

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LB, a Minor by his Mother and Next Friend,
VG,

Plaintiff,

v.

BRIAN A. O'CONNELL, KONSTANTIA B.
LUKES, ROBERT A. BOGIGIAN, JOHN L.
FOLEY, DOROTHY J.G. HARGROVE, JOHN
F. MONFREDO, MARY J. MULLANEY,
MAUREEN McCULLOUGH, ROBERT
PEZELLA, DR. DEIDRE LOUGHLIN, and
MELINDA J. BOONE,

Defendants.

Civil Action No.

VERIFIED COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF

Introduction

This is an action brought by LB, a minor, by and through his mother and next friend, VG, for violations of his constitutional rights to due process arising from his suspension from Worcester public schools for more than one year for allegedly possessing a weapon on school property. In suspending LB from school for such a protracted period under the guise of a so-called "zero tolerance" policy, defendants failed to afford LB basic procedural due process, violated his substantive due process rights, failed to follow procedures mandated by state statute, and failed to follow their own hearing procedures. LB seeks declaratory and injunctive relief, compensatory damages and other relief.

Parties

1. Plaintiff LB is a 14-year old Latino male currently residing in the City of Worcester, Massachusetts. Up until February 12, 2009, LB was an eighth grader at the Forest Grove Middle School in Worcester, where he was enrolled in honors-level classes, was on the honor roll, and had no record of having been previously disciplined. Teacher comments on his eighth grade report cards include “Outstanding achiever,” “Shows sincere effort,” and “Excellent classroom behavior.”

2. VG is LB’s mother and currently resides in the City of Worcester with her son. VG does not speak English. She brings this action on behalf of her minor son.

3. Defendant Maureen McCullough, sued individually and in her official capacity, was at all relevant times Principal of the Forest Grove Middle School. Upon information and belief, Ms. McCullough is a resident of the Commonwealth of Massachusetts.

4. Defendant Robert Pezzella, sued individually and in his official capacity, is and was at all relevant times Executive Assistant to the Superintendent for School Safety and Violence Prevention in Worcester. Upon information and belief, Mr. Pezella is a resident of the Commonwealth of Massachusetts.

5. Defendant Deidre Loughlin, sued individually and in her official capacity, was at all relevant times Interim Superintendent of the Worcester Public Schools. Upon information and belief, Ms. Loughlin is a resident of the Commonwealth of Massachusetts.

6. Defendant Melinda J. Boone, sued individually and in her official capacity, is the Superintendent of the Worcester Public Schools. Upon information and belief, Ms. Boone is a resident of the Commonwealth of Massachusetts.

7. Defendants Konstantina B. Lukes, Brian A. O'Connell, Robert A. Bogigian, John F. Foley, Dorothy J. G. Hargrove, John F. Monfredo, and Mary J. Mullaney, sued individually and in their official capacities, are all members of the School Committee for the Worcester Public School District and are responsible for the creation, oversight and implementation of the District's policies and practices.

Jurisdiction and Venue

8. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 over LB's claims arising under the Fourteenth Amendment to the Constitution of the United States and under 42 U.S.C. § 1983.

9. This Court also has jurisdiction pursuant to 28 U.S.C. § 1343(a)(3) and (4).

10. This Court has supplemental jurisdiction over LB's state law constitutional, statutory, and common law claim pursuant to 28 U.S.C. § 1367(a).

11. Venue is appropriate in this District pursuant to 28 U.S.C. § 1391(b)(1) because all defendants reside in this District and, alternatively, pursuant to 28 U.S.C. § 1391(b)(2) because all of the events giving rise to LB's claims occurred in this District.

Facts

12. On February 12, 2009, LB was an eighth grader at the Forest Grove Middle School in Worcester (the "School"). He was enrolled in honors-level classes. He was academically successful, having been named to the School's honor roll based on his grades. Prior to February 12, 2009, LB had never been suspended from school nor had any record of school discipline whatsoever. LB was, in fact, an exemplary student.

13. LB was friends with another eighth grade student at the School, R. On the morning of February 12, 2009, both LB and R were in gym class at the School. R approached

LB and told LB that R was afraid because another eighth grade student in the same gym class, C, had just threatened him along with another student in the gym class, J. R was visibly shaken and afraid for his own well-being. According to R, C approached R and said he was “going to kill” R, and brandished a small pocketknife. R also told LB that C had threatened another student in the gym class, J, with a lighter.

14. R told LB that R was going to report C to a school official after gym class. LB concurred that reporting C to an adult in charge at the school was a good idea and encouraged his friend to do so. LB believed that since R was the one who had been threatened by C, and that his (LB’s) knowledge of the threat was indirect and second hand, that R should be the one to report the incident to an adult. LB offered to go with R to the school office to report the incident.

15. Upon hearing of these threats by C from R, LB sought out and confronted C, asking C why he would threaten R and J. LB then demanded that C hand over the small pocketknife. C complied, turning over to LB both the small pocketknife and the lighter.

16. In confronting C and confiscating the small pocketknife and the lighter, LB intended to immediately diffuse a potentially violent and dangerous situation by stopping C from following through on his threats to harm both R and J.

17. Upon confiscating the small pocketknife and lighter from C, LB placed the small pocketknife in his wallet and then placed both his wallet and the lighter in his pocket for safekeeping out of C’s reach. LB did so with the knowledge that R was planning on informing school officials of the threat and of the small pocketknife and lighter, and that upon learning of C’s threats and the presence of these items in the school, that LB would be asked to turn these items over to school officials.

18. At all times it was LB's intent to be a temporary custodian of the small pocketknife and lighter until R informed school officials of the threat and these items could be handed over to those officials.

19. Upon information and belief, R was told by his teacher in the next class to wait until the end of the period to go to the school administrator. R, who was unaware that LB had confiscated the items, did so, seeking out Assistant Principal Mark Williams during lunch to inform him of C's threats and of the small pocketknife and lighter.

20. Upon learning this information, Mr. Williams sought out and confronted C, who eventually confessed that LB had taken the small pocketknife and lighter away from him in gym class.

21. Mr. Williams then sought out LB and asked LB if LB had these items. LB readily and without any hesitation whatsoever produced the small pocketknife from his wallet and lighter from his pocket and handed them over to Mr. Williams. In the course of doing so, LB explained to Mr. Williams that he had taken these items from C and was temporarily holding them because he was afraid that C would use them to harm R and J.

22. At no time after LB confiscated the small pocketknife and lighter from C did he tell anyone, including R, that he had taken these items from C or that he was temporarily holding these items. At no time after LB confiscated these items did he take them out of his pocket or show them to anyone before handing them over to Mr. Williams.

23. LB never threatened anyone with these items. At no time did LB pose any danger or threat to the safety or well-being of any student or to anyone else at the school.

24. The following day, February 13, 2009, after a meeting with Mr. Williams, LB was suspended from school for ten school days.

Principal's Hearing

25. Also on that day, the school sent, by U.S. mail, a letter to LB's mother, VG, notifying her of the date, time, and place for a long-term suspension hearing for LB based on the February 12, 2009 incident, claiming that LB had violated Worcester Public Schools Policy Rule 7, which prohibits the possession by students of weapons on school property. A true and accurate copy of the February 13, 2009 letter (with names and other personal identifying information redacted) is attached hereto as *Exhibit A*.

26. The long-term suspension hearing was scheduled for February 25, 2009. At the hearing, Mr. Williams read only selected excerpts of the written statement given by LB on February 12, 2009, and the entire written statement given by C on that day.

27. Prior to the hearing, LB was not informed that the school had taken written statements from C, R, or J.

28. Prior to and at the hearing itself LB was not permitted to read or given copies of any of the written statements from C, R, J, or himself.

29. These written statements included information which would exculpate LB, corroborate his written statement and oral testimony at the hearing, and cast doubt on C's credibility. C's own written statement was contradicted by R's and J's statements, calling into doubt the truthfulness and accuracy of any of the statements made therein. Nonetheless, because school officials withheld these statements from LB, LB was not able to avail himself of this information in presenting his case at the hearing.

30. Upon information and belief, it was Defendants' informal policy to withhold witness statements from students subject to disciplinary hearings.

31. LB requested to be able to call, confront, and cross-examine witnesses at the hearing, specifically for C, R, and J to be present and to be able to question them. Defendants denied LB's request and conducted the hearing without C, R, or J being present and using their written statements which were purposefully and intentionally withheld from LB. In doing so, Defendants denied LB the opportunity to present a defense at the hearing.

32. The Policies Handbook for the Worcester Public Schools, Legal Policies, Due Process, Section II, provides that a student charged with violating Rule 7 (possession of a weapon), and for whom expulsion or long-term suspension by a school principal is a possibility shall, at the hearing before the school principal, have the right to present and cross examine witnesses.

33. Upon information and belief, it was Defendants' informal policy to deny students subject to disciplinary hearings the opportunity to present and cross-examine witnesses.

34. That same day, February 25, 2009, Principal McCullough issued her decision, in writing, suspending LB from school for an additional full calendar year beginning on March 9, 2009 through, and including, March 9, 2010, substantially disrupting two school years.

35. Attached to Defendant McCullough's decision were her Findings of Fact. A true and accurate copy of the Defendant McCullough's February 25, 2009 decision and Findings of Fact (with names and other personal indentifying information redacted) are attached hereto as *Exhibit B*.

36. The Findings of Fact make clear that Principal McCullough based her decision on statements made by C, statements which were disputed by LB, despite the fact that LB was never shown C's written statement or given the opportunity to confront and cross examine C at the hearing.

37. The Findings of Fact make clear that the only basis for Principal McCullough's decision was that she believed C when he wrote in his statement that LB took the small pocketknife and lighter from him only to "cover" for him and so that he would not get into trouble.

Hearing With Superintendent's Executive Assistant

38. LB appealed Principal McCullough's decision to the Superintendent of Schools for the Worcester School District pursuant to M.G. L. c. 71, § 37H and Section II of the Legal Policies of the Worcester Public Schools Policies Handbook.

39. A hearing was held on March 11, 2009. Interim Superintendent Deidre Loughlin was not present at the hearing. In her place, defendant Robert F. Pezzella presided. Defendants failed to provide an interpreter for LB's parents, despite the fact that they knew that LB's parents did not speak or understand English and had provided an interpreter at the principal's hearing.

40. LB requested that the hearing be rescheduled because the attorney he had engaged to represent him could not be present at the hearing as scheduled due to a previous commitment. Mr. Pezzella denied the request.

41. Upon information and belief, it was Defendants' informal policy to deny students subject to disciplinary hearings the opportunity to be represented by counsel.

42. LB again requested that witnesses be present at the March 11 hearing so that he could confront and cross-examine them, most notably among them, C. Mr. Pezzella, like Principal McCullough before him, denied LB's request. C was not present at the hearing. LB had no opportunity to confront or cross-examine C.

43. Upon information and belief, it was Defendants' informal policy to deny students subject to disciplinary hearings the opportunity to present and cross-examine witnesses.

44. Notwithstanding Mr. Pezzella's directive that LB was not to bring witnesses with him to the hearing, LB brought R to speak on his behalf. At the hearing, R corroborated the statements LB made in his written statement and in his oral testimony.

45. Defendants continued to withhold from LB his own written statement given on February 12, 2009 and C's written statement of that same date. Defendants also continued to fail to inform him of the existence of written statements made by R and J.

46. Upon information and belief, it was Defendants' informal policy to withhold witness statements from students subject to disciplinary hearings.

47. Subsequently, a written decision signed by Mr. Pezzella upheld LB's long-term suspension from school. A true and accurate copy of that decision (with indentifying names and information redacted) is attached hereto as *Exhibit C*. Although the decision is signed by Mr. Pezzella "for Interim Superintendent Deidre Loughlin," Ms. Loughlin did not attend or participate in the hearing, hear the evidence, review any hearing transcript (because none existed), recognize and correct any of the procedural infirmities, or participate in the appeal process at all.

48. Mr. Pezzella never found that LB ever was a danger or threat to the safety of himself, any student, or anyone else at the School or that his continued enrollment at the School would pose such a danger or threat.

LB's Harm

49. After the hearing before Mr. Pezzella, Defendants offered LB the option of enrolling in the Woodward Day School for the period March 12, 2009 until his long-term suspension ended on March 9, 2010. The Woodward Day School is operated by the Central Massachusetts Special Education Collaborative for regular and special education students who

have been suspended or expelled from public school under M. G. L.c. 71, § 37H or who have a pending felony charge and have been suspended under M.G.L. c. 71, § 37H ½.

50. Woodward does not offer LB an education comparable to the education he had been receiving in his honors level classes at the Forest Grove Middle School or the honors level classes he would receive as a freshman in a Worcester public high school. Woodward does not offer LB the rigorous honors level curriculum he needs to be reintegrated into the Worcester public schools in March 2010 at the same level as before his wrongful long-term suspension.

51. In addition, Woodward's student body is comprised largely of students found to be danger to the safety of others and/or charged with committing felonies. Defendants' suggested placement of LB at Woodward for a year would threaten his physical safety and irreparably impede his educational progress.

52. Having rejected this wholly unsatisfactory and unacceptable proposed placement, VG sought and obtained approval from the Worcester Public School officials to have LB home schooled, primarily by his sister, who is currently a college student at the University of Massachusetts at Amherst. Although far superior to the Woodward School, home schooling is not comparable to the honors-level education LB was receiving at the Forest Grove Middle School and would be receiving at a Worcester public high school. In addition, home schooling is a burden on LB's sister, taking time away from her own studies and impeding her ability to work a part-time job to support her own educational pursuits.

53. The wrongful long-term suspension is a blight on what otherwise was a stellar academic and behavioral record and will hurt LB's college admission opportunities. It has already damaged his unblemished reputation and will follow him on his permanent record for his entire academic career with the very real possibility of foreclosing future academic opportunities.

54. Defendants' wrongful long-term suspension of LB has caused him emotional distress for which LB has sought and obtained counseling.

COUNT I

Procedural Due Process Under the United States Constitution And 42 U.S.C. § 1983 And 42 U.S.C. §1988

55. LB repeats and realleges the allegations of Paragraphs 1-54 of the Verified Complaint as if fully set forth herein.

56. Defendants, acting under the color of state law, have deprived LB of his right to procedural due process under the Fourteenth Amendment to the Constitution of the United States by, among other things, denying his request to postpone the hearing before Mr. Pezzella until he could be represented at the hearing by counsel, denying him the opportunity to review the evidence relied upon by Defendants McCullough and Pezzella in reaching their decisions, failing to provide him with copies of the witness statements in advance of the hearings to enable him to prepare his case; failing to inform him of the existence of some of the witness statements in advance of the hearings and of other potentially exculpatory evidence, and denying his request to present, confront and cross examine witnesses at either hearing, most notably among them, C.

57. The procedural safeguards listed above are guaranteed by the Fourteenth Amendment to the United States Constitution in cases, such as this one, where long-term suspension and/or expulsion is a possibility.

58. The procedural safeguards listed above are also provided by M.G.L. c. 37H and by the Policies Handbook for the Worcester Public Schools, 2008-09, which expressly refers to the student's "constitutional right (*Goss v. Lopez*) to receive due process procedures."

59. Defendants denied LB these constitutionally required procedural safeguards. Without these procedural safeguards, LB was denied the opportunity to be heard and to present his case.

60. In denying LB these constitutionally required procedural safeguards, Defendants, state actors, were acting under color of state law and pursuant to informal Worcester School District policies.

61. Had LB been afforded the required due process described above, he would have been able to demonstrate that he acted only as a temporary custodian of the small pocketknife and lighter until R informed a school official and not to cover for C.

62. As a result of Defendants' wrongful actions and violation of LB's right to procedural due process under the Fourteenth Amendment to the United States Constitution, LB has suffered irreparable harm, injury and damages and is entitled to relief under 42 U.S.C. § 1983, § 1988.

COUNT II

Substantive Due Process Under the United States Constitution And 42 U.S.C. § 1983 And § 1988

63. LB repeats and realleges the allegations of Paragraphs 1-62 of the Verified Complaint as if fully set forth herein.

64. In suspending LB for over a year, Defendants, state actors, were acting under color of state law.

65. The Fourteenth Amendment to the United States Constitution protects LB against arbitrary and capricious actions taken against him by Defendants. The long-term suspension of LB, an honors student with no record of previous school discipline, with no finding that he posed

a threat or danger to the safety of anyone at the school was not rationally related to any legitimate state purpose and therefore violates LB's substantive due process rights.

66. As a result of Defendants' wrongful actions in violation of LB's right to substantive due process under the Fourteenth Amendment to the United States Constitution, LB has suffered irreparable harm, injury and damages and is entitled to relief under 42 U.S.C. § 1983, § 1988.

COUNT III

Equal Protection Under The U.S. Constitution And 42 U.S.C. § 1983 And 42 U.S.C. § 1988

67. LB repeats and realleges the allegations of Paragraphs 1-66 of the Verified Complaint as if fully set forth herein.

68. In failing to afford LB the procedural safeguards mandated by state law and Defendants' own policies, and constitutionally required, Defendants, state actors, were acting under color of state law.

69. By failing to afford LB the procedural safeguards mandated by state law and Defendants' own policies, and constitutionally required, while affording these safeguards to other students subject to disciplinary hearings, Defendants treated LB differently than they did other students without a legitimate purpose in violation of LB's right to equal protection under the 14th Amendment to the United States Constitution.

70. As a result of Defendants' wrongful actions in violation of LB's right to equal protection under the 14th Amendment to the United States Constitution, LB has suffered irreparable harm, injury and damages and is entitled to relief under 42 U.S.C. § 1983, § 1988.

COUNT IV

Procedural Due Process Under the Massachusetts Constitution

71. LB repeats and realleges the allegations of Paragraphs 1-70 of the Verified Complaint as if fully set forth herein.

72. Defendants, state actors acting under the color of state law, have deprived LB of his right to procedural due process under Massachusetts Declaration of Rights, Arts. I, X, by, among other things, denying his request to postpone the hearings before Defendant Pezzella so his attorney could attend and represent him at the hearing, denying him the opportunity to review the evidence relied upon by Defendants McCullough and Pezzella in reaching their decisions, failing to provide him with copies of the witness statements in advance of the hearings to enable him to prepare his case; failing to inform him of the existence of some of the witness statements in advance of the hearings and of other potentially exculpatory evidence, and denying his request to present, confront and cross examine witnesses at either hearing, most notably among them, C, and denying him the opportunity to have his appeal heard by Interim Superintendent Loughlin.

73. The procedural safeguards listed above are guaranteed by the Massachusetts Declaration of Rights, Arts. I, X in cases, such as this one, where long-term suspension and/or expulsion is a possibility.

74. Defendants denied LB these constitutionally required procedural safeguards. Without these procedural safeguards, LB was denied the opportunity to be heard and to present his case.

75. Had LB been afforded the required due process described above, he would have been able to demonstrate that he acted only as a temporary custodian of the small pocketknife and lighter until R informed a school official and not to cover for C.

76. As a result of Defendants' wrongful actions and violation of LB's right to procedural due process under the Massachusetts Declaration of Rights, Art. I, Art. X, LB has suffered irreparable harm, injury and damages and is entitled to relief.

COUNT V

Substantive Due Process Under The Massachusetts Constitution

77. LB repeats and realleges the allegations of Paragraphs 1-76 of the Verified Complaint as if fully set forth herein.

78. Massachusetts Declaration of Rights, Art. I, Art. X protects LB against arbitrary and capricious actions taken against him by Defendants. The long-term suspension of LB, an honors student with no record of previous school discipline, with no finding that he posed a threat or danger to the safety of anyone at the school, was not rationally related to any legitimate state purpose and therefore violates LB's substantive due process rights.

79. As a result of Defendants' wrongful actions in violation of LB's right to substantive due process under Massachusetts Declaration of Rights, Art. I, Art. X, LB has suffered irreparable harm, injury and damages and is entitled to relief.

COUNT VI

Equal Protection Under The Massachusetts Constitution

80. LB repeats and realleges the allegations of Paragraphs 1-79 of the Verified Complaint as if fully set forth herein.

81. By failing to afford LB the procedural safeguards mandated by state law and Defendants' own policies, and constitutionally required, while affording these safeguards to other students subject to disciplinary hearings, Defendants treated LB differently than they did

other students without a legitimate purpose in violation of LB's right to equal protection under the Massachusetts Declaration of Rights, Art. I, Amendment CVI.

82. As a result of Defendants' wrongful actions in violation of LB's right to equal protection under the Massachusetts Declaration of Rights, Art. I, Amendment CVI, LB has suffered irreparable harm, injury and damages and is entitled to relief.

COUNT VII

Violation Of M.G.L. c. 71, § 37H

83. LB repeats and realleges the allegations of Paragraphs 1-82 of the Verified Complaint as if fully set forth herein.

84. The procedures used by Defendants to implement the punishment policy deprived minor Plaintiff LB of his right to representation, to present evidence, and to present, to confront and to cross-examine witnesses as guaranteed in M.G.L. c. 71, § 37H(c).

85. The procedures used by Defendants to implement the punishment policy deprived minor Plaintiff LB of his right to appeal to the superintendent and his right to counsel at that appeal as guaranteed in M.G.L. c. 71, § 37H(d). That subsection provides that the superintendent shall hear any appeals. In this instance, as described above, Interim Superintendent Loughlin did not hear LB's appeal. Defendant Pezzella, an Executive Assistant, hear the appeal instead, in clear violation of the plain words of the statute authorizing long-term suspensions for possessing weapons.

86. As a direct and proximate result of Defendants' failure to comply with state law, LB has suffered irreparable harm, injury and damages and is entitled to relief.

COUNT VIII

Violation Of The Massachusetts Constitution, Part II, c.5, Section 2 (The Education Clause) And M.G.L. c. 76, § 1 And M.G.L. c. 69, §§ 1D And 1E

87. LB repeats and realleges the allegations of Paragraphs 1-86 of the Verified Complaint as if fully set forth herein.

88. Defendants, through their long-term suspension of LB have violated their obligation to provide LB a minimally adequate education as prescribed by the Massachusetts Constitution, Part II, c.5, Section 2 and M.G.L. c. 76, § 1, and the curriculum frameworks established by M.G.L. c. 69, §§ 1D and 1E.

89. As a direct and proximate result of Defendants' failure to comply with state law, LB has suffered irreparable harm, in jury and damages and is entitled to relief.

COUNT IX

Violation Of School Rules

90. LB repeats and realleges the allegations of Paragraphs 1-89 of the Verified Complaint as if fully set forth herein.

91. The Policies Handbook for Worcester Public Schools constitutes a binding and enforceable contract between Defendants and students, including LB.

92. Defendants' violated their own rules as set forth in the Policies Handbook for the Worcester Public Schools and breached their contractual obligation by depriving LB of his rights at the hearing before Defendant McCullough to present evidence, to call witnesses, and to confront and cross-examine witnesses against him. Policies Handbook, Legal Policies, Due Process, Section II(b).

93. Defendants violated their own rules as set forth in the Policies Handbook for the Worcester Public Schools by failing to provide LB in advance of his hearing with the

Superintendent the documentary evidence presented. Policies Handbook, Legal Policies, Due Process, Section II(c). Defendants also violated their own rules as set forth in the Policies Handbook by denying LB the opportunity to be represented by counsel at the hearing, to present witnesses, and to confront and cross-examine witnesses against him.

94. Defendants violated their own rules as set forth in the Policies Handbook for the Worcester Public Schools by failing to give effect to appropriate mitigating factors such as the severity and effect of LB's actions on the school community and the number and nature of LB's previous offenses. Policies Handbook, Discipline Code, School-Imposed Discipline, Long-Term Suspension.

95. As a direct and proximate result of Defendants' failure to comply with Defendants' own Policies, LB has suffered irreparable harm, injury and damages and is entitled to relief.

Prayers for Relief

WHEREFORE, LB prays that this Court enter judgment as follows:

1. Enter Declaratory Judgment for LB on Counts I-III of the Complaint pursuant to 28 U.S.C. §§ 2201-02 declaring that Defendants have violated LB's rights under the U.S. Constitution.
2. Enter Declaratory Judgment for LB on Counts IV-IX of the Complaint pursuant to M.G.L. c. 231A declaring that the Defendants have violated LB's rights under the Massachusetts Constitution and under state law.
3. Enter Preliminary and Permanent Injunctions requiring Defendants to immediately reinstate LB in Worcester public schools and to provide such compensatory

instruction, support services, and sufficient costs to compensate for lost educational opportunities and costs.

4. Expunge from LB's school records all references, including academic penalties (e.g., zeros, course withdrawal), to LB's suspension.
5. Award LB compensatory damages.
6. Award LB attorneys' fees and costs pursuant to 42 U.S.C. § 1988.
7. Grant LB such further relief as the Court deems just and proper.

Respectfully submitted,

LB, a Minor by his Mother and Next Friend, VG,

/s/ John R. Baraniak, Jr.

John R. Baraniak, Jr. (BBO #552259)

Sarah A. Champion (BBO #670886)

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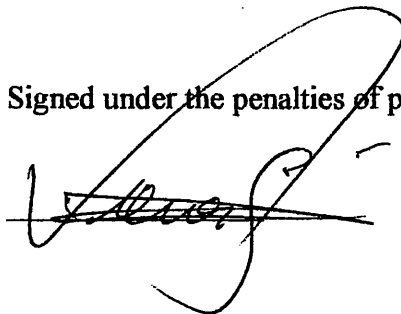
Jchou@cleweb.org

Dated: July 15, 2009

VERIFICATION

I declare that the foregoing facts alleged in the Complaint are within my personal knowledge and/or the knowledge of my minor son, LB, and are true and correct except for those facts specifically alleged to be true and correct upon information and belief, which I believe to be correct as well.

Signed under the penalties of perjury this 12 day of July, 2009.

A handwritten signature in black ink, appearing to be "William J. ...", is written over a horizontal line. The signature is stylized and somewhat illegible.