

videotaped surveillance while in a high school classroom. Petition, Count VII, pp. 15-17.

2. Plaintiffs' Petition along with a summons were alleged to have been served on Defendant Joe Hornback on or about January 8, 2017, Defendants Bonner Springs-Edwardsville Unified School District and Jerry Abbott on or about January 9, 2017 and Defendant Kristi Hoffine on or about January 20, 2017.¹

3. Upon information and belief, Defendant Van Maren has not been properly joined and served in this action and therefore is not required to join or consent to removal at this time. 28 U.S.C. § 1446(b)(2).

4. Pursuant to Rule 6(a) of the Federal Rules of Civil Procedure and 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty (30) days after receipt of the initial pleading on which the aforesaid action is based.

5. The above-referenced action is a civil action over which this court has jurisdiction pursuant to 28 U.S.C. §1331, and is an action which may be removed to this court by the Defendants pursuant to 28 U.S.C. §1441 and that this is a civil action involving a federal question.

6. Plaintiffs' Petition filed in the state court action is attached hereto and incorporated herewith.

WHEREFORE, the Defendants Bonner Springs-Edwardsville Unified School District No. 204, Kristi Hoffine, Jerry Abbott and Joe Hornback respectfully request that the above titled action be removed from the District Court of Wyandotte County, Kansas to the United States District for the District of Kansas, and that this Court assume full jurisdiction over the cause herein provided by law.

¹ By filing this notice, Defendants do not waive service or sufficiency of process or consent to personal jurisdiction.

DESIGNATION OF PLACE OF TRIAL

Defendants, in accordance with D.Kan.R. 40.2 hereby designates Kansas City, Kansas as the place for trial.

Respectfully submitted,

McANANY, VAN CLEAVE & PHILLIPS, P.A.
10 E. Cambridge Circle Drive, Suite 300
Kansas City, Kansas 66103
Telephone: (913) 371-3838
Facsimile: (913) 371-4722
E-mail: ggoheen@mvplaw.com

By: /s/ Gregory P. Goheen
Gregory P. Goheen #16291

Counsel for Defendants Bonner Springs-Edwardsville
Unified School District No. 204, Kristi Hoffine, Jerry Abbott
and Joe Hornback

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and a true and correct copy of the above and foregoing was sent to the below listed individuals on this the 24th day of January, 2017, by U.S. Mail, postage pre-paid.

Sarah A. Brown
Dan Curry
Brown & Curry, LLC
406 West 34th Street, Suite 810
Kansas City, MO 64111

Attorneys for Plaintiffs

/s/ Gregory P. Goheen

ELECTRONICALLY FILED

2016 Dec 29 PM 3:55

CLERK OF THE WYANDOTTE COUNTY DISTRICT COURT
CASE NUMBER: 2016-CV-000979

IN THE DISTRICT COURT OF WYANDOTTE COUNTY, KANSAS

ROB MARRIOTT,)
)
 and)
)
 DAWN MARRIOTT,)
)
 and)
)
 , a minor, by)
 and through his next friend, Rob Marriott)
)
 Plaintiffs,)
)
 v.)
)
 USD 204, BONNER SPRINGS -)
 EDWARDSVILLE SCHOOL DISTRICT)
)
 and)
)
 ROBERT VAN MAREN, an individual)
)
 and)
)
 KRISTI HOFFINE, an individual)
)
 and)
)
 JERRY ABBOTT, an individual)
)
 and)
)
 JOE HORNBACK, an individual)
)
 Defendants.)

Case No. _____

Division _____

PETITION FOR DAMAGES

Come now Plaintiffs, and for their Petition for Damages against Defendants, state as follows:

1. Plaintiffs Rob Marriott, Dawn Marriott and _____ are citizens and residents of Olathe, Johnson County, Kansas. Plaintiff Rob Marriott is currently married to Plaintiff Dawn Marriott, and Plaintiff _____ is his minor son.

2. Defendant USD 204, Bonner Springs – Edwardsville School District (USD 204) is and was at all relevant times a public school district located in Wyandotte County, Kansas. USD 204's central administrative office is located at 2200 South 138th Street, Bonner Springs, Kansas 66012.

3. Defendant Robert Van Maren is an individual who was the Superintendent of USD 204 during the years 2007-2013. He can be served at 918 S. 132nd Street in Bonner Springs, Kansas 66012. He is sued in his personal capacity.

4. Defendant Kristi Hoffine is an individual who has been the Director of Secondary Instruction for USD 204 during the years 2007 through the present. She can be served at 515 E. Spring Street in Bonner Springs, Kansas 66012. She is sued in her personal capacity.

5. Jerry Abbott is an individual who was the Bonner Springs High School principal for USD 204 during the years 2007-2009, and is currently the Education Foundation Director for the school district. He can be served at USD 204's Central Office at 220 S. 138th Street, P.O. Box 435, in Bonner Springs, Kansas 66012. He is sued in his personal capacity.

6. Joe Hornback is an individual who was the Bonner Springs High School principal for USD 204 during the years 2009-2016. He can be served at 225 Warner Avenue in Bonner Springs, Kansas 66012. He is sued in his personal capacity.

7. On May 18, 2016, Plaintiffs gave notice of their claims to Defendant USD 204 pursuant to K.S.A. 12-105b(d). More than 120 days have passed and accordingly, Plaintiffs'

claim is deemed denied because USD 204 failed to approve the claim in its entirety during that time period.

8. Jurisdiction and venue are proper as Defendants are doing business in Wyandotte County, Kansas and the conduct giving rise to these causes of action took place in Wyandotte County, Kansas. Accordingly, the District Court of Wyandotte County, Kansas has subject-matter jurisdiction over the causes of action alleged herein, personal jurisdiction over all defendants named herein, and venue is proper in this Court.

BACKGROUND FACTS APPLICABLE TO ALL COUNTS

9. Plaintiff Rob Marriott began to work at Bonner Springs High School in 2007 as a science teacher. He received good teaching evaluations from his principal, Jerry Abbott, after the completion of his first year.

10. During the 2008-2009 school year, Defendant Abbott was the High School Principal, and Plaintiff Rob Marriott had Defendant Hoffine's daughter and Defendant Van Maren's son in his science class. During that school year, there was a period of two weeks where district administrators monitored Rob Marriott's classes every day. Marriott never received any feedback from the administrators, nor were there ever any meetings regarding his teaching after this two-week monitoring.

11. Defendant Hornback became the high school principal in the 2009-2010 school year, and that same year Plaintiff Rob Marriott was promoted to Science Department Chair.

12. During the next four school years, from 2010 through 2014, Plaintiff Rob Marriott taught and coached at Bonner Springs High School, and received good evaluations from his Principal, Joe Hornback and from the athletic director, John Hilton.

13. In the 2011-2012 school year, Plaintiff Rob Marriott was an assistant coach for Track and the head coach for Cross Country.

14. In the 2012-2013 school year, Plaintiff Rob Marriott was promoted to Head Track Coach.

15. In the fall of 2014, at the end of the Track season, Rob Marriott resigned as the Track and Cross Country Coach.

16. During the years that Plaintiff Rob Marriott was a teacher and coach at Bonner Springs High School, he would lock the door to his classroom after school and would change his clothes for his coaching responsibilities.

17. Mr. Marriott handled personal and private business affairs in his classroom when he was not teaching students during his private planning period and after school.

18. Mr. Marriott had private and confidential discussions with individuals and colleagues in his classroom after school.

19. While teaching in his classroom, Plaintiff Rob Marriott kept the door to his classroom closed to prevent distractions and to establish a space where he, as a teacher, and his students could establish a teaching and learning relationship with the requisite degree of trust on the part of each for the other.

20. Plaintiff Dawn Marriott also used her husband's class room after school to change her clothes when she came to the school to assist with timing duties at school athletic events. She would lock the door to assure privacy in the classroom after school.

21. _____, a minor, was a student in the science classroom in 2014-2015, and an athlete at the high school, and he also changed his clothes in his father's classroom after school.

22. Other members of the coaching staff also used Marriott's locked and secure classroom to change clothes for their coaching duties after school.

23. Upon information and belief, for one year Marriott's classroom was used as a locker room for visiting teams to the Metro Classic Boys and Girls Basketball Tournament.

24. In the 2014-2015 school year, there was an escalation of discipline problems in the classrooms and hallways at the high school. Plaintiff and other teachers met in Marriott's classroom to discuss the discipline problems and the need for the administration to support them.

25. During the summer of 2015, Plaintiff Rob Marriott resigned from his teaching position at Bonner Springs High School and then took a teaching and coaching position at Leavenworth High School for the 2015-2016 school year.

26. In late February 2016 or early March 2016, Plaintiff Rob Marriott learned from a fellow teacher at Leavenworth High School that the Bonner Springs School administrators had been secretly videotaping him in his science classroom at Bonner Springs High School, and that the IT personnel in USD 204 had recently removed the camera that had been installed in the back of his classroom at Bonner Springs High School.

27. On or about March 4, 2016, Rob Marriott learned from another teacher that officials in USD 204 had surreptitiously placed a hidden video camera in his classroom at Bonner Springs High School in approximately 2009 and that officials in the school district had been secretly videotaping him, as well as everyone else in his classroom from 2009 till his resignation in 2015.

28. Plaintiff learned that Freddy DeLeone and Mark Wiseman installed the camera in his room under the direction of Ken Clark, the Director of IT.

29. Upon information and belief, the video camera was secretly installed upon the instruction and order of Superintendent Van Maren and Kristy Hoffine. Both Van Maren and Hoffine are high-level administrators with superintendent authority and policy or rule-making authority.

30. Plaintiffs also learned that Jerry Abbott, the High School Principal in 2009, told high school administrators about the hidden camera during a meeting in 2009 and that district and high school administrators, including Defendant Hornback, knew about it and watched the video feeds. Defendants ratified its use by choosing to allow it to remain.

31. Plaintiffs learned that School District IT worker Mark Wiseman had removed the camera from Rob Marriott's former classroom in December 2015.

32. No other teacher had a video camera placed in his or her classroom during this time from 2009 through 2015.

33. Upon information and belief, the administrators and personnel in the school district and at the high school, including curriculum director Leticia Porter, Information Technology Director Ken Clark, former assistant principal and now principal Rick Moulin, athletic director Doug Hitchcock, other assistant principals and administrators in the high school, and IT personnel in the school district had access and opportunity to view the videotape recordings from the hidden camera installed in Plaintiff Rob Marriott's classroom.

34. Plaintiffs did not discover or reasonably ascertain that Defendants, and their employees and agents, secretly videotaped them while undressing and changing clothes in the Bonner Springs High School classroom until late February or early March 2016.

35. Plaintiffs would never have changed their clothes if they had known there was a camera video-taping them in the classroom.

36. Each of the Plaintiffs, as well as other teachers and students, had an expectation of privacy in Rob Marriott's science classroom at Bonner Springs High School, especially after school.

37. Plaintiffs did not consent to the clandestine video surveillance.

38. Plaintiffs, teachers and students have an expectation for their physical, social and psychological privacy while engaged in the activities of instruction, advising, counseling and learning.

39. Plaintiffs and student athletes had an expectation of privacy when the door to the classroom was shut and they would change into or out of uniforms or coaching clothes.

40. Each of the above-identified individuals had an expectation of privacy in the classroom when the door was locked before changing clothes or closed for a private meeting or conversation.

41. Numerous teachers and students in Mr. Marriott's classes over the years, who had an expectation of privacy in his classroom, were secretly filmed without their knowledge.

42. The right to privacy is grounded in the Fourth and Fourteenth Amendments of the United States Constitution's concept of personal liberty.

43. The constitution of the State of Kansas protects individual privacy interests in that Section 18 of the Bill of Rights of the Constitution of the State of Kansas provides that all persons who suffer injuries to their person, reputation or property have a remedy by due course of law.

44. Defendants knowingly and without lawful authority installed or used a concealed photographic camera to secretly videotape, film, photograph or record by electronic or other means, another, identifiable person under or through the clothing being worn by that other person

or another, identifiable person who in a state of undress, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the consent or knowledge of that other person, with the intent to invade the privacy of that other person, under circumstances in which the other person has a reasonable expectation of privacy. K.S.A. § 21-6101.

45. School administrators betrayed the trust of Plaintiffs by placing the hidden camera in Marriott's classroom.

46. Plaintiffs have suffered and continue to suffer emotionally and physically, including difficulty trusting administrators and supervisors in public schools, as a direct result of their discovery of the hidden camera.

COUNT ONE – INTRUSION UPON SECLUSION INVASION OF PRIVACY

47. Plaintiffs incorporate the above paragraphs in the Background Facts Applicable to All Counts of this Petition as if fully set forth herein.

48. Plaintiffs possessed a reasonable privacy interest in their solitude, seclusion and physical privacy interests.

49. Defendants, and their employees and agents with access to the video feed, intentionally interfered with Plaintiffs' solitude, seclusion and physical privacy interests by secretly videotaping Plaintiffs in Rob Marriott's science classroom.

50. A reasonable person would be highly offended by Defendants' intrusive conduct.

51. Plaintiffs did not consent to the intrusions by Defendants.

52. The individual Defendants' actions and/or inactions were outrageous or recklessly indifferent and done in the course and scope of their employment with Defendant USD 204, making Defendant USD 204 vicariously liable for such conduct.

53. As a result of Defendants' conduct, Plaintiffs have suffered, and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; were prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; have sustained loss of earnings and earning capacity; and/or have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT TWO – NEGLIGENCE

54. Plaintiffs incorporate the above paragraphs in the Background Facts Applicable to All Counts of this Petition as if fully set forth herein.

55. Defendants' clandestine video surveillance equipment captured images of Plaintiffs performing personal grooming or in various stages of dress and undress that exposed their intimate parts.

56. Defendants had a duty not to violate K.S.A. § 21-6101(a)(6) which states:

(a) Breach of privacy is knowingly and without lawful authority:

(6) installing or using a concealed camcorder, motion picture camera or photographic camera of any type, to secretly videotape, film, photograph or record by electronic or other means, another, identifiable person under or through the clothing being worn by that other person or another, identifiable person who is nude or in a state of undress, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the consent or knowledge of that other person, with the intent to invade the privacy of that other person, under circumstances in which the other person has a reasonable expectation of privacy.

57. K.S.A. § 21-6101 was intended to protect a specific group of people such as Plaintiffs, and not the general public.

58. Defendants violated K.S.A. § 21-6101(a)(6), and were thereby negligent, when they installed or used a concealed video camera to secretly videotape Plaintiffs and other

identifiable persons in a state of undress for the purpose of viewing the body or undergarments of such persons without their consent or knowledge, with the intent to invade the privacy of such persons who had a reasonable expectation of privacy.

59. Plaintiffs have individual private rights of action for injury arising out of the invasion of privacy as intended by the Kansas legislature pursuant to K.S.A. § 21-5105, which states: “Civil remedies preserved. This code does not bar, suspend or otherwise affect any civil right or remedy, authorized by law to be enforced in a civil action, based on conduct which this code makes punishable. The civil injury caused by criminal conduct is not merged in the crime.”

60. As a direct result of Defendants’ violation of K.S.A. § 21-6101(a)(6), Plaintiffs have suffered, and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, anger, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; were prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; have sustained loss of earnings and earning capacity; and/or have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT THREE – NEGLIGENT SUPERVISION OF EMPLOYEES
(Defendant USD 204)

61. Plaintiffs incorporate the above paragraphs in the Background Facts Applicable to All Counts of this Petition as if fully set forth herein.

62. At all times material hereto Defendant USD 204 had a duty to use reasonable care in the supervision and monitoring of its employees and to prevent them from engaging in negligent and/or intentional acts capable of inflicting injury and harm to others.

63. Defendant USD 204 failed to supervise or monitor its administrative employees who installed the secret video camera in Plaintiff Rob Marriott's high school classroom and who videotaped, monitored or viewed the images from the video.

64. Defendant USD 204 breached its duty of care, and was thereby negligent, in many respects, including but not limited to the following:

- a. failing to supervise or monitor the conduct of its administrative employees who installed or placed a secret video camera in Plaintiff Rob Marriott's classroom without his knowledge or consent;
- b. failing to appropriately supervise its administrative employees who monitored the video feed from a secret video camera installed in Plaintiff Rob Marriott's classroom without his knowledge or consent;
- c. in other manners to be discovered throughout the course of discovery and litigation of this matter.

65. As a direct and proximate result of Defendants' negligent supervision and monitoring of its administrative employees, Plaintiffs sustained damages including but not limited to financial damage, emotional distress, and mental suffering.

66. As a result of Defendants' conduct Plaintiffs have suffered, and continue to suffer, great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, anger, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; were prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; have sustained loss of earnings and earning capacity; and/or have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT FOUR – NEGLIGENT SUPERVISION OF CHILD

67. Plaintiff incorporates the above paragraphs in the Background Facts Applicable to All Counts of this Petition as if fully set forth herein.

68. Plaintiff : was a minor at the times relevant herein.

69. Plaintiff was a student at a school of defendant USD 204, and he relied upon Defendant District 204 in the operation of its schools to provide for his safety, care and protection.

70. Plaintiff was in the custody, supervision and control of Defendants when he was secretly video-taped.

71. Defendants operated in loco parentis with respect to Plaintiff while he was under the Defendants' custody, supervision and/or control.

72. Defendants owed Plaintiffs a heightened duty to keep him safe.

73. Defendants breached their duty owed to Plaintiffs when they secretly videotaped when he undressed and dressed to change his clothes for school athletics and other school related events in the locked classroom.

74. As a result of the above-described conduct, Plaintiffs have suffered, and will continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; were prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; and/or have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT FIVE – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(Plaintiff Dawn Marriott)

75. Plaintiff incorporates the above paragraphs in the Background Facts Applicable to All Counts of this Petition as if fully set forth herein.

76. Defendants had a duty of care to not secretly video Plaintiff without her consent.

77. Defendants breached their duty of care when they conducted secret video surveillance of Plaintiff when she undressed and dressed to change her clothes to assist with school athletics and other school related events in the locked classroom.

78. Defendant USD 204's negligent failure to supervise and control the individual Defendants and the employees and agents who installed and then participated in the secret video-taping of Plaintiff was extreme and outrageous.

79. The individual Defendants' conduct, as well as the conduct of the employees and agents of USD 204, was committed within the course and scope of their employment by Defendant USD 204 and therefore Defendant USD 204 is vicariously liable for their conduct.

80. Plaintiff sustained emotional distress accompanied by or resulting in physical injuries.

81. Defendants' negligent conduct was the direct and proximate cause of Plaintiff's emotional distress which was accompanied by or resulted in physical injuries to Plaintiff.

82. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, anger, medically significant emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; has sustained loss of earnings

and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT SIX – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

83. Plaintiffs incorporate the above paragraphs in the Background Facts Applicable to All Counts of this Petition as if fully set forth herein.

84. Defendants' secret video surveillance of Plaintiffs was committed with reckless disregard for the Plaintiffs.

85. Defendants' conduct was extreme and outrageous.

86. The conduct of the individual Defendants as well as the employees and agents of Defendant USD 204 was committed within the course and scope of their employment by Defendant USD 204, and therefore Defendant USD 204 is vicariously liable for the conduct.

87. Defendant USD 204's failure to supervise and control the individual Defendants and the employees and agents who installed and then participated in the secret video-taping of Plaintiffs was extreme and outrageous.

88. Defendants' conduct was the direct and proximate cause of foreseeable mental distress for the Plaintiffs.

89. Plaintiffs' mental distress was extreme, severe, medically diagnosable and significant such that no reasonable person should be expected to endure it.

90. As a direct and proximate result of Defendants' negligence, Plaintiffs suffered past, present and future shame, humiliation, medically significant emotional distress, loss of enjoyment of life, lost sleep and anger.

91. As a result of the above-described conduct, Plaintiffs have suffered, and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of

emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; have sustained loss of earnings and earning capacity; and/or have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT SEVEN – SECTION 1983 DEPRIVATION OF CONSTITUTIONAL RIGHTS
PRIVACY VIOLATION

92. Plaintiffs incorporate the above paragraphs in the Background Facts Applicable to All Counts of this Petition as if fully set forth herein.

93. Congress enacted 42 U.S.C. § 1983 to permit an injured person to recover in federal court against defendants who violate a plaintiff's federal statutory or constitutional rights while acting under color of state law.

94. Defendant School officials were acting under color of state law when they authorized the installation and operation of the video camera in Plaintiff Rob Marriott's classroom.

95. Plaintiffs have a constitutional right to be free from unreasonable searches protected by the Fourth Amendment to the United States Constitution.

96. Plaintiffs have a constitution right to of privacy pursuant to the due process clause of the Fourteenth Amendment to the United States Constitution.

97. Plaintiffs' constitutional rights were clearly established at the time of the misconduct alleged herein.

98. Defendants would reasonably be expected to have been aware of Plaintiffs' constitutional rights.

99. Plaintiffs reasonably expected that no one, especially the school administrators, would videotape them, without their knowledge, in various states of undress while they changed their clothes in the classroom.

100. Plaintiffs did not expressly or implicitly consent to the surreptitious video surveillance in the classroom

101. A reasonable person who knew or ought to have known of the video surveillance would be aware that what he or she was doing violated the Fourth and/or Fourteenth Amendments.

102. Defendant School District implicitly authorized, approved or knowingly acquiesced in the unconstitutional conduct of the individual Defendants.

103. There is no qualified immunity available to Defendants as Plaintiffs' privacy rights in this context were clearly established.

104. The actions and conduct of Defendants caused deprivation of Plaintiffs' constitutional rights of privacy under the Fourth and/or Fourteenth Amendments to the United States Constitution.

105. The individual Defendants were "policy setting officials" for the school district.

106. The School District officials violated Plaintiffs' privacy rights by the intrusion upon seclusion in that the mere act and method of secret video surveillance would be highly offensive to a reasonable person.

107. The School District had actual knowledge that its superintendent and district personnel engaged in this ongoing surreptitious video surveillance of Plaintiffs and others in Marriott's classroom and endorsed it.

108. The School District failed to train its administrators and officials regarding video surveillance in the high school without intruding upon the privacy of teachers, students and visitors.

109. The School District had actual knowledge that any training it did provide its administrators and officials was completely ineffective.

110. Defendants' conduct was wanton and in reckless disregard for the rights and safety of Plaintiffs.

111. Defendants' conduct exhibited deliberate indifference to Plaintiffs' rights and well-being.

112. As a direct and proximate result of Defendants' conduct, Plaintiffs sustained damages including but not limited to financial damage, emotional distress, and mental suffering.

113. As a result of Defendants' conduct, Plaintiffs have suffered, and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, anger, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; were prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; have sustained loss of earnings and earning capacity; and/or have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

114. Plaintiffs are entitled to attorney fees and costs pursuant to 42 U.S.C § 1988.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs asks that this Court award judgment against Defendants as follows:

A. Awarding actual, compensatory, statutory and any all special damages in favor of

Plaintiffs and against Defendants for damages sustained as a result of the wrongdoings of Defendants, together with interest thereon;

B. Awarding Plaintiffs their costs and expenses incurred in this action, including reasonable allowance of fees for Plaintiffs' attorneys, experts, and reimbursement of Plaintiffs' and counsel's expenses;

C. Granting such other and further relief as the Court deems appropriate and just.

Respectfully Submitted,

BROWN & CURRY, LLC

/s/Sarah A. Brown
Sarah A. Brown, KS #12130
Dan Curry, KS #22750
406 West 34th Street, Suite 810
Kansas City, MO 64111
(816) 756-5458; (816) 666-9596 (Fax)
sarah@brownandcurry.com
ATTORNEYS FOR PLAINTIFFS

JURY TRIAL DEMANDED

Plaintiffs demand a trial by jury on all issues triable in this case.

BROWN & CURRY, LLC

/s/Sarah A. Brown
Sarah A. Brown, KS #12130
Dan Curry, KS #22750
406 West 34th Street, Suite 810
Kansas City, MO 64111
(816) 756-5458; (816) 666-9596 (Fax)
sarah@brownandcurry.com
ATTORNEYS FOR PLAINTIFFS