

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Fort Lauderdale Division

JESSICA NORTON,

Plaintiff,

v.

BROWARD COUNTY SCHOOL BOARD;
FLORIDA STATE DEPARTMENT OF
EDUCATION; HOWARD HEPBURN,
Superintendent of Schools Of Broward
County Public Schools, In His Individual
Capacity; DAVID AZZARITO, Chief People
Officer Of Broward County Public Schools,
In His Individual Capacity; CRAIG
KOWALSKI, Former Chief Of The Special
Investigative Unit Of Broward County Public
Schools, In His Individual Capacity; HOLLY
TELLO, Detective Of The Special
Investigative Unit Of Broward County Public
Schools, In Her Individual Capacity;
THOMAS HONAN, Detective Of The
Special Investigative Unit Of Broward
County Public Schools, In His Individual
Capacity; MARYLIN BATISTA, General
Counsel For Broward County Public Schools,
In Her Individual Capacity; BRENDA FAM,
Member Of Broward County School Board,
In Her Individual Capacity

Defendants.

Civil Action No.

Hon.

Complaint for Injunctive, Compensatory and
Exemplary Relief

COMPLAINT AND DEMAND FOR JURY TRIAL

INTRODUCTON

1. This case is about a group of public officers who abused the power of their offices to retaliate against a public employee for exercising her constitutional right to petition her

government for a redress of grievances. Specifically, Ms. Norton filed a federal civil rights lawsuit in this Court to protect her transgender daughter by challenging the legality (under the Civil Rights laws and the Equal Protection Clause) of a Florida statute targeting transgender girls. At that time, Ms. Norton was (and remains) an employee of the Broward County Public Schools. Despite a protective order designed to protect the privacy of Ms. Norton's daughter, Defendants, motivated by personal animus toward transgender people, immediately began an abusive investigation in response to the filing of the lawsuit, for the purpose of retaliating against Ms. Norton and her family. Defendants then took retaliatory disciplinary action based on pretextual grounds in response to developments in the lawsuit. Defendants' conduct reflects a disdain for the rule of law and an abuse of the public trust. It has no place in a constitutional democracy. Their conduct warrants injunctive, compensatory, and exemplary relief.

2. Jessica Norton's daughter, D.N., played sports with other girls in elementary school. She played sports with other girls in middle school. She wanted to continue playing sports with other girls in middle school and had the full support of her parents and the school at which she was enrolled. D.N. also wanted to continue playing sports with other girls in high school. When Florida enacted a law that would bar D.N. from playing girls' sports, her parents believed that law violated the rights of their daughter and other transgender children. Ms. Norton and her family acted by availing themselves of their rights under the law—they filed a lawsuit on a matter that was important not just to their family, but to all Floridians.

3. This case is about what happened next. The Broward County School Board (the "School Board"), the Florida Department of Education (the "DOE"), and all Defendants in this case, retaliated against Ms. Norton for filing a lawsuit challenging Defendants' exclusion of her

transgender daughter from school sports as sex discrimination in violation of Title IX (the “Underlying Lawsuit”).

4. As an initial matter, the School Board and Defendants Hepburn and Kowalski initiated an investigation in response to Ms. Norton’s lawsuit against the school.

5. On information and belief, the scope of the School Board’s investigation was determined by Defendant Kowalski, and its process carried out by Defendants Honan and Tello.

6. As an immediate result of that investigation, Ms. Norton was removed from her clerical role at Monarch High School and temporarily reassigned to warehousing services, and later to the custodial grounds department during the course of the investigation.

7. Ultimately, acting on a recommendation from Defendants Azzarito and Hepburn, the School Board suspended Ms. Norton for 10 days without pay, removed her from her job at Monarch High School, and permanently reassigned her to a position at a non-school site with a longer commute and fewer opportunities for supplemental pay.

8. During this time period, the DOE joined the SIU investigation, and, relying on the allegations and findings of the School Board, also retaliated against Ms. Norton by recommending sanctions against Ms. Norton’s coaching certificate.

9. In short, Defendants have worked together to effectively banish Ms. Norton from her school community, where she was once a valued employee, as well as an active parent and community member.

10. Defendants’ retaliatory actions were unlawful, violating the legal protections afforded by Title IX of the Education Amendments of 1972 and the First Amendment of the Constitution of the United States.

PARTIES

11. Plaintiff Jessica Norton is a resident of Broward County, Florida. She is a mother to three children—including a transgender daughter—and since March 2017, an employee of Broward County Public Schools.

12. Defendant Broward County School Board oversees 327 public schools in Broward County and 31,000 school employees, determines policies and programs for the operation and administration of the district school system, and makes decisions concerning employment and discipline of public-school employees. Members of the School Board are either elected by Broward County voters or appointed by the Governor of Florida, currently Governor Ron DeSantis. During the 2023-2024 school year, the Broward County School District received the plurality of its funding from local sources but also received funding from federal sources.¹

13. Defendant Florida State Department of Education (the “DOE”) sets statewide educational policy in Florida. Florida Statute Section 1012.796 gives the DOE the authority to investigate complaints against educator certificate holders.

14. Defendant Howard Hepburn is Superintendent of Schools of Broward County Public Schools. He is named as a Defendant in his individual capacity.

15. Defendant Marilyn Batista is General Counsel for Broward County Public Schools and is being sued in her individual capacity.

16. Defendant David Azzarito is the Chief People Officer of Broward County Public Schools and is being sued in his individual capacity.

17. Brenda Fam is a member of the Broward County School Board and is being sued in her individual capacity.

¹ BCPS Budget Book 2024, available at <https://www.browardschools.com/Page/35674>.

18. Chief Craig Kowalski was, at all relevant times, Chief of the Special Investigative Unit of the Broward County Public Schools and is being sued in his individual capacity.

19. Holly Tello is a Detective with the Special Investigative Unit of the Broward County Public Schools and is being sued in her individual capacity.

20. Thomas Honan is a Detective with the Special Investigative Unit of the Broward County Public Schools and is being sued in his individual capacity.

JURISDICTION AND VENUE

21. This action arises under the First Amendment of the United States Constitution, 42 U.S.C. § 1983, and Title IX of the Education Amendments of 1972.

22. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1343 because the matters in controversy arise under the laws of the United States, and because Plaintiff brings this action to redress the deprivation, under color of state law, of rights secured by the United States Constitution.

23. Venue is proper in this District under 28 U.S.C. § 1391(b)(1) and (2) because the Broward County School Board is a municipal government entity, the Florida DOE is a state government entity, some of the individual Defendants reside in this jurisdiction, and all reside in the State of Florida; and because a substantial part of the events giving rise to Plaintiff's claims occurred in this District.

24. It is within the power of this Court to provide injunctive relief, and monetary damages pursuant to Federal Rules of Civil Procedure 57 and 65, and 28 U.S.C. §§ 2201 and 2202.

FACTUAL ALLEGATIONS

I. Plaintiff's Background as a Parent in the Broward County Public School System

25. Jessica Norton is a longtime resident of Coconut Creek, Florida, a close-knit community in Broward County. She has three children, all of whom attended Broward County Public Schools, beginning in elementary school.

26. Ms. Norton's youngest daughter, D.N., is a transgender girl. D.N. has presented and been acknowledged as female in school since the first grade. Her teachers and peers have referred to her using feminine pronouns. She has also played sports with other girls since elementary school. Sports have been an important part of her educational and social-emotional development.

27. In 2016, when Ms. Norton's daughter was in second grade, Ms. Norton, in her capacity as D.N.'s parent and as PTA President at D.N.'s elementary school, attended an informational LGBTQ roundtable session with then Superintendent of Broward County Schools Robert Runcie. The group discussed, among other things, what and how student demographic information could be changed in the school's online system to better accommodate transgender children like Ms. Norton's own daughter.

28. During the roundtable, Mr. Runcie confirmed that a transgender student's sex designation could be changed in the school's system to reflect the correct and appropriate gender.

29. Mr. Runcie's guidance was consistent with the Broward County Public School System's policies. As recently as 2020, the Broward County Public Schools LGBTQ Critical Support Guide, a guide for Broward County administrators, stated that "[p]arents of students under the age of 18 may request a gender marker change. Parents, or students 18 years and older, will need to write, sign, and date a brief letter requesting their gender marker be changed on all education records. After the request letter is submitted to an administrator or school registrar, the student's gender

marker will be changed from ‘F’ for ‘female’ to ‘M’ for male, or vice versa in TERMS,” the school system’s demographics database.²

30. In or about the Spring of 2016, relying on Mr. Runcie’s guidance during the roundtable, Ms. Norton went to the front office at her daughter’s elementary school and asked that her daughter’s gender marker be changed in the school’s database to accurately reflect her gender identity.

31. Ms. Norton spoke with Assistant Principal Traci Porter, who changed D.N.’s sex designation to female.³

32. The gender marker on Ms. Norton’s daughter’s Florida birth certificate was amended by the State of Florida in 2021. The family obtained a court-ordered legal name change in 2023. Ms. Norton provided copies of the legal documents reflecting those changes to the Broward County Public School District.

II. Plaintiff’s Employment with Broward County

33. In March 2017, Ms. Norton was hired as a Library Media Clerk at Monarch High School, a public high school in Coconut Creek that is part of the Broward County Public School System.

34. In March 2022, she was promoted to Information Management Specialist at Monarch High School.

35. Since being hired, Ms. Norton has been a member of the Federation of Public Employees (FOPE) - Clerical employee union and is covered by the provisions of its Collective Bargaining Agreement.

² <https://readlion.com/wp-content/uploads/2022/06/Broward-County-Public-Schools-LGBTQ-Guide.pdf>

³ In the Investigative Report summarizing the SIU’s later investigation, detailed further below, Defendant Tello reported that Ms. Norton made this request to Winston Park Elementary School’s Information Management Technician, Mary Williams, in 2017 and that Ms. Williams reported that she “wasn’t comfortable with changing it but I did it . . . mom was very demanding and she may have pushed me to do it without documents.” Ms. Williams later retracted these statements and was investigated for her dishonesty.

36. Ms. Norton was a valued employee at Monarch High School.

37. Ms. Norton consistently received excellent ratings in her personnel evaluations.

38. Ms. Norton received overall performance ratings of “excels” for all personnel evaluations conducted between 2020 and 2023. Comments in her evaluations included, “exceptional - works very hard”, “excellent - never called out sick”, “exceptional”, “model associate”, and “better than any employee he has ever had.”

39. Prior to November 2023, Ms. Norton has no employee disciplinary record.

40. Ms. Norton was never employed by her children’s elementary or middle schools and did not have access to student records for those schools.

41. Beginning on July 1, 2021, Ms. Norton was certified as an athletic coach for a period of 3 years by the Defendant Florida Department of Education, which allowed her to assist with coaching first the boys’ Varsity Volleyball team, and later the girls’ JV Volleyball team at Monarch High School.

42. Ms. Norton did not assist with coaching her daughter’s volleyball team.

III. In 2021, Ms. Norton’s Family Challenged SB 1028

43. On June 21, 2021, SB 1028, a state law which prohibits transgender girls from participating in school sports on teams that align with their gender identity, was signed into law. SB 1028 prohibits transgender girls from participating in girls’ sports simply because they are transgender girls. The law became effective on July 1, 2021.

44. In the wake of the enactment of SB 1028, Ms. Norton and her family quickly understood that the law would have profound and negative effects on her family, as well as other transgender children and their families throughout Florida.

45. Ms. Norton and her family elected to exercise their constitutional right to “petition the government for a redress of grievances.” U.S. CONST. Amend. I. Specifically, on June 29, 2021,

Jessica Norton and her husband, Gary Norton, filed a federal lawsuit, on behalf of their daughter. The lawsuit challenged the legality of SB 1028 on the grounds that the law violated their daughter's rights under the Constitution and Title IX. It was captioned *D.N. v. DeSantis*, No. 21-CV-61344, (S.D. Fla.) (*hereinafter* "the Underlying Lawsuit").

46. To protect their child's safety and privacy, the Underlying Lawsuit identified Ms. Norton and her husband as Jessica N. and Gary N, and referred to Ms. Norton's daughter, D.N., only by her initials. Under the terms of a Stipulated Protective Order, all parties to the Underlying Lawsuit agreed that any information "linked or linkable" to Ms. Norton or her family members was to be designated as "Confidential Attorneys' Eyes Only Information" and used "solely for the prosecution or defense (or in the case of the Court and court personnel, adjudication) of [the Underlying Lawsuit]." ECF No. 65-1.

IV. Defendants Retaliate Against Ms. Norton for Exercising Her Rights

47. On information and belief, Defendants began to target Ms. Norton and her family for retaliation almost immediately after she filed the Underlying Lawsuit.

48. First, on July 19, 2021, just three weeks after Ms. Norton filed the Underlying Lawsuit, and five days after an attorney noticed an appearance on behalf of the Broward County School Board, Defendant Marilyn Batista, then Interim General Counsel of the School Board, requested D.N.'s cumulative school record.

49. Ms. Norton and her family had filed suit in anonymity and counsel for the School Board in the Underlying Lawsuit represented to plaintiffs' counsel that the School Board and District staff did not know the identity of Ms. Norton or her family.

50. Notwithstanding counsel's representations, the School Board had at least constructive knowledge of the identity of Ms. Norton and her family in or around July 2021, and using that

knowledge, requested D.N.'s cumulative file for unknown reasons. This occurred despite the stipulated Protective Order agreed to by the parties in the Underlying Lawsuit.

51. Ms. Norton only discovered this fact more than 2 years later after receiving the SIU Investigative Report and has never been given an explanation for why her child's file was pulled at that time.

52. On information and belief, having pulled D.N.'s file, the School Board continued to monitor Ms. Norton and the Underlying Lawsuit.

53. On January 31, 2022, the district court *sua sponte* stayed the Underlying Lawsuit pending a decision from the Eleventh Circuit Court of Appeals in *Adams ex rel. Kasper v. Sch. Bd. of St. Johns Cnty.*, 57 F.4th 791 (11th Cir. 2022), a case addressing whether a school district in Florida could prohibit transgender students from using bathrooms that correspond with their gender identity. The district court stated that the Eleventh Circuit's *en banc* decision in *Adams* "may materially affect the result" in the Underlying Lawsuit.

54. That fall, while the case was stayed, D.N. began attending Monarch High School. She joined the girls' volleyball team and participated in the 2022 girls' volleyball season, which ended in or about October 2022.

55. On information and belief, Defendant Broward County School Board did not receive any complaints regarding D.N.'s participation at any time that she participated on girls' sports teams.

56. Further, during this time, Ms. Norton continued to be an employee in good standing at Monarch High School.

57. On January 6, 2023, the stay on Ms. Norton's Underlying Lawsuit was lifted, and the litigation resumed.

58. On November 6, 2023, the court dismissed Ms. Norton’s complaint with leave to amend. *D.N. by Jessica N. v. DeSantis*, No. 21-CV-61344, 2023 WL 7323078, at *19 (S.D. Fla. Nov. 6, 2023).

59. On information and belief, the Defendants interpreted the Court’s November 6 order as permission to take retaliatory action against Ms. Norton for her family’s decision to invoke their rights under Title IX and the Constitution.

60. In fact, Defendant School Board member and attorney Brenda Fam later explicitly and publicly tied a subsequent investigation of Ms. Norton to the dismissal of the Underlying Lawsuit concerning SB 1028, in a Facebook post.



V. Defendants Initiated an Improper Investigation that Departed from the District’s Ordinary Procedures for Investigating Employee Misconduct

61. In or about November 2023, shortly after the court dismissed Ms. Norton’s complaint with leave to amend, the School Board initiated an investigation.

62. The resulting investigative report later claimed that the Investigation was initiated on November 21, 2023, when School Board member Daniel Foganholi reported an “anonymous” tip to the Broward County Special Investigative Unit that “a male student [] was playing female sports at Monarch High School.”

63. According to the investigative report, sometime between November 21, 2023 and November 27, 2023, North Regional Superintendent Dr. Jermaine Fleming called a meeting of a group of high-level officials from the Broward County School District. This meeting related to Mr. Foganholi’s tip.

64. Participants in the meeting included Chief Jaime Alberti of the Broward County Schools’ Division of Safety, Security and Emergency Preparedness, Defendant Craig Kowalski of the Broward County Public Schools’ Special Investigative Unit (sometimes referred to as the Broward Schools’ Police Department), and Broward County Public Schools’ Chief Information Officer Dr. Josiah (“Joe”) J. Phillips.

65. On November 27, 2023, Ms. Norton was called to attend an all-hands meeting at Monarch High School, where Todd LaPace, Director at the North Regional Office of Broward County Public Schools, announced to the Monarch High School staff that Monarch High School’s principal, James Cecil, had been administratively reassigned pending an investigation.

66. On information and belief, Principal Cecil was not disciplined beyond this temporary reassignment.⁴

67. Following this meeting, Ms. Norton was called into the office of her supervisor, Amber Hendrick, the Monarch High School Office Manager.

⁴ While other District employees were also initially investigated, those employees were not subject to the invasive and expansive investigation that was conducted against Ms. Norton. Moreover, those employees were either never reassigned or cleared to return to work in May 2024.

68. In Ms. Hendrick's office, Ms. Norton met an armed officer: Defendant Craig Kowalski.

69. Defendant Kowalski's presence was notable for at least two reasons.

70. *First*, Defendant Kowalski was the Chief of the Broward County Public Schools' Special Investigative Unit; the head of a police force overseeing over 32,000 employees.

71. On information and belief, as Chief of the Special Investigative Unit, Defendant Kowalski did not routinely (if ever) serve as an investigating officer, interview witnesses, or serve notice of investigations on school employees.

72. *Second*, under Broward County School Board Policy 4.9, which provides detailed guidelines for conducting employee misconduct investigations, the Special Investigative Unit ("SIU") will conduct workplace investigations only "regarding allegations that have the potential to be criminal in nature, *or of such a serious offense that the SIU deems it warranted.*" (Emphasis added.) All other employee investigations not conducted by the SIU are conducted by the employee's supervisor under the guidance of the District's Employee and Labor Relations Department. Broward County School Board Policy 4.9, Sec. 4.3(a).

73. On information and belief, pursuant to Broward County School Board Policy 4.9, Defendant Kowalski, as Chief of the SIU, made the decision to have the SIU conduct the Investigation rather than the Employee and Labor Relations Department.

74. Accordingly, under Broward County School Board Policy 4.9, on information and belief, Defendant Kowalski made a decision to deem the Investigation of a transgender girl playing on the girls' volleyball team a "serious offense."

75. On information and belief, the use of the SIU investigative process in this context was inconsistent with District policy and prior practice and was designed to intimidate Ms. Norton.

76. Defendant Kowalski handed Ms. Norton a written notice and a letter of reassignment, both of which he signed, and informed her that she was under investigation for employee misconduct based on an allegation of her “failure to adhere to Section 1006.205, Florida Statutes and Rule 6A-10.081, Florida Administrative Code.”

77. Section 1006.205 of the Florida Statutes is SB 1028, the law banning transgender girls from playing on girls’ sports teams. It creates a private cause of action for students. It does not create a criminal or civil cause of action against school employees.

78. Rule 6A-10.081, of the Florida Administrative Code refers to the full “Principles of Professional Conduct for the Education Profession in Florida,” which lists 37 requirements for Florida educators, ranging from “cooperat[ing] with the Education Practices Commission in monitoring the probation of a subordinate” to “maintaining the respect and confidence of one’s colleagues.”

79. The School Board did not inform Ms. Norton which of these 37 requirements she was accused of violating.

80. The Notice did not specify what Ms. Norton had allegedly done to violate any law, rule, guidance, or policy, apparently disregarding Broward County School Board policy requiring detailed factual allegations be provided to employees charged with employee misconduct. *See* Broward County School Board Policy 4.9.⁵

81. Ms. Norton stated that she did not understand the Notice.

⁵ While Defendants never provided Ms. Norton with factual support for their accusations, the SIU report appears to have concluded that Ms. Norton violated an unidentified policy by (1) submitting D.N.’s athletic participation paperwork and (2) not actively working to change D.N.’s sex designation in TERMS [the Broward County Public Schools database] after she became a District employee. Notably, changing D.N.’s sex designation in the TERMS database, after July 2021, would have resulted in a situation in which the school database listed D.N. as “Male,” while her state issued birth certificate identified her as “Female.” In any event, the Investigation did not focus on the facts surrounding either theory.

82. Defendant Kowalski responded that Ms. Norton was under investigation for causing the school to not comply with SB 1028.

83. At the November 27, 2023 meeting, Defendant Kowalski also informed Ms. Norton, a clerical worker at Monarch High School since 2017, that she was being reassigned to Warehousing Services, “pending the outcome of a personnel investigation.” She was directed not to return to Monarch High School, where her daughter was enrolled as a student, “unless so directed by [Chief Kowalski’s] office.”

84. During the November 27, 2023 meeting, Defendant Kowalski repeatedly referred to Ms. Norton’s daughter as a boy despite school records and legal docs reflecting D.N. being a girl.

85. At this same meeting, Defendant Kowalski referred numerous times to the Underlying Lawsuit, suggesting that the Investigation was related to the Underlying Lawsuit Ms. Norton filed on behalf of her daughter.

86. During this meeting, Defendant Kowalski admonished Ms. Norton to refrain from communicating with anyone about the Investigation and assured her that it would remain confidential in accordance with District policy.

87. Despite Defendant Kowalski’s assurances, within two hours of the completion of the November 27 meeting, Ms. Norton’s name, work location, her daughter’s school location, and allegations in the Investigation were widely published across local and national news media, including NBC 6 South Florida, WSVN, The New York Post, and CNN.

88. On information and belief, Broward County School District officials confirmed details identifying Ms. Norton in those news reports, in violation of district policy that states investigations will remain confidential.

89. Ms. Norton's daughter D.N. also left school that day and has not returned to Monarch High School's campus as of the date of this filing.

90. No one from Monarch High School or the District responsible for D.N.'s school has ever followed up with the Norton family to inquire about D.N.'s well-being or her extended absence from school.

91. In the days and weeks following the announcement of the Investigation, Ms. Norton and her family endured traumatic stress as the result of anonymous obscene voicemails and text messages, surveillance by neighbors and media, and online harassment.

92. Out of fear for their physical safety, Ms. Norton's family had a police car parked outside of their home for several weeks.

VI. The Subsequent Investigation, Carried Out by SIU and DOE, Was Unrelated to Ms. Norton's Employment, Disproportionate to Defendants' Accusations, Motivated by Anti-Transgender Animus, and Was Part of a Course of Conduct Designed to Retaliate Against Ms. Norton for Exercising her First Amendment Rights

93. On information and belief, the SIU and DOE's investigations and resulting reports were part of a course of conduct by all Defendants to harass and retaliate against Ms. Norton for exercising her First Amendment Right to petition the government for redress of discrimination against her transgender daughter in violation of Title IX.

94. The wide-ranging scope and imprecision of the Joint SIU and DOE Investigation ("the Investigation") and resulting reports evidence their improper motivation.

95. The Investigation was not designed to determine whether Ms. Norton took improper action as a Monarch High School employee.

96. The majority of the Investigation was wholly unrelated to Ms. Norton's employment at Monarch High School (including inquiries into the Underlying Lawsuit), and the Investigation was

disproportionate to the alleged wrongdoing, namely, a parent who did not come forward and change information in the school's database.

97. On information and belief, the scope of the Investigation was under Defendant Kowalski's control.

98. On information and belief, Defendants Honan and Tello acted pursuant to their discretionary authority in carrying out the Investigation within the scope prescribed by Defendant Kowalski.

A. The Joint SIU and DOE Investigation Focused on Ms. Norton's Past Actions as a Parent of an Elementary School and Middle School Student.

99. During the Investigation, the SIU (sometimes working with DOE) interviewed at least 16 individuals, including Ms. Norton: six were employees of D.N.'s elementary and middle schools, four were employees of Monarch High School, and three were children.⁶

100. Although Defendants were purportedly investigating the violation of a law enacted in 2021, the SIU's first and immediate focus was on the elementary and middle schools that Ms. Norton's daughter attended in years prior to 2020.

101. Ms. Norton never worked at either the elementary school or the middle school her daughter attended, and never had access to those schools' databases.

102. As a result, much of the Investigation was related to Ms. Norton's parenting, not her job.

103. First, on November 30, 2023, SIU contacted and interviewed Carolyn Eggleston, Principal of Winston Park Elementary "to obtain further information about [D.N.'s] gender

⁶ The full scope of the Investigation, including transcripts of SIU/DOE interviews, was described in the SIU's Investigative Report, released on February 14, 2024.

change” in the school records system. They also questioned Mary Williams, the elementary school’s information management specialist.

104. On December 4, 2023, Defendant Broward County School Board member Brenda Fam emailed Florida DOE representatives Terry Stoops and Paul Burns to raise a “serious concern[]” that “a transgender boy [was] knowingly playing volleyball on a girl’s [sic] team.”

105. That day, on December 4, the SIU team learned they would be joined in their investigation by a Florida State Department of Education investigator, Clinton Albritton (Program Director of the Florida Department of Education).

106. On December 8, 2023, Terry Stoops, a recent hire by the Florida DOE, replied to Ms. Fam that he “met with Chancellor Burns to discuss these issues, and we plan on chatting with our General Counsel later today.”

107. Chancellor Paul Burns was the Deputy Chancellor for Educator Quality, employed by the Florida Department of Education.

108. On December 11, 2023, the DOE notified Ms. Norton that it had opened an investigation of her for “inappropriate conduct.”

109. On December 13, SIU and DOE investigators went to D.N.’s middle school to “obtain all athletic documents.” They questioned the middle school Assistant Principal Traci Aveni, and former middle school athletic director Ralph Rubiano.

110. Mr. Rubiano confirmed that he was aware that a transgender girl participated in sports at the middle school and added that “everyone knew.”

111. Following these initial middle school interviews, the SIU and DOE expanded the Investigation to include Vernicca Wynter, Traci Aveni, and Ralph Rubiano. On information and

belief, these individuals were never disciplined by the School Board or the Florida Department of Education.

112. The SIU and DOE then expanded their investigation of documents at the middle school, confirming through review of emails that there were “transgender students . . . attending Lyons Creek Middle School during the 2021/2022 school year.”

113. The SIU also later interviewed the Lyons Creek Middle School Guidance Director concerning D.N.’s time at the middle school.

B. Rather than Inquiring Into Ms. Norton’s “Official Duties,” SIU’s Interview of Ms. Norton Focused on Her Parenting, Including Her Decision to File the Underlying Lawsuit

114. At the end of January 2024, nearly two months after initiation of the Investigation, the SIU called Ms. Norton to schedule an interview.

115. Ms. Norton’s interview was conducted under oath. Detective Tello advised Ms. Norton that she was “being questioned as part of an official investigation for the School Board of Broward County.”

116. Detective Tello told Ms. Norton that she would be “asked questions *specifically, directly and narrowly related to the performance of your official duties or fitness for duty.*”

117. The subsequent interview focused on matters entirely outside the scope of Ms. Norton’s employment and unrelated to her fitness for duty as an Information Management Specialist.

118. For example, Defendant Tello questioned Ms. Norton about whether she engaged a lawyer or sought legal advice “based on [her] child’s transgender position.”

6 DETECTIVE TELLO: Okay, and how long have you had your legal team
7 working with you as a ... your transgender child?
8
9 JASON STAR: That information would be subject to attorney/client privilege.
10
11 DETECTIVE TELLO: Okay. So have ... when your child became transgender
12 or started to do the transition, did you seek legal advice?
13
14 [REDACTED] [REDACTED] No.
15
16 DETECTIVE TELLO: Okay. Did you obtain any legal representation at any
17 time between when you began the transition until today?
18
19 [REDACTED] [REDACTED] I don't understand that question.
20
21 DETECTIVE TELLO: Did you ever have to obtain a lawyer or any kind of legal
22 advice or a team based on your child's transgender position between when they
23 began transitioning at second grade to now?
24
25 [REDACTED] [REDACTED] Yes.
26

119. Defendant Tello also asked Ms. Norton about the Underlying Lawsuit challenging SB 1028 and its outcome.

32 DETECTIVE TELLO: Okay. Did your attorneys file a lawsuit against the
33 governor of the State of Florida in September of 2021 challenging that law?
34
35 [REDACTED] [REDACTED] Yes.
36
37 DETECTIVE TELLO: Okay. And as far as that litigation, I know that the
38 governor or the courts ruled in favor of the governor and the law was upheld in
39 November of 2023. Is that correct?
40
41 JASON STAR: Again, Miss [REDACTED] is a lay person and you're asking her legal
42 conclusions with respect to a lawsuit?
43
44 DETECTIVE TELLO: No. Yeah, I'm just talking about the lawsuit that she filed
45 in November of 2023. I know it was ruled on, it's public record, so I'm wondering
46 ...

1
2 JASON STAR: The litigation is still pending.
3
4 DETECTIVE TELLO: Okay, but at that time in November of 2023 there was a
5 ruling? Am I correct or ...
6
7 FEMALE: I heard you say it's a matter of public record?
8
9 DETECTIVE TELLO: Yeah.
10
11 FEMALE: Miss [REDACTED] not qualified to comment on the details of the
12 lawsuit.
13
14 FEMALE: You can ask her if she's aware of it or if she knows.
15
16 DETECTIVE TELLO: Okay, do you know what the outcome was at that time in
17 November of the lawsuit, as a layperson?
18
19 [REDACTED] [REDACTED] I think so. Yes.
20
21 DETECTIVE TELLO: Okay, what was that?
22
23 [REDACTED] [REDACTED] I don't know exactly the legal ...
24
25 FEMALE: Just to your ...
26
27 [REDACTED] [REDACTED] ... I don't even know, I don't know. Like I don't know how
28 to explain it. I guess we were told to refile? I don't know.
29
30 DETECTIVE TELLO: Okay, that's fine. That's fine.
31
[REDACTED]

120. In fact, Defendants listed the Opinion dismissing the Underlying Lawsuit as “Documentary Evidence” and attached it as an Exhibit to the SIU’s Investigative Report.

121. In addition to questioning Ms. Norton about the Underlying Lawsuit, Defendants also questioned Ms. Norton extensively about her parenting of D.N.

122. Defendant Honan asked Ms. Norton about obtaining a new birth certificate for her child.

123. Defendant Honan also asked Ms. Norton about her conversations with friends and her child’s classmates, schoolteachers, coaches, and principals concerning her child’s gender.

124. Defendant Tello asked about Ms. Norton’s decision to have D.N.’s birth certificate and name legally changed.

125. Defendant Tello also asked Ms. Norton, “why [she] dress[ed] [her child] like a girl when he was a boy,” misgendering D.N.

C. Rather Than Focusing on Actions Taken by Ms. Norton as an Employee, Defendants’ Investigation Also Focused on D.N.’s Physical Appearance

126. During both Ms. Norton’s interview and the interviews of others, Defendants Honan and Tello showed disdain for D.N. and an inappropriate, misguided, and irrelevant interest in her physical appearance and interactions in locker rooms with other minor students.

127. Adults interviewed in connection with the Investigation were asked about D.N.’s physical appearance, including whether D.N. looked like a girl.

128. For example, Defendant Honan asked principal James Cecil about D.N.’s weight and hair length. (The below excerpt refers to Ms. Norton’s daughter as J.S.)

DETECTIVE HONAN: So based on your observations, you thought she was talking about . . . because when you saw [J.S.], what did [J.S.] look like? That's why I was asking you earlier to be specific about . . .

JAMES CECIL: A girl.

DETECTIVE HONAN: Describing [J.S.]?

JAMES CECIL: Yeah a girl in every way. I don't know. . .

DETECTIVE HONAN: So describe [J.S.] to me.

JAMES CECIL: I don't know, she's got long hair. She's got. . . she's frail for lack of a better term. I mean she looks like a girl to me. I don't know how to explain that.

DETECTIVE HONAN: Light weight?

JAMES CECIL: Small, like I said frail. She seems very small, very skinny. Average height I guess.

DETECTIVE HONAN: Long hair, short hair?

JAMES CECIL: Long hair.

129. Children interviewed by Defendants Tello and Honan were asked whether they changed in front of D.N. and how they felt about her transgender status.

130. For example, in the excerpt below, Defendant Tello asked one minor student whether she was “unclothed in front of” D.N.

27 DETECTIVE TELLO: Okay and during the volleyball games, prior to the
28 volleyball games and after, did you guys utilize a locker room?
29
30 [REDACTED]: No, no one used a locker room.
31
32 DETECTIVE TELLO: Okay. So there were no showers, no changing,
33 nobody did any of that you just all came already ready to go and wouldn't shower
34 there?
35
36 [REDACTED]: Like we would change in like bathrooms all over the
37 campus.
38
39 DETECTIVE TELLO: Got it.
40
41 [REDACTED]: Not in one place.
42
43 DETECTIVE TELLO: Okay, perfect. Alright so you were never unclothed in
44 front of [REDACTED] was never unclothed in front of anybody else none of that?
45
46 [REDACTED]: No, no.

131. In their prior review of emails and text messages relating to the case, Defendants highlighted an email from D.N.'s elementary school PE teacher highlighting the fact that it was

D.N.’s “fear that someone will ‘out’ her and she is always on edge when it comes to gender issues.” But investigators showed no concern for whether they were “outing” D.N. to her classmates, friends and community.

132. These lines of inquiry had no bearing on the school district’s accusations.

133. On information and belief, the purpose of these inquiries was to harass and retaliate against Ms. Norton and her family for filing the Underlying Lawsuit, rather than to investigate an employee’s actions.

134. Moreover, these lines of inquiry demonstrate that the purpose of the Investigation was to create a pretext for retaliatory employment action against Ms. Norton for filing the Underlying Lawsuit, rather than to investigate actual wrongdoing.

135. Likewise, Defendants’ persistent misgendering of Ms. Norton’s child during her interview, despite multiple corrections, evinces Defendants’ animus toward transgender people and their allies. Throughout Ms. Norton’s January 2024 interview, both Defendants Honan and Tello repeatedly referred to D.N. as “he,” “him,” or “your son” despite consistent correction from Ms. Norton and her counsel.

136. This animus was further evidenced during a related Investigation interview with Principal James Cecil, in which Defendant Honan referred twice to D.N. as “it.”

VII. The School Board and DOE Used the SIU/DOE Investigation to Take Retaliatory Employment Action Against Ms. Norton

137. On February 14, 2024, the SIU issued a 502-page Investigative Report, authored by Defendant Tello and reviewed and signed by Defendant Kowalski and Kevin Nosowicz, a Lieutenant at the SIU.

138. On March 1, 2024, the SIU issued a supplemental report with additional information regarding events that occurred while D.N. was in elementary school. This report was

also authored by Defendant Tello and reviewed and signed by Defendant Kowalski and Kevin Nosowicz.

139. On March 18, 2024, Ms. Norton provided a detailed written response to the SIU Investigation, with supporting declarations from additional witnesses, refuting material factual findings in the Report.

A. The Broward County School Board Delayed Unnecessarily in Voting on Ms. Norton's Discipline

140. On March 20, 2024, the Broward County Public Schools Professional Standards Committee ("PSC") recommended that Ms. Norton receive a 10-day suspension.

141. On March 26, 2024, Defendant David Azzarito, Superintendent Hepburn's designee, reversed the recommendation and instead recommended that the School Board terminate Ms. Norton's employment. He provided no explanation.

142. On March 27, 2024, Ms. Norton received a Notice from the SIU which indicated that the PSC had recommended termination of Ms. Norton's employment.

143. Only later would Ms. Norton discover, through news reporting, that the PSC had in fact recommended a 10-day suspension and that Defendant Azzarito, acting as Defendant Hepburn's designee, had in fact changed the PSC's recommendation from suspension to termination.

144. Ms. Norton was informed that the Superintendent's recommendation for termination of her employment would be considered by the School Board at the May 21, 2024 meeting.

145. However, the School Board delayed consideration of the recommendation during its June 18, 2024 meeting without explanation.

146. Ms. Norton did not receive Notice from the District that her matter was being removed from consideration at the June 18 meeting until after the meeting had occurred.

147. During this delay, Ms. Norton's one-year contract with Broward County Public Schools expired. Upon information and belief, all School District employees are employed on one-year contracts.

148. On June 18, 2024, Ms. Norton was informed that Broward County Public Schools had renewed her contract. Ms. Norton never received a copy of this alleged employment contract.

149. Defendants Hepburn, Azzarito, and Batista repeatedly ignored requests from Ms. Norton to clarify the nature and intent of the purported contract renewal.

150. After weeks of silence, counsel for Broward County Public Schools replied that they "acknowledged" receipt of Ms. Norton's questions. No further information was provided.

151. The School Board again put Ms. Norton's employment on its agenda for its July 23, 2024 meeting.

152. On July 23, the School Board again delayed consideration of Ms. Norton's discipline, in part to gather information about other disciplinary measures that the School Board had recently taken.

153. The School Board scheduled a special meeting to consider Ms. Norton's fate on July 30, 2024.

B. While Ms. Norton Awaited Final Decision, School Board Members Began to Spread Disinformation

154. School Board Member Brenda Fam did not wait to begin commenting on the investigation of Ms. Norton.

155. In a Facebook post published four days before the School Board was scheduled to vote on Ms. Norton's discipline, Defendant Fam falsely stated that Ms. Norton asked a "co-worker" to change D.N.'s gender in school records.

156. As detailed above and corroborated by the SIU's own report, Ms. Norton was not a Broward County Public Schools employee at the time D.N.'s gender was changed in the school records system.

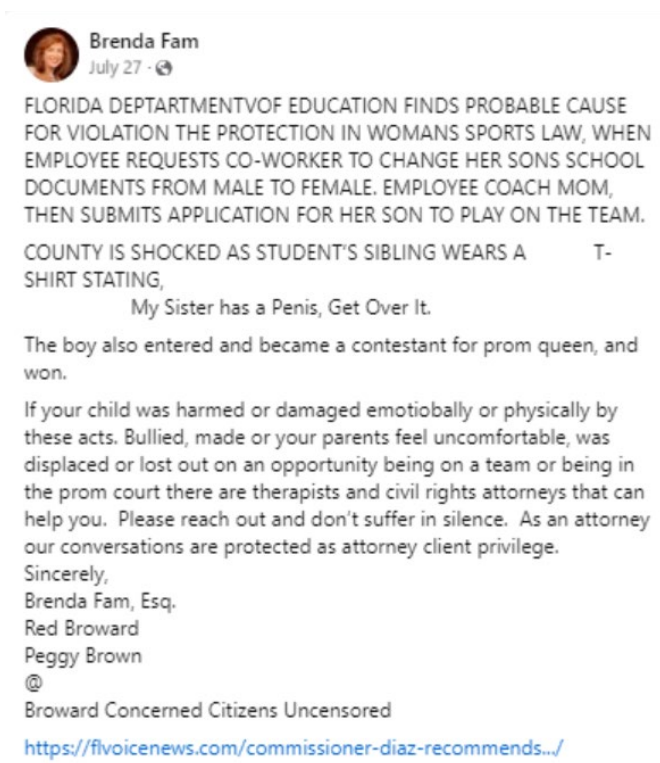
157. Defendant Fam's Facebook post also distorts the timeline of events.

158. D.N. was not in high school, and SB 1028 did not exist at the time D.N.'s gender was changed in school records.

159. Defendant Fam's post also suggests that Ms. Norton coached D.N.'s sports team, but that was not the case.

160. While it is accurate that Ms. Norton coached sports at Monarch High, she never coached D.N.'s team.

161. Defendant Fam's post, which includes a solicitation for outreach from parents based on their children's emotional distress from losing out to D.N. for the title of prom queen, evidence not only disregard for the basic timeline of events—to which she had access through the SIU's Report—but also animus towards Ms. Norton and her daughter.



162. Defendant Fam’s post two days later clarified that her animus against Ms. Norton included indignation that Ms. Norton brought the Underlying Lawsuit for discrimination on behalf of her daughter.

163. In a Facebook post on July 29, Defendant Fam specifically linked the dismissal of the Underlying Lawsuit to Defendant DOE’s related investigation.



C. Comments by the School Board Confirm the Retaliatory Purpose of their Disciplinary Actions Against Ms. Norton

164. On July 30, 2024, the School Board met to consider Ms. Norton’s employment.

165. During the July 30 meeting, the School Board reviewed recent disciplinary measures that the School Board had taken against other Broward County School employees.

166. Board Member Allen Zeman summarized several disciplinary measures, ranging from a three (3) day suspension for inappropriate behavior with children, to a ten (10) day suspension for child abuse.

167. Board Member Torey Alston noted that while these other individuals should have been punished more harshly, the severity of their discipline should not prevent the School Board from issuing similar or harsher discipline to Ms. Norton.

168. Defendant Fam went further, stating that Ms. Norton’s actions were “criminal in my opinion.”

169. During the July 30 meeting, Defendant Fam also repeatedly referred to Ms. Norton’s daughter as “her son.” D.N. is a girl.

170. Ms. Fam further made several misrepresentations during this meeting. For example, she misrepresented the penalty issued by the Florida High School Athletic Association. She claimed that the volleyball team was “disqualified” because D.N. played on the team during the 2022-2023 school year. It was not.

171. More importantly, Ms. Fam also publicly and directly questioned Ms. Norton’s decision to bring the Underlying Lawsuit.

172. Ms. Fam suggested that Ms. Norton was being “deceptive” in allowing her daughter to play volleyball and stated that: “And then she turned around and filed a lawsuit to make sure that her child stayed in the female sports. Now, if she wasn’t doing something she didn’t think she had the legal right to do, then why file a lawsuit? Why would you do that?” Ms. Fam knows better. She is a member in good standing of The Florida Bar and should understand that challenging government action under the civil rights laws is not evidence of culpability. Her knowingly false statements in the charged setting of the School Board meeting indicate an abuse of her office and personal animus.

173. Ms. Norton filed the Underlying Lawsuit to defend her daughter’s rights. Ms. Norton’s action is protected by the First Amendment and Title IX.

D. The Broward County School Board Suspended Ms. Norton and Reassigned Her to a Position with Lower Earnings Potential

174. On July 30, 2024, a majority of the School Board voted to suspend Ms. Norton for 10 days without pay and prohibited her from returning to her employment as an Information Management Specialist at Monarch High.

175. Ms. Norton has since been reassigned to a clerical position in the Buildings Department, despite expressing a strong desire and willingness to collaborate with District officials to remain at her school location so that D.N. could return to in-person school.

176. Ms. Norton's reassignment is effectively a demotion and has forced her to start over at a new position, leaving behind a job defined by a supportive community familiar with her capabilities for an environment where she will need to prove herself all over again and where the work is unfamiliar, as well as less personally and financially rewarding.

177. Ms. Norton's prior position at Monarch High provided the opportunity to earn supplemental income from activities such as coaching and acting as a student advisor.

178. Over the last few years, Ms. Norton earned roughly an additional 36% in take-home pay through those supplemental activities.

179. In contrast, the position to which Ms. Norton was reassigned does not provide such opportunities for supplemental income.

180. Ms. Norton's commute to her new position, 15 miles from her house, is also approximately 30 minutes longer each way than her prior commute to Monarch High, which was less than two miles from her house.

VIII. Florida DOE Retaliates Against Ms. Norton Based on the Same Improper Investigation of Ms. Norton

181. As noted in the SIU Investigative Report, the DOE participated in the SIU's investigation of Ms. Norton from December 2023 forward and relied on SIU's investigation and subsequent report to justify its retaliatory actions against Ms. Norton.

182. On March 27, 2024, the Defendant DOE, through Clinton Albritton (Investigator), notified Ms. Norton that Defendant DOE had "concluded its preliminary investigation."

183. DOE's 530-page Investigative Report, issued April 3, 2024, contains the Broward County SIU's 502-page Investigative Report in its entirety.

184. Given Defendant DOE's participation in and reliance on the SIU's investigation and report, DOE's investigation was similarly overbroad in scope. It focused on Ms. Norton's

parenting—including her decision to file the Underlying Lawsuit on behalf of her daughter—rather than on her activities as a coach.

185. On April 15, 2024, Mr. Albritton of the DOE held an informal conference with Ms. Norton’s counsel.

186. During that meeting, Mr. Albritton provided procedural information regarding the next steps in the investigatory and adjudication process and invited Ms. Norton’s counsel to ask questions about the DOE investigation.

187. Ms. Norton’s counsel made several inquiries regarding the substance of the Investigation, including the basis for Defendant DOE’s jurisdiction to investigate or discipline Ms. Norton and whether Defendant DOE had independently collected or reviewed any information relevant to the misconduct allegations.

188. Mr. Albritton did not provide responses to these questions.

189. On May 28, 2024, Defendant DOE, through Manny Diaz Jr., the Commissioner of Education, notified Ms. Norton that it had found “probable cause” to “justify sanctions against [Ms. Norton’s] Florida educator certificate.” It notified her that she could consider an offer of settlement from DOE, and on June 21, 2024, Ms. Norton elected to do so.

190. On August 1, 2024, Defendant DOE offered Ms. Norton a settlement agreement that called for the permanent revocation of her coaching certificate and a permanent bar to re-applying for any educator's certificate in the State of Florida.

191. On information and belief, Defendant DOE’s August 1 settlement offer included the most severe disciplinary consequence the DOE can issue to an educator.

192. Other examples of conduct where DOE has ordered revocation of an educator’s certificate include a respondent who was found guilty of 324 counts of video voyeurism (Oct.

2023), a respondent who sexually harassed a colleague (May 2016), a respondent who committed four (4) counts of sexual battery on a child (Mar. 2016), a respondent who conspired to distribute controlled substances (Mar. 2020), and a respondent who struck a first grade student as a form of discipline (Nov. 2013).⁷

193. In contrast in 2011, Defendant DOE ordered a letter of reprimand, two years probation, and a \$500 fine where the respondent was charged with Driving Under the Influence, told another teacher that he shot his gun and pictured students and administrators as targets, used pictures of students as target practice, and told another teacher that “they should worry about me shooting up the place.”⁸

194. On September 12, 2024, Ms. Norton rejected the DOE’s offer of settlement.

IX. Conclusion

195. Defendants’ actions were motivated by anti-transgender animus and were designed to punish Ms. Norton for exercising her First Amendment right to petition the government for redress and her rights under Title IX to report inequity.

196. The timing and substance of Defendants’ investigation into Ms. Norton’s conduct, along with the implementation of discipline based on that investigation, confirm that Defendants acted to retaliate against Ms. Norton for filing the Underlying Lawsuit to challenge a law that adversely affected her child and which she believed violated Title IX.

⁷ Florida DOE Case. No. 23-0264-RT (Oct. 2023); Florida DOE Case. No. 15-0658-RA (May 2016); Florida DOE Case. No. 15-0552-TC (March 2016); Florida DOE Case. No. 19-0258-TC (Mar. 2020); Florida DOE Case. No. 13-0344-RT (Nov. 2013).

⁸ Florida DOE Case No. 16-0647-RT (Aug. 2011).

CLAIMS OF RELIEF

COUNT I

Retaliation in Violation of the First Amendment to the United States Constitution Against Defendant Florida Department of Education

197. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

198. Plaintiff engaged in activity protected by the First Amendment. Specifically, she filed the Underlying Lawsuit as a private citizen to vindicate the rights of her daughter. The Underlying Lawsuit concerned not only her daughter's specific circumstances, but the application of a Florida law to thousands of students in the state.

199. Defendant took adverse actions against Plaintiff. These adverse actions include launching a lengthy, intrusive, and wholly disproportionate investigation into her conduct, and recommending sanctions to her coaching certificate.

200. There is a causal connection between Plaintiff's protected activity and Defendant's adverse actions. As detailed above, Defendant initiated its investigation shortly after the Underlying Lawsuit was dismissed without prejudice, and Defendant's investigation was co-extensive with Defendant Broward County School Board's investigation during which the fact of the Underlying Lawsuit was raised several times. Defendant DOE also incorporated the entirety of Defendant Broward County School Board's investigative report into their own investigation findings, including attaching the order dismissing the Underlying Lawsuit without prejudice.

201. As a direct and proximate result of Defendant's unreasonable and unlawful conduct, Plaintiff has suffered and continues to suffer substantial past and future damages including loss of income, loss of future earnings, severe emotional distress, damage to reputation, and embarrassment.

COUNT II
42 U.S.C. §1983

Retaliation in Violation of the First Amendment to the United States Constitution Against Defendants Broward County School Board, David Azzarito, Marylin Batista, Howard Hepburn, Thomas Honan, Craig Kowalski, Holly Tello, and Brenda Fam

202. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

203. Plaintiff engaged in activity protected by the First Amendment. Specifically, she filed the Underlying Lawsuit as a private citizen to vindicate the rights of her daughter. The Underlying Lawsuit concerned not only her daughter's specific circumstances, but the application of a Florida law to thousands of students in the state.

204. Defendants have taken adverse actions against Plaintiff. These adverse actions include removing Plaintiff from the school where she worked and that her daughter attended, launching a lengthy, intrusive, and wholly disproportionate investigation into her conduct, suspending her without pay for a period of 10 days, initially reassigning her to a position with no relation to her prior responsibilities, and finally reassigning her to a less desirable work location, with no opportunity to earn supplemental income through her job.

205. Defendants acted under the color of state law. Defendants used the resources of the school district and purported to apply school policies to retaliate against Plaintiff for exercising her First Amendment right to petition.

206. There is a causal connection between Plaintiff's protected activity and Defendants' adverse actions. As detailed above, Defendants escorted Plaintiff off the grounds of the school where she worked less than a month after the Underlying Lawsuit was dismissed, Defendants raised the fact of the Underlying Lawsuit several times during the course of their investigation, Defendants attached the order dismissing the Underlying Lawsuit without prejudice to their Investigative Report, and a school board member raised the fact of the Underlying Lawsuit during the school board meeting where she was suspended.

207. As a direct and proximate result of Defendants' unreasonable and unlawful conduct, the Plaintiff has suffered and continues to suffer substantial past and future damages including loss of income, loss of future earnings, severe emotional distress, damage to reputation, and embarrassment.

COUNT III

Retaliation in Violation of 20 U.S.C. § 1681 (Title IX of the Education Amendments of 1972) Against Defendants Florida Department of Education, Broward County School Board, David Azzarito, Marylin Batista, Howard Hepburn, Thomas Honan, Craig Kowalski, Holly Tello, and Brenda Fam

208. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

209. Plaintiff brought a complaint against select Defendants also named here for sex discrimination against her daughter, in violation of 20 U.S.C. § 1681.

210. Defendants have taken materially adverse actions against Plaintiff. These adverse actions include banning Plaintiff from the school where she worked and that her daughter attended during the course of the Investigation, launching a lengthy, intrusive, and wholly disproportionate investigation into her conduct, suspending her without pay for a period of 10 days, initially reassigning her to a position with no relation to her prior responsibilities, finally reassigning her to a less desirable work location with no opportunity to earn supplemental income through her job, and recommending sanctions to her coaching certificate.

211. There is a causal connection between Plaintiff's protected activity and Defendants' adverse actions. Defendants escorted Plaintiff off the grounds of the school where she worked less than a month after the Underlying Lawsuit was dismissed, Defendants raised the fact of the Underlying Lawsuit several times during the course of their investigation, Defendants attached the order dismissing the Underlying Lawsuit without prejudice to their Investigative Report, a school board member raised the fact of the Underlying Lawsuit during the school board meeting where she was suspended, Defendant DOE initiated its investigation shortly after the Underlying Lawsuit

was dismissed without prejudice, and Defendant DOE's investigation was co-extensive with Defendant Broward County School Board's investigation during which the fact of the Underlying Lawsuit was raised several times. Defendant DOE also incorporated the entirety of Defendant Broward County School Board's investigative report into their own investigation findings, including attaching the order dismissing the Underlying Lawsuit without prejudice

212. As a direct and proximate result of Defendants' unreasonable and unlawful conduct, the Plaintiff has suffered and continues to suffer substantial past and future damages including loss of income, loss of future earnings, severe emotional distress, damage to reputation, and embarrassment.

PRAYER FOR RELIEF

213. WHEREFORE, Plaintiff requests that this Court enter judgment in her favor and:

214. Enjoin Defendant Florida Department of Education from pursuing action to sanction Plaintiff's athletic coaching certificate;

215. Enjoin Defendant Broward County School Board from prohibiting Plaintiff's return to work at Monarch High;

216. Award Plaintiff damages for lost wages;

217. Award Plaintiff damages for infliction of emotional distress;

218. Award Plaintiff punitive damages;

219. Award Plaintiff costs and reasonable attorneys' fees; and

220. Order such other relief as this Court may deem just and proper.

JURY DEMAND

Jesica Norton, by and through undersigned counsel, demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure.

DATED: October 8, 2024

Respectfully submitted,

/s/ Jason Ross

Jason A. Ross
Fla. Bar No. 59466
Jason.Ross@arnoldporter.com
Arnold & Porter Kaye Scholer LLP
601 Massachusetts Avenue NW
Washington, DC 20001
Telephone: (202) 942-5000
Facsimile: (202) 942-5999

Kent A. Yalowitz*
Arnold & Porter Kaye Scholer LLP
250 W. 55th St.
New York, NY 10019
Telephone: (212) 836-8000
Facsimile: (212) 836-9689
Kent.Yalowitz@arnoldporter.com

Sarah Warbelow*
Jason Starr*
Cynthia Weaver*
Ami Patel*
Human Rights Campaign Foundation
1640 Rhode Island Avenue NW
Washington, D.C. 20036
Telephone: (202) 568-5762
Sarah.Warbelow@hrc.org
Jason.Starr@hrc.org
Cynthia.Weaver@hrc.org
Ami.Patel@hrc.org

*Motion for admission *pro hac vice* forthcoming

Counsel for Jessica Norton