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FILED
OCT 19 10:04
CLERK OF DISTRICT COURT
DISTRICT OF NEVADA
[Signature]

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 JOAN BARNS, next friend
14 and mother of JANA ELHIFNY,
15 JANA ELHIFNY individually,
16 Plaintiff,

17 vs.

18 CINDA GIFFORD, in her official and
19 individual capacity; CYNTHIA EDWARDS,
20 COLLEEN BRAUN, JERIT GOODFELLOW,
21 MIKE BRYANT, DEBRA BIERSDORFF,
22 FRANK ALDRIDGE, STACIE ROCKETT,
23 MARK WILLIAMS, in their individual
24 capacities; and the WASHOE COUNTY
25 SCHOOL DISTRICT, a political subdivision of
26 the State of Nevada,
27 Defendant

Case No.:

COMPLAINT

DEMAND FOR JURY

CV-N-04-0583-ECR-VPC

28 **JURISDICTION AND VENUE**

1. Jurisdiction is conferred upon this Court pursuant to 28 U.S.C. Sections 1331 and 1343 because the matters in controversy arise under the Constitution and laws of the United States. This Court has supplemental jurisdiction to hear the state claims of Plaintiff under 28 U.S.C. Section 1367(a).
2. Plaintiff has complied with the requirements of Nevada law waiving sovereign immunity, set forth in Nev. Rev. Stat. Sections 41.031 et seq.

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1 3. Venue is proper in this Court under 28 U.S.C. Section 1391(b) because a substantial
2 part of the events that gave rise to Plaintiff's claims took place within the Northern
3 Division of the District of Nevada.

4 **PRELIMINARY STATEMENT**

- 5 4. This is a civil rights action against employees and officials of the Washoe County
6 School District for depriving Jana Elhifny (Jana) of established constitutional,
7 statutory and common law rights.
- 8 5. Jana is a woman, a United States citizen, and a resident of Washoe County, Nevada.
- 9 6. Jana attended North Valley High School, which is a public high school in the Washoe
10 County School District. While attending this school, Jana's classmates routinely
11 subjected her to severe and pervasive verbal and physical harassment on school
12 grounds. This harassment occurred on a near-daily basis beginning in the fall of 2003
13 and continued until she was forced to leave the public school system in December of
14 2003. Jana continually was harassed by her classmates, who referred to her using
15 terms such as "bitch," "nasty whore," "slut," "cancer patient," "baldie," and was
16 routinely told to "go back to your country" and threatened to assault, injure, and kill
17 her on several occasions. On more than one occasion, fellow students while on school
18 property physically assaulted Jana. Defendants were aware of the verbal and physical
19 harassment and abuse, and had the authority to institute corrective and preventative
20 measures, but Defendants repeatedly and intentionally failed to take the necessary
21 measures to stop it. Rather than appropriately addressing the harmful behavior of
22 other students, Defendants suggested that Jana refrain from wearing traditional
23 Muslim head coverings ("Hijab") while attending school. Defendants failed to act,
24 and took affirmative actions detrimental to Jana, because of her nationality, religion
25 and expression about her religion. Defendants deprived Jana of the benefits of a high
26 school education, and caused her to leave school at the age of 16.
- 27 7. Specifically, this action challenges Defendants' denial of Jana's rights secured under
28 the First and Fourteenth Amendments to the United States Constitution, and 42
U.S.C. Section 1983, and Title IX of the Education Amendments of 1972, 20 U.S.C.

1 Section 1681 et seq. ("Title IX"), and Defendants' tortious negligence, negligent
2 supervision and training, intentional infliction of emotional distress, and negligent
3 infliction of emotional distress under Nevada state law.

4 8. From August 2003 until December 2003, Jana Elhifny was a student attending public
5 schools in the Washoe County School District, County of Washoe, State of Nevada.

6 9. Defendants Cinda Gifford, Principal, North Valley High School; Mark Williams,
7 Vice Principal, North Valley High School; Debra Biersdorff, Assistant Principal,
8 North Valley High School; Cynthia Edwards, Counselor, North Valley High School;
9 Frank Aldridge, Teacher, North Valley High School, Jerit Goodfellow, Teacher,
10 North Valley High School, Stacie Rockett, Teacher, North Valley High School; Mike
11 Bryant Coordinator Student Personal Services; Colleen Braun, Psychologist, Washoe
12 County School District, are or were at all relevant times individuals working as
13 employees and agents of the Washoe County School District, a public school district
14 organized and operated under the laws of the State of Nevada. All Defendants
15 currently are citizens of Nevada.

16 10. Defendant Washoe County School District is and was at all relevant times a political
17 subdivision of the State of Nevada with jurisdiction over public schools in Washoe
18 County, including North Valley High School.

19 11. Plaintiff alleges that each of the Defendants performed, participated in, aided and/or
20 abetted in some manner the acts averred herein, proximately caused the damages
21 averred below, and is liable to Plaintiff for the damages and other relief sought herein.

22 12. Based upon information and belief, Plaintiff alleges that Defendant Gifford was
23 responsible for the training and supervision of Defendants Williams, Biersdorff,
24 Rockett, Edwards, Goodfellow and Aldridge.

25 13. Based on information and belief, Plaintiff alleges that Defendant Bryant was
26 responsible for the training and supervision of Defendant Braun.

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STATEMENT OF FACTS

14. North Valley High School ("NVHS"), is a public high school in the Washoe County School District (the "District").
15. Jana Elhifny attended NVHS from August 2003 until December 2003. During that time, Cinda Gifford ("Gifford") was the Principal at NVHS, Mark Williams ("Williams") was the Vice Principal at NVHS, Debra Biersdorff Assistant Principal at NVHS, Jerit Goodfellow ("Goodfellow") was a teacher at NVHS, Frank Aldridge ("Aldridge") was a teacher at NVHS and Stacie Rockett ("Rockett") was a teacher at NVHS. Mike Bryant ("Bryant") was a counselor at NVHS and Colleen Braun ("Braun") was a counselor at NVHS.
16. Prior to attending NVHS, Jana lived and attended school in Egypt.
17. Jana moved to Reno, Nevada with her family in April 2003.
18. From the time she enrolled until she was forced to leave NVHS, Jana experienced a constant barrage of harassment, assaults, intimidation, and discrimination from NVHS students and staff based on her nationality, religion and religious expression.
19. The harassment, assaults, intimidation, and discrimination occurred during school hours and on school grounds.
20. Jana made repeated reports directly to Defendants Gifford, Williams, Biersdorff, Edwards, Bryant, Braun, Goodfellow, Aldridge and Rockett about the incidents of harassment, assault, intimidation and discrimination.
21. Defendants Gifford, Williams, Biersdorff, Edwards, Bryant, Braun, Goodfellow, Aldridge and Rockett were aware of the harassment, assaults, intimidation, and discrimination suffered by Jana Elhifny.
22. Defendants Gifford, Williams, Biersdorff, Edwards, Bryant, Braun, Goodfellow, Aldridge and Rockett had the authority to take corrective and preventative action to stop the harassment, assaults, intimidation, and discrimination suffered by Jana.
23. Defendants Gifford, Williams, Biersdorff, Edwards, Bryant, Braun, Goodfellow, Aldridge and Rockett negligently, deliberately, purposefully and intentionally failed

1 to take steps to end the harassment, assaults, intimidation, and discrimination suffered
2 by Jana.

3 24. Defendants failed to take the steps necessary to prevent future incidents of harm to
4 Jana Elhifny that were foreseeable given the past incidents of harassment, assault,
5 intimidation and discrimination.

6 25. Based upon information and belief, this failure to take action departed from school
7 and district procedures for dealing with harassment, violence, abuse and/or
8 discrimination.

9 26. The incidents at NVHS included:

- 10 (a) In the fall semester of 2003, while on school property, several students
11 assaulted Jana. The students called her names including "bitch," "nasty
12 whore," "slut," "cancer patient," "baldie," and spit on her as she walked the
13 halls of NVHS. Additionally, some students threatened to kill Jana on
14 September 11. Jana filed a police report, which was received and ignored by
15 Defendant Williams. Jana also went to Defendant Rockett for assistance.
16 Although, Defendant Rockett proved a comforting and empathetic presence,
17 she failed to take any action to assist Jana.
- 18 (b) During the fall semester of 2003, Jana was repeatedly harassed, intimidated,
19 and subjected to discrimination by other students based on her nationality,
20 religion and expression of her religion. Jana filed police reports with the
21 Washoe County School District Police Department regarding the incidents.
22 On one such occasion, Stephanie Hart a fellow student at NVHS accompanied
23 Jana while she made her police report. While exiting the office after filing her
24 police report, Stephanie heard a District employee refer to Jana as "damn
25 Afgani." The next day Stephanie attempted to report this incident to
26 Defendant Gifford. Defendant Gifford was fully aware of the harassment,
27 intimidation and discrimination but deliberately and purposefully failed to
28 take steps to end the harassment and attempted to discourage Stephanie from

1 reporting the harassment by telling her to “mind your own business and be a
2 good American.” Defendant Braun was also aware of the situation
3 concerning Jana and told her that she would not experience these problems if
4 she did not wear a scarf (Hijab) on her head.

5 (c) During the fall semester of 2003, Jana approached Defendant Braun about
6 changing her English as a Second Language (ESL) class to weight lifting.
7 Defendant Braun repeatedly made excuses as to why she could not change
8 Jana’s class, calumniating with her telling Jana that there were no available
9 spaces in the weight lifting class. A few days later Defendant Braun
10 transferred a male student from the ESL class to weight lifting.

11 (d) Jana’s attackers routinely stated that her nationality, religion, and religious
12 expressive were offensive.

13 27. During the fall semester of 2003, Jana expressed herself about her religion. For
14 example, she wore traditional Muslim head coverings (Hijab) while at school.

15 28. Jana's expression of her religion was fully protected by the First Amendment.

16 29. Defendants Gifford, Williams, Biersdorff, Edwards, Bryant, Braun, Goodfellow,
17 Aldridge and Rockett were aware of the content and viewpoint of Jana's expressive
18 activity.

19 30. On more than one occasion, Defendant Braun told Jana that she would have an easier
20 time if she did not wear Muslim coverings while at school.

21 31. Based upon information and belief, Defendant Gifford was aware of and endorsed
22 Defendant William’s acts and omissions in response to Jana's repeated complaints of
23 harassment, assault, intimidation, and discrimination, and to Jana's expression.

24 32. Because of Defendants failure to provide Jana with an educational environment free
25 from harassment and assaults and her resulting fear of further harassment and
26 assaults, Jana was unable to attend NVHS any longer and was forced to leave school
27 at the end of the fall 2003 semester.

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General Factual Allegations

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2 33. Defendants' discriminatory conduct, their intentional, reckless, and negligent failure
3 to take action to remedy the harassment and abuse of Jana, and their failure to provide
4 her with a safe education in a suitable environment caused Jana to suffer severe and
5 extreme emotional distress and psychological damage, including but not limited to, an
6 inability to concentrate on her studies, depression, debilitating fear, despair, anger,
7 humiliation, and anxiety. Jana also suffered bodily injury, including, but not limited
8 to, physical injury, disruption of sleep, insomnia, loss of appetite, and suicide
9 attempts. As a result of Defendants' actions, Jana sought psychological counseling.
10 Furthermore, Jana lost substantial amounts of school time as a result of Defendants'
11 actions.

12 34. As a result of Defendants' actions, Jana was deprived of the opportunity to pursue a
13 high school diploma. The lack of a high school diploma has had and will continue to
14 have a serious adverse impact on her professional, economic, and academic future.

15 35. At all relevant times, Defendants Gifford, Williams, Biersdorff, Edwards, Bryant,
16 Braun, Goodfellow, Aldridge and Rockett were acting within the course and scope of
17 their employment and under color of state and local law.

18 36. The specific incidents of discrimination, harassment and failure to take action alleged
19 herein are merely representative, not exhaustive. A complete list of the incidents
20 suffered by Jana during her time attending high school in the Washoe County School
21 District would be too lengthy to detail in this complaint.

22 37. On numerous occasions, Jana reported the incidents of harassment and abuse she
23 suffered to individual Defendants.

24 38. Defendants failed to take steps to address or prevent the harm to Jana, including, but
25 not limited to, disciplining students who harassed Jana; fully investigating Jana's
26 complaints of harassment; educating faculty and students about District policies and
27 procedures; and training faculty and students so as to prevent discrimination or
28 harassment in the future.

1 39. The acts and omissions of Defendants not only failed to remedy, but also fostered and
2 promoted, the harassment of Jana by other students.

3 **Additional Allegations Federal Constitutional Claims**

4 40. Upon information and belief, Defendants have policies and procedures to prevent and
5 remedy harassment, discrimination, and/or violence suffered by all students, yet did
6 not do so for Jana because of her nationality, religion, and expression of her religion.

7 41. Defendant District received funds and financial assistance from the United States
8 federal government during the period when Jana was enrolled as a student in the
9 District's school system.

10 42. The above described acts and omissions by Defendants were committed with
11 deliberate indifference towards the well being and rights of Jana.

12 43. All of the above-described acts or omissions alleged by Defendants were committed
13 intentionally and purposefully because of Jana's national origin.

14 44. The acts and omissions of Defendants alleged above were committed intentionally
15 and purposefully because of Jana's religion.

16 45. The acts and omissions by Defendants alleged above were committed intentionally
17 and purposefully because of the content and viewpoint of Jana's expression about her
18 religion.

19 **Additional Allegations State Tort Claims**

20 46. At all times relevant herein, Defendants were acting in a ministerial, operational, and
21 non-discretionary capacity and/or performing ministerial, operational, and non-
22 discretionary functions or duties.

23 47. Defendants owed Jana a duty of care to ensure the safety and well being of her and all
24 students. This overall duty of care encompassed a duty to supervise the conduct of all
25 students, to enforce rules and regulations necessary for the protection of students, and
26 to take appropriate measures to protect students from the misconduct of other
27 students. Defendants, in the course and scope of their duties as employees of District,
28 had a duty to exercise due care to protect Jana from harassment and other misconduct

1 by students and by other Defendants. Encompassed within Defendants' duty to protect
2 Jana and other students was a duty to exercise due care in investigating her
3 complaints of assault, harassment, and discrimination by other students; to take
4 reasonable precautions to protect her from harassment, assaults, abuse and
5 discrimination that reasonably could be anticipated; to make police reports of the
6 crimes; to take prompt and appropriate action to protect her from further harassment
7 and fear; and to remove dangerous students from the school, if necessary. Defendants
8 owed every duty alleged in this paragraph to Jana.

9 48. At all relevant times herein, Defendants Gifford and Bryant owed a ministerial,
10 operational, and non-discretionary duty to Jana to take reasonable care in training and
11 supervising their employees and subordinates.

12 FIRST CLAIM FOR RELIEF

13 U.S. Constit. Amend. XIV, Equal Protection on the Basis of National Origin

14 42 U.S.C. Section 1983

15 [Against Defendants Gifford in her official capacity and Defendants Gifford, Williams,
16 Biersdorff, Edwards, Bryant, Braun, Goodfellow, Aldridge and Rockett in their individual
17 capacities]

18 49. Plaintiff incorporates by reference and realleges paragraphs 1 to 48 of this complaint.

19 50. The above-described conduct by Defendants Gifford, Williams, Biersdorff, Edwards,
20 Bryant, Braun, Goodfellow, Aldridge and Rockett violated the right of Jana not to be
21 deprived of equal protection of the laws on the basis of national origin under the
22 Fourteenth Amendment to the United States Constitution.

23 51. Plaintiff requests that the Court award compensatory and punitive damages in an
24 amount to be determined according to proof by Plaintiff against Defendants Gifford,
25 Williams, Biersdorff, Edwards, Bryant, Braun, Goodfellow, Aldridge and Rockett in
26 their individual capacities.

27 SECOND CLAIM FOR RELIEF

28 U.S. Constit. Amend. XIV, Equal Protection on the Basis of Religion

1 42 U.S.C. Section 1983

2 [Against Defendants Gifford in her official capacity and Defendants Gifford, Williams,
3 Biersdorff, Edwards, Bryant, Braun, Goodfellow, Aldridge and Rockett in their individual
4 capacities]

5 52. Plaintiff incorporates by reference and realleges paragraphs 1 to 48 of this complaint.

6 53. The above-described conduct by Defendants Gifford, Williams, Biersdorff, Edwards,
7 Bryant, Braun, Goodfellow, Aldridge and Rockett violated the right of Jana not to be
8 deprived of equal protection of the laws on the basis of religion under the Fourteenth
9 Amendment to the United States Constitution.

10 54. Plaintiff requests that the Court award compensatory and punitive damages in an
11 amount to be determined according to proof by Plaintiff against Defendants Gifford,
12 Williams, Biersdorff, Edwards, Bryant, Braun, Goodfellow, Aldridge and Rockett in
13 their individual capacities.

14 THIRD CLAIM FOR RELIEF

15 U.S. Constit. Amend. I, Freedom of Speech

16 42 U.S.C. Section 1983

17 [Against Defendant Gifford in her official capacity and Defendants Gifford, Williams,
18 Biersdorff, Edwards, Bryant, Braun, Goodfellow, Aldridge and Rockett in their individual
19 capacities]

20 55. Plaintiff incorporates by reference and realleges paragraphs 1 to 48 of this complaint.

21 56. The above-described conduct by Defendants Gifford, Williams, Biersdorff, Edwards,
22 Bryant, Braun, Goodfellow, Aldridge and Rockett violated Jana's right to freedom of
23 speech under the First Amendment of the United States Constitution by censoring and
24 chilling Jana's speech and deterring her from exercising her First Amendment rights.

25 57. Plaintiff requests that the Court award compensatory and punitive damages in an
26 amount to be determined according to proof by Plaintiff against Defendants Gifford,
27 Williams, Biersdorff, Edwards, Bryant, Braun, Goodfellow, Aldridge and Rockett in
28 their individual capacities.

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FOURTH CLAIM FOR RELIEF

U.S. Constit. Amend. I, Freedom of Speech

42 U.S.C. Section 1983

[Against Defendants Gifford in her official capacity and Defendants Gifford, Williams, Biersdorff, Edwards, Bryant, Braun, Goodfellow, Aldridge and Rockett in their individual capacities]

58. Plaintiff incorporates by reference and realleges paragraphs 1 to 48 of this complaint.

59. The above-described conduct by Defendants Gifford, Williams, Biersdorff, Edwards, Bryant, Braun, Goodfellow, Aldridge and Rockett violated the right of Jana to be free from retaliatory treatment based upon the exercise of her freedom of speech under the First Amendment to the United States Constitution.

60. Plaintiff requests that the Court award compensatory and punitive damages in an amount to be determined according to proof by Plaintiff against Defendants Gifford, Williams, Biersdorff, Edwards, Bryant, Braun, Goodfellow, Aldridge and Rockett in their individual capacities.

FIFTH CLAIM FOR RELIEF

Title IX of the Education Amendments of 1972, Sex Based Discrimination

20 U.S.C. Section 1681 et seq.

[Against Defendant Washoe County School District]

61. Plaintiff incorporates by reference and realleges paragraphs 1 to 48 of this complaint.

62. The above-described conduct by the District discriminated against and harassed Jana on the basis of her sex, and such discriminatory conduct deprived her of access to the educational opportunities and benefits of the District, including a high school education in violation of Title IX.

63. Plaintiff requests that the Court award compensatory and punitive damages in an amount to be determined according to proof by Plaintiff against Defendant District.

SIXTH CLAIM FOR RELIEF

Title IX of the Education Amendments of 1972, Sex Based Discrimination

42 U.S.C. Section 1983

[Against Defendant Washoe County School District]

64. Plaintiff incorporates by reference and realleges paragraphs 1 to 48 of this complaint.

65. The above-described conduct by Defendant discriminated against and harassed Jana on the basis of her sex. Such harassment was pervasive, severe and objectively offensive, created a hostile climate based on sex and deprived Jana of access to the educational opportunities and benefits of the District. Defendant District had actual notice through its employees, including the individual Defendants named herein, of the harassment.

66. Defendant District acted unreasonably and with intentional indifference to the harassment of Jana and the creation of a hostile climate based on sex in violation of Title IX.

67. Plaintiff requests that the Court award compensatory and punitive damages in an amount to be determined according to proof by Plaintiff against Defendants in their individual capacities.

SEVENTH CLAIM FOR RELIEF

State Common Law Claim for Negligence

[Against Defendant District and Defendants Gifford in her official capacity and Defendants Gifford, Williams, Biersdorff, Edwards, Bryant, Braun, Goodfellow, Aldridge and Rockett in their individual capacities]

68. Plaintiff incorporates by reference and realleges paragraphs 1 to 48 of this complaint.

69. Defendants negligently failed to protect Jana from harassment, abuse, assaults, and discrimination. Defendants' negligent failure to protect Jana from harassment, abuse, assaults, and discrimination was done in bad faith.

70. As a direct and proximate result of Defendants' negligence, Jana was deprived of the benefits of a high school education and diploma, and suffered physical and emotional injuries alleged herein.

1 71. Plaintiff requests that the Court award compensatory damages in an amount to be
2 determined according to proof by Plaintiff against Defendants Gifford, Williams,
3 Biersdorff, Edwards, Bryant, Braun, Goodfellow, Aldridge and Rockett in their
4 individual capacities.

5 EIGHTH CLAIM FOR RELIEF

6 Common Law Claim for Negligent Training and Supervision

7 [Against Defendant District and Defendants Gifford, and Bryant]

8 72. Plaintiff incorporates by reference and realleges paragraphs 1 to 48 of this complaint.

9 73. Defendants Gifford and Bryant were negligent in failing to adequately train and
10 supervise their employees and subordinates in violation of Defendants duties.

11 Defendants negligent failure to train and supervise was done in bad faith.

12 74. As a result of Defendants District, Gifford and Bryant negligence, Jana was deprived
13 of the benefits of a high school education and suffered physical and emotional injuries
14 alleged herein.

15 75. Plaintiff requests that the Court award compensatory damages in an amount to be
16 determined according to proof by Plaintiff against Defendants District, Gifford and
17 Bryant.

18 NINTH CLAIM FOR RELIEF

19 State Common Law Claim for Intentional Infliction of Emotional Distress

20 [Against Defendant District and Defendants Gifford in her official capacity and Defendants
21 Gifford, Williams, Biersdorff, Edwards, Bryant, Braun, Goodfellow, Aldridge and Rockett in
22 their individual capacities]

23 76. Plaintiff incorporates by reference and realleges paragraphs 1 to 48 of this complaint.

24 77. In the course of performing their ministerial, operational, and non-discretionary job
25 responsibilities, Defendants engaged in extreme or outrageous conduct with the
26 intention of, and with reckless disregard for, causing emotional distress to Jana.

27 78. As a direct and proximate result of Defendants' actions, Jana suffered severe and
28 extreme emotional distress alleged herein.

1 79. Plaintiff requests that the Court award compensatory damages in an amount to be
2 determined according to proof by Plaintiff against Defendant District and Defendants
3 Gifford, Williams, Biersdorff, Edwards, Bryant, Braun, Goodfellow, Aldridge and
4 Rockett in their individual capacities.

5 TENTH CLAIM FOR RELIEF

6 State Common Law Claim for Negligent Infliction of Emotional Distress
7 [Against Defendant District and Defendants Gifford in her official capacity and Defendants
8 Williams, Biersdorff, Edwards, Bryant, Braun, Goodfellow, Aldridge and Rockett in their
9 individual capacities]

10 80. Plaintiff incorporates by reference and realleges paragraphs 1 to 48 of this complaint.

11 81. Defendants owed Jana a ministerial, operational, and non-discretionary duty to take
12 reasonable precautions to protect Jana from harassment, abuse, assaults and
13 discrimination that are reasonably foreseeable.

14 82. Defendants negligently failed to protect Jana from harassment, abuse, assaults, and
15 discrimination based upon her nationality and religion that could have been
16 reasonably anticipated. Defendants' negligent failure to protect Jana from harassment,
17 abuse, assaults, and discrimination based upon his national origin and religion was
18 done in bad faith.

19 83. As a result of Defendants' negligence, Jana experienced severe and extreme emotional
20 distress that had a physical impact upon her alleged herein.

21 84. Plaintiff requests that the Court award compensatory damages in an amount to be
22 determined according to proof by Plaintiff against Defendant District and Defendants
23 Gifford, Williams, Biersdorff, Edwards, Bryant, Braun, Goodfellow, Aldridge and
24 Rockett in their individual capacities.

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1 REQUEST FOR RELIEF

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3 WHEREFORE, Plaintiff respectfully requests that the Court:

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5 (a) Award compensatory damages in an amount to be determined according to proof by
6 Plaintiff against all Defendants in their individual capacities;

7 (b) Award punitive damages in such other amount as the jury may determine is sufficient to
8 punish them for and deter others from committing the constitutional violations alleged herein.

9 (c) Award Plaintiff her costs, expenses, and reasonable attorneys' fees pursuant to, inter alia,
10 42 U.S.C. § 1988 and other federal and state laws.

11 (d) Grant such other and further relief as the Court may deem just and proper.

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13 Dated this 14th day of October, 2004

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Respectfully submitted,

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Kenneth J. McKenna

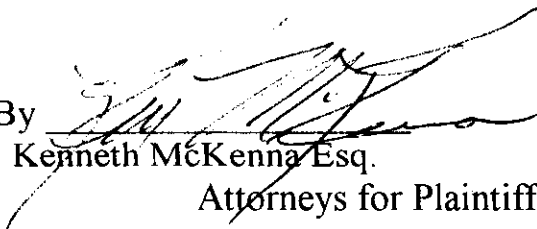
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Allen Lichtenstein
American Civil Liberties Union of Nevada

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By 
Kenneth McKenna Esq.
Attorneys for Plaintiff

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DEMAND FOR JURY TRIAL

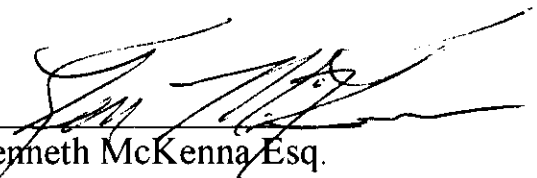
Pursuant to Rule 38(b), Federal Rules of Civil Procedure, and Rule 38-1, Local Rules, United States District Court, District of Nevada, Plaintiff demand trial by jury for all of the issues pled herein so triable.

Dated this 14th day of October, 2004

Respectfully submitted,

Kenneth J. McKenna

Allen Lichtenstein
American Civil Liberties Union of Nevada

By 
Kenneth McKenna Esq.
Attorneys for Plaintiff

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