

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION**

John Doe and Jane Doe, )  
Individually, and in a representative )  
capacity as the parents and next friends )  
of their minor daughter, S.D., )  
 )  
Plaintiffs, )

vs. )

**AMENDED COMPLAINT  
(Jury Trial Demanded)**

Greenville County School District, Olivia G. )  
Bennett, Robert E. Ivey, Bradley A. Harvey, )  
Kyle D. Pearson, Christine V. Thomas, )  
Paketrice S. White, Jeremie R. Smith, )  
Metris R. Cain, and John S. Teer, )  
 )  
Defendants. )

\_\_\_\_\_  
TO: DEFENDANTS AND THEIR COUNSEL

Plaintiffs John Doe and Jane Doe, Individually, and in a representative capacity as the parents and next friends of their minor daughter, Susan Doe, complaining of Defendants, respectfully show unto the Court and allege as follows:

**PARTIES**

1. John Doe and Jane Doe (collectively, “Does”) are citizens and residents of Greenville County, South Carolina.
2. The adult Does are the parents, natural guardians, and next friends of their minor daughter, Susan Doe (pseudonym, not actual identity, hereinafter, “S.D.”) and are bringing this case individually and in a representative capacity for S.D.
3. Plaintiffs are filing this Complaint anonymously under the pseudonym John Doe (father), Jane Doe (mother), and Susan Doe (daughter).
4. The Does’ minor daughter is identified in this action as S.D., as required by South

Carolina Court Rules.

5. The subject matter of the lawsuit could bring embarrassment and publicity to the Plaintiffs and/or their family.

6. Plaintiffs, especially the minor child, S.D., are vulnerable to the mental or physical harm of disclosure.

7. Plaintiffs risk humiliation and embarrassment due to the publication of the material and proceeding with a pseudonym brings some comfort.

8. If the ability to proceed with a pseudonym is not allowed, Plaintiff S.D. will experience further harm because of exercising her legal rights.

9. If Plaintiffs are forced to disclose their identity, that disclosure will amplify the injury that is at issue in this litigation.

10. The public interest in the disclosure of Plaintiff's identity is minimal.

11. There will be no furtherance of justice by requiring the public disclosure of Plaintiffs' identity.

12. Once the Defendants are served and retain counsel, Plaintiffs' identities will be revealed to Defendants in a confidential manner, if not already known.

13. Defendants are not prejudiced by allowing Plaintiffs to proceed anonymously, and any potential prejudice will be mitigated by the confidential disclosure of his actual identity.

14. The Defendants knew or should know of the Plaintiffs' identities because all Defendants were aware of the bullying of the minor Plaintiff, S.D.

15. Defendant Greenville County School District is an entity or subdivision of the state of South Carolina and operates public schools within Greenville County, South Carolina, utilizing state funds for this purpose. Defendant Greenville County School District operates, maintains, and employs the staff at Dr. Phinnize J. Fischer Middle School.

16. Dr. Phinnize J. Fischer Middle School (hereinafter, “Fischer Middle”) is located in Greenville County, South Carolina and is run by the Defendant Greenville County School District.

17. Plaintiff S.D. was a student at Fischer Middle.

18. Defendant Olivia G. Bennett is and was at all times relevant a teacher at and employee of Fischer Middle and Greenville County School District and is, upon information and belief, a resident of Spartanburg County, South Carolina.

19. Defendant Robert Ivey is and was at all times relevant a teacher at and employee of Fischer Middle and Greenville County School District and is, upon information and belief, a resident of Spartanburg County, South Carolina.

20. Defendant Bradley A. Harvey is and was at all times relevant a teacher at and employee of Fischer Middle and Greenville County School District and is, upon information and belief, a resident of Greenville County, South Carolina.

21. Defendant Kyle D. Pearson is and was at all times relevant an assistant principal at Fischer Middle and Greenville County School District and is, upon information and belief, a resident of Greenville County, South Carolina.

22. Defendant Christine V. Thomas is and was at all times relevant an assistant principal at Fischer Middle and Greenville County School District and is, upon information and belief, a resident of Anderson County, South Carolina.

23. Defendant Paketrice S. White is and was at all times relevant an assistant principal at Fischer Middle and Greenville County School District and is, upon information and belief, a resident of Greenville County, South Carolina.

24. Defendant Jeremie R. Smith is and was at all times relevant the principal at Fischer Middle and Greenville County School District and is, upon information and belief, a resident of Greenville County, South Carolina.

25. Defendant Metris R. Cain is and was at all times relevant a teacher at and employee of Fischer Middle and Greenville County School District and is, upon information and belief, a resident of Greenville County, South Carolina.

26. Defendant John S. Teer is and was at all times relevant a teacher at and employee of Fischer Middle and Greenville County School District and is, upon information and belief, a resident of Greenville County, South Carolina.

27. Defendant Greenville County School District owns, operates, and oversees Fischer Middle in Greenville County, South Carolina.

28. Defendant Greenville County School District and Fischer Middle have the right or power to direct and control their employees and/or agents and to provide safe environments for minors to participate in school activities and be free from harassment and physical abuse from coaches/teachers or fellow students.

29. Each act of any named Defendant or identified actions of employees and/or agents of any Defendants identified in this action were performed within the course and scope of any duty, employment, or agency capacity.

30. Each act of negligence, gross negligence, recklessness, and/or willful and wanton conduct by any person employed by or a volunteer of Fischer Middle and Defendant Greenville County School District, including Defendants Bennett, Ivey, Harvey, Pearson, Thomas, White, Smith, Cain, and Teer was under the scope of this agency and authority and is an act or occurrence under the South Carolina Tort Claims Act.

31. Defendants' negligent, grossly negligent, reckless, willful, or wanton acts, omissions, and liability includes that of their agents, principals, employees, and/or servants, both directly and vicariously, pursuant to principals of non-delegable duty, corporate liability, apparent authority, agency, ostensible agency, and/or respondeat superior.

**JURISDICTION AND VENUE**

32. The United States District Court of the State of South Carolina has jurisdiction for this case pursuant to 28 U.S.C. section 1331.

33. The events giving rise to causes of actions in this case occurred in Greenville County.

34. This proper Division for this case is the Greenville Division of the United States District Court for the State of South Carolina.

**JOINT AND SEVERAL LIABILITY**

35. The above-named Defendants are jointly and severally liable for all damages alleged herein since their negligent, grossly negligent, reckless, and wanton acts and omissions, singularly, or in combination, are the contributing proximate causes of Plaintiffs' injuries damages and losses.

**DAMAGES ALLEGATIONS AS TO DEFENDANTS**

36. Defendant Greenville County School District will likely claim to be a governmental entity which would subject them to tort claim immunity caps.

37. In relevant part, regarding limitations of liability under the South Carolina Tort Claims Act, S.C. Code Ann. Section 15-78-120, provides as follows:

38. For any action or claim for damages brought under the provisions of this chapter, the liability shall not exceed the following limits:

39. Except as provided in Section 15-78-120(a)(3), no person shall recover in any action or claim brought hereunder a sum exceeding three hundred thousand dollars because of loss arising from a single occurrence regardless of the number of agencies or political subdivisions involved.

40. Except as provided in Section 15-78-120(a)(4), the total sum recovered hereunder arising out of a single occurrence shall not exceed six hundred thousand dollars regardless of the number of agencies or political subdivisions or claims or actions involved.

41. Under S.C. Code Ann. Section 15-78-30: “Occurrence” is defined as “an unfolding sequence of events which proximately flow from a single act of negligence.”

42. Each act of negligence, gross negligence, recklessness, and/or willful and wanton conduct by any person employed by or an agent of Fischer Middle is an act or occurrence regarding the South Carolina Tort Claims Act.

43. There are multiple breaches of duties of care and industry standards in this case, and, upon information and belief, each breach (or occurrence) can be stacked to create multiple “caps” for any Defendant under the TCA (depending on what a jury ultimately decides).

44. All Defendants have been alleged to have committed grossly negligent or reckless acts.

45. Plaintiff is further alleging that Defendants, and their agents and/or employees committed grossly negligent and/or reckless acts which breached the duties of care and industry standards for which caps do not exist under the TCA.

46. Plaintiff has identified multiple breaches of duties by Defendants and their agents and/or employees which are known and there are other breaches not addressed which are unknown at this time.

**TEACHER AND STUDENT IMBALANCE OF POWER PROMOTES AND FACILITATES HARASSMENT AND PHYSICAL ABUSE OF STUDENTS**

47. Teachers wield enormous influence over their students’ lives, meaning many students choose not to report teacher misconduct because they do not want to jeopardize future opportunities.

48. As students across the country come forward to share their stories about teacher misconduct, the relationship between faculty and students has emerged as one of the ripest for misconduct or abuse, with teachers quietly wielding major influence over the trajectory of their students’ lives.

49. Teachers possess the power to intimidate and mistreat students.

50. The teacher is the person who issues grades or allows playing time to students. Teachers wield influence in a student's progress in chosen fields or interests.

51. In many cases, students depend on teachers for not only grades but mentorship, recommendations, and interest opportunities.

52. Students pursue a course of study where the goal is to learn from teachers, and that didactic relationship exposes them to risk when the teacher sees the relationship as an opportunity to promote their own goals.

53. By virtue of their roles, teachers engage in a range of behaviors that exercise power over students, including evaluation as a coach, and provision of recommendations for future educational or sports related opportunities.

54. Teachers are cognizant of the power differential of each of these circumstances, and they are supposed to refrain from misuse of their power.

55. Whenever possible, teachers should take steps to eliminate any unnecessary negative effects of the power differential.

56. Given the multiple roles that teachers play (e.g., instructor, academic advisor), multiple and overlapping relationships with students are common.

57. A teacher/student relationship calls for vigilance on the part of the faculty member because such relationship presents an increased potential for inappropriate and exploitative outcomes, particularly considering the power imbalances that exist.

58. When a teacher finds that their relationship with a student poses potential for concern, they are expected to take steps to remediate the situation through means other than engage in misconduct regarding the student, and, further, know that such duty exists.

59. The psychological power conferred by the status differential between teacher/coach

and student is immense.

60. There is no situation where it is appropriate for a teacher to allow a student to be exploited, harassed, or physically abused.

**AN INSTITUTION OF LEARNING IS  
SUBJECT TO TITLE VIII AND TITLE IX RULES AND REGULATIONS**

61. Title IX is a federal civil rights law in the United States that was passed as part of the Education Amendments of 1972.

62. This law states that "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

63. Schools that receive federal funding must adhere to Title IX for the protection of students. Since Title IX is a federal law, schools are legally required to comply with its provisions. Title IX ensures that no person is discriminated against based on their sex in educational programs or activities. This is crucial for creating an environment where all students have equal access to educational opportunities and resources. Title IX also addresses issues such as sexual harassment, assault, and violence in educational settings.

64. Compliance with Title IX helps schools to create a safe and supportive environment for all students, which is essential for effective learning and personal development.

65. Adherence to Title IX is necessary for legal compliance, ensuring equal opportunities, maintaining a safe learning environment, promoting gender equity, and securing federal funding. It is a fundamental aspect of creating an inclusive and equitable educational system.

**AN INSTITUTION OF LEARNING IS SUBJECT TO 42 U.S.C. § 1983**

66. 42 U.S.C. § 1983 provides the right to file a lawsuit to individuals who have been deprived rights, privileges, or immunities under the Constitution.

67. That 42 U.S.C. § 1983 applies to school districts and their employers.

68. That minor Plaintiff is the type of individual who should be protected and who was deprived of her rights.

69. Schools that receive federal funding must adhere to 42 U.S.C. § 1983 for the protection of students. Since 42 U.S.C. § 1983 is a federal law, schools are legally required to comply with its provisions. 42 U.S.C. § 1983 ensures that no person is discriminated against based on their sex in educational programs or activities. This is crucial for creating an environment where all students have equal access to educational opportunities and resources. 42 U.S.C. § 1983 also addresses issues such as sexual harassment, assault, and violence in educational settings.

70. Compliance with 42 U.S.C. § 1983 centers on safe school environments for children such as the minor Plaintiff.

71. That the minor Plaintiff's rights have been deprived by the Defendants' failure to provide a safe and bullying-free environment for public education.

**GENERAL FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS**

72. S.D. had been reporting instances of bullying since beginning at Fischer Middle School in August 2021.

73. On Friday, December 17, 2021, fellow students were calling her a man and roach in Olivia Bennett's class. Ms. Bennett was complicit in the bullying and said nothing to the other students to stop it. One student asked, "Where's the roach?", and Ms. Bennett pointed to S.D.

74. Jane Doe reported the incident via an email to Defendant Bennett and Defendant Smith early on December 18, 2021. In that email, Jane Doe observed that children had committed suicide from this type of behavior in the past.

75. Later that day, Defendant Harvey, 6 Red Team Leader, replied to the email instead of Defendant Bennett, who had forwarded the email to him instead of addressing the issue herself.

76. On December 19, 2021, Defendant Smith acknowledged receipt and stated that they were “working tirelessly to repair whatever is damaged.”

77. Between December 17, 2021, and the end of Christmas break, John and Jane Doe met with Defendant Smith to address the incident from December 17, 2021. During that meeting, it was explicitly discussed a solution moving forward would be that the individual leading the bullying, H.C.J. (a student), should be separated from S.D.

78. On January 26, 2022, S.D. emailed employee counselor Michelle Kirby to ask if she could come by her office to discuss the continued issues which she was having with student H.C.J. In the meeting, S.D. specifically requested a schedule change to avoid contact with H.C.J.

79. In the evening of January 26, 2022, Jane Doe emailed Defendant Smith to inform administration that, upon her return from Christmas break, student H.C.J. had confronted S.D. for telling her parents about the December 17, 2021, incident, which had led to a report against H.C.J. and Defendant Bennett. However, despite the report, the bullying continued. On January 26, 2022, H.C.J. had approached and cussed out S.D. during a newly added shared class, indicating that no separation efforts had been attempted by employees of Fischer Middle after the discussion that occurred during Christmas break.

80. On March 11, 2022, S.D. was involved in a fight with another student. Jane Doe heard about the fight from S.D. instead of from Fischer Middle administration. The student who caused the fight was not suspended; however, S.D. was.

81. On April 6, 2022, S.D. reached out to Caiti Miller requesting help and advice in dealing with another student. On multiple occasions, this student would continually disrupt the classroom and distract other students, including S.D. When S.D. asked the student to stop or quiet down, Defendant Teer would call out S.D. instead of punishing the student causing the disruption. Later in the afternoon on April 6, 2022, S.D. sent an email to Michelle Kirby with the same

message as to Caiti Miller, again asking for advice.

82. On May 23, 2022, one of S.D.'s fellow students in Defendant Teer's classroom played a song and video on Youtube called "The Black People Song." Defendant Teer allowed the song to be played without any comment on its offensiveness, nor any reprimand to or discussion with the student who played it. That same day, Jane Doe emailed Defendant Smith and Defendant Cain to report Defendant Teer's complicity. Defendant Cain replied on May 24, 2022, that the issue would be addressed, and later that day, that they had been speaking with other students, and that the investigation would be continued the next day. She concluded by stating "Just wanted you to know that we are not taking this concern lightly."

83. On September 22 and 25, 2022, email correspondence between Jane Doe and Fischer Middle employee Defendant Ivey indicates that Defendant Ivey dismissed S.D. for bringing up personal issues involving a family death. At this time, the bullying continued with no actions taken by the Defendants.

84. On October 13, 2022, Jane Doe informed Fischer Middle that B.A. (a student) had been pushing S.D. several times over the past month. The only reaction on the part of the faculty was to tell S.D. to inform them if it happens again. No faculty member approached B.A. for corrective measures. The bullying continued, resulting in S.D.'s clothes being hung, water being poured on them, and then thrown into the trash.

85. On December 14, 2022, S.D. emailed counselor Michelle Kirby to discuss moving communities. A few hours later, S.D. sent the same message to Vice-Principal Christine Thomas.

86. That as the bullying continued, comments were made about S.D.'s appearance, including looking like a man.

87. On March 18, 2023, S.D. attempted suicide by hanging as a direct result of the bullying of five Fischer Middle students. S.D. was unsuccessful; however, S.D. suffered significant

brain damage, causing her to need 24-hour care.

88. On April 8, 2023, J.G. (a student) was allowed to visit S.D. in the ICU. After asking to be alone with S.D., J.G. called another student, E.D., via cell phone. During the call, one of the two minors took pictures of S.D. and circulated them on social media. After the pictures were circulated, C.M. (a student) also assisted in spreading rumors about S.D.'s injuries.

89. On April 9, 2023, Jane Doe emailed Defendant Smith to lodge a formal complaint regarding the lack of enforcement of Fischer Middle's anti-bullying policies, as S.D. had been reporting incidents of bullying since 2021 with no intervention. The Principals at Fischer Middle told Jane Doe that they have a zero-tolerance policy for bullying but no way to enforce it.

90. On April 11, 2023, Defendant Fitzpatrick, the Assistant Superintendent of Fischer Middle, replied to Jane Doe's complaint and stated he wished to meet to discuss her concerns.

91. On May 18, 2023, after being informed of the pictures which had been taken of S.D. in the ICU, Jane Doe exchanged emails with Defendant Smith regarding the incident which occurred on April 8, 2023.

92. During all the times mentioned above, the named Defendants failed to intervene to stop the bullying of S.D. from the beginning until S.D. tried to hang herself.

93. As a direct result of the bullying which had occurred since 2021, minor Plaintiff S.D. attempted suicide by hanging and is now on total life care with severe brain damage. She requires 24-hour care.

94. The actions of all Defendants have caused injuries and harm to Plaintiffs.

**FOR A FIRST CAUSE OF ACTION AS TO DEFENDANTS**  
**(Negligent Hiring, Supervision, Monitoring and Retention)**

95. But for the actions and inactions of Defendant Greenville County School District, S.D. would not have been continually bullied over the course of a year and a half, and S.D. would not have attempted suicide.

96. As a direct and proximate result of Defendant Greenville County School District's negligent, grossly negligent and reckless hiring, supervision, monitoring, and retention of faculty, Does and S.D. have suffered and continue to suffer damages, and Plaintiffs are entitled to judgment against Defendants for actual damages and punitive damages, all to be determined by a jury at the trial of this action.

97. Defendants failed to properly hire, supervise, train, and monitor teachers and employees who would enforce the anti-bullying positions.

98. As a direct and proximate result of Defendant Greenville County School District's negligent, grossly negligent and reckless supervision, and monitoring of students, Does and S.D. have suffered and continue to suffer damages, and Plaintiffs are entitled to judgment against Defendants for actual damages and punitive damages, all to be determined by a jury at the trial of this action.

**FOR A SECOND CAUSE OF ACTION AS TO ALL DEFENDANTS**  
**(Negligence/Recklessness/Willful and Wanton Conduct)**

99. Plaintiff reiterates and realleges the above Paragraphs as though set forth herein verbatim and further alleges:

100. All faculty were hired by Defendant Greenville County School District prior to the harassment and physical assault of S.D.

101. Defendant Greenville County School District had a duty to properly vet and investigate their employees before hiring them as coaches and teachers.

102. Defendant Greenville County School District voluntarily accepted the duty and responsibility of supervising, training, and monitoring their employees in allowing them to serve as teachers at Fischer Middle.

103. All employees voluntarily undertook the duty of supervising and monitoring students at Fischer Middle to protect students from harm.

104. Defendants required that teachers be properly equipped to observe, supervise, and monitor students for improper and threatening behaviors and to prevent such.

105. Reasonable monitoring and supervision by Defendant Greenville County School District and Fischer Middle would have prevented the injury to J.D.

106. Despite having knowledge of the incidents of bullying, harassment, and abuse, Defendant Greenville County School District continued to allow their employees at Fischer Middle to teach and interact with S.D, and their students to interact with S.D.

107. The inappropriate behavior and abuse by the students were facilitated by the actions and/or inactions of Defendant Greenville County School District.

108. Defendant Greenville County School District and Fischer Middle retained their employees after the incidents were reported.

**AS TO DEFENDANT GREENVILLE COUNTY SCHOOL DISTRICT AND  
DEFENDANTS BENNETT, IVEY, HARVEY, PEARSON, THOMAS, WHITE,  
SMITH, CAIN, AND TEER**

109. As alleged above, Plaintiff S.D. was exploited, harassed, and verbally and physically abused by the teachers and students of Fischer Middle.

110. Defendant Greenville County School District/Defendants Bennett, Ivey, Harvey, Pearson, Thomas, White, Smith, Cain, and Teer had multiple duties to S.D., including, but not limited to, providing a culture of safety and an environment free from assault at her school.

111. Defendant Greenville County School District/Defendants Bennett, Ivey, Harvey, Pearson, Thomas, White, Smith, Cain, and Teer's duties arose from S.D. being present at Fischer Middle school.

112. Defendant Greenville County School District/Defendants Bennett, Ivey, Harvey, Pearson, Thomas, White, Smith, Cain, and Teer breached multiple duties owed to Plaintiff in a

negligent, grossly negligent, and reckless manner in committing one or more of the following acts of omission or commission, any, or all of which were breaches of the duties owed to Plaintiffs:

a. As an unfolding sequence of events proximately flowing from failing to ensure Plaintiff was not exposed to injurious behavior by faculty and students as a first occurrence;

b. As a separate and independent unfolding sequence of events proximately flowing from failing to ensure Plaintiff was not exposed to injurious behavior by faculty and students as a second occurrence;

c. As a separate and independent unfolding sequence of events flowing from failing to protect Plaintiff from faculty and students as a third occurrence;

d. As a separate and independent unfolding sequence of events flowing from failing to ensure Plaintiff was safe while in faculty and students' presence as a fourth occurrence;

e. As a separate and independent unfolding sequence of events flowing from Defendants failure to properly discipline or punish faculty and students, thus ensuring constant exposure to S.D. as a fifth occurrence.

f. As a separate and independent unfolding sequence of events flowing from failing to properly investigate and take appropriate actions against faculty and students as a sixth occurrence.

g. As a separate and independent unfolding sequence of events flowing from failing to properly train faculty as a seventh occurrence.

h. As a separate and independent unfolding sequence of events flowing from

failing to properly institute policies, procedures, or protocols regarding coaches or teachers allowing a student to harass, exploit and physically abuse a minor child as a eighth occurrence.

i. As a separate and independent unfolding sequence of events flowing from failing to investigate faculty's actions when it first became known that they allowed a student to harass and verbally abuse another student as an ninth occurrence; and,

j. In such other particulars as will be discovered through discovery undertaken pursuant to the S.C. Rules of Civil Procedure.

113. That all the above events and occurrences occurred numerous times and occurred with the knowledge of the employers and/or with reckless disregard for such events.

114. As a direct and proximate result of Defendants' negligence, gross negligence, and recklessness, Does and S.D. have suffered and continue to suffer damages, and Plaintiffs are entitled to judgment against Defendants for actual damages and punitive damages, all to be determined by a jury at the trial of this action.

**FOR A THIRD CAUSE OF ACTION AS TO ALL DEFENDANTS**  
**(Outrage/Intentional or Reckless Infliction of Emotional Distress)**

115. Plaintiff reiterates and realleges the above Paragraphs as though set forth herein verbatim and further alleges:

116. Defendants recklessly inflicted severe emotional distress on Plaintiff S.D. by virtue of their actions and it was certain or substantially certain that such distress would result from Defendants' conduct.

117. Defendants' conduct was extreme and outrageous as to exceed all possible bounds of decency and is intolerable in a civilized community.

118. Defendants' actions caused Plaintiff S.D. emotional distress.

119. The emotional distress suffered by Plaintiff S.D. was so severe that no reasonable person could be expected to endure it and the distress it caused, includes, but is not limited to, medical problems, emotional issues, mental anguish, and behaviors that are capable of objective diagnosis.

120. As a direct and proximate result of the intentional and/or reckless infliction of emotional distress on Plaintiffs by Defendants, Does and their minor daughter, S.D., have suffered and continue to suffer damages and Plaintiffs are entitled to judgment against Defendants for actual damages and punitive damages, all to be determined by a jury at the trial of this action.

**FOR A FOURTH CAUSE OF ACTION AS TO ALL DEFENDANTS**  
**(Title IX, 20 U.S.C. § 1681, et seq.)**

121. Plaintiff reiterates and realleges the above Paragraphs as though set forth herein verbatim and further alleges:

122. Title IX of the Education Amendments of 1972 requires that “No person... shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance....”

123. Defendant Greenville County School District is subject to Title IX by virtue of receiving Federal funds through its designation as a public school.

124. Defendant Greenville County School District knew it had to protect students from physical harm.

125. Physical harm and discrimination were directed at S.D. was because of her race, appearance, and because she was a female in gender.

126. Defendant Greenville County School District allowed students to verbally and

physically assault and hurt Plaintiff S.D.

127. The family of S.D. continually complained and brought Defendant Greenville County School District and Fischer Middle's attention to the bullying that was occurring.

128. Those complaints should have triggered an immediate investigation and hearing by Defendant Greenville County School District and Fischer Middle.

129. Defendant Greenville County School District did nothing to address the continual bullying with their faculty or their students.

130. Defendant Greenville County School District did not abide by mandated Title IX investigations, hearings, or actions.

131. Plaintiff has been subjected to discrimination by both faculty in their role as a teacher at Defendant Greenville County School District and Fischer Middle based on her race and gender.

132. Defendant Greenville County School District failed to take appropriate corrective action, thereby acting with deliberate indifference to Plaintiff's rights and safety in one or more of the following ways:

- a. failing to investigate students' harassment and abuse of S.D. and report to the proper authorities sexual abuse to appropriate authorities;
  - b. failing to cure or even attempt to cure obvious and known discrimination by faculty against S.D.;
  - c. In faculty failing to report students for their harassment and abuse of S.D.;
- and,
- d. in facilitating continuous exposure of S.D. to the particular students who continually harassed and abused her.

133. The deliberate indifference, actions, and/or omissions described above caused Plaintiff to suffer harassment, physical abuse, and continued harm by Fischer Middle failing to investigate the actions of faculty and students from August 2021 to present.

134. Title IX requires Fischer Middle to provide educational opportunity on an equal basis to all students regardless of their race and gender.

135. Defendant Greenville County School District failed to comply with Title IX despite actual knowledge of Teacher/student discrimination or student on student abuse, and Defendant Greenville County School District continued to allow students' access to S.D.

136. Failing to remedy Plaintiff's continued harassment or discrimination after the assault was a Title IX violation EACH time it occurred.

137. Defendant Greenville County School District failed to comply with Title IX in that it failed to ensure that the education provided to S.D. as a female student would be on an equal basis compared to the education provided by Defendant Greenville County School District to male students.

138. 20 U.S.C. § 1981 affords Plaintiff a civil cause of action for damages.

139. 42 U.S.C. § 1988 identifies damages, court costs, litigation expenses and attorney's fees as within the remedies available in an action brought pursuant to 20 USC § 1981.

140. As a direct and proximate result of the breach of Title IX by Defendant Greenville County School District, Does and their minor daughter, S.D., have suffered and continue to suffer damages and Plaintiffs are entitled to judgment against Defendants for actual damages and punitive damages, all to be determined by a jury at the trial of this action.

**FOR A FIFTH CAUSE OF ACTION AS TO ALL DEFENDANTS'**  
**VIOLATION OF 42 U.S.C. § 1983 AND VIOLATION OF TITLE IV**  
**AND VIOLATION OF 20 U.S.C. § 28 ET SEQ.**

141. Plaintiff reiterates and realleges the above Paragraphs as though set forth herein verbatim and further alleges:

142. Defendants recklessly inflicted severe emotional distress on Plaintiff S.D. by virtue of their actions and it was certain or substantially certain that such distress would result from Defendants' conduct.

143. Defendants' conduct was extreme and outrageous as to exceed all possible bounds of decency and is intolerable in a civilized community.

144. Defendants' actions caused Plaintiff S.D. emotional distress.

145. By failing to step in and prevent the bullying of S.D., the school district deprived the minor, S.D., of her rights to education, equal protection, and other rights under the Constitution and Title IV.

146. That such actions were done with deliberate indifference to S.D.'s 14th Amendment Rights and by allowing the treatment and the bullying to continue and occur to S.D. based on her race and sex. That such failures deprived S.D. of her rights under the Constitution of the United States under the Due Process clause and Equal Protection of the 14th Amendment.

147. That S.D.'s constitutional rights were also neglected based on her race and the Defendants' failure to act due to bullying based on minor Plaintiff's race deprived her of her rights under Title IV of the Civil Rights Act of 1964.

148. Defendant Greenville County School District is subject to Title IV by virtue of receiving Federal funds through its designation as a public school.

149. Defendant Greenville County School District knew it had to protect students from physical harm.

150. Physical harm and discrimination were directed at S.D. was because of her race,

appearance, and because she was a female in gender.

151. Defendant Greenville County School District allowed students to verbally and physically assault and hurt Plaintiff S.D.

152. The family of S.D. continually complained and brought Defendant Greenville County School District and Fischer Middle's attention to the bullying that was occurring.

153. Those complaints should have triggered an immediate investigation and hearing by Defendant Greenville County School District.

154. Defendant Greenville County School District did nothing to address the continual bullying with their faculty or their students.

155. Defendant Greenville County School District did not abide by mandated Title IV investigations, hearings, or actions. Defendants did not step in and protect minor Plaintiff's Constitutional rights and willfully violated those rights.

156. Plaintiff has been subjected to discrimination by both faculty in their role as a teacher at Defendant Greenville County School District based on her race and gender.

157. Defendant Greenville County School District failed to take appropriate corrective action, thereby acting with deliberate indifference to Plaintiff's rights and safety in one or more of the following ways:

- e. failing to investigate students' harassment and abuse of S.D. and report to the proper authorities sexual abuse to appropriate authorities;
  - f. failing to cure or even attempt to cure obvious and known discrimination by faculty against S.D.;
  - g. In faculty failing to report students for their harassment and abuse of S.D.;
- and,

h. in facilitating continuous exposure of S.D. to the particular students who continually harassed and abused her.

158. The deliberate indifference, actions, and/or omissions described above caused Plaintiff to suffer harassment, physical abuse, and continued harm by Defendant Greenville County School District failing to investigate the actions of faculty and students from August 2021 to present.

159. Title IV requires Defendant Greenville County School District to provide educational opportunity on an equal basis to all students regardless of their race and gender.

160. Defendant Greenville County School District failed to comply with Title IV despite actual knowledge of Teacher/student discrimination or student on student abuse, and Defendant Greenville County School District continued to allow students' access to S.D.

161. Failing to remedy Plaintiff's continued harassment or discrimination after the assault was a Title IV and Constitutional violation EACH time it occurred.

162. The emotional distress suffered by Plaintiff S.D. was so severe that no reasonable person could be expected to endure it and the distress it caused, includes, but is not limited to, medical problems, emotional issues, mental anguish, and behaviors that are capable of objective diagnosis.

163. As a direct and proximate result of the intentional and/or reckless infliction of emotional distress on Plaintiffs by Defendants, Does and their minor daughter, S.D., have suffered and continue to suffer damages and Plaintiffs are entitled to judgment against Defendants for actual damages and punitive damages, all to be determined by a jury at the trial of this action.

**FOR A SIXTH CAUSE OF ACTION**  
**(Violation of Restatement of Torts 323)**

164. Plaintiff reiterates and realleges the above Paragraphs as though set forth herein verbatim and further alleges:

165. Defendants undertook, for consideration, the provision of providing safe places for Plaintiff S.D. to practice her education pursuant to the Restatement (Second) Torts §§ 323.

166. The Restatement's negligent undertaking provisions impose a duty of care only when a defendant renders services that it "should recognize as necessary for the protection" of another. Restatement (Second) Torts §§ 323.

167. Plaintiff suffered severe and permanent harm as described above because of Defendants' failure to, among other things, exercise reasonable care in providing safety for a minor student or in artificially creating an environment of danger and voluntarily undertaking the duty to hire, monitor, supervise their faculty and students.

168. As a direct and proximate result of Defendants' violation of restatement of torts 323, Does and S.D. have suffered and continue to suffer damages and Plaintiffs are entitled to judgment against Defendants for actual damages and punitive damages, all to be determined by a jury at the trial of this action.

**FOR A SEVENTH CAUSE OF ACTION**  
**(Necessaries Claim)**

169. Plaintiff reiterates and realleges the above Paragraphs as though set forth herein verbatim and further alleges:

170. Plaintiff Does are responsible for their Minor Child S.D.'s medical bills, medical care, and overall care for the remainder of S.D.'s life.

171. John Doe and Jane Doe will suffer economic damages, including but not limited to, the provision of medical care, life care expense, psychiatric expenses, lost wages, counseling

services, and special programs due to the actions and/or inactions of Defendants as noted in all paragraphs above.

172. As a direct and proximate result of the multiple acts and/or omissions as herein alleged on the part of Defendants in all paragraphs above, the Minor Child S.D. has suffered the following damages, including, but not limited to:

- a. Substantial medical expenses that are reasonably certain to occur for the remainder of her life;
- b. Substantial life care expenses that are reasonably certain to occur for the remainder of her life;
- c. Substantial loss of earnings and impairment of earning capacity that are reasonably certain to occur for the remainder of her life;
- d. Disability that is likely to occur for the remainder of her life;
- e. Substantial injury to her psyche and emotional state; and,
- f. Substantial loss of enjoyment of life.

173. As a direct and proximate result of the multiple acts and/or omissions as herein alleged on the part of Defendants in all paragraphs above, John Doe and Jane Doe have suffered the following damages, including, but not limited to:

- a. Substantial medical expenses for the minor child that are reasonably certain to occur for the remainder of S.D.'s life;
- b. Substantial life care expenses for the minor child that are reasonably certain to occur for the remainder of S.D.'s life;
- c. Care related to the minor child's disability that is likely to occur for the remainder of S.D.'s life;

- d. Provision of extraordinary medical care for the minor child;
- e. Expenditure of economic resources to provide for the minor child for the remainder of her life, including, but not limited to, special education, assistance, or appropriate therapies such as art therapy, equine therapy, or any other type of treatment which may alleviate some of the Minor Child's suffering due to Defendants' actions and/or inactions;
- f. Substantial injury to their psyche and emotional state;
- g. Loss of society, companionship, and consortium with the minor child; and,
- h. Lost wages from having to take time off to manage the minor child, the investigation, and doctors' visits, among other things.

174. Plaintiffs should be awarded all damages flowing from any necessities claim or any other damages they may suffer or continue to suffer because of Defendants' (and their employees') multiple actions and/or inactions.

WHEREFORE, Plaintiffs respectfully pray for judgment against all Defendants for all actual damages and consequential damages, all punitive damages in an amount to be determined by the jury for the costs and disbursements of this action, and for such other and further relief as this Court deems is just and proper.

**[Signature on next page]**

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Greenville, South Carolina  
Date: November 11, 2024