

and :

SARAH JANE RAMSEY, :
c/o Jacobs, Kleinman, Seibel & McNally :
1014 Vine Street, Suite 2300 :
Cincinnati, OH 45202, :

and :

A.R., :
c/o Markesbery & Richardson :
2368 Victory Parkway, Suite 200 :
Cincinnati, OH 45206, :

and :

COURTNEY RICHARDSON, :
c/o Phillips Law Firm :
9521 Montgomery Road :
Cincinnati, OH 45242, :

and :

RYAN SALYERS, :
c/o Surdyk, Dowd & Turner :
1 Prestige Place, Suite 700 :
Miamisburg, OH 45342, :

and :

EMILY STACHLER, :
6516 Winner's Circle :
Mason, OH 45040, :

Defendants. :

I. PRELIMINARY STATEMENT

1. This action challenges the severe, pervasive, and objectively offensive harassment that Sycamore Community Schools and Montgomery Police Officer Paul Payne permitted against high school student Jessica Logan before her death. Jessica was continually harassed by students at Sycamore High School and by the named Defendant students, who maliciously

circulated a nude photo of her and tormented her with degrading sexual insults. Jessica tried to end the harassment at school and turned to Officer Payne and to the School staff for help. Defendants failed to stop the harassment, which escalated to a point that deprived Jessica of her access to education and caused severe emotional distress, eventually leading Jessica to commit suicide. Through this action, Plaintiffs seek damages and seek to ensure that Defendants School District and Officer Payne appropriately respond to reports of harassment at Sycamore High School in the future.

II. JURISDICTION

2. Jurisdiction over the federal civil rights claims is conferred on this Court by 28 U.S.C. §§ 1331 and 1343(3) and (4). Jurisdiction over the state law claims is conferred by 28 U.S.C. § 1367(a). Venue is proper in this Division.

III. PARTIES

3. Plaintiff Cynthia Logan is the mother of Jessica Logan and the co-administrator of her estate. She sues both individually and as the co-administrator of Jessica Logan's estate.

4. Plaintiff Albert Logan is the father of Jessica Logan and the co-administrator of her estate. He sues both individually and as the co-administrator of Jessica Logan's estate.

5. Defendant Sycamore Community Schools Board of Education ("Sycamore Schools") is a political subdivision capable of suing and being sued under the laws of Ohio. Sycamore Schools provide education programs and activities that receive federal financial assistance. Only the entity School Board is sued; the individual Board Members are not defendants.

6. Defendant Paul Payne ("Payne") was at all times relevant to this action acting under the color of law as an employee of the Montgomery Police Department posted at

Sycamore High School as a School Resource Officer. He is sued in his individual and official capacity.

7. Defendant City of Montgomery is a unit of local government organized under the laws of the State of Ohio.

8. Defendant Sarah Jane Ramsey (“Ramsey”) is now an adult. She was at all times relevant to this action a resident of Ohio.

9. Defendant A.R. is a minor (“A.R.”). She was at all times relevant to this action a resident of Ohio.

10. Defendant Courtney Richardson (“Richardson”) is now an adult. She was at all times relevant to this action a resident of Ohio.

11. Defendant Ryan Salyers (“Salyers”) is now an adult. He was at all times relevant to this action a resident of Ohio.

12. Defendant Emily Stachler (“Stachler”) is now an adult. She was at all times relevant to this action a resident of Ohio.

IV. STATEMENT OF FACTS

13. Jessica Logan was a student at Sycamore High School from 2004 until 2008. She graduated in June 2008. A few weeks later she died on July 3, 2008 at the age of 18.

14. In the Spring of her senior year a nude photograph was taken of Jessica from her neck down. Jessica texted the photo to her then boyfriend, Defendant Ryan Salyers, reasonably expecting that the photograph would be held privately and not shared with others. Soon after Salyers received the photo, the relationship ended.

15. Defendant Salyers then violated Jessica’s privacy and trust by showing Jessica’s nude photo to other students.

16. Upon information and belief, Salyers texted the photo to Defendants Ramsey, A.R., Stachler, and/or Richardson.

17. Defendants Ramsey, A.R., Stachler, and Richardson then proceeded to disseminate the photo of Jessica to a large number of other students at Sycamore High School and Loveland High School.

18. Sycamore High School's policy bans the use of cell phones in school, however that policy is flagrantly and openly violated by students.

19. On or about May 6, 2008, a friend of Jessica's, while in class at Sycamore High School, saw a girl showing her cell phone to the students in the class. The girl was displaying the nude photo of Jessica on her phone. Apparently it had been texted to the girl's phone. The students in the class identified the person in the photo as Jessica Logan. The friend immediately texted Jessica and arranged to meet. On the way to the meeting the friend heard students in the hall talking about the nude photo of Jessica. The friend told Jessica about the photo being all over school. Jessica was devastated and humiliated. The friend took her to the guidance counselor's office to report what had happened and to get help for Jessica.

20. Jessica and her friend met with a student peer counselor and then a professional counselor employed by the school. Jessica wanted the texting of the photo to be stopped. Jessica was visibly and uncontrollably upset. The counselor referred the girls to the School Resource Officer, Defendant Paul Payne.

21. Jessica and her friend immediately went to meet with Officer Payne. Jessica was visibly upset and asked the Officer to stop the photo from being shown around school. She wanted the photo deleted from students' phones. Officer Payne said he could ask students to delete the photo from their phones but there was nothing else he could do. Officer Payne advised

Jessica to submit to an interview with Sheree Paoello, of WLWT, a local Cincinnati television station.

22. After the meeting with Jessica on May 5, 2008, Officer Payne went to Loveland High School to speak with Defendants A.R., Stachler, and/or Richardson about deleting the nude photo of Jessica from their phones. Subsequently, Defendants Ramsey, A.R., Stachler, and/or Richardson, contacted Jessica to inform her that they were going to escalate the level of harassment because she reported them. The harassment immediately intensified. Jessica spoke to Officer Payne again, but he advised her there was nothing more he could do.

23. As the Sycamore High School Resource Officer, Officer Payne is supervised and trained by the City of Montgomery but his daily duties are conducted in cooperation with Sycamore Schools.

24. Officer Payne had previously dealt with a similar incident at Sycamore High School when a tenth grade Sycamore High School student approached him because her photo was being spread around Sycamore and other area schools. Payne opened a criminal investigation, investigated the complaint as potential felonies (O.R.C. § 2907.31, Disseminating Matter Harmful to a Minor; and O.R.C. § 2907.32(A)(2), Pandering Obscenity), and involved the parents in an attempt to mediate the dispute. This option was not provided to Jessica or her parents; Officer Payne incorrectly told Jessica that there was nothing that could be done because she was an adult. He requested she submit to an interview with a television reporter.

25. As requested by Defendant Officer Payne, Jessica gave a television interview on “sexting” (sending risqué photos by text message) to the television reporter. During the interview, Jessica wanted to be anonymous, so she appeared in silhouette and her voice was altered. She spoke about the widespread harassment that she faced as a result of her photo being

circulated at school and wept as she described her embarrassment and humiliation. Officer Payne was interviewed as well. The interview aired on or about May 20, 2008 and was widely seen by Sycamore Schools students, faculty, and administrators.

26. On information and belief Sycamore Schools knew that Jessica Logan was the student interviewed along with Officer Payne on the television news show.

27. Sycamore Schools' sexual harassment policy requires that a student's complaint of sexual harassment be reported to the investigator in their building and the complaint is to be investigated promptly and with sensitivity. The policy was not followed after Jessica Logan reported her complaint to the guidance counselor or Officer Payne. Sycamore Schools conducted no investigation into Jessica's complaint.

28. The severe harassment continued. The students at Sycamore and Loveland High Schools would chastise Jessica with epithets and derogatory remarks, such as, "whore," "slut," and "skank." She also received phone calls, text messages, and internet messages while at school from Defendants Ramsey, A.R., Stachler, Richardson and students unknown to her, using similar slurs and epithets. Some peers went beyond the verbal torment and threw things at Jessica while she was at school and at school-sponsored events. This severe and pervasive harassment continued when Jessica would leave the school building, allowing her no reprieve from her tormentors. This continued through the end of the school year.

29. Jessica's grades and attendance at school deteriorated. She had planned to attend the University of Cincinnati after graduation, but her goals were jeopardized by her fear and distress at school. She skipped school because she was too emotionally distraught. Sycamore Schools responded by sending truancy notices and letters to her parents threatening that Jessica would not graduate. Sycamore Schools failed to investigate the harassment, failed to end the

harassment, and failed to help Jessica with her emotional turmoil. As a result of the harassment and Sycamore Schools' non-response to it, Jessica was denied access to her education.

30. Jessica was able to partially overcome the tremendous distress she was forced to endure at school and managed to complete her coursework. On June 1, 2008, she graduated from Sycamore High School with the hopes that graduation would bring an end to the harassment. Unfortunately, the harassment continued. Students threw objects at Jessica during Sycamore's graduation and at graduation parties, slurred her and hurled sexual epithets at her when she attended graduation parties, and continued to harass her by phone and online.

31. On July 3, 2008, Jessica attended the visitation of a close friend that had committed suicide. After his funeral, she was visibly upset and shaken. Later that evening Jessica Logan hanged herself in her bedroom.

32. At all times relevant to this action, Jessica Logan followed the policies of Sycamore Schools in seeking relief from the sexual harassment she experienced at school. Defendants Sycamore Schools failed to take appropriate action to end the harassment.

33. The policies, practices, customs, and usages of Defendant Sycamore Schools were the moving force behind the injuries suffered by Plaintiffs in this case.

34. Defendant Sycamore Schools was deliberately indifferent to the sexual harassment Jessica Logan suffered. The school counselor, Officer Payne, the faculty, and administrators who saw and/or became aware of Jessica's and Officer Payne's television interview all had actual notice of the sexual harassment Jessica was experiencing.

35. The City of Montgomery failed to train and supervise Officer Payne in his duties as School Resource Officer and in his actions/ inactions in response to Jessica Logan's complaints.

36. The response of Defendants Sycamore Schools, Officer Payne, and the City of Montgomery, to the harassment suffered by Jessica Logan shocks the conscience and was negligent, reckless, wanton, knowing, intentional, and deliberately indifferent to the health and safety of Jessica Logan.

37. As a direct and proximate result of Defendants actions, Jessica Logan suffered severe emotional distress, pain and suffering and extreme humiliation and embarrassment.

38. The sexual harassment Jessica suffered was so severe, pervasive and objectively offensive that it deprived her of access to her educational opportunities and benefits provided by the school.

39. As a direct and proximate result of Defendants actions, Burt and Cynthia Logan suffered severe emotional distress.

V. FIRST CAUSE OF ACTION - 20 U.S.C § 1681

40. Defendant Sycamore Community Schools Board of Education violated Plaintiff Jessica Logan's right to be free from discrimination on the basis of sex in federally funded education programs and activities. Jessica Logan reported harassment that was severe, pervasive, and objectively offensive to an appropriate person, as the Defendant's policies instructed. The Defendant's response to this report was clearly unreasonable in light of the known circumstances, depriving Jessica Logan of her access to the educational opportunities and benefits that the school provides.

VI. SECOND CAUSE OF ACTION – 42 U.S.C. § 1983

41. Defendants Sycamore Community Schools and Paul Payne have, under color of law, deprived Plaintiff Jessica Logan of clearly established rights, privileges, and immunities secured by the Fourteenth Amendment of the Constitution. These are rights of which a reasonable person would have known. These rights include, but are not limited to, the right to

equal protection and the right to due process of law. The Defendants actions shocks the conscience and violated the Plaintiff's right to equal protection by failing to address Plaintiff's complaints of harassment when they had previously intervened for other students.

VII. THIRD CAUSE OF ACTION – INFLICTION OF EMOTIONAL DISTRESS

42. Defendants Payne, Salyers, A.R., Richardson, Ramsey, and Stachler intentionally and/or negligently inflicted severe emotional distress on Jessica Logan and Mr. and Mrs. Logan.

43. Sycamore Schools negligently inflicted severe emotional distress on Jessica Logan and Mr. and Mrs. Logan.

VIII. FOURTH CAUSE OF ACTION – INVASION OF PRIVACY TORT

44. Defendant Ryan Salyers invaded Jessica Logan's privacy by unreasonably publicizing her private affairs, causing her severe emotional distress, pain, and suffering.

IX. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand that the Court:

- A. Issue an order that Sycamore Community Schools Board of Education amend its policies and procedures to appropriately respond to sexual harassment at Sycamore High School;
- B. Award Plaintiffs compensatory damages in an amount to be shown at trial;
- C. Award Plaintiffs punitive damages in an amount to be shown at trial;
- D. Award Plaintiffs reasonable attorney's fees and costs;
- E. Award Plaintiffs pre- and post-judgment interest;
- F. Grant to Plaintiffs such additional relief as the Court deems just and proper.

Respectfully submitted,

/s/Jennifer L. Branch
Alphonse A. Gerhardstein #0032053
Attorney for Plaintiffs
Jennifer L. Branch #0038893

Attorney for Plaintiffs
GERHARDSTEIN & BRANCH CO. LPA
432 Walnut Street #400
Cincinnati, Ohio 45202
(513) 621-9100
(513) 345-5543 fax

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues triable by a jury.

/s/ Jennifer L. Branch
Jennifer L. Branch