

KING COUNTY SUPERIOR COURT OF WASHINGTON

S.D.S. and B.L.S.,

Plaintiffs,

No.

vs.

ISSAQUAH SCHOOL DISTRICT NO.
411; RON THIELE; DONNA HOOD; &
CHRIS BURTON,

DEFENDANTS.

COMPLAINT FOR BULLYING,
HARASSMENT, ABUSE,
RETALIATION, AND FAILURE TO
PROTECT A CHILD; AND OTHER
RELIEF

I. INTRODUCTION

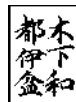
In Issaquah, football is God.

Indeed, those who interfere are ostracized, harassed, retaliated against and, at times, severely punished.

On October 25, 2014, two star Issaquah football players from Skyline High School sexually assaulted a 16-year-old girl. The law mandated the District investigate the sexual assault, expel the assailants, and protect the victim at school.

But in Issaquah, the opposite happened.

After the victim, Plaintiff S.D.S., reported the assault, the Issaquah School District refused to conduct an investigation into their star football players. After all, the Skyline



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253 887-8686

football team won six State Championships over the prior nine seasons, and was on the verge of advancing to the playoffs yet again.

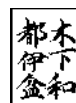
The District refused to even investigate the allegations. The District stood by while the football team and the student body engaged in a campaign of harassment, bullying, intimidation, and retaliation, attempting to force the victim to leave the school.

The victim and her younger sister were incessantly bullied and harassed at school, at school events, and in the community by football players and students. And after a football coach joined in on Twitter, the girls' home was bombarded with eggs, feces, and paintballs. When that failed to make the victims back down, the bullies firebombed their home. The family had to flee and live in an undisclosed location.

The District refused to even investigate the abuse. It did, however, become very proactive for the football players. After the Court intervened and ordered the assailants out of Skyline High School, the District placed them in one of their other schools and allowed them to pursue their sports. Defendant Principal Donna Hood directed her staff to hide the Court Order from other personnel and even other schools, and authorized letters of recommendation for the assailants. In Issaquah, Football indeed reigns supreme.

Like all children attending public schools, S.D.S. and B.L.S. had a right to be safe at school. They had a right to ensure the retaliatory abuse they were suffering at school was investigated and addressed. They had a right to be protected. The Issaquah School District failed in its basic obligation to protect them as required by law.

Just as S.D.S. had to seek help from the Court to keep the assailants away when the school would not, she and her sister again seek justice in Court by holding the Issaquah School District accountable for its refusal to:



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- Investigate and address violent misconduct by star athletes;
- Protect Plaintiffs from harassment, intimidation, bullying, and retaliation at school, at school functions, and in the community; and
- Protect children entrusted to their care, custody, and control.

We are here because Plaintiffs seek justice against the Issaquah School District for maintaining an environment where victimized children are second to almighty Football.

II. NATURE OF THE CASE

1. This is an action for declaratory judgment and seeking remedy for bullying, harassment, intimidation, retaliation, failure to protect, disparate treatment of female students, negligence, outrage, abuse of power, and violation of Washington law.

2. Plaintiffs, by and through their attorneys Yvonne Kinoshita Ward and Kristine A. Grelish, allege the following against Defendants Ron Thiele, Donna Hood, Chris Burton, and the Issaquah School District (hereinafter the “District” or “Defendant District”):

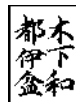
III. PARTIES, JURISDICTION & VENUE

3. The actions that are subject herein occurred in King County, Washington.

4. At all times material hereto, Defendant Issaquah School District operated in King County, Washington.

5. At all times material hereto, Defendant District is a public school district organized and operating under the laws of the State of Washington.

6. At all material times hereto, Defendant District is a government entity subject to the Washington Constitution; Title 28A of the Revised Code of Washington; RCW 7.24



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et seq.; Title 49.60 of the Revised Code of Washington; and the Washington Administrative Code.

7. At all material times hereto, Defendant Ron Thiele was Superintendent of Defendant District.

8. At all material times hereto, Defendant Donna Hood was Principal of Skyline High School within the District.

9. At all material times hereto, Defendant Chris Burton was the HIB (Harassment Intimidation, and Bullying) Officer of Defendant District.

10. At all material times hereto, Plaintiffs were students enrolled within Defendant District in King County, Washington.

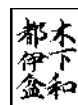
11. At all material times hereto, there existed a special relationship between Plaintiffs and Defendants and Defendants' employees, representatives, volunteers, staff, and agents (hereinafter "Defendants"). Defendants owed Plaintiffs affirmative duties, including taking sufficient remedial action to protect them from harm; providing a safe educational environment; and refraining from retaliation and/or other misconduct against them.

12. Defendants are responsible for all conduct, acts, errors, and omissions of their board members, superintendents, administrators, principals, teachers, counselors, volunteers, employees, and other agents complained of herein.

13. Pursuant to RCW 4.96.020, Notices of Claims were presented and at least sixty days have elapsed since presentment of claims.

14. The Notice of Claims referenced in the preceding paragraph provided adequate notice as to all tort claims alleged herein.

15. All administrative conditions precedent to filing this suit have been met.



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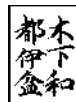
IV. ALLEGATIONS

16. Upon information and belief, this case involves a pattern and practice of Defendants creating and/or maintaining a culture of assault by athletes against female students and permitting and facilitating retaliation, bullying, harassment, and intimidation of female students who oppose violence and abuse. Defendants violated statutes governing the safety of students in schools; the Washington Law Against Discrimination; the heightened duty of protection schools owe the children placed in their care; and common-law duties.

17. In Fall 2014, S.D.S. was a 16-year-old student at Skyline High School within the care, custody, and control of Defendants. On October 25, 2014, two of the school's star football players sexually assaulted S.D.S. in one of their homes. Even though sexual assault is a severe violation of the mandatory Athletic Code, Defendants refused to investigate the assault, impose consequences, or implement a safety plan.

18. Defendants refused to take any steps to protect Plaintiffs. Fortunately King County Superior Court intervened and removed the assailants from Skyline High School.

19. The assailants' conduct was a clear violation of the Athletic Code that mandated immediate investigation and discipline. Yet Defendants refused to take the legally required action and instead allowed them to play at another school within the District: Liberty High. Investigation indicates that school personnel there stated they "didn't care" what the assailants had done because they were happy to have these star athletes on their teams.



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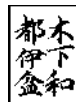
20. The loss of two star football players on the march to the playoffs caused an uproar at Skyline High School. Its football players and students began harassing S.D.S. It escalated violently when Skyline lost its next football game without their stars.

21. Skyline's last regular season game was November 7, 2014, and a victory was necessary to advance to the playoffs. The assailants were no longer on the team because of the Court order removing them from the school. Without their two stars, Skyline lost and did not proceed to the playoffs. The football team blamed S.D.S. for the loss and implemented a bullying campaign against S.D.S. In addition to glares, insults, and ostracization at school, students began routinely vandalizing Plaintiffs' house with eggings, feces, and paintballs. These attacks later escalated into a firebomb. Defendants refused to investigate the conduct of their football players and students.

22. During the next two weeks, the bullying at school escalated, including through social media posts made at school, on school grounds, during school hours. Posts included statements such as:



Z [REDACTED] M [REDACTED] @Mr_Z [REDACTED] M [REDACTED] 2h
"@r [REDACTED] g [REDACTED] 37: Really miss
seeing B [REDACTED] & T [REDACTED] around school:("'
@S [REDACTED] s [REDACTED] just letting you
know this is your fault...



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TheBearTrap
@s[redacted]_f[redacted]



#transfer you know who you
are....

11/25/14, 9:52 AM

1 RETWEET 8 FAVORITES



賞|SHØURIN|賞 retweeted



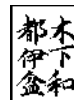
J [redacted] S [redacted]
@j_s[redacted]7



Going thru all these gems to
save a pebble when u should be
getting rid of the pebble to get
back 2 diamonds

11/25/14, 9:53 AM

4 RETWEETS 17 FAVORITES



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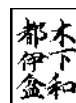
23. S.D.S. immediately reported these events to Vice Principal Sena Camarata, who told S.D.S. that it was acceptable, dismissing the comments as the students simply missing the assailants.

24. Another student tweeted that S.D.S. should be the one to leave the school, to which football coach Brad Burmester responded “Preach on, brother.”



25. Coach Burmester joined in this pile on, tweeting the above on a school day during school hours.

26. With the first reports of cyberbullying ignored by Defendants and a football coach now saying “preach on” to the students harassing S.D.S., the bullying and



harassment got worse. Students tweeted S.D.S. is “crazy” and a “liar” and “everyone should start wearing shirts” that say that:

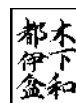


27. This tweet immediately garnered 4 retweets and 26 favorites.

28. When these tweets were reported to Vice Principal Camarata, she refused to instruct the students to take down these tweets even though they were being made at school, on school grounds, and during school hours.

29. With the green light from Defendants to continue harassing S.D.S., students started calling S.D.S. “Slut;” “Whore;” and “Liar.” Defendants refused to investigate or discipline the students.

30. With tacit approval from Defendants and a football coach, students also started bullying S.D.S.’s sister, B.L.S. When this was reported to Defendants, they said B.L.S. would have to bring “hard evidence” before they would even consider looking into it.



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With Defendants telegraphing they would not intervene, the bullying and harassment began to permeate the entire school environment and community.

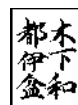
31. In December 2014, Skyline football team members encouraged players from other high schools within the District to join in on the bullying and harassment of S.D.S. Defendants refused to take any steps to intervene and stop the escalating abuse, including communicating with the other schools.

32. As a result of Defendants' tacit encouragement, the abuse of Plaintiffs spread to the community. Plaintiffs' family was harassed in grocery stores and at community events. Plaintiffs' house was vandalized with eggs, feces, and oil-based paint balls. At one point a fire bomb was thrown at their home.

33. Defendants refused to investigate this rampant retaliation, intimidation, harassment, and bullying of Plaintiffs. Instead, Defendants authorized the assailants -- star athletes -- to continue participating in sports within the District without any investigation into their conduct that, in no uncertain terms, violated the Athletic Code.

34. With the allegations against the assailants pending, students were raging in their hatred of Plaintiffs and escalated their coordinated campaign to hurt them. On March 9, 2015, one of the assailants' friends planted drugs on S.D.S. and then reported her to the school for drug possession. Video footage established it was a setup and therefore law enforcement dismissed the claim as a frame job. Even though this occurred at school, Defendants declined to investigate and discipline the students involved.

35. On March 11, 2015, when Plaintiffs learned that the assailants wanted to attend Skyline's Tolo Dance, Plaintiffs asked the school to intervene. Defendants indicated no intent to keep the assailants away from the school. Only after the Defendants were



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reminded of the Sexual Assault Protective Order did Defendants indicate that the assailants could not attend – – and only because of the court order.

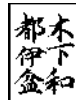
36. After learning the assailants were not be allowed to attend Tolo, students attacked Plaintiffs' home with explosives, breaking two windows and blowing off siding and wood slats in their fence. Defendants refused to investigate. Plaintiffs' entire family had to flee their home to an undisclosed location. They were not safe at school. They were not safe in the community. And now they were not safe in their own home.

37. On March 26, 2015, B.K.L. pled guilty to Assault with Sexual Motivation. The Judge spoke directly to B.K.L. about the harassment. Only after the Court warned B.K.L. did the bullying and harassment at the school begin to abate. This indicates that had Defendants warned the assailant of consequences for the ongoing harassment, it would have ceased sooner.

38. Despite being found guilty of sexual assault, Defendants allowed B.K.L. to join the wrestling team at Liberty High School, within the Issaquah School District. Thereafter, students would continue to yell "Fu#& you S.D.S.!".

39. In Fall 2015, the assailants transferred to Gig Harbor High School. However, Defendant Principal Donna Hood instructed her Vice Principals to hide the Sexual Assault Protective Order from school personnel within the District. She also removed the order from the assailants' cumulative student file, also effectively hiding yet it from other schools to which the assailants wanted to transfer. In violation of law, she ordered that the Sexual Assault Protective Order would be held secretly within her own office.¹

¹ This document was obtained from a public court filing in 17-2-19277-5 KNT.



Brownson, Andrew SHS-Staff

From: Tony Davis <TDavis@TahomaSD.US>
Sent: Monday, November 17, 2014 11:54 AM
To: Brownson, Andrew SHS-Staff
Subject: [REDACTED]

Andrew - Giving you a heads up... I just had a phone conversation with [REDACTED] dad. He's looking to transfer him to Tahoma. Can you tell me about the circumstances that led to him not being able to attend Skyline? Sounds like he hasn't been expelled or suspended but he was told he can't attend Skyline.

Tony Davis
Tahoma HS
Assistant Principal/Athletic Director
425.413.6302
TDavis@TahomaSD.US

② ✓ NO comment ever

① rec letter - M.T. for on-line school? for T.E. (yes as private citizen)

To: Chris B.



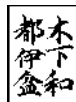
one copy of order to reside w/ Hood NOT in cum file ever

EXHIBIT 51

REW 077029

40. As noted in the email above, Defendant Hood also authorized recommendations for the assailant: "Rec letter - M.T. [Mount Tahoma] for an on-line school? Yes as a private citizen."

41. On September 11, 2015, the assailants showed up at a Skyline football game together in violation of their probation. They went on to the football field to be with the Skyline football team. Defendants were well aware of the restrictions because of the Court Orders; Vice Principal Camarata was supposed to ensure the Court Orders was enforced to protect the Plaintiffs. Yet Despite the brazen violation of the court order, Vice Principal Camarata allowed the assailants free reign at the game. B.L.S. was a cheerleader and the



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assailants took positions directly in front of her and glared at her. This was reported to Defendants; they took no steps to intervene.

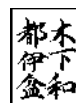
42. At the next football game on September 18, 2015, students glared at B.L.S., shouted insults, and booed her. Defendants took no steps to intervene or address this harassment.

43. On October 26, 2015, three students from Gig Harbor High School where the assailants were then attending, began harassing S.D.S. on Twitter. Defendants took no steps to advise Gig Harbor High School of the misconduct of the students, the existence of the Sexual Assault Protective Order, and the requirement that students refrain from such ongoing harassment of S.D.S.

44. On October 31, 2015, the assailants were set to play for Gig Harbor's football team at Skyline and Defendants planned to allow them to do so. S.D.S.'s Crime Victim Advocate had to intervene, reminding Defendants to obey the Sexual Assault Protective Order. Only after such external intervention did Defendants comply.

45. On November 14, 2015, the assailants' school/team, Gig Harbor, was scheduled to play a football game against Skyline. Due to the ongoing threats against Plaintiffs' family and Defendants' refusal to protect her, B.L.S. did not cheer that game; in fact, she was scared to death. Plaintiffs' family took the girls out of state for their safety.

46. As anticipated, Defendants took no steps to ensure the safety of students. Football players carried the assailants' Gig Harbor jerseys onto the field with no repercussions from Defendants. The assailants stood on a truck and set fire to their Skyline jerseys. This occurred on school property and during a school event. Defendants took no action, allowing the assailants to wreak havoc at will.



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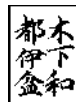
47. Even though the assailants were no longer allowed to attend Skyline High School due to the Court Order, Defendants continued to honor them. On December 5, 2015, Defendants prominently displayed the assailants on their weekly news show. Then at graduation on June 13, 2016, Defendants prominently featured one of the assailants during the presentation, even though he no longer attended Skyline. Plaintiff S.D.S., a graduating senior, was humiliated as she and her family were forced to watch Defendants honor her rapist before the entire school community. It was her graduation, not his. The District's priorities were made crystal clear.

48. S.D.S. graduated in June 2016. The assailants and students therefore turned their wrath towards her sister, B.L.S. The assailants started showing up at school events where B.L.S. was cheering, even though they were out of high school. Nevertheless, Defendants refused to take steps to protect B.L.S.

49. On October 20, 2016, assailant B.K.L. showed up at the football game and proceeded to stare at B.L.S. while she tried to cheer. Many cheerleaders, knowing who he was, were scared and upset. Defendants took no actions to protect the girls and allowed the B.K.L. unfettered access to them. Only when B.L.S.'s mother approached did the assailant, B.K.L. leave.

50. Defendants' ongoing refusal protect the children in their care at school and during school events alarmed many parents, who complained to the school. In response Defendants promised administrative and police protection for B.L.S. at the next football game.

51. This turned out to be a lie. On November 19, 2016, the assailant B.K.L. showed up at the football game at Skyline. His family attended and harassed Plaintiffs'



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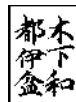
mother, yelling and swearing at her. Plaintiffs' mother sought assistance from Principal Donna Hood, who refused to intervene.

52. While the assailant's father was threatening the Plaintiffs mother, the assailant himself moved into the student section of the stands (which is not permitted because he was not a student) and sat directly in front of B.L.S., making menacing gestures and glaring at her. B.L.S., being just a few feet from her sister's rapist, was terrified and sobbing. She tearfully begged Defendants for permission to leave but was instead ordered to stay on her cheer box, smile, and cheer, even though her sister's rapist was a few feet away menacing her. B.L.S. had to stand on her cheer box, tears streaming down her face, while trying to cheer in front of the public audience.

53. Another cheerleader saw this and got her own mother's attention in the stands, who alerted Principal Hood and B.L.S.'s mother. When the Plaintiffs' mother saw what the assailant was doing to her daughter and the extreme distress B.L.S. was suffering, B.L.S.'s mother told Principal Hood she would be taking her daughter home to get her away from assailant B.L.K. At that point, with an armed "School Resource Officer" next to her, Principal Hood threatened Plaintiffs' mother with arrest if she did so.

54. District staff saw the assailant directly in front of B.L.S. menacing her while she was trying to cheer. Vice Principal Camarata, who was supposed to be in charge of protecting S.D.S. and B.L.S. from harassment, approached the situation. Instead of intervening to protect B.L.S., she gave assailant B.K.L. a hug in front of the entire student body and parents. Another staff member ran out with cookies for the assailant.

55. Parents were shocked and reports were made directly to Superintendent Ron Thiele. He refused to investigate the reports or take any action whatsoever to address the



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misconduct. Instead, the administration engaged in a pattern of retaliation against those who made the complaints.

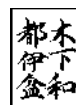
56. On November 20, 2016, B.L.S.'s mother filed a police report about the events that occurred the night before. The police encouraged Plaintiffs' mother to transfer B.L.S. to another school because Defendants would not protect her.

57. On November 22, 2016, Defendants advised B.L.S.'s mother that they would take no steps to protect B.L.S. unless ordered to do so by a court. When B.L.S.'s mother sought a meeting with school administrators to appeal that decision, she was denied access to the Superintendent, glared at by staff, and was not allowed to have any support in a meeting. Plaintiffs' mother finally was granted a meeting with lower administrator Paula Phelps, who told her that no protection would be put in place for B.L.S.

58. On November 22, 2016, B.L.S.'s mother accepted the advice of law enforcement and pulled B.L.S. from the District. The family worked hard to find a school for B.L.S., which was difficult in the middle of the school year. Fortunately a school outside the District was able to accept B.L.S. and she started there on January 23, 2017, after missing two months of school. At no time did Defendants or their staff follow up with B.L.S, see how she was doing, or offer assistance in any way.

V. SCHOOL RECORDS

59. Plaintiffs sought their school records from Defendants, which by law were required to be produced promptly. Defendants withheld those records for nearly a year without legal basis. After Plaintiffs filed their notices of claims, Defendants announced they would withhold their records for yet another year.



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VI. DEFENDANTS BREACHED THEIR DUTIES TO PLAINTIFFS

60. Defendants had actual knowledge of harassment, intimidation, bullying, assaults, retaliation, and other misconduct against Plaintiffs that endangered schoolchildren, and failed to act reasonably to stop it.

61. Defendants refused and/or negligently failed to investigate misconduct by athletes that harm students in the care, custody, and control of Defendants.

62. Defendants prioritized male athletes over the safety of females in the care, custody, and control of Defendants.

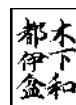
63. Defendants had actual knowledge of harassment, intimidation, bullying, assaults, retaliation, and other misconduct against Plaintiffs and were deliberately indifferent to such conduct.

64. Defendants failed to prevent or remedy harassment, intimidation, bullying, assaults, retaliation, and other misconduct against Plaintiffs when it happened, and then retaliated against those who tried to stop it.

65. Defendants' deliberate indifference to harassment, intimidation, bullying, assaults, retaliation, and other misconduct created an unsafe environment and unreasonably interfered with Plaintiffs' ability to obtain an education.

66. The misconduct was sufficiently severe and pervasive to affect Plaintiffs' education. Defendants ratified the acts of their agents and employees in their conduct towards Plaintiffs.

67. Due to the conduct of the Defendants, Plaintiffs suffered severe, pervasive, and offensive harassment, intimidation, bullying, assaults, retaliation, and other



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misconduct, which was physically threatening and interfered with their access to an equal education.

68. Defendants' failures to act were clearly unreasonable given the circumstances of the case.

69. Plaintiffs suffered harm as a direct and proximate result of Defendants' breach of their duties.

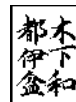
VII. CLAIMS

70. *VIOLATION OF CHAPTER 28A OF THE REVISED CODE OF WASHINGTON.* Defendants failed to adequately maintain and enforce disciplinary policies and procedures, including those related to harassment, intimidation, bullying, assaults, retaliation, and other misconduct, resulting in the damages set forth below.

71. *NEGLIGENT POLICY ADMINISTRATION.* Defendants negligently administered any existing policies by failing to prevent and remedy harassment, intimidation, bullying, assaults, retaliation, and other misconduct. Defendants failed to competently investigate, address, and remedy complaints regarding the bullying, intimidation, and harassment of Plaintiffs and other students.

72. *NEGLIGENT INVESTIGATION, SUPERVISION AND TRAINING OF EMPLOYEES.* Defendants negligently hired, trained, supervised, and retained District employees, staff, volunteers, and agents. As a result of this negligence, Plaintiffs suffered damages set forth below.

73. *NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS.* Defendants negligently inflicted emotional distress upon Plaintiffs, which was reasonably foreseeable.



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74. *INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS/ OUTRAGE.*

Defendants committed the tort of outrage, by intentionally and/or recklessly causing severe emotional distress by conduct that was outrageous and extreme.

75. *GENERAL NEGLIGENCE.* Defendants breached their duties of care to

Plaintiffs, which caused them damages as set forth herein.

76. *VIOLATION OF PUBLIC POLICY.* Defendant's conduct violated the public

policy of the State of Washington to report, prevent, and penalize harassment, intimidation, bullying, assaults, retaliation, and other misconduct in educational institutions. .

77. *VIOLATION OF THE WASHINGTON LAW AGAINST DISCRIMINATION,*

RCW 49.60. Defendants' conduct violated the Washington Law Against Discrimination by treating male and female students disparately in their legal duties to address and prevent bullying, intimidation, and harassment; in their application of conduct rules; in their enforcement of conduct rules; in their imposition of sanctions for alleged violation of conduct rules; in their duty to protect students in their care; and by application of disparate standards regarding conduct based upon gender, causing Plaintiffs damages as set forth herein.

78. *UNLAWFUL DENIAL OF ACCESS TO RECORDS.* Defendants have

unlawfully denied Plaintiffs access to their records in their possession and control.

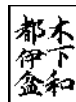
VIII. PRAYER FOR RELIEF

A. Plaintiffs requests that this Court award relief, including judgment that:

B. Defendants violated statute, regulations, and their own policies in their

actions pertaining to Plaintiffs;

C. Orders immediate production of Plaintiffs' records:



YVONNE KINOSHITA WARD LLC

128 14th Street Southeast, Auburn, Washington 98002
253 887-8686

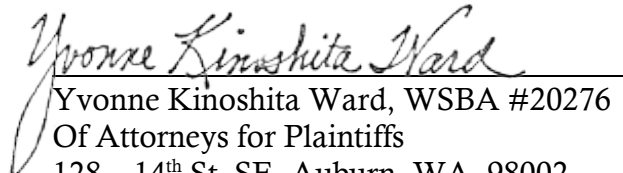
D. An award to Plaintiffs for damages for emotional distress, anxiety, mental anguish, humiliation, embarrassment, loss of education, and other general damages;

E. Award Plaintiffs all costs, including reasonable attorney fees, incurred in connection with this action;

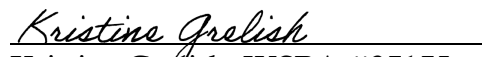
F. Grants other relief deemed appropriate by this Court.

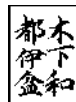
RESPECTFULLY SUBMITTED on October 24, 2018.

YVONNE KINOSHITA WARD LLC


Yvonne Kinoshita Ward, WSBA #20276
Of Attorneys for Plaintiffs
128 – 14th St. SE, Auburn, WA 98002
253-887-8686; yvonneward2013@gmail.com

GRELISH LAW PLLC


Kristine Grelish, WSBA #37175
Of Attorneys for Plaintiffs
1218 - 3rd Ave. #1000, Seattle, WA 98101
206-257-6555



YVONNE KINOSHITA WARD LLC

128 14th Street Southeast, Auburn, Washington 98002
253 887-8686