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CAPITOL BUILDING
COUNTY CLERK
GRANT COUNTY, ARKANSAS

IN THE CIRCUIT COURT OF GRANT COUNTY, ARKANSAS
CIVIL DIVISION

BY AH DC
PLAINTIFF

RYAN KOERDT

VS.

CASE NO. 27CV-12-91-2

SHERIDAN PUBLIC SCHOOL
SCHOOL BOARD; SHERIDAN
BOARD OF EDUCATION; JODY SPANN
as a member of the Board of Education;
MICHAEL MOSLEY, as a member of the
Board of Education; JEFF LIENBEY, as a
member of the Board of Education;
BEVERLY WELLS, as a member of the
Board of Education; BYRON HICKS, as a
member of the Board of Education;
JAMES PITTS, as a member of the Board
of Education; and CHARLES TADLOCK, as a
member of the Board of Education; SHERIDAN
PUBLIC SCHOOLS; and BRENDA HAYNES, is sued
Individually and in her official capacity as
Superintendent of the Sheridan School District

DEFENDANTS

AMENDED COMPLAINT

Comes now the Plaintiff, by and through his attorney, Robert A. Newcomb, and for his causes of action state:

1. Jurisdiction of this Court is invoked pursuant to Arkansas Code §16-13-201, to enforce rights granted by the Teacher Fair Dismissal Act, A.C.A. §6-17-1501 et seq. the Arkansas Civil Rights Act §16-123-107 and 16-123-105; Article 2, § 2, 3, 8, 15, 21, and 19 of the Arkansas Constitution; 42 U.S.C. 1983 to enforce rights under Equal Protection Clause; the First Amendment and Right of Privacy created by the First, Fourth, Fifth, and Ninth Amendments.

2. The Defendant, Brenda Haynes is the superintendent of Sheridan Public Schools and at all times material of this cause of action was acting under color of state law. Brenda Haynes is further reasonably believed to be a resident of Grant County, Arkansas.

3. Sheridan Public Schools is a school district located in Grant County, Arkansas.

4. Sheridan Public School Board is the policy making body for the Sheridan Public Schools.

5. Jody Spann is being sued in his official capacity as a member of the Board of Education and acted under color of State law.

6. Michael Mosley is being sued in his official capacity as a member of the Board of Education and acted under color of State law.

7. Jeff Lisenbey is being sued in his official capacity as a member of the Board of Education and acted under color of State law.

8. Beverly Wells is being sued in his official capacity as a member of the Board of Education and acted under color of State law.

9. Byron Hicks is being sued in his official capacity as a member of the Board of Education and acted under color of State law.

10. James Pitts is being sued in his official capacity as a member of the Board of Education and acted under color of State law.

11. Charles Tadlock is being sued in his official capacity as a member of the Board of Education and acted under color of State law.

APPEAL OF TERMINATION

12. The Plaintiff appeals the decision of the Sheridan Public School Board/Sheridan Board of Education to accept the termination recommendation of the Defendant Brenda Haynes terminating the Plaintiff from employment with the Sheridan Public Schools.

13. The termination was not for just and proper cause because it was for the Plaintiff at a non-school function held in a private home answering questions put to him players on his basketball team regarding a matter that they had heard of being discussed in the community of whether he was being fired and whether he had an affair with a fellow teacher who was married. Those players specifically used the women's names and under the United States Constitution First Amendment and Article 2, §3 of the Arkansas Constitution. Plaintiff had a free speech right to respond to the question.

14. The Plaintiff exercising his First Amendment Right to Speech stated to the students in response to their question are you going to get fired for having an affair with Ms. Wilson, replied that yes he had an affair with the teacher identifying her by name in response to the questions from those individuals present whether he had an affair with Ms. Wilson a fellow math teacher.

15. The relationship with the math teacher was of an intimate nature and was protected under the Arkansas Constitution and the First Amendment of the Constitution of the United States and the Right of Privacy recognized and protected by both the Arkansas Constitution, Section 2, § 2, 8, 15, 21, and 29

and the Federal Constitution First, Fourth, Fifth, Ninth, and Fourteenth Amendments.

16. Defendant Haynes on July 12th and July 24th was willing to give the Plaintiff a good recommendation for another teaching job if he resigned from the Sheridan Public Schools which demonstrates she did not have good and just cause to recommend termination.

SECOND CAUSE OF ACTION

17. The Sheridan Public, the Sheridan School Board, and the Sheridan Board of Education were the employers of the Plaintiff as defined by the Arkansas Civil Rights Act, A.C.A §16-123-107 the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution protects the Plaintiff from unequal treatment because of gender. This Court has a concurrent jurisdiction pursuant to 42 USC §1983 to award damages for violation of the United States Constitution against the Defendants who acted under color of State Law.

18. Defendant Haynes violated the Plaintiff's rights to equal protection of the law under the 14th Amendment to the Constitution of the United States, the right of association guaranteed to the Plaintiff by Article 2, § 2, 8, 15, 21, and 29 of the Arkansas State Constitution and the First Amendment to the United States Constitution [and Article 2 Section 3 of Arkansas Constitution] by being motivated to recommend the termination of the Plaintiff by the fact that he had intimate relationships with individuals that Dr. Haynes did not approve of him having said relationships while not treating the female teacher the same

and for truthfully speaking on a matter of public concern and of a personal nature by answering the questions posed to him truthfully.

19. Dr. Haynes had a personal vendetta against the Plaintiff due to her own life experiences.

20. The Defendant Haynes ordered on July 10, 2012 that the Plaintiff meet with her on July 12, 2012.

21. The purpose of the purpose of the meeting that Dr. Haynes was going to have on July 12, 2012 when it was set on July 10, 2012 was to confront and possible discipline the Plaintiff for a relation he had two years earlier with a person who had been a graduate of Sheridan Public School two years before their relationship. Defendant School Board Member Mosley had previously contacted the Plaintiff and told him he did not want the Plaintiff dating the same individual because Mr. Mosley did not approve of the relationship.

22. Board member Lisenby because of life experiences and rumors regarding the Plaintiff had indicated prior to the Board meeting that he was angry with Plaintiff.

23. The Board of Education member Byron Hicks in the school board meeting indicated he had not approved of the conduct of the Plaintiff on religious grounds.

24. All of the actions indicate that the Defendant's gender was a motivating factor in that he was terminated for the purported reason for answering a question truthfully when in fact it was his relationship with a

fellow teacher who was married and who was employed by the Sheridan School District.

THIRD CAUSE OF ACTION

25. The actions of Defendant Haynes individually and the Sheridan School Board/Board of Education as the policy maker of the Sheridan Public Schools, violated the Plaintiff First Amendment Right of Free Speech for the speech herein above stated thereby authorizing civil damages under 42 USC §1983 of loss of pay, loss of benefits, and mental anguish for firing him for having told his students the truth when questioned by them about whether he had an affair with a fellow teacher who the students already believed that he had the affair with and specifically asked him if he had an affair with Ms. Wilson.

FOURTH CAUSE OF ACTION

26 The Plaintiff had a signed contract of employment with the Sheridan School District that created a property right in continued employment for the term of the contract unless the causes for termination as listed in A.C.A. 6-17-1507.

27 he Plaintiff has a protected property right requiring procedural due process prior to recommendation for termination..

26. The Plaintiff was denied the procedural due process required by the decision of the United States Supreme Court in Cleveland Board of Education v. Loudermill, 470 U.S. 532, 105 S. Ct. 1487 (1985) by

Defendant Haynes not informing him of the reasons for the recommendation that he be terminated, a summary of the evidence against him and the opportunity to speak in his defense before the decision to recommend termination was made.

RELIEF REQUESTED

29. The Plaintiff requests under the Fair Teacher Dismissal Act A.C.A. §16-123-106 and 42 U.S.C. 1983 that the Court find that his termination was wrongful and reverse it ordering the Sheridan Public School to pay him his lost wages, loss of benefits, and reinstate him to his position as head basketball coach and math teacher or in the alternative award him front pay.

30. For the violation of the Federal Constitutional rights of the Plaintiff the Court should award under 42 USC §1983 and the Arkansas Civil Rights Act compensatory damages for loss of pay, economic damages for having to relocate for employment purposes; for having to sell the Plaintiff's house that he had been purchasing in Sheridan; loss of health insurance, loss of retirement credit, and emotional damages for the mental anguish caused in a sum in excess of that necessary for diversity of citizenship jurisdiction by Federal District Court.

31. This Court should award punitive damages and compensatory damages against Brenda Haynes in her individual capacity for the violation of the First Amendment Rights and the Equal Protection rights of the Plaintiff as authorized by 42 USC §1983 in an amount in excess of the necessary for diversity of citizenship jurisdiction for Federal District Court.

32. The Defendant Brenda Haynes intentionally and maliciously created false information for the termination of the Plaintiff by falsely claiming that the Plaintiff had been involved in spreading a false rumor that a teacher had a sexual affair with a student knowing or reasonable should have known that said statement was false doing so for the purpose of causing harm to the Plaintiff and using her position as Superintendent to create a pretext for termination of the Plaintiff for the purpose of causing him harm and to punish him for having person conduct that she did not approve of warranting the imposition of punitive damages in an amount in excess of that necessary for Federal Court diversity jurisdiction for violating the Plaintiff's rights under the United States and Arkansas Constitution.

33. The court should award attorney fees and litigation cost under 42 U.S.C. 1988, A.C.A. §123-106, and the Teacher Fair Dismissal Act.

34. Pursuant to A.C.A. §16-123-105, the Court should award punitive and compensatory damages against individual Defendant Brenda Haynes for using the authority invested in her as superintendent of the Sheridan Public Schools to deprive the Plaintiff of rights, privileges and immunity secured to him by Article II of the Arkansas Constitution causing compensatory and punitive damages for loss of pay, mental anguish, loss of the value of his home, medical bills warranting the imposition of both damages both compensatory and punitive in excess of that necessary of Federal Court diversity jurisdiction.

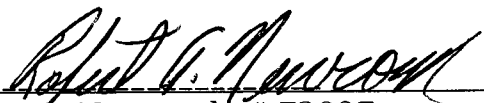
35. The Court should find that there was a denial of procedural due process and vacate the termination, award compensatory and punitive damages.

36. This Court should award reasonable Court costs under the provisions of the Arkansas Fair Teacher Dismissals Act, A.C.A. §16-123-106 and 42 USC §1988.

37. The Plaintiff requests a trial by jury on all issues triable by a jury.

WHEREFORE, it is prayed that the Court award the Plaintiff the relief requested herein and all other relief to which he is entitled including but not limited to compensatory damages, punitive damages; pre-judgment interest and post-judgment interest; court cost; litigation cost; and attorney fees.

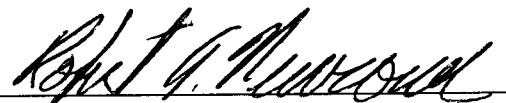
Respectfully submitted:



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CERTIFICATE OF SERVICE

On this 12 day of November 2012 a copy of the foregoing was mailed to Mr. Paul Blume at P.O. 3065, Little Rock, AR. 72203



Robert Newcomb