

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

RYAN KOERDT

PLAINTIFF

VS.

NO. 4:21-CV-554BSM

RUSSELLVILLE SCHOOL
DISTRICT, ET AL

DEFENDANTS

ANSWER TO AMENDED COMPLAINT

COME Defendants, Russellville School District and Russellville Board of Education, by their attorneys, Fuqua Campbell, P.A. and Sharon Cardon Streett, and for their Answer to the Amended Complaint of Plaintiff, Ryan Koerdt, state:

1. Defendants admit this Court has jurisdiction of this matter.
2. Defendants admit venue is proper.
3. Defendants acknowledge the basis of Plaintiff's claim but deny the allegations of paragraph 3 of the Amended Complaint to the extent they are factual and require admission or denial.
4. Defendants admit the allegations of paragraph 4 of the Amended Complaint.
5. Defendants admit the allegations of paragraph 5 of the Amended Complaint.
6. Defendants admit the allegations of paragraph 6 of the Amended Complaint.
7. Defendants deny the allegations of paragraph 7 of the Amended Complaint.

8. Defendants deny the allegations of paragraph 8 of the Amended Complaint.

9. Defendants admit the allegations of paragraph 9 of the Amended Complaint.

10. Defendants deny the allegations of paragraph 10 of the Amended Complaint.

11. Defendants deny the allegations of paragraph 11 of the Amended Complaint.

12. Defendants admit Plaintiff was allowed to meet with all candidates that interviewed for the position of assistant high school girls' basketball coach and assistant junior high volleyball assistant; that Plaintiff supported a particular candidate not offered the position; that the position was reopened in June 2021 and a candidate was selected who was not Plaintiff's choice; Defendants deny all remaining allegations of paragraph 12 of the Amended Complaint.

13. Defendants admit that the high school boys' and girls' basketball teams and the seventh-grade boys' team practice during first period, that the seventh-grade girls' team practices during last period, and that high school head coaches and assistant coaches, including Plaintiff, have first period off. Defendants deny all remaining allegations of paragraph 13 of the Amended Complaint.

14. Defendants admit the high school girls' basketball team had a winning 2020-2021 season, won ten more games in 2020-2021 than in 2019-2020, and made it to the quarterfinals of the state tournament as did the boys' team. Defendants deny all remaining allegations of paragraph 14 of the Amended Complaint.

15. Defendants admit the allegations of paragraph 15 of the Amended Complaint.

16. Defendants deny the allegations of paragraph 16 of the Amended Complaint.

17. Defendants admit the District hired an attorney to investigate allegations made by parents and players against Plaintiff but deny it did so to harass Plaintiff; that Plaintiff filed a grievance about an improvement plan implemented by Gotcher claiming the superintendent was not objective because complaining parents were friends and members of his church; that the Board voted unanimously to affirm plaintiff's grievance; and that a new superintendent was hired April 19, 2021. Defendants deny all remaining allegations of paragraph 17 of the Amended Complaint.

18. Defendants deny the allegations of paragraph 18 of the Amended Complaint.

19. Defendants admit the allegations of paragraph 19 of the Amended Complaint.

20. Defendants deny the allegations of paragraph 20 of the Amended Complaint.

21. Defendants admit the District looked into Plaintiff's violation of quarantine rules but deny the remaining allegations of paragraph 21 of the Amended Complaint.

22. Defendants deny the allegations of paragraph 22 of the Amended Complaint.

23. Defendants deny the allegations of paragraph 23 of the Amended Complaint.

24. Defendants admit Plaintiff informed his supervisor of three meetings with parents of basketball players during the 2020-2021 basketball season. Defendants deny the remaining allegations of paragraph 24 of the Amended Complaint.

25. Defendants admit a key card was approved for a parent of a player on the girls' basketball team. Defendants deny the remaining allegations of paragraph 25 of the Amended Complaint.

26. Defendants admit Andrew Vining was hired as new superintendent on April 19, 2021, that Vining conversed with Plaintiff about the girls' basketball team, and that Vining learned one of the team members babysat his granddaughter and went to Vining's church. Defendants deny the remaining allegations of paragraph 26 of the Amended Complaint.

27. Defendants deny the allegations of paragraph 27 of the Amended Complaint.

28. Defendants admit the allegations of paragraph 28 of the Amended Complaint.

29. Defendants admit the allegations of paragraph 29 of the Amended Complaint.

30. Defendants admit the allegations of paragraph 30 of the Amended Complaint.

31. Defendants admit the allegations of paragraph 31 of the Amended Complaint.

32. Defendants admit the allegations of paragraph 32 of the Amended Complaint.

33. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 33 of the Amended Complaint and therefore deny them.

34. Defendants admit the allegations of paragraph 34 of the Amended Complaint.

35. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations regarding the whereabouts of Plaintiff between July 5, 2021, and July 12, 2021. Defendants admit Plaintiff was placed on administrative leave with pay on July 13, 2021, with instructions not to have contact with the high school girls' basketball team while on leave. Defendants deny the remaining allegations of paragraph 35 of the Amended Complaint.

36. Defendants admit the District made a hot-line report as required by law when parents reported alleged abuse of students by the Plaintiff and that Vining began the investigation of parent complaints by a law firm. Defendants deny the remaining allegations of paragraph 36 of the Amended Complaint.

37. Defendants deny the allegations of paragraph 37 of the Amended Complaint.

38. Defendants deny the allegations of paragraph 38 of the Amended Complaint.

39. Defendants deny the allegations of paragraph 39 of the Amended Complaint.

40. Defendants deny the allegations of paragraph 40 of the Amended Complaint.

41. Defendants deny the allegations of paragraph 41 of the Amended Complaint.

42-47. Defendants deny the allegations of paragraphs 42-47 of the Amended Complaint.

48. Defendants acknowledge Plaintiff's demand for a jury trial and also demand a jury trial.

49. Defendants deny, generally and specifically, all allegations of the Amended Complaint not admitted.

AFFIRMATIVE DEFENSES

1. Plaintiff fails to state claims upon which relief can be granted.

2. Plaintiff lacks standing to raise claims belonging to students under Title IX and seek remedies for these claims (paragraphs 42-44).

3. This Court lacks jurisdiction under FRCP 12(b)(1) as to claims for relief in paragraphs 42-44 of the Amended Complaint.

4. The Russellville Board of Education is a redundant defendant and should be dismissed.

WHEREFORE, premises considered, Defendants, Russellville School District and Russellville Board of Education, pray the Amended Complaint of Plaintiff, Ryan Koerdt, be dismissed, for their costs, and for all other appropriate relief.

David M. Fuqua
Ark. Bar No. 80048
dfuqua@fc-lawyers.com
Annie Depper
Ark. Bar No. 2009267
adepper@fc-lawyers.com
Fuqua Campbell, P.A.
3500 Cantrell Road
Little Rock, Arkansas 72202
(501) 374-0200

Sharon Carden Streett
Ark. Bar No. 81150
Post Office Box 250418
Little Rock, Arkansas 72225-0418
(501) 666-6066
Sharon@streettLawOffices.com

Attorneys for Defendants