

IN THE DISTRICT COURT FOR JOHNSON COUNTY, KANSAS

JANE DOE)	
)	
Plaintiff,)	Case No.
)	
vs.)	DEMAND FOR JURY TRIAL
)	
BLUE VALLEY UNIFIED SCHOOL)	
DISTRICT 229)	
<u>Serve at:</u>)	
15020 Metcalf Ave.)	
Overland Park, KS 66223)	
)	
Defendant.)	

PETITION FOR DAMAGES
(Pursuant to K.S.A. Chapter 60)

COMES NOW Plaintiff, Jane Doe, by and through her counsel, Monsees & Mayer, P.C., for her Petition for Damages against Defendant Blue Valley Unified School District 229 (USD 229), and states and alleges as follows:

PARTIES

1. Plaintiff Jane Doe is a citizen and resident of Johnson County, Kansas. Plaintiff Jane Doe is referred to in this public filing by pseudonym to maintain confidentiality of Plaintiff Jane Doe's identity. Defendant will not be prejudiced by Plaintiff's anonymous filing as it already knows her identity, and the need for anonymity outweighs any public interest in favor of openness. Plaintiff fears additional psychological and emotional harm if her name were publicly disclosed due to the personal and sensitive nature of the allegations in this case.

2. Defendant Blue Valley Unified School District 229 (Defendant or District or USD 229) is and was at all relevant times a public school district located in Johnson County,

Kansas. Defendant is an accredited school district in Kansas, with its Administrative Center located at 15020 Metcalf Ave, Overland Park, KS 66223. Defendant is a public entity and is incapable of acting on its own behalf and therefore acts through agents. It is liable for the conduct of its agents, including but not limited to the individuals named herein, acting within the course and scope of their employment and/or agency, its own negligence, the acts of its employees and/or agents which it ratifies, injuries incurred by employees and/or agents' performance of its non-delegable duties, and acts its employees and/or agents take by virtue of their agency or employment with Defendant. Defendant may be served with process at the above-listed address.

JURISDICTION AND VENUE

3. The amount in controversy between Plaintiff and Defendant exceeds \$75,000.00 exclusive of interest and costs.

4. This Court has jurisdiction over the causes of action asserted herein and over the parties to this action. Plaintiff asserts claims under Kansas common law. This Court has jurisdiction because the acts and/or omissions described herein occurred in Johnson County, Kansas.

5. Venue is proper in this Court pursuant to K.S.A. § 60-603 because Plaintiff's cause of action arose in Johnson County, Kansas and because Defendant resides in and/or maintains its principal place of business in Johnson County, Kansas.

GENERAL ALLEGATIONS

6. Defendant USD 229 is a public-school district that owns and/or operates public schools in Overland Park, Johnson County, Kansas, including Blue Valley High School.

7. At all times relevant herein, Plaintiff was a minor child and student at Blue Valley High School.

8. Plaintiff's parents trusted the District to provide for Plaintiff's safety while she was on Defendant's premises.

9. Defendant USD 229, by law, and voluntary action, had taken custody of Plaintiff under circumstances to deprive her of her normal opportunities for protection, and thus, a duty of care arose. This duty is described in the law and is also in the Restatement of Torts 2d, 314(a).

10. There was a special relationship between the District and Plaintiff which gave the Plaintiff a right to protection.

11. The District stands in place of a student's parents and has a duty to take reasonable steps to protect those individuals when the custodial circumstances limit an individual's ability to do so. *See J.L. v. Royal Valley U.S.D. 337*, 2021 U.S. Dist. LEXIS 176558, *19 (D. Kan. 2021) (applying Kansas law).

12. While Plaintiff was a high school student at Blue Valley High School, and suffered the sexual assault alleged herein, Jeremy Riggs. ("Riggs") was employed by the District as a theater teacher.

13. In the Spring of 2018, Plaintiff's junior year at BVS, Riggs began to groom Plaintiff.

14. Riggs used his position authority to isolate, groom, and engage in sexually inappropriate contact with students, including Plaintiff.

15. In October 2018, when Plaintiff was at the school late at night (after building hours), Riggs isolated Plaintiff and sexually assaulted her.

16. Plaintiff experienced a panic attack and did not talk to anyone about what happened for several days. A few days later, however, Plaintiff reported the sexual assault incident to administration.

17. During this process, it was discovered that Riggs' grooming of female students was not isolated, but that Riggs had been sending inappropriate communications to other female students.

18. After reports by numerous students, Riggs was finally placed on administrative leave.

19. Prior to suspending Riggs, however, Defendant knew, or had reason to know, of *red flags* that indicated Riggs was unfit or posed a risk of undue harm to the young women at the school.

20. The *red flags* included inappropriate communications and texting with female students, commenting on the physical appearance of female students, and being alone with female students after hours at the school.

21. In April 2019, Riggs was criminally charged with sexual battery. In September 2019 Riggs pled guilty to a lesser charge, and was ordered to 6 months of probation, sex offender evaluation, and no contact with Plaintiff or the school.

22. Riggs professional teaching license was revoked in August 2021 as a result of his sexual assault of Plaintiff.

23. The State Board, in revoking Riggs' license, adopted the Commission's findings that:

[Riggs'] conduct was inconsistent with the commonly held perceptions and expectations of a member of the teaching profession. Such conduct violates the public trust and confidence placed in members of the profession.[Riggs'] conduct demonstrates a lack of fitness to perform the duties and responsibilities of a member of the teaching and school administration professions...THEREFORE the Professional Practices Commission, by unanimous vote, recommends the Kansas State Board of Education revoke [Riggs'] license based on criminal conduct and failure to participate in its proceedings. *See* Final Order, Case No. 21-PPC-02, entered August 10, 2021.

24. As a result of the sexual assault, Plaintiff suffered, and will continue to suffer, physical and emotional injury, including physical pain, suffering, accompanying mental anguish, disability, and loss of enjoyment of life.

25. As a direct and proximate result of Defendant's negligence, Plaintiff has, and will in the future, suffer injuries and damages which includes:

- a. non-economic loss (physical pain, suffering, accompanying mental anguish, disability, and loss of enjoyment of life) to date; and
- b. future non-economic loss (physical pain, suffering, accompanying mental anguish, disability, and loss of enjoyment of life).

26. Plaintiff is bringing this civil action to recover compensatory damages from Defendant arising from the sexual assault she endured.

COUNT I
NEGLIGENCE

27. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

28. Defendant put Riggs in a position of trust and authority over Plaintiff when she was in a vulnerable state as a minor child/student at Defendant's school.

29. Defendant owed Plaintiff a duty to exercise reasonable care in retaining and supervising Riggs as an employee of the District, and a duty to protect young female students at its school, including Plaintiff, from harm, including sexually inappropriate contact by its employees, such as Riggs.

30. Defendant failed to properly supervise Riggs during his employment for the District despite having knowledge that Riggs engaged in acts of misconduct consistent with a propensity to groom and sexually assault young female students, like Plaintiff.

31. Defendant breached its duty to Plaintiff and was negligent in the following respects:

- a. failed to supervise Riggs's interactions with female students, including Plaintiff, thereby enabling Riggs to use his position of trust and authority to isolate, groom, and sexually assault young female students at the school, including Plaintiff;
- b. failed to protect Plaintiff; and
- c. continuing to employ Riggs when it knew, or had reason to know, that Riggs engaged in acts of misconduct consistent with a propensity to groom and sexually assault young female students, like Plaintiff.

32. Such conduct by Defendant directly caused, or directly contributed to cause, Plaintiff to suffer the aforementioned injuries and damages.

WHEREFORE, Plaintiff prays for judgment against Defendant for compensatory damages in an amount that is fair and reasonable in excess of Seventy-Five Thousand Dollars (\$75,000.00) to be determined by the jury at trial, her costs herein and such further relief the Court deems just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by a jury on all issues so triable.

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 3.7, the undersigned hereby certifies that no portion of this Motion was drafted/prepared using Generative A.I.

Respectfully Submitted,

BY /s/ Phillip R. Martens

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