

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION

JANE DOE, individually and as mother and)
putative next friend of DOECHILD I and)
DOECHILD II,)
Joplin, Jasper County, Missouri,)

and)
)

DOECHILD I, an individual and minor)
child, by and through mother and putative)
next friend, JANE DOE,)
Joplin, Jasper County, Missouri,)

and)
)

DOECHILD II, an individual and minor)
child, by and through mother and putative)
next friend, JANE DOE,)
Joplin, Jasper County, Missouri,)

Plaintiffs,)

JURY TRIAL DEMAND

v.)
)

Case No. 3:15-CV-5052

C.J. HUFF, in his individual capacity and in)
his official capacity as Superintendent of)
Joplin Schools Public School District a/k/a,)
Joplin R-VIII School District)
Serve at: Joplin Schools Administration Bldg.)
3901 E. 32nd Street)
P.O. Box 128)
Joplin, Missouri 64802-0128)

and)
)

BRANDON EGGLESTON, in his)
individual capacity and in his official)
capacity as Principal of North Middle School,)
Serve at: North Middle School)
102 Gray Avenue)

Joplin, Missouri 64801)
)
Defendants.)

COMPLAINT

COMES NOW Plaintiffs Jane Doe, individually and as mother and putative next friend of Doechild I and Doechild II, Doechild I, by and through mother and putative next friend Jane Doe, and Doechild II, by and through mother and putative next friend Jane Doe, and seeking to protect and vindicate their constitutional right to be free from government entanglement with and endorsement of religion, Plaintiffs state and allege as follows:

DEMAND FOR JURY TRIAL

Plaintiffs demand a jury trial on all fact issues presented herein and on the claim for damages.

NATURE OF THE CLAIM

1. This action arises out of Defendants’ policy, practice, and custom of permitting public school students, in the course of an ordinary academic day, to go on a field trip to a Christian ministry, as described in more detail below, in violation of the Establishment Clause of the First Amendment to the United States Constitution.

2. As provided for by 42 U.S.C. § 1983, to redress this constitutional violation, Plaintiffs seek damages, injunctive relief, declaratory relief under 28 U.S.C. § 2201 against Defendants, together with recovery of attorneys’ fees, costs, and expenses as provided by 42 U.S.C. § 1988.

PARTIES

3. Plaintiff Jane Doe is a resident of Joplin, Jasper County, Missouri, and a parent of children in the Joplin Schools Public School District a/k/a Joplin R-VIII School District (hereinafter “School District”). Plaintiff Jane Doe pays county and local taxes to support the School District. Jane Doe has a child currently attending North Middle School (Doechild I) and another child (Doechild II) who is currently in elementary school but who will be attending North Middle School in the near future. Plaintiff is a non-Christian and is injured and aggrieved by the actions complained of herein because Doechild I has been exposed to Defendants’ promotion and endorsement of religion. Doechild I also felt coerced by the school to participate in religious activity. Such actions by the School District have made Jane Doe, Doechild I, and Doechild II feel like outsiders and unwelcome in the School District.

4. Plaintiff Doechild I is a resident of Joplin, Jasper County, Missouri, and during school year 2014-2015, was a student at the School District’s North Middle School. Doechild I was exposed to Defendants’ promotion and endorsement of religion, felt coerced by the school to participate in religious activity, and has been made to feel like an outsider and unwelcome in the School District.

5. Plaintiff Doechild II is a resident of Joplin, Jasper County, Missouri. During school year 2014-2015, Doechild II was an elementary school student and was living with Jane Doe and Doechild I and knew of Doechild I’s exposure to Defendants’ promotion and endorsement of religion. As with Jane Doe and Doechild I, Doechild II has been made to feel like an outsider and unwelcome in the School District. Doechild II will be attending North Middle School in the near future and does not want to be exposed to Defendants’

promotion and endorsement of religion or coerced by the school to participate in religious activity.

6. Plaintiffs have a compelling need to remain anonymous throughout this litigation as will be more specifically detailed in an appropriate Motion which will be filed following the filing of this Complaint.

7. Defendant C.J. Huff is the superintendent of the Joplin Public School District a/k/a Joplin R-VIII School District, a public school district. Defendant Huff is sued in his official capacity as superintendent of the School District, and in his individual capacity.

8. Defendant Brandon Eggleston is the principal of North Middle School, a public school in the School District. Defendant Eggleston is sued in his official capacity as principal and in his individual capacity.

JURISDICTION AND VENUE

9. Because this case arises under the First Amendment to the Constitution of the United States and 42 U.S.C. § 1983, and therefore presents a federal question, jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331 and 1343 (a)(3).

10. This court has jurisdiction over Defendants because the unlawful acts alleged in this Complaint were committed in Joplin, Jasper and Newton Counties, Missouri, which lies within the Western District of Missouri.

11. Venue is proper in this Court pursuant to 28 U.S.C. §§ 105 and 1391 (b)(1) and (2) because a substantial part of the events giving rise to Plaintiffs' claim occurred in Joplin, Jasper and Newton Counties, Missouri, which lies within the Southwestern Division of the Western District of Missouri and because Defendants reside within the Southwestern

Division of the Western District of Missouri.

FACTS

12. On or about May 8, 2015, a class field trip of students from North Middle was taken, during regular school hours, to a facility owned and operated by a Christian ministry. The facility in question is known as Victory Ministries and Sports Complex, and is located in Joplin, Missouri.

13. Victory Ministries and Sports Complex (hereinafter “Victory”) is a Christian facility that operates for three stated purposes that are expressed on its web site: “Exalt Jesus,” and “Expand the Kingdom of God,” and “Equip the Body of Christ.” A true and accurate copy of the Victory web page stating its purposes is attached hereto as Exhibit A.

14. The same web page depicted on Exhibit A states Victory’s goals, which include: “Keep Jesus central in everything we do,” and “Have God-honoring entertainment,” and other religious goals.

15. Christian imagery is prominent at the Victory facility. Most, if not all signs that include the “Victory” name at the facility utilize a Christian cross as the “t” in the word “Victory,” as depicted in Exhibit A.

16. A large banner that exalts Jesus is visible at the Victory gym. The banner, which states “Jesus is worthy of it all!” is placed high on the wall of the gym, above approximately ten other banners, many of which also contain religious messages. One banner, for example, reads “Worship” whereas another states: “Hope. The confident expectation that what God has promised is true.” A true and accurate photo of these banners is attached hereto as Exhibit B.

17. Prior to the field trip, permission slips were sent home to parents for the school field trip to Victory.

18. Doechild I was given a permission slip for Plaintiff Jane Doe to sign.

19. The permission slip for parents to sign in order to allow students to attend the field trip expressly stated that parents understand that their children may be invited to Bible studies and local churches while at Victory. The same permission slip, in paragraph number 6, required parents to allow their child to participate in “worship services, Bible studies or any other activities that may pertain to the Christian faith.” A true and accurate photo of a portion of said permission slip containing said language is attached hereto as Exhibit C.

20. On May 5, 2015, an email was sent by American Humanist Association (“AHA”), a Washington, D.C. nonprofit organization, to Defendants Huff and Eggleston warning them that a North Middle School parent had raised concerns about the planned field trip and pointing out that the trip would violate the Establishment Clause. A true and accurate copy of the email that was sent, and received by Defendants, is attached hereto as Exhibit D.

21. That same day, Defendant Huff responded to AHA’s email with an email of his own denying that the trip violated the Establishment Clause but admitting that the permission slip was inappropriately worded. A true and accurate copy of Defendant Huff’s email is attached hereto as Exhibit E.

22. Also that same day, in response to Defendant Huff’s email, the AHA sent a second email to Defendants, drawing specific attention to the religious nature of the Victory operation and warning that the field trip would result in litigation. Defendants did not respond to said email, and in fact, the trip was conducted on or about May 8.

23. Doechild I did not participate in the field trip, which was conducted during an ordinary school day.

24. Plaintiff Jane Doe, faced with the choice of an unconstitutional field trip or no school for her child for the day, kept Doechild I out of school. As such, Doechild I was denied a full day of academics due to Defendants' actions.

25. If Doechild I had participated in the field trip, Doechild I would have been exposed to Christian messages that directly contradict the religious beliefs of Plaintiff Jane Doe and Doechild I.

26. The field trip has given the impression to a reasonable observer that the public school endorses Christianity.

27. Doechild I was put in the position of having to choose to attend a religious school-sponsored event or forgo participation entirely.

28. Public school resources, including paid personnel time and other resources, which were paid for by tax monies, were expended in planning and conducting the field trip to Victory.

CAUSE OF ACTION

29. Plaintiffs hereby adopt, reallege, and incorporate by reference the allegations contained in paragraphs 1 through 28 above.

30. Defendants' policy, practice, and custom of permitting and conducting the field trip to Victory Ministries and Sports Complex, as described above, violates the Establishment Clause of the First Amendment to the United States Constitution ("Establishment Clause").

31. Defendants' actions and policies described above lack a secular purpose, have the

effect of promoting, favoring, and endorsing religion – particularly Christianity – over non-religion, and result in an excessive entanglement between government and religion, thus violating the Establishment Clause.

32. Defendants' actions and policies described above create a coercive atmosphere where attendees, particularly children, are pressured to participate in the religious activities and prayers, thus violating the Establishment Clause.

33. Plaintiffs have been damaged as a direct and proximate result of Defendants' actions as alleged, *supra*, in paragraphs 24, 25, and 27.

34. Each of the individual Defendants, in their individual capacities, intentionally, knowingly, or recklessly violated Plaintiffs' well-settled constitutional rights under the Establishment Clause. Defendants' actions were willful, wanton, reckless, and malicious and further show a complete and deliberate indifference to and conscious disregard for the rights of Plaintiffs. Therefore, Plaintiffs are entitled to an award of punitive or exemplary damages in an amount sufficient to punish Defendants or to deter Defendants and others from like conduct in the future.

35. Because Defendants refuse to acknowledge that the field trip in question was unconstitutional, there is a likelihood that Defendants will conduct another such trip in the future absent declaratory and injunctive relief prohibiting such trips, imperiling Plaintiffs' constitutional rights under the Establishment Clause.

36. In violating the Establishment Clause as described above, Defendants acted under color of law in violation of 42 U.S.C. § 1983.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that this Court, after a trial by jury of Plaintiffs' claim, grant the following relief:

- a. Enter a declaratory judgment that Defendants' actions and policies described above violate the Establishment Clause of the First Amendment to the United States Constitution;
- b. Enter a permanent injunction enjoining Defendants, their successors, and any person in active concert with Defendants from intentionally, knowingly, recklessly, or negligently allowing field trips to Victory Ministries and Sports Complex or similar religious venues;
- c. Enter judgment for Plaintiffs for their nominal or actual damages;
- d. Enter judgment for an award of punitive damages to Plaintiffs from each defendant for his intentional, knowing, or reckless disregard of Plaintiffs' constitutional rights as alleged in paragraph 34 above;
- e. Enter judgment for an award of punitive damages to Plaintiffs from each defendant in his individual capacity for his intentional, knowing, or reckless disregard of Plaintiffs' constitutional rights as alleged in paragraph 34 above;
- f. Award Plaintiffs their attorneys' fees, expenses, and costs reasonably incurred in prosecuting this action as provided by 42 U.S.C. § 1988(b); and,
- g. Award Plaintiffs such other relief as this Court deems just and proper.

Respectfully submitted,

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