Plaintiffs M. Diamond and J. Diamond were present at and witnessed these events, causing them to suffer severe emotional distress as a direct result of observing the treatment of their minor child.

295. As a direct and proximate result of Defendants' negligent conduct, C.D. has suffered severe and ongoing emotional distress, including suicidal ideation requiring her parents to place her on suicide watch, and has required intensive mental health intervention, including enrollment in a half-day therapeutic outpatient program.

296. As a direct and proximate result of Defendants' negligent conduct, Plaintiffs M. Diamond and J. Diamond have suffered severe emotional distress, loss of income, and significant psychological harm.

297. WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in their favor and against Defendants, awarding compensatory damages, pre- and post-judgment interest, and any other relief this Court deems just and proper.

**COUNT XII**  
**Negligent Infliction of Emotional Distress**  
**Against Defendant MICDS, In the Alternative**

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

299. Plaintiffs plead this Count in the alternative to their claims under the Missouri Human Rights Act.

300. As an employer and educational institution, Defendant MICDS owed a duty to C.D. and Plaintiffs to exercise reasonable care in the supervision of its employees and agents — including Defendants Rainey, Schuckman, Taylor, and Graeff — who were authorized to make and implement disciplinary decisions affecting students.

301. MICDS knew or should have known, based on C.D.'s documented disabilities and accommodation history, that its employees required adequate supervision, training, and oversight to ensure that disciplinary processes involving disabled students complied with the school's legal obligations and its own handbook procedures.

302. MICDS breached its duty of reasonable supervision by: failing to ensure that employees involved in C.D.'s discipline were familiar with and applied her accommodation plan; failing to include counselors and staff with knowledge of C.D.'s diagnoses in the disciplinary process; permitting Graeff to conduct an unauthorized search and to physically remove C.D. from the building in a humiliating manner without any established protocol; and permitting

administrators to bypass the progressive disciplinary steps set forth in the MICDS student handbook.

303. MICDS's failure to adequately supervise its employees directly and proximately caused the harm suffered by Plaintiffs, as described in the foregoing paragraphs.

304. As a direct and proximate result of MICDS's negligent supervision, Plaintiffs have suffered the damages described herein, including C.D.'s severe emotional distress and loss of educational opportunity, and M. Diamond's and J. Diamond's emotional distress and loss of income.

305. WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in their favor and against Defendant MICDS, awarding compensatory damages, pre- and post-judgment interest, and any other relief this Court deems just and proper.

Respectfully Submitted,



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