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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF ARIZONA

9 KYLE HAWKEY,

10 Plaintiff,

11 v.

12 CHRISTOPHER PARRETT; KOFA
13 HIGH SCHOOL, and YUMA UNION
14 HIGH SCHOOL DISTRICT, a political
subdivision of the State of Arizona,

15 Defendants.

Case No. _____

COMPLAINT

(Civil Rights Violation Under
U.S.C. § 1983; Trial By Jury
Demanded)

16 Plaintiff, Kyle Hawkey, for his Complaint against Defendants alleges as
17 follows:

18 **Jurisdiction And Venue**

19 1. Jurisdiction and venue are proper in this Court because the Court has federal
20 question jurisdiction pursuant to 42 U.S.C. § 1983 and 28 U.S.C. §§ 1331, 1343. The
21 Court has supplemental jurisdiction over Plaintiff's related state law claims against
22 Defendant Parrett. 28 U.S.C. § 1367. Defendants have caused events to occur in
Yuma County, Arizona, giving rise to this action.

23 **Parties**

24 2. Plaintiff, Kyle Hawkey, is a resident of Yuma County, Arizona.

25 3. Defendant, Christopher Parrett, is believed to currently be a resident of the
26 State of Montana, but was a resident of Yuma County, Arizona, when he caused the

1 events alleged herein to occur.

2 4. Defendant, Kofa High School, is a public high school, within the Yuma
3 Union High School District, located in Yuma County, Arizona.

4 5. Defendant Yuma Union High School District is a political subdivision of
5 the State of Arizona, located in Yuma County, Arizona.

6 **General Allegations**

7 6. In or about 2006 and 2007, Plaintiff was a student at Defendant Kofa High
8 School, within the Yuma Union High School District. Plaintiff's date of birth is July
9 21, 1989.

10 7. In or about 2006 and 2007, Defendant Parrett was a public employee,
11 employed by Defendants Kofa High School and Yuma Union High School District
12 as a teacher, and was performing duties in the course and scope of his employment.
13 Defendant Parrett was one of Plaintiff's teachers for classes during the school day.
14 Defendant Parrett was also Plaintiff's yearbook teacher in connection with Kofa High
15 School's yearbook class and after school yearbook activities.

16 8. As a teacher at Kofa High School, Defendant Parrett owed Plaintiff a duty
17 to enforce and abide by all Kofa High School and Yuma Union High School rules and
18 policies regarding appropriate professional behavior with students, the operation of
19 the school, and school activities.

20 9. Defendants Yuma Union High School District and Kofa High School owed
21 duties of care to Plaintiff. These duties included, but are not limited to, providing
22 Plaintiff with educational opportunities consistent with Arizona law; preventing
23 injuries to Plaintiff; and insuring that Defendants' teachers and staff complied with
24 Defendants' rules and policies, maintained appropriate professional behavior with
25 students and refrained from conduct involving the abridgment of student rights,

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1 including a student's right to not be sexually molested or abused by a teacher.

2 10. In or about 2006 and 2007, Defendant Parrett sexually assaulted, molested,
3 and abused Plaintiff while he was Plaintiff's teacher. Defendant Parrett's sexual
4 assaults, molestations and abuse of Plaintiff include, among other acts, improper
5 touching, fondling, kissing and oral and anal sex with Plaintiff. The assaults,
6 molestations and abuse occurred on numerous occasions during the school year, at
7 locations both on and off of school property, and during, and in connection with,
8 classes and school activities, including late night, unsupervised school yearbook
9 activities.

10 11. Defendant Parrett, and Defendants Yuma Union High School District and
11 Kofa High School, breached their duties of care to Plaintiff when Defendant Parrett
12 sexually assaulted, molested and abused Plaintiff.

13 12. As a result of Defendants' actions, Plaintiff has suffered severe physical
14 and psychological injuries and emotional distress, which injuries have resulted in
15 medical expenses, including psychological care and counseling, and are likely to
16 continue to result in expenses for necessary psychological care and counseling in the
17 future; pain and suffering; temporary and permanent psychological impairment, and
18 other damages.

19 13. On or about September 30, 2008, a warrant for Defendant Parrett's arrest
20 was issued; and the State of Arizona charged Defendant with eight felonies, including
21 seven counts of Sexual Conduct With A Minor, one count of Furnishing Harmful
22 Items To Minors, and one count of Sexual Abuse. Defendant Parrett recently plead
23 guilty to the felony, Sexual Conduct With A Minor.

24 14. The actions of Defendant Parrett, as alleged herein, were in utter and
25 reckless disregard for the rights and safety of Plaintiff, the product of an evil and

1 malignant mind and were intended to wrongfully harm Plaintiff, thereby entitling
2 Plaintiff to an award of punitive damages.

3 15. Plaintiff hereby demands a trial by jury.

4 **First Cause Of Action**

5 **(Deprivation Of Due Process And Equal Protection By Defendant Parrett)**

6 16. Plaintiff reasserts the allegations set forth in paragraphs 1 through 15
7 above, and incorporates them herein by this reference as though set forth in full.

8 17. As a public school student, Plaintiff had a constitutionally protected right
9 not to be sexually assaulted, molested or abused by a school teacher, like Defendant
10 Parrett.

11 18. A school teacher's sexual assault, molestation or abuse of a student
12 violates the student's substantive due process rights and constitutes an intrusion of
13 the student's bodily integrity.

14 19. At the times of his sexual assault, molestation and abuse of Plaintiff,
15 Defendant Parrett was acting under the color of state law and within the scope of his
16 duties, and in connection with school classes and activities, on behalf of Kofa High
17 School and Yuma Union High School District.

18 20. Defendant Parrett was deliberately and callously indifferent to the rights
19 of Plaintiff when he used his government position and authority as a teacher to
20 sexually assault, molest and abuse Plaintiff. Defendant Parrett's sexual assaults,
21 molestations and abuse of Plaintiff violated Plaintiff's constitutional rights of bodily
22 integrity and equal protection under the Due Process and Equal Protection Clauses
23 of the Fourteenth Amendment and deprived Plaintiff of his constitutional rights.
24 Such conduct is actionable pursuant to 42 U.S.C. § 1983. Defendant Parrett's
25 violation of Plaintiff's constitutional rights has caused Plaintiff injury and damages.

1 21. Plaintiff seeks his reasonable attorney's fees and costs.

2 **Second Cause Of Action**

3 **(Deprivation Of Due Process And Equal Protection By Defendants**
4 **Kofa High School, And Yuma Union High School District)**

5 22. Plaintiff reasserts the allegations set forth in paragraphs 1 through 21
6 above and incorporates them herein by this reference as though set forth in full.

7 23. Defendants Kofa High School and Yuma Union High School violated
8 Plaintiff's constitutional rights by maintaining policies, practices and customs that
9 were reckless and deliberately indifferent to Plaintiff's rights, including Plaintiff's
10 right not to be sexually assaulted, molested and abused by a teacher.

11 24. Defendants' reckless and deliberately indifferent policies, practices and
12 customs include, but are not limited to, failing to adequately guard against sexual
13 assault, molestation or abuse by a teacher through proper training and supervision of
14 teachers and staff; permitting and encouraging teachers to spend inappropriate
15 amounts of unsupervised time alone with a student; permitting and encouraging
16 unsupervised school yearbook class work and school activities to be carried on by
17 students and teachers for long hours and late into the night and early morning hours;
18 failing to properly investigate complaints of sexual assault, molestation and abuse by
19 teachers; and knowingly accepting inappropriate and unconstitutional misconduct and
20 behavior by teachers, all of which enable and cause the rights of students to be
21 violated.

22 25. As a direct result of Defendants' reckless and deliberately indifferent
23 policies, practices and customs, Defendant Parrett sexually assaulted, molested and
24 abused Plaintiff, and Plaintiff's constitutional rights were violated. Defendants'
25 policies, practices and customs caused Plaintiff injury and damages. Said conduct by
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1 Defendants is actionable pursuant to 42 U.S.C. § 1983.

2 26. Plaintiff seeks his reasonable attorney's fees and costs.

3 **Third Cause Of Action**

4 **(Assault and Battery -- Defendant Parrett)**

5 27. In or about 2006 and 2007, Defendant Parrett, intentionally, with malice
6 and ill will toward Plaintiff, physically assaulted and battered Plaintiff by sexually
7 molesting, abusing and physically intimidating Plaintiff.

8 28. Defendant Parrett's assault and battery of Plaintiff through sexual
9 molestation, abuse and physical intimidation, were harmful and offensive to Plaintiff,
10 and caused Plaintiff injury, reasonable apprehension of serious bodily injury, and
11 damage.

12 29. The actions of Defendant Parrett were in utter and reckless disregard for
13 the rights and safety of Plaintiff, the product of an evil and malignant mind and were
14 intended to wrongfully harm Plaintiff, thereby entitling Plaintiff to an award of
15 punitive damages.

16 **Fourth Cause Of Action**

17 **(Intentional Infliction Of Emotional Distress -- Defendant Parrett)**

18 30. In or about 2006 and 2007, Defendant Parrett engaged in extreme and
19 outrageous conduct intended to cause Plaintiff severe emotional distress, including
20 physically assaulting and battering Plaintiff, and sexually molesting, abusing and
21 intimidating Plaintiff.

22 31. Defendant's extreme and outrageous conduct was intended to cause
23 Plaintiff emotional distress or was carried out with reckless disregard of the near
24 certainty that such emotional distress would occur.

25 32. As a result of Defendant's extreme and outrageous conduct, Plaintiff has

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1 suffered, and continues to suffer, emotional distress and damages in an amount to be
2 proven at trial.

3 33. The actions of Defendant Parrett were in utter and reckless disregard for
4 the rights and safety of Plaintiff, the product of an evil and malignant mind and were
5 intended to wrongfully harm Plaintiff, thereby entitling Plaintiff to an award of
6 punitive damages.

7 **WHEREFORE**, Plaintiff prays for judgment against Defendants as follows:

8 A. For compensatory damages in an amount to be proven at trial;

9 B. For punitive damages against Defendant Parrett in an amount to punish
10 Defendant Parrett and deter him and others like him from engaging in similar
11 conduct;

12 C. For Plaintiff's reasonable attorney's fees and costs;

13 D. For prejudgment and post judgment interest on the awarded sum at the
14 highest interest rate permitted by law; and,

15 E. For such other and further relief as the Court deems just and proper.

16 DATED this 12th day of February, 2009.

17 CLARK & ASSOCIATES

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