

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

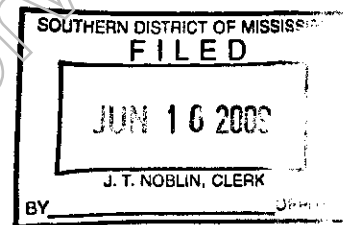
**DONALD AND MELISSA JACKSON,
AS NATURAL PARENTS
AND NEXT FRIENDS ON BEHALF OF
MIRANDA "MANDI" JACKSON, A MINOR**

PLAINTIFF

VS

CAUSE NO. 3:09cv353DPJ-JCS

**PEARL PUBLIC SCHOOL DISTRICT,
JOHN LADNER, INDIVIDUALLY AND
AS SUPERINTENDENT OF PEARL
PUBLIC SCHOOLS, RAY MORGIGNO,
INDIVIDUALLY AND AS PRINCIPAL
OF PEARL HIGH SCHOOL, TOMMIE HILL,
INDIVIDUAL AND IN HER CAPACITY
UNDER PEARL HIGH SCHOOL,
TIFFANY DURR, INDIVIDUALLY
AND IN HER CAPACITY UNDER
PEARL HIGH SCHOOL, MISSISSIPPI
CHEERLEADING ACADEMY LLC, CORY
BYRD, INDIVIDUALLY
AND IN HIS CAPACITY UNDER
OF PEARL HIGH SCHOOL
AND JOHN DOES 1-5**



DEFENDANTS

JURY TRIAL DEMANDED

COMPLAINT

COME NOW, Plaintiff, Donald and Melissa Jackson on behalf of and as next friends of Miranda "Mandi" Jackson do hereby, by and through counsel, file this action against Pearl Public School District, John Ladner, individually and in his capacity as Superintendent of Pearl Public School System, Ray Morgigno, individually and in his capacity as Principal of Pearl High School, Tommie Hill, individually and in her capacity with Pearl Public High School and Pearl Public School District, Tiffany Durr,

individually and in her capacity with Pearl Public High School and Pearl Public School District, Mississippi Cheerleading Academy, LLC, Cory Byrd, individually, and in his capacity under Pearl High School, and John Does 1-5 whose identities will be known through the discovery process, and in support thereof would show the following:

JURISDICTION AND VENUE

1. This action arises under the First, Ninth and Fourteenth Amendment to the Constitution of the United States.
2. This Court has federal question jurisdiction under 28 U.S.C. § 1331, under the Rehabilitation Act of 1973, under 42 U.S.C. § 1981, under 42 U.S.C. § 1983, and its jurisdictional provisions under 42 U.S.C. § 1343 and under 42 U.S.C. 1367.
3. All events occurred and all parties reside in this district and division.
4. Plaintiff brings this action to enjoin Defendants from further violating her constitutional and statutory rights and to recover actual, compensatory, liquidated, and punitive damages and any additional relief the Court may provide.

PARTIES

5. Plaintiff, Donald and Melissa Jackson as Natural Parents and Next Friends of Mandi Jackson, at all pertinent times and currently are residents of Pearl, Rankin County, MS.
6. Defendant, Pearl Public School District, is a municipal entity charged with administration of Pearl High School and may be served with process upon Superintendent John Ladner, at 3375 Hwy 80 East, Pearl, MS 39208.

7. Pearl Public School District is responsible for the administration, implementation and application of policies and disciplinary actions taken by the Superintendent and Pearl High School's Principal, John Ladner.
8. Defendant, John Ladner, is sued individually. He is a resident of Rankin County, Mississippi and may be served with process at 540 Asbury Lane Drive, Pearl, MS 39208.
9. Defendant, John Ladner, is sued in his capacity as Superintendent of Pearl Public School District. He is a resident of Rankin County, Mississippi and may be served with process at 540 Asbury Lane Drive, Pearl, MS 39208.
10. Defendant Ladner possesses responsibility, final authority, and supervisory responsibilities over the Principal and teachers of Pearl High School, as delegated by Pearl Public School District.
11. Defendant Ladner is responsible for all actions described in this complaint.
12. Defendant, Ray Morgigno, is sued individually. He is a resident of Rankin County, Mississippi and may be served with process at 4 Oak Glen, Pearl, MS 39208
13. Defendant, Ray Morgigno, is sued in his capacity as Principal of Pearl High School. He is a resident of Rankin County, Mississippi and may be served with process at 4 Oak Glen, Pearl, MS 39208.
14. Defendant Morgigno is responsible for the administration of Pearl High School, including authority over policies, faculty conduct and all disciplinary actions.

15. Defendant Morgigno is responsible for all actions described in this complaint.
16. Defendant, Tommie Hill, is sued individually. She is a resident of Rankin County, Mississippi and may be served with process at 2011 Beechwood Blvd., Pearl, MS 39208.
17. Defendant, Tommie Hill, is sued in her capacity as teacher and cheer sponsor/coach for Pearl High School. She is a resident of Rankin County, Mississippi and may be served with process at 2011 Beechwood Blvd., Pearl, MS 39208.
18. Defendant Hill is responsible for all actions described in this complaint.
19. Defendant, Tiffany Durr, is sued individually. She is a resident of Rankin County, Mississippi and may be served with process at 700 Country Place Drive Pearl, MS 39208.
20. Defendant, Tiffany Durr, is sued in her capacity as teacher and cheer and dance sponsor/coach, for Pearl High School. She is a resident of Rankin County, Mississippi and may be served with process at 700 Country Place Drive Pearl, MS 39208.
21. Defendant Durr is responsible for all actions described in this complaint.
22. Defendant, Mississippi Cheerleading Academy LLC. is sued as an agent of Pearl High School who may be served with process on its registered agent, Shane Tapper at 111 Belle Meade Point, Suite B, Flowood, MS 39232.

23. Defendant, Mississippi Cheerleading Academy LLC. is sued individually and who may be served with process on its registered agent, Shane Tapper at 111 Belle Meade Point, Suite B, Flowood, MS 39232.
24. Defendant Mississippi Cheerleading Academy, LLC is responsible for all actions described in this complaint.
25. Defendant, Cory Byrd is sued individually. He is a resident of Rankin County, Mississippi and may be served with process at 509 Dexter Drive, Flowood, MS 39232.
26. Defendant, Cory Byrd, is sued in his capacity as an agent of Pearl High School. He is a resident of Rankin County, Mississippi and may be served with process at 509 Dexter Drive, Flowood, MS 39232.
27. Defendant Byrd is responsible for all actions described in this complaint.
28. Defendants, John Does 1-5, are faculty, staff, and administration of Pearl Public School Districts. Their identities will be obtained through the discovery process.
29. At all material times, Defendants, jointly and individually acted under color of law and violated the plaintiff's statutory rights and constitutional rights guaranteed by the First, Ninth and Fourteenth Amendment.
30. At all material times, Defendants, jointly and individually, intentionally committed tortuous acts toward the Plaintiff.
31. Plaintiff has and continues to suffer ongoing and irreparable harm from the conduct of Defendants.

32. Plaintiff has no adequate or speedy remedy at law to correct or redress the deprivation of her rights by Defendants.
33. Unless the conduct of Defendants is enjoined, Plaintiff and others will continue to suffer irreparable injury.

FACTS

34. Pearl High School (PHS) is a public high school located in Pearl, MS and is under the direction of Pearl Public School District (PPSD).
35. Upon information and belief, PHS and PPSD receive federal and state financial assistance.
36. A Notice of Intent to Sue was sent via certified mail, return receipt requested, to Pearl Public School District on April 1, 2009. See Exhibit "A", attached.
37. Pearl Public School District, through their attorney, did respond denying liability on April 2, 2009. See Exhibit "B", attached.
38. Defendants Hill, Durr, Morgigno, and Ladner are employees of PPSD.
39. Upon information and belief, Defendants Mississippi Cheerleading Academy LLC and Byrd are contracted by Pearl High School and Pearl Public School District for cheerleader and dance training, and therefore act on behalf of PHS and therefore PPSD.
40. Defendants PHS and PPSD oversee and are responsible for the actions of all faculty, agents, staff, and students therein.

41. Defendant, Tommie Hill, "Hill", individually and in her capacity as teacher, dance and cheerleading "cheer" sponsor for Pearl High School "PHS", did on September 10, 2007, wrongfully request from Mandi Jackson "Jackson", a minor, her password to her www.facebook.com "Facebook" account during school hours.
42. At no time did Jackson access her Facebook account from a school computer or on school property.
43. Hill breached Jackson's Facebook on September 10, 2007.
44. After accessing Jackson's Facebook, Hill disseminated the information within Jackson's Facebook account to fellow Pearl High School teacher, dance and cheer sponsor Tiffany Durr, cheer trainer Corey Byrd, Principal Ray Morgigno, Superintendent John Ladner, and other unknown individuals.
45. Hill, Durr, Byrd, Morgigno, and Ladner individually and in their respective capacities with Pearl Public School District and Pearl High School, publicly reprimanded, punished and humiliated Jackson for a private discussion between Jackson and another Pearl High School student on Facebook.
46. Hill, Durr, Byrd, Morgigno, and Ladner, individually and in their respective official capacity with Pearl Public School District did conspire to punish, humiliate and ostracize Jackson.

47. Plaintiff, Jackson, was forced to sit out of cheer and dance training and refrain from participation at school sponsored events, for which she had enrolled and paid various fees and costs of participation.
48. The Pearl High School student whom actively corresponded with Jackson in the subject discussion on Facebook was also a cheerleader and dancer.
49. Jackson's parents, Donald and Melissa Jackson, in their capacity as natural parents and next friends of Mandi Jackson, contacted Pearl High School Principal, Ray Morgigno, to discuss the tortuous acts committed against Jackson, and violation of their daughter's civil rights as guaranteed by the United States Constitution.
50. Defendant Morgigno, individually and in his capacity as principal for Pearl High School refused to grant any relief to the Jacksons, condoning the actions of Hill, Durr, and Byrd.
51. Donald and Melissa Jackson contacted Pearl School District Superintendent, John Ladner and the Pearl Public School District School Board of Trustees to discuss the matter and request relief.
52. Pearl Public School District and Superintendent John Ladner refused to grant the Jacksons any relief in regard to this matter, condoning the actions of Hill, Durr, Byrd, and Morgigno.

COUNT ONE:

VIOLATION OF JACKSON'S FIRST AND NINTH

AMENDMENT RIGHT TO PRIVACY

53. Upon requesting the password and subsequently accessing Jackson's private Facebook electronic mail, Hill did violate Jackson's constitutional right to privacy as guaranteed by the First, Ninth, and Tenth Amendment of the United States Constitution.
54. Upon disseminating the information contained within Jackson's private Facebook account, Hill did violate Jackson's constitutional right to privacy.
55. Upon receipt, discussion and further dissemination of the information contained within Jackson's private Facebook account, Hill, Durr, Byrd, Morgigno, Ladner and Pearl Public School District did violate Jackson's constitutional right to privacy.

COUNT TWO:

VIOLATION OF JACKSON'S FIRST AND

NINTH AMENDMENT RIGHT OF FREE ASSOCIATION

56. Plaintiff's First and Ninth Amendment right of free association was violated by all Defendants when they personally and publicly reprimanded, punished, ostracized, and humiliated Jackson for her private Facebook communication with a particular PHS student.

57. Plaintiff's First Amendment right of free association was violated by Defendants, PPSD, Morgigno, and Ladner when they failed to cease, discourage or reprimand the actions of Hill, Durr and Byrd against Plaintiff.

COUNT THREE

VIOLATION OF JACKSON'S FIRST AND

NINTH AMENDMENT RIGHT TO FREE SPEECH

58. Plaintiff's First and Ninth Amendment Right to Free Speech was violated when Defendants accessed her private Facebook account and privately and publicly disseminated, reprimanded, and punished her for the content therein.

59. Plaintiff, Mandi Jackson was deprived of her right to free speech when Defendants did chastise, humiliate and punish her for private correspondence with another individual.

COUNT FOUR:

VIOLATION OF PLAINTIFF'S

RIGHT TO DUE PROCESS

60. Jackson's parents, Donald and Melissa Jackson, in their capacity as natural parents and next friends of Mandi Jackson, contacted Pearl High School Principal, Ray Morgigno, to discuss violations of their daughter's civil

rights as guaranteed by the United States Constitution and the tortuous acts committed against Mandi Jackson.

61. Pearl High School Principal, Ray Morgigno, did nothing to cease the actions of Hill, Durr, and Boyd against Jackson. Morgigno did not grant any relief for the violations of Jackson's constitutional rights.
62. Upon receiving no relief from PHS Principal Morgigno, Donald and Melissa Jackson then contacted Pearl School District Superintendent, John Ladner and the Pearl Public School District School Board to discuss and rectify the matter.
63. Pearl School District Superintendent, John Ladner, and the Pearl Public School District School Board of Trustees decided PHS and all individuals involved had not committed any error and denied Jackson's request for relief.
64. Mandi Jackson, was denied her right to due process as guaranteed by the Fourteenth Amendment to the United States Constitution by the Pearl Public School District Board, and Ray Morgigno and John Ladner, individually and in their respective capacity for the Pearl Public School District.

COUNT FIVE:

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

65. On the basis of Jackson's private Facebook conversation, Defendants did willingly and publicly chastise, punish, intimidate, and ostracize Jackson

by forcing her to sit out of cheer and dance practices, training, and various school events.

66. The aforementioned actions taken toward Mandi Jackson by every Defendant resulted in Jackson being humiliated, ostracized by her peers, experiencing great mental and emotional anguish, and decreased performance in her school coursework.

COUNT SIX:

CRUEL AND UNUSUAL PUNISHMENT

67. Defendants publicly reprimanded, intimidated, harassed, punished and humiliated Jackson throughout the 2007-2008 and 2008-2009 school year in response to Jackson's private Facebook conversation with another Pearl High School student.
68. The student with which Jackson corresponded received little to no public punishment, reprimand, or humiliation for her participation in the conversation.
69. Fellow students who committed more grievous acts, including those that involved criminal activity, did not receive punishment, reprimands, or humiliation equal to that inflicted upon Jackson for her private Facebook conversation.
70. Actions taken by Defendants against Mandi Jackson constitute cruel and unusual punishment.

COUNT SEVEN:

DEFAMATION OF CHARACTER

71. By openly and publicly disseminating the information contained in Mandi Jackson's private Facebook account, intimidating, punishing, and publicly humiliating Jackson, Defendants did defame Jackson's character.
72. As a result of defamation of her character, Jackson was ostracized by her peers and suffered great mental anguish and irreparable harm.

COUNT EIGHT

CIVIL CONSPIRACY

73. Defendants did conspire to harass, bully, reprimand, punish, ostracize, and publicly humiliate Jackson.
74. Defendants' actions did cause mental anguish, emotional distress, and irreparable harm to Jackson.

WHEREFORE, the Plaintiff prays that the court will:

- A. Grant a trial by jury.
- B. Award compensatory damages against each Defendant in excess of \$100,000,000.
- C. Award punitive damages against each Defendant.
- D. Award the Plaintiff reasonable attorney's fees.
- E. Enter a declaratory judgment declaring that Defendant's actions violated the Plaintiffs First and Fourteenth Amendment rights.

- F. Award the Plaintiff costs.
- G. Grant such further relief to the Plaintiff as the Court deems just and proper.

This the 16th day of June, 2009.

Respectfully submitted,



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Attorney for Plaintiff

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