

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF VIRGINIA BEACH

Anonymous Plaintiff 1 (Minor Student At Kellam High School)

By Next of Friend – Parent (anonymous)

-and-

Anonymous Plaintiff 2 (Minor Student At Kellam High School)

By Next of Friend – Parent (anonymous)

-and-

Anonymous Plaintiff 3 (Minor Student At Kellam High School)

By Next of Friend – Parent (anonymous)

Plaintiffs

v.

Case No: *025-2676*

FILED
CLERK'S OFFICE
VA BEACH CIRCUIT COURT

MAY 19 2025

TINA E. SINNEN, CLERK
BY: *[Signature]* D.C.

Ryan Schubart

Defendant

JURY TRIAL DEMANDED

COMPLAINT FOR DEFAMATION

I. Introduction / Request To Proceed Anonymously

1. This is a civil action for defamation brought by three Plaintiffs, who proceed anonymously pursuant to Virginia Code § 8.01-15.1 due to the sensitive nature of the allegations and the involvement of minor children. The Plaintiffs include three minor students of Floyd E. Kellam High School in Virginia Beach, Virginia, and their respective parents, who also proceed anonymously to protect the identities of their children. The Defendant, Ryan Schubart, is the Principal of Kellam High School.



2. The Plaintiffs allege that the Defendant published materially false and defamatory statements in an email addressed to the entire student body and school community on or about March 13, 2025. These statements falsely accused the minor Plaintiff's of engaging in racist harassment, despite evidence to the contrary, including video footage and the context of the events in question. In addition to making false factual statements to the public, the Defendant omitted every mitigating fact from all public statements to promote a narrative of harassment and bullying based on race. The Defendant's statements were made with reckless disregard for the truth and have caused significant harm to the Plaintiffs' reputations, emotional well-being, and prospects.
3. The Plaintiffs seek compensatory and punitive damages in the amount of \$10,000,000 for the harm caused by the Defendant's publication of false defamatory statements and for defamation by omission, as well as any other relief deemed appropriate by the Court.

II. Parties

4. Plaintiffs

- a. The Plaintiffs in this action consist of three individuals who proceed anonymously pursuant to Virginia Code § 8.01-15.1 due to the sensitive nature of the allegations and the involvement of minor children.
- b. The Plaintiffs are minor students at Floyd E. Kellam High School in Virginia Beach, Virginia (hereinafter referred to as "Minor Plaintiffs"). These Minor Plaintiffs are represented in this action by their respective parents, who act as their next friends and also proceed anonymously (hereinafter referred to as "Parent Plaintiffs").

5. **Defendant**

The Defendant, Ryan Schubart, is the Principal of Floyd E. Kellam High School in Virginia Beach, Virginia employed by Virginia Beach City Public Schools. At all relevant times, the Defendant acted within the scope of his employment as an agent of the Virginia Beach City Public Schools.

III. Jurisdiction and Venue and Sovereign Immunity

6. This Court has subject matter jurisdiction over this action pursuant to Virginia Code § 17.1-513, which grants circuit courts original jurisdiction over civil cases involving claims exceeding \$25,000.
7. Venue is proper in this Court under Virginia Code § 8.01-262 because the Defendant resides and is employed in Virginia Beach, Virginia, and the events giving rise to this action occurred within this jurisdiction.
8. The Plaintiffs have filed this action anonymously pursuant to Virginia Code § 8.01-15.1 due to the sensitive nature of the allegations, the involvement of minor children, and the potential harm to their safety and privacy.
9. Sovereign immunity does not apply in this case because the actions of the Defendant, Ryan Schubart, were intentional and/or grossly negligent. Under Virginia law, sovereign immunity does not shield public officials from liability for acts of willful misconduct or gross negligence. The Defendant's publication of materially false and defamatory statements, and the intentional omission of mitigating facts from public statements regarding the Plaintiffs, were done with knowledge of their falsity or reckless disregard for the truth, which constitutes intentional defamation and gross negligence. These

actions fall outside the scope of conduct protected by sovereign immunity, as they were neither discretionary nor performed in good faith

IV. Factual Background

9. The Plaintiffs and Their Connection to Kellam High School

The Plaintiffs in this case include three minor students (the “Minor Plaintiffs”) who were enrolled at Floyd E. Kellam High School in Virginia Beach, Virginia in March of 2025.

The Minor Plaintiffs were part of a close friend group that included the student alleged to have been the victim of racist harassment by the Defendant.

10. The Events of March 12, 2025

On March 12, 2025, the Minor Plaintiffs and the gift receiver gathered in their usual location at Kellam High School before the start of the school day. This gathering was consistent with their daily routine as close friends and something that was done every day this school year at the same time and location. March 12, 2025 was the birthday of the gift recipient, and the Minor Plaintiffs presented the gift recipient with a gift intended as a joke consisting of handwritten notes on a birthday card, a bag of fried chicken and various candy, which was received in the same spirit as a friendly gift by the recipient. Video evidence from security cameras of the exchange shows the Plaintiffs, the gift recipient, and other students laughing, hugging, and engaging in friendly behavior. Teachers and staff members were present in the vicinity, observing from a distance, but no intervention occurred by any adult, as the interaction did not appear to be inappropriate or hostile. The entire encounter was 2-3 minutes before all students had to go to class.

11. The Defendant learned of the incident in his capacity of principal of the high school from a teacher which prompted the Plaintiff's, the gift recipient and several witnesses to be interviewed by staff. The police were also notified and conducted an investigation, and the Virginia Beach Commonwealth Attorney also screened the incident. Neither Virginia Beach Police or the Virginia Beach Commonwealth Attorney's office determined any crime had occurred. All witnesses gave statements consistent with the fact the group were all friends, consisting of various races, that the incident was a joke towards a close friend and the gift recipient received the gift as a joke and as a friendly gift. The Defendant also knew that the victim had asked for fried chicken for his birthday from the Plaintiffs.

12. Within hours of the event, the Defendant was receiving inquiries from groups like the NAACP, school board members and various members of the community inquiring into the events that occurred. Despite all of the known information to the Defendant of what happened, the Defendant elected to create a false narrative that the events were targeted racial harassment to deflect any public pressure that the school was covering up an event that occurred on that day which led to the Defendant authoring a school-wide email to all parents on March 13, 2025.

13. **The Defendant's Email to the School Community – March 13, 2025**

At the time the email was authored by the Defendant to the school community, described the incident as an act of "racist harassment" and commended a staff member for allegedly intervening knowing that the police department had already determined that no crimes had been committed. The email further stated that the students involved would be disciplined "to the fullest extent possible" under the school division's code of conduct.

These statements were made without thorough investigation and were inconsistent with the video evidence, written statements of witnesses and the context of the events.

14. When the letter was authored by the Defendant, he knew the following facts:
 - A. The gift recipient reported that he found the text of the cards to be funny
 - B. The gift recipient asked for fried chicken for his birthday
 - C. No teacher intervened
 - D. Each witness reported the gift as a joke or prank gift given to a close friend in a friend group.
 - E. There was no disruption at the school regarding these events.

15. Defendant had no duty to advise the parent population publicly of what transpired on March 12, 2025 and doing so was a violation of School Board guidelines as no crime had been committed by the Plaintiffs and there was no danger to the student body population from the incident.

16. Defendant testified at an administrative hearing that he produced the email in consultation with the Virginia Beach Public School Public Information Office to dispel any rumors that were floating around about the incident and about the administration's response.

17. Defendant knew or should have known that broadcasting the message to the school community would result media reporting and the characterizations of the Plaintiffs would result in severe and irreversible reputational damage.

18. Following the incident, the Defendant recommended that the Plaintiffs receive a long-term suspension for their actions and the matter was referred to the Virginia Beach Public Schools Office of Student Leadership.
19. The Plaintiffs have availed themselves of the remedies available on this appeal, and have ultimately been prohibited from returning to Kellam High School for the remainder of their academic school year and a notation on their permanent academic that the Plaintiffs were suspended for bullying based on race, ethnicity or color and harassment/discrimination with the suspension being deferred requiring enrollment at Renaissance Academy with return to school occurring after June 13, 2025.
20. **Due Process Violations**

The Defendant's actions of publishing the March 13, 2025 violated the due process rights of the Plaintiffs as protected under Virginia Beach School Board Policy 5-36 and applicable law. School Board Policy 5-36 requires that disciplinary actions be conducted in a manner ensuring fair and equitable treatment of all students. Specifically, the policy mandates that students and their parents or guardians must be given written notice of the charges, an explanation of the facts as known to school personnel, and an opportunity to present their version of events. Disciplinary hearings must also be conducted by impartial individuals with no direct involvement in the incident or recommended discipline.

Despite these requirements, the Defendant's email disclosed sensitive and prejudicial information regarding the alleged incident, describing it as "racist harassment" and making definitive conclusions before any hearing or investigation had been completed to include any response from the parents. This disclosure, combined with public statements by School Board Member Melinda Rogers and subsequent media coverage, created an

environment of bias and hostility that precluded any possibility of a fair hearing for the Plaintiffs.

21. Despite the School Board Policy – the Defendant nonetheless sent the letter to the school and then directed official statements to be made to the media that said:

“They allegedly presented the items in the hallway and laughed while encouraging the student to read the card aloud. According to the school division, a staff member who witnessed this incident immediately intervened”.

22. Releasing confidential information about the ongoing disciplinary investigation was a violation of school board procedures and violation of law.

23. **Media Coverage and Public Statements**

Within hours of the email’s publication, multiple news outlets reported on the incident, amplifying the Defendant’s characterization of the events. Public officials, including members of the Virginia Beach NAACP, multiple members of the General Assembly from Virginia Beach issued condemning statements for the alleged racist harassment. These statements, based on the Defendant’s email, further inflamed public sentiment against all the Plaintiffs.

24. The media cycle lasted for weeks with dozens of stories published promoting the false narrative the Defendant created.

False Statements and Willful Omissions of Material Facts:

25. The Defendant made various statements or caused statements to be made that he knew were untrue when he made them, the Defendant further withheld material exculpatory facts in public statements and through the disciplinary review hearings:

A. The Defendant intended to paint these circumstances as racial harassment and racial bullying for the intended purpose of inflecting maximum punishment to the Plaintiffs through the Virginia Beach discipline system as promised by his March 13, 2025 email. To further this false narrative the Defendant:

- a. Authored the March 13, 2025, email concluding the Defendant described the incident as an act of “racist harassment” and commended a staff member for allegedly intervening knowing that the police department had already determined that no crimes had been committed. The email further stated that the students involved would be disciplined “to the fullest extent possible” under the school division’s code of conduct.
- b. At the time of the March 13, 2025 email the Defendant knew:
 - i. The reporting teacher did not intervene in the gathering by her own written statement. While the teacher was there – she did not intervene. These facts are available from the teachers own statement and by video security evidence.
 - ii. There were several adult teachers closely in proximity of the gathering of the March 13, 2025, gift exchange – and not one teacher stopped what they were doing to intervene.

- iii. That the chicken was given to the gift recipient at his request for his birthday.
- iv. That the student Plaintiffs and the gift recipient were close friends and had been close friends all year.
- v. That the meeting location of the gift exchange was a place that the student Plaintiffs and the gift recipient met every day before school for the entire school year as close friends.
- vi. That the student Plaintiffs and the gift recipient ate lunch together every day and played basketball together daily during lunch.
- vii. That the gift recipient found the gift card to be a funny gift.
- viii. All the witness statements of students involved described the gift as a prank.

B. Despite the known facts to the Defendant, the Defendant instead announced that the event as racist harassment and bullying to the student body by his March 13, 2025 email.

- a. In furtherance of the false statements of the Defendant in the March 13, 2025 email – the Defendant directed school administrators to report to the media that “They allegedly presented the items in the hallway and laughed while encouraging the student to read the card aloud. According to the school division, a staff member who witnessed this incident immediately intervened”
- b. Factually evidence that a teacher never intervened includes:

- i. The school security video clearly evidences that while several teachers were in the immediate vicinity of the gift exchange – no teacher intervened
- ii. At the April 30, 2025, School Board Disciplinary Hearing, when confronted with the actual teacher’s statement that did not include any statement she intervened, the Defendant agreed to recant his allegation that a teacher intervened evidencing the falsity of his statement.
- iii. The Defendant made allegations on three separate occasions against the Plaintiff students that the incident was so disruptive that a teacher had to intervene against each student Plaintiff:
 1. To the media on March 14, 2025, and multiple times thereafter.
 2. In a summarized statement at the Disciplinary Hearing Officer.
 3. At the Disciplinary School Board Hearing on April 30, 2025.
- iv. The allegation that a student was subject to racial harassment is false and has been proven false and was manufactured by the Defendant for the purposes of promoting the false narrative that this was a racially motivated attack by white students towards a black student rather than a gift exchange between friends in a diverse friend group.

- C. Failure to report and disclose that the student Plaintiff's and the gift recipient were close friends and in a friend group and the gift was made with jovial intent and reception:
 - a. The Defendant knew but failed to report that the student Plaintiffs and the gift recipient were close friends in a diverse ethnic friend group.
 - b. Facts known to the Defendant at the time of the March 13, 2025 email that the student Plaintiffs and the gift recipient were good friends were intentionally omitted from all reports by the Defendant because it did not fit the narrative the Defendant manufactured that a black student was subject to racial harassment by the Plaintiffs.

26. Consequences for the Plaintiffs

As a result of the Defendant's email and the subsequent media coverage, the Minor Plaintiffs have faced severe consequences.

- A.** They have been removed from school
- B.** They are now unable to return to Kellam High School due to threats of bodily harm and reputational damage being rumored they may even be killed if they attempt to return to school.
- C.** Strangers have stalked the Plaintiffs' homes, and the Plaintiffs have been confronted in hostile ways by adult strangers.
- D.** Plaintiffs have been threatened and property damage has occurred to property of the Plaintiffs due to their public perception they engaged in racial harassment.

- E. The Minor Plaintiffs' academic futures are in jeopardy due to the recommendation for long-term suspension findings in their academic records including limiting each student's ability to participate in sports and extracurricular activities.
- F. While the Minor Plaintiff's may return to public school in September 2025, threats to harm them have been conveyed and the likelihood is that no Plaintiff will be able to ever return to Virginia Beach public schools because of this.
- G. The Plaintiffs have also suffered emotional distress and irreversible harm to their reputations within the community.
- H. The Defendant's actions have violated the due process rights of the Plaintiffs, as outlined in School Board Policy 5-36, by publicly disclosing sensitive and prejudicial information and making definitive conclusions before any hearing or investigation was conducted while also promising to impose maximum punishment on each Plaintiff.
- I. The actions of the Defendant irreparably tainted the fairness of any disciplinary proceedings and caused further harm to the Plaintiffs.
- J. The labeling of the Plaintiffs as racist is a permanent label that will never be permanently repaired.

27. The Defendant's Recklessness and Malice

- A. The Defendant acted with reckless disregard for the truth by failing to review the available video evidence or conduct a reasonable investigation into the incident.
- B. The Defendant knew that the Plaintiffs and the gift recipient were friends and that their interaction did not constitute harassment and intentionally omitted that detail from all investigation reports.

- C. The March 13, 2025 email was published with the intent to inflame the community causing irreparable harm to the Plaintiffs.
- D. The Defendant falsified facts to the media and to those involved in the school board disciplinary process that the events were so disruptive that they required immediate teacher intervention.
- E. The Defendant's actions, including the publication of the email and the subsequent disciplinary recommendations, violated the Plaintiffs' due process rights under School Board Policy 5-36 and the Fourteenth Amendment to the United States Constitution. These violations have exacerbated the harm caused to the Plaintiffs, including reputational damage, emotional distress, and the jeopardization of the Minor Plaintiffs' academic futures.
- F. The claim that a staff member "immediately intervened" is also false. Video evidence shows that no staff member intervened during the interaction, as it did not appear inappropriate or concerning. Teachers and staff observed the interaction from a distance but did not take any action to disassemble the friend group.
- G. The Defendant intentionally omitted facts that refuted his own narrative and conclusions of the March 13, 2025 email and instead of correcting the facts he double downed on the false narrative at every opportunity to correct the record.

28. **Recklessness and Malice**

The Defendant acted with reckless disregard for the truth by failing to conduct a reasonable investigation into the incident before publishing the email.

- a. The Defendant did not review the available video evidence or did review the evidence and intentionally disregarded the facts, which clearly showed the friendly nature of the interaction between the Minor Plaintiffs and the gift recipient.
- b. The Defendant disregarded the written statements by all parties that evidenced this was a gift between friends and not bullying or harassment based on race.
- c. The Defendant knew the reporting teacher did not intervene by her own statement and by the video evidence.
- d. The Defendant knew that other adults around the gift exchange did not intervene or find reason to engage in the gift exchange.
- e. The Defendant's decision to publish the email with conclusions that the Plaintiffs engaged in racist bullying and harassment with an intention to seek maximum punishment against the Plaintiffs, despite the lack of evidence supporting the allegations of harassment, demonstrates a reckless disregard for the truth and an intent to inflame public sentiment against the Plaintiffs.
- f. The Defendant knew at the time of the publication, with the available evidence of witness statements of all interviewed and video evidence of the event, that there was no bullying or racist harassment.
- g. The Defendant's actions also violated the Plaintiffs' due process rights under School Board Policy 5-36, which requires fair and impartial disciplinary proceedings. By publicly disclosing sensitive and prejudicial information and making definitive conclusions before any hearing or investigation, the Defendant

irreparably tainted the fairness of the disciplinary process and caused further harm to the Plaintiffs.

29. Publication and Harm

While the Defendant never names the Plaintiffs in any statements, the identity of the Plaintiffs became immediately known in the Kellam High School Community due to the sudden removal of the Plaintiff's from the student body. The identity of the Plaintiff's was almost immediately discoverable by any parent with a student at Kellam High School and there is the identity of the Plaintiffs is well known among the student body at Kellam High School.

30. The Defendant's email was widely disseminated to the school community and subsequently reported by multiple news outlets, amplifying the defamatory statements. The publication of these false statements has caused significant harm to the Plaintiffs, including threats of bodily harm, reputational damage, emotional distress, and the inability of the Minor Plaintiffs to return to Kellam High School.

31. The Defendant's actions have also jeopardized the academic futures of the Minor Plaintiffs and caused emotional and reputational harm to the Parent Plaintiffs.

32. The Defendant's public disclosure of sensitive information and prejudicial conclusions violated the fairness requirements of School Board Policy 5-36.. These actions have exacerbated the harm suffered by the Plaintiffs, including the loss of due process protections and the creation of a hostile and biased environment.

IV. Legal Claims

Count 1 - Defamation (Allegations for All Counts)

20. The Plaintiffs restate all previous paragraphs.
21. The Plaintiffs assert a claim for defamation against the Defendant, Ryan Schubart, based on the false and defamatory statements published in his email to the Kellam High School community on or about March 13, 2025 and for future restatements of these false claims.
22. Under Virginia law, a claim for defamation requires the following elements:
 - a. The publication of a false statement;
 - b. The statement is defamatory, meaning it tends to harm the reputation of the plaintiff or subject the plaintiff to public scorn, ridicule, or contempt;
The statement is made with the requisite level of fault, which, for public figures or matters of public concern, includes actual malice or reckless disregard for the truth; and
 - c. The statement causes harm to the plaintiff.
23. The Defendant's email contained materially false statements and conclusions, including the assertion that the Minor Plaintiffs engaged in "racist harassment" and that a staff member "immediately intervened" to address the situation. These statements were published to the entire school community and subsequently disseminated by the media, causing significant irreversible harm to the Plaintiffs' reputations, emotional well-being, and safety.
24. The Defendant's failure to conduct a reasonable investigation, including reviewing available video evidence and considering the context of the events, demonstrates reckless disregard for the truth.

25. The Defendant's actions violated the Plaintiffs' due process rights under School Board Policy 5-36 by making prejudicial public statements before any hearing or investigation, exacerbating the harm caused by the defamatory statements.
26. The Defendant acted with actual malice or, at a minimum, reckless disregard for the truth in a grossly negligent manner by manufacturing false accounts of what happened, omitting relevant details of the relationship between the Plaintiffs and creating a prejudged public narrative that the Plaintiffs were racist bullies that needed the maximum amount of punishment for their actions.
 - A. Despite the availability of video evidence and other information demonstrating the friendly nature of the interaction between the Minor Plaintiffs and the gift recipient, the Defendant failed to conduct a reasonable investigation before publishing the email.
 - B. The Defendant further manufactured false evidence that that gift exchange was so disruptive that a teacher had to immediately intervene to inflame public sentiment and injure the minor Plaintiff's reputation.
27. The Defendant's malicious actions were intended to inflame public sentiment and to cause maximum harm the Plaintiffs which he promised to do in the March 13, 2025 email.
28. The Defendant's public disclosure of sensitive and prejudicial information violated the Plaintiffs' due process rights under School Board Policy 5-36, demonstrating a reckless disregard for fairness and impartiality in the disciplinary process.
29. These violations underscore the malicious intent behind the Defendant's actions.

Count 2: Defamation Per Se

30. The Plaintiffs restate all previous paragraphs.
31. The Defendant's statements constitute defamation per se under Virginia law because they impute conduct that is prejudicial to the Plaintiffs in their trade, profession, or community standing.
32. The accusation of "racist harassment" is inherently damaging and stigmatizing, particularly in the context of a school environment and broader societal condemnation of racism.
33. The Defendant's public statements also violated the Plaintiffs' due process rights under School Board Policy 5-36 by making prejudicial conclusions before any hearing or investigation, further exacerbating the harm caused.
34. As a result, the Plaintiffs are entitled to presumed damages without the need to prove specific harm.

Count 3: Defamation Per Quod

35. The Plaintiffs restate all previous paragraphs.
36. Alternatively, the Defendant's statements constitute defamation per quod, as they caused actual harm to the Plaintiffs, including reputational damage, emotional distress, threats to their safety, and violations of their due process rights.

37. The Plaintiffs have suffered tangible and intangible losses as a direct and proximate result of the Defendant's false statements and the prejudicial public disclosures made in violation of School Board Policy 5-36.

Count 4: Defamation By Omission

38. The Plaintiffs restate all previous paragraphs.

39. The Defendant intentionally omitted key details in public statements in the email to the school and through the following public releases to the press and to administrative discipline officers and to the Virginia Beach School Board to paint a picture of a narrative that was untrue for the specific intent to harm the character and reputation of the Plaintiffs to-wit:

- A. The reporting teacher did not intervene in the gathering. While she was there – she did not intervene. This is corroborated by the teacher's written statement attached and by video evidence.
- B. There were several adult teachers closely in and around the gathering of the March 13, 2025, gift exchange – and not one teacher stopped what they were doing to intervene.
- C. That the chicken was given to the gift recipient at his request for his birthday.
- D. That the student Plaintiffs and the gift recipient were close friends.
- E. That the meeting location of the gift exchange was a place that the student Plaintiffs and the gift recipient met every day before school for the entire school year as close friends.

- F. That the student Plaintiffs and the gift recipient ate lunch together every day and played basketball together daily during lunch.
 - G. That the gift recipient found the writings in the card to be funny.
 - H. All witness statements of students involved described the gift as a prank. Not one person, including the teacher, described the incident as bullying on race or racial harassment.
40. Instead of including any of the material facts known to the Defendant in the inception of the investigation, instead the Defendant intentionally, willfully and wantonly omitted each fact and detail from the official public narrative and from any statement made in support of the request to long-term suspend the student Plaintiffs from Virginia Beach Public Schools.
41. Omitting the key details of the relationship between the Plaintiffs and the gift recipient was done intentionally, willfully and with wanton disregard to the Plaintiffs for the express purpose of labeling the Plaintiffs in the public eye as racist bullies.
42. The willful and intentional omission of material facts stated in this count constitutes defamation by omission as the omission was specifically intended to promote a false narrative of the events of March 13, 2025 and the Defendant's characterization of the events.

Causation and Damages (All Counts)

43. The Plaintiffs restate all previous paragraphs.

44. The Defendant's defamatory statements and willful omissions of material facts were the direct and proximate cause of the harm suffered by the Plaintiffs.
45. These harms include, but are not limited to, public reputational damage, emotional distress, threats of bodily harm, stalking, attorney fees in representation in the disciplinary process and the jeopardization of the Minor Plaintiffs' academic futures.
46. The Defendant's actions violated the Plaintiffs' due process rights under School Board Policy 5-36 by publicly disclosing sensitive and prejudicial information and making definitive conclusions before any hearing or investigation.
47. These violations irreparably tainted the fairness of the disciplinary process, causing additional harm to the Plaintiffs' reputations, emotional well-being, and ability to seek a fair resolution of the allegations against them.
48. The Plaintiffs seek compensatory and punitive damages to redress these harms and to hold the Defendant accountable for his malicious and reckless conduct.

Emotional distress;

- Educational and professional consequences; and
- Safety concerns arising from threats, attacks, property damage and stalking.

VI. Damages

1. Compensatory Damages

The Plaintiffs have suffered significant harm as a direct and proximate result of the Defendant's defamatory statements. These damages include, but are not limited to:

- a. **Reputational Harm:** The Minor Plaintiffs have experienced irreparable damage to their reputation within the school community and beyond. The Defendant's statements, widely disseminated through the school email and subsequent media coverage, have labeled the Minor Plaintiffs as perpetrators of racist harassment, a false and life-time labeling and stigmatizing accusation.

- b. **Emotional Distress:** The Minor Plaintiffs have endured severe emotional distress. The Minor Plaintiffs have faced threats of bodily harm, stalking by strangers, and the psychological trauma of being ostracized and vilified within their community.

- c. **Educational and Professional Consequences:** The Minor Plaintiffs have been suspended from Kellam High School and are unable to return due to the hostile environment created by the Defendant's actions. This suspension and the recommendation for long-term disciplinary action jeopardize their academic futures, including their ability to apply to and attend college and further develop as productive adults.

- d. **Safety Concerns:** The Plaintiffs have been subjected to stalking, threats to cause bodily harm, property damage, necessitating increased vigilance and security measures to protect their safety and well-being.

- e. **Due Process Violations:** The Defendant's actions, including the public disclosure of sensitive information and prejudicial conclusions, violated the Plaintiffs' due

process rights under School Board Policy 5-36. Further the Defendant created false facts presented to the Virginia Beach School Board as outlined in this complaint. These violations have irreparably tainted the fairness of the disciplinary process, causing additional harm to the Plaintiffs' reputations, emotional well-being, and ability to seek a fair resolution of the allegations against them.

2. Punitive Damages

The Defendant's actions were undertaken with reckless disregard for the truth and with malice, as evidenced by his failure to conduct a reasonable investigation into the incident and his decision to publish inflammatory and false statements. The Defendant's intent to inflame public sentiment and harm the Plaintiffs warrants the imposition of punitive damages to deter similar conduct in the future and to punish the Defendant for his egregious behavior. Additionally, the Defendant's actions violated the Plaintiffs' due process rights under School Board Policy 5-36 by publicly disclosing sensitive and prejudicial information and making definitive conclusions before any hearing or investigation. These violations further demonstrate the malice and recklessness of the Defendant's conduct, justifying punitive damages.

3. Total Damages Sought

The Plaintiffs seek compensatory and punitive damages in the total amount of \$10,000,000, reflecting the severe and lasting harm caused by the Defendant's defamatory statements and due process violations. This amount is intended to compensate the Plaintiffs for their tangible and intangible losses and to hold the Defendant accountable for his malicious and reckless conduct.

Punitive Damages: Award punitive damages to the Plaintiffs in an amount sufficient to punish the Defendant for his malicious and reckless conduct and to deter similar behavior in the future.

Costs and Fees: Award the Plaintiffs their costs, including reasonable attorneys' fees, incurred in bringing this action.

Other Relief: Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

On Behalf of All Anonymous Plaintiff's

By:  Counsel

Timothy Anderson
Anderson & Associates PC
2492 N. Landing Rd 104
Virginia Beach VA 23456
757-301-3636 Tel // VSB 43803

EXHIBIT A

MAY 13, 2025 EMAIL BY DEFENDANT

FILED
CLERK'S OFFICE
VA BEACH CIRCUIT COURT

MAY 19 2025

TINA E. SINNEN, CLERK
BY: *Tina E. Sinn* D.C.

EXHIBIT B

MEDIA EXERPTS OF DEFENDANT'S PUBLIC STATEMENT

FILED
CLERK'S OFFICE
VA BEACH CIRCUIT COURT

MAY 19 2025

TINA E. SINNEN, CLERK
BY:  D.C.

EXHIBIT C

SCHOOL BOARD MEMBER MELINDA ROGERS STATEMENT

EXHIBIT A

MAY 13, 2025 EMAIL BY DEFENDANT

Tim Anderson

Subject: FW: Ensuring a Safe and Welcoming Learning Environment

From: Kellam High School via ParentSquare <donotreply+b45b8da8-936f-54d2-9862-04021d957af7@parentsquare.com>
To: "lxriley@cox.net" <lxriley@cox.net>
Sent: Thursday, March 13, 2025 at 05:00:14 PM EDT
Subject: Ensuring a Safe and Welcoming Learning Environment



Kellam High School

FILED
CLERKS OFFICE
VA BEACH CIRCUIT COURT
MAY 19 2025
TINA E. SINNEN, CLERK
BY: *[Signature]* D.C.

Kellam High School

Kellam High School community,

Ensuring a safe and welcoming learning environment for our students and staff is always our top priority. Unfortunately, we regret to inform you about a deeply concerning situation where one of our students was subject to racist harassment from a group of other students. This matter is being fully investigated, and the students involved will be disciplined to the fullest extent possible based upon the school division's code of student conduct.

Please know it is "the policy of the School Board to prohibit any and all discrimination, harassment and bullying based on an individual's race, color, religion ..." This behavior is not representative of the Kellam High School community, and we are taking the matter very seriously. We continue to counsel and educate our students about creating a safe and welcoming learning environment for all students and staff.

VBCPS has long-standing policies emphasizing zero tolerance for acts of this kind. As such, our staff regularly receives training on the importance of belonging and well-being. I fully trust our team in this regard, and together we will continue this critical work. I commend the staff member who witnessed this incident and immediately intervened, exemplifying the high standards we expect in recognizing and addressing concerning situations.

As always, we are committed to creating a safe and inclusive environment for all. I encourage you to discuss with your children the harmful impact this behavior has on our school community. Together, we can foster a supportive space where we value differences and uphold Kellam's core values of leadership, integrity, and unity.

Sincerely,
Ryan Schubart, Ph.D.
Principal
Floyd E. Kellam High School

Stay involved with your child's learning and activities at school.



You received this email because you are a ParentSquare user in Kellam High School. If you received this email in error or wish to disable your account, [click here to unsubscribe](#).

ParentSquare Inc · 6144 Calle Real, #200A · Goleta, CA 93117

EXHIBIT B

MEDIA EXERPTS OF DEFENDANT'S PUBLIC STATEMENT

FILED
CLERK'S OFFICE
VA BEACH CIRCUIT COURT

MAY 19 2025

TINA E. SINNEN, CLERK
BY: *Tina E. Sinn* D.C.

1) “Kellam student received racist harassment from other students”

Author: Jimmy LaRoue, Brett Hall – 3/13/25 – Wavy News

2) “Racist harassment incident at Kellam High School prompts letter to families”

Author: Taylor Brokesh – 3/13/25 – 13 News Now

3) “Virginia Beach NAACP ‘deeply disturbed’ by reports of racial harassment at Kellam High School”

Author: Kenzie Finch – 3/14/25 – Wavy News

4) “Outrage grows over racial harassment incident at Kellam High: ‘Alarming and unacceptable”

Author: Hannah Eason Amado, Alex Littlehales -3/14/25 – 13 News Now

5) “NAACP sounds alarm over alleged racism at Virginia Beach High School”

Author: Daniel Johnson – 3/15/25 – Black Enterprise

6) “Virginia Beach Delegates Decry Racial Harassment at Kellam High”

Author: Taylor Brokesh – 3/17/25 – 13 News Now

VIRGINIA BEACH

Report: Kellam student received racist harassment from other students

by: Jimmy LaRoue, Brett Hall
Posted: Mar 13, 2025 / 07:15 PM EDT
Updated: Mar 18, 2025 / 04:25 AM EDT

VIRGINIA BEACH, Va. (WAVY) — A Kellam High School student received racist harassment from a group of six other students at the school, according to officials with Virginia Beach City Public Schools.

A letter sent to the school community Thursday did not indicate when the racist harassment took place — a School Board member indicated on social media that it took place earlier that day — but it said the matter is being investigated, with the students involved to be disciplined “to the fullest extent possible based upon the school division’s code of student conduct.”

The Virginia Beach NAACP stated they were “deeply disturbed” by the news.

Virginia Beach NAACP ‘deeply disturbed’ by reports of racial harassment at Kellam High School

Report: Kellam student received racist harassment

And while the letter sent to parents didn't detail the harassment, 10 On Your Side has learned School Board members were given more details.

According to an email from Chief of Staff Cheryl Woodhouse, the incident involved six white students and one Black student.

Thursday, according to the email sent to board members, the White students approached the Black student in the hallway with a bag filled with "perceived stereotypical Black items" and a card filled with racial slurs.

They allegedly presented the items in the hallway and laughed while encouraging the student to read the card aloud. According to the school division, a staff member who witnessed this incident immediately intervened.

However, District 5 School Board member Melinda Rogers said more needs to be done.

"I feel that we have to do better," Rogers said.

Especially since, she said, this isn't just a Kellam problem.

Author: **Taylor Brokesh**

Published: **8:38 PM EDT March 13, 2025**

Updated: **12:18 PM EDT March 14, 2025**



VIRGINIA BEACH, Va. — Kellam High School in Virginia Beach emailed families at 5 p.m. on Thursday informing them that one of their students had been racially harassed by a group of other students.

Many of the details were vague, but a staff member had apparently witnessed the incident and intervened, according to the letter. The school said students involved would be disciplined "to the fullest extent possible."

Virginia Beach School Board Member Melinda Rogers posted on Facebook condemning the incident, saying she was "sickened, disgusted, and heartbroken" by the actions.

"While the perpetrators were children, they must be taught that these egregious acts will not be tolerated in Virginia Beach or at Kellam High School," she wrote. "I urge the Kellam community to speak to their own children this evening and reinforce why these racist actions are wrong and why they must never be complicit in them."

RELATED: Virginia Beach NAACP responds to racist incident at Kellam High: 'Alarming and unacceptable'

The following letter was sent to Kellam families:

Kellam High School community,

Ensuring a safe and welcoming learning environment for our students and staff is always our top priority. Unfortunately, we regret to inform you about a deeply concerning situation where one of our students was subject to racist harassment from a group of other students. This matter is being fully investigated, and the students involved will be disciplined to the fullest extent possible based upon the school division's code of student conduct.

Please know it is "the policy of the School Board to prohibit any and all discrimination, harassment and bullying based on an individual's race, color, religion ..." This behavior is not

representative of the Kellam High School community, and we are taking the matter very seriously. We continue to counsel and educate our students about creating a safe and welcoming learning environment for all students and staff.

VBCPS has long-standing policies emphasizing zero tolerance for acts of this kind. As such, our staff regularly receives training on the importance of belonging and well-being. I fully trust our team in this regard, and together we will continue this critical work. I commend the staff member who witnessed this incident and immediately intervened, exemplifying the high standards we expect in recognizing and addressing concerning situations.

As always, we are committed to creating a safe and inclusive environment for all. I encourage you to discuss with your children the harmful impact this behavior has on our school community. Together, we can foster a supportive space where we value differences and uphold Kellam's core values of leadership, integrity, and unity.

VIRGINIA BEACH

Virginia Beach NAACP ‘deeply disturbed’ by reports of racial harassment at Kellam High School

by: Kenzie Finch

Posted: Mar 14, 2025 / 11:01 AM EDT

Updated: Mar 17, 2025 / 11:36 AM EDT

VIRGINIA BEACH, Va. (WAVY) — The Virginia Beach NAACP released a statement after reports of alleged racial harassment occurring at Kellam High School.

Report: Kellam student received racist harassment from other students

In a letter sent out to the community on Thursday, a Kellam High School student allegedly received racist harassment from a group of other students at the school. The Virginia Beach NAACP stated they were “deeply disturbed” by the news.

The Virginia Beach Branch of the NAACP President Dr. Eric Majette issued the following statement:

“The rise in emboldened racist behavior in recent years is alarming and unacceptable. Racism should have no place in our schools, our communities, or anywhere in society. It is especially troubling that our youth must continue to endure the painful reality of discrimination. The Virginia Beach NAACP is committed to ensuring that all residents, especially African Americans, can live without fear or undue anxiety due to the color of their skin.

We will continue to monitor this situation closely and look forward to the findings of the ongoing investigation by Virginia Beach Public Schools. We call upon school administrators, educators, and community leaders to take decisive action in addressing these incidents and fostering an environment of respect, inclusion, and accountability. In the tradition of Dr. Martin Luther King Jr., the Virginia Beach NAACP remains steadfast in our fight against injustice and racism, recognizing its continued threat to justice everywhere. We also echo the call for unity made by Malcolm X in January 1965, underscoring the painful reality that nearly six decades later, this struggle persists. The Virginia Beach NAACP demands that Virginia Beach Public Schools uphold its

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commitment to equity and justice by implementing stronger measures to prevent and address racism in our educational institutions. We will not stand by while our children suffer the consequences of intolerance.”

The involved students are being disciplined in accordance to the school division’s code of student conduct. The school district reiterated its zero tolerance policy for racial discrimination and harassment.

Macie Allen, Public Information Officer for the Commonwealth’s Attorney’s Office in Virginia Beach released a statement regarding potential criminal charges following the incident at Kellam High School:

The situation that occurred at Kellam High School is reprehensible. We understand that people believe the actions of these students should be punished criminally. A thorough investigation was conducted by the Virginia Beach Police Department and reviewed by the Commonwealth’s Attorney’s Office. The Office has determined that this behavior doesn’t rise to the level of a crime under Virginia statutes. It’s important to note that Virginia’s hate crime statute is not a punitive statute but rather provides the definition of hate crime that can then be used to escalate punishment under other criminal statutes.

MACIE ALLEN

Virginia representatives are also weighing in on the incident.

“This kind of racist behavior is absolutely unacceptable and has no place in our public schools or anywhere in the Commonwealth,” said Delegate Michael Feggans. “The fear-inducing actions taken by the group of students against a vulnerable fellow classmate on school grounds were disgusting and reprehensible. I commend the Kellam High School teacher who intervened immediately to protect the student from further harm and appreciate the school administration’s quick response to this incident. I have full confidence in Kellam High School Principal Dr. Ryan Schubart and Virginia Beach Public Schools Superintendent Dr. Don Robertson to ensure this situation is addressed properly and that our schools remain welcoming to all.”

Continue to check WAVY.com for updates.

VIRGINIA BEACH

Outrage grows over racial harassment incident at Kellam High: 'Alarming and unacceptable'

Kellam High School emailed families on Thursday informing them that one of their students had been racially harassed by a group of other students.

Author: **Hannah Eason Amado, Alex Littlehales (WVEC)**

Published: **11:22 AM EDT March 14, 2025**

Updated: **7:21 PM EDT March 14, 2025**



VIRGINIA BEACH, Va. — The Virginia Beach NAACP responded to reports of racial harassment at Kellam High School, saying the incident left them "deeply disturbed."

Kellam High School emailed families on Thursday informing them that one of their students had been racially harassed by a group of other students. Many of the details were vague, but a staff member had witnessed the incident and intervened, according to the letter.

"Despite Virginia Beach School Board's policies that prohibit discrimination in any form, it is disheartening to witness yet another act of racial hostility following a similar incident in the past year," the NAACP branch wrote.

Melinda Rogers, representing District 5 on the Virginia Beach School Board, condemned

the incident Friday to 13News Now.

"Any kind of racist behavior that is harassment is not acceptable in our community. It's not the first time it's happened in our community. We've seen instances at Kellam, at Kempsville, at Cox and across the city. Because it keeps happening it tells us this is a problem we need to address," she said.

Just last year, Kempsville High School in Virginia Beach forfeited its boys varsity baseball season amid racism found within the program. An investigation uncovered evidence of racism, hate speech, and harassment.

RELATED: Kempsville High School: The path to healing after racism, harassment found within varsity baseball team

Dr. Eric Majette, president of the Virginia Beach branch of the NAACP, said the rise in racist behavior in previous years is "alarming and unacceptable."

"Racism should have no place in our schools, our communities, or anywhere in society. It is especially troubling that our youth must continue to endure the painful reality of discrimination," Majette said.

Rogers, who is a parent of a current Kellam student, said the school board will only weigh in if the parents of potentially involved students want to appeal any punishments handed down.

"The school board does lack details, and investigation is ongoing. We don't have all the details because they [VBCPS] is gathering statements, all of that has to be processed," Rogers said.

The NAACP said it will continue to monitor the situation closely as Virginia Beach Public Schools conducts an investigation. The school said students involved would be disciplined "to the fullest extent possible."

NAACP SOUNDS ALARM OVER ALLEGED RACISM AT VIRGINIA BEACH HIGH SCHOOL

Following reports of alleged racial harassment at Kellam High School in Virginia Beach, Virginia, the Virginia Beach NAACP spoke out.



Following reports of alleged racial harassment at Kellam High School in Virginia Beach, Virginia, the Virginia Beach NAACP and the Commonwealth Attorney's Office both issued statements decrying the alleged incident and asserting that there was no place for such beliefs and actions in the community.

According to WAVY, the Virginia Beach NAACP's President, Dr. Eric Majette, issued a statement concerning the allegations and called for school administrators, educators, and community leaders to take decisive action.



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“The rise in emboldened racist behavior in recent years is alarming and unacceptable. Racism should have no place in our schools, our communities, or anywhere in society,” Majette said in a statement. The Virginia Beach NAACP is committed to ensuring that all residents, especially African Americans, can live without fear or undue anxiety due to the color of their skin.”

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Per the report from WAVY, the students involved are subject to the discipline laid out in the school district's code of student conduct, which has a zero tolerance policy regarding racial discrimination and harassment.

In addition to the NAACP, Macie Allen, the Public Information Officer for the Commonwealth's Attorney's Office in Virginia Beach, released her own statement to the outlet indicating that although the incident at the high school was reprehensible, it did not meet the level required for criminal charges.

"The situation that occurred at Kellam High School is reprehensible. We understand that people believe the actions of these students should be punished criminally. A thorough investigation was conducted by the Virginia Beach Police Department and reviewed by the Commonwealth's Attorney's Office." Allen said. "The Office has determined that this behavior doesn't rise to the level of a crime under Virginia statutes. It's important to note that Virginia's hate crime statute is not a punitive statute but rather provides the definition of hate crime that can then be used to escalate punishment under other criminal statutes."

According to *13th News Now*, Kellam High School sent an email to families on March 13 about the incident, but beyond saying that one student had been racially harassed by a group of students, and that a staff member intervened immediately after witnessing said harassment, many of the details were vague.

According to the email, "the students involved will be disciplined to the fullest extent possible based upon the school division's code of student conduct."

Melinda Rogers, a member of the Virginia Beach School Board, indicated in her comments to the outlet that the incident points to a larger pattern of behavior in Virginia Beach.

"Any kind of racist behavior that is harassment is not acceptable in our community. It's not the first time it's happened in our community. We've seen instances at Kellam, at Kempsville, at Cox and across the city. Because it keeps happening it tells us this is a problem we need to address," Rogers said.

Rogers continued, indicating that the board would only address the issue if the parents of students who were involved wanted to appeal the punishments of their children.

"The school board does lack details, and the investigation is ongoing. We don't have all the details because they [VBCPS] are gathering statements, all of that has to be processed. I feel that we have to do better. Staying silent

doesn't change what is happening. This is why I've decided⁵³ to say something and I absolutely believe that the more we talk about this the more we will say we will not accept this," Rogers said.

Virginia Beach delegates decry racial harassment at Kellam High

Delegates Feggans, Askew, and Convirs-Fowler issued a joint statement regarding the incident that took place Thursday.

Author: **Taylor Brokesh**

Published: **10:00 PM EDT March 17, 2025**

Updated: **10:00 PM EDT March 17, 2025**



VIRGINIA BEACH, Va. — State delegates representing Virginia Beach issued a statement on Monday in response to an incident that occurred on Thursday in which one African American student was racially harassed by a group of students at Kellam High School.

The school has not announced what exactly occurred, but they have disclosed through a letter sent to families on Thursday evening that a staff member witnessed the incident and intervened to stop it. School administration added that the involved students would be disciplined "to the fullest extent possible."

State delegates Michael Feggans, Alex Askew, and Kelly Convirs-Fowler issued a joint statement expressing that they felt the incident displayed "unacceptable behavior" and "reaffirmed their commitment to fostering diversity, inclusivity, and respect in all Virginia Beach schools. They also commended the Kellam High School teacher who intervened immediately during the incident to ensure the emotional and physical safety of the student and applauded the school administration for swiftly addressing the matter."

"The fear-inducing actions taken by the group of students against a vulnerable fellow classmate on school grounds were disgusting and reprehensible," said Del. Feggans, who represents House District 97. "I commend the Kellam High School teacher who intervened

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immediately to protect the student from further harm and appreciate the school administration's quick response to this incident."

The Virginia Beach chapter of the NAACP also issued a statement regarding the incident on Friday, saying that "despite Virginia Beach School Board's policies that prohibit discrimination in any form, it is disheartening to witness yet another act of racial hostility following a similar incident in the past year," referring to when the Kempsville boys' basketball team forfeited their spring 2024 season after the school division uncovered racism within the program.

"As a parent and former public educator, this kind of behavior is alarming and unacceptable for a diverse and inclusive community like ours," said Del. Convirs-Fowler. "I want to extend my deepest gratitude to the educational staff for their swift and professional approach to this incident and striving toward a more welcoming environment for all learners going forward."

"This incident is a painful reminder of the work we still have to do. I urge parents to talk with their children about racism and cultural sensitivity to help prevent incidents like this," said Del. Askew. "We must all work together to promote a safe, inclusive educational environment for every child in our community."

EXHIBIT C

SCHOOL BOARD MEMBER MELINDA ROGERS STATEMENT