

Court cases on Bullying

1. T.F. v. Anchorage School District (Super. Ct. 3d Judicial Dist. 2004) • Settlement: \$4.5 million. • Harassment/Injuries: Verbal and physical harassment; attempted suicide. • Single Plaintiff. • Basic Facts: Following repeated bullying by other students, T.F., a 14-year-old eighth grade student, attempted to hang himself and suffered irreversible brain damage. T.F.'s classmates regularly harassed him verbally and physically, pushing him in the hallways, knocking textbooks out of his hands, throwing his clarinet in the trash, and assaulting him in the bathroom. • Causes of Action: Unknown. • Plaintiff's Attorney: Dennis Maloney of Anchorage, AK. • More Information: *1) I choose this case because it states how bullying can affect students. This student tried to hang himself and the end result was brain damage. *2) I am unsure what the ruling was in this case but I will hope that the parents of this child sue the school district if this was reported and they ignored the pleas of the parent and student. *3) This case is important because it shows the prevalence of bullying in schools and it shows that this involves the entire school and community. Zero tolerance and expulsion are not effective approaches. I have to wonder did the teachers, administrators, office staff, bystanders, cafeteria worker, and/or janitors try to step in and help this student or did they just ignore the problem because no one wanted to get involved. http://juneauempire.com/stories/070104/sta_details.shtml.

2. Burke v. Brentwood Union School Dist., No. 3:15-cv-00286 (N.D. Cal. 2015) • Settlement: \$2 million. • Harassment/Injuries: Sexual harassment; sexual assault; cyberbullying. • Single Plaintiff. • Basic Facts: Male student pressured middle school girl into sending nude pictures to him, then used the pictures to blackmail her into performing oral sex on him in school bathrooms on numerous occasions. Other students, part of a "sexting ring" discovered by police, posted pictures on Instagram of plaintiff performing oral sex. • Causes of Action: Title IX claim for deliberate indifference to sexual harassment; claim under 42 U.S.C. § 1983 alleging equal protection violation for failure to train; state law tort claims; California statutory claims for gender violence, deprivation of a civil right, freedom from violence, and sex discrimination. • Plaintiff's Attorney: Peter W. Alfert, Hinton Alfert and Kahn LLP, Walnut Creek, CA; Todd A. Boley, Alameda, CA. • More Information: <http://kron4.com/2017/11/07/video-victim-of-brentwood-middle-schoolsexting-ring-wins-2-million-settlement-from-district/>. *1) I choose this case because I see that it was a settlement involved that resulted in a \$2 million lawsuit. 2) I totally agree with the settlement and to be honest, it should have been more because this is something that will follow this young girl for the rest of her life. This could cause anxiety, trust issues, depression, suicidal thoughts, etc. Although she willingly sent the photos, she did not think that he would blackmail her to doing other sexual acts and putting her name and face on social media to humiliate her and her reputation. 3) This case is important because the leaders need to keep a closer watch on bathrooms and other hideaways that the school cameras do not show or can't see. This is a way to prevent sexually bullying acts during school hours. This case can also serve as a teaching tool for students to not send sexually explicit pictures to anyone because this could happen to them.

3. Callahan ex rel. Roe v. Gustine Unified School District, 678 F. Supp. 2d 1008 (E.D. Cal. 2009) • Settlement: Undisclosed amount. • Harassment/Injuries: Sexual assault and hazing. •

Single Plaintiff. • Basic Facts: Upper-class football players sodomized a freshman teammate at a school-sponsored camp by blowing pressurized air through his rectum with a battery-powered air pump. The teammates also groped him in the shower and beat him on the head and face with a pillowcase full of heavy objects. After the weekend, the freshman became the target of anti-gay taunts. • Causes of Action: Title IX claim for deliberate indifference to sexual harassment; claim under 42 U.S.C. § 1983 alleging equal protection violation; state tort law claims for sexual battery, assault and battery, intentional infliction of emotional distress, negligent supervision, negligent training and negligence per se; California state constitutional claim alleging an equal protection violation; and California statutory claims for gender violence, deprivation of a civil right, freedom from violence, sex discrimination, and vicarious liability of a parent for the willful acts of a minor. • Plaintiff's Attorneys: Donald Proietti and Kimberly Flores of Allen, Proietti & Fagalde, LLP, Merced, CA. • More Information: http://www.gpo.gov/fdsys/pkg/USCOURTS-caed-1_07-cv00796/pdf/USCOURTS-caed-1_07-cv-00796-8.pdf.

4. Doe v. Roe School District, Confidential Dkt. No. (Los Angeles Cnty. Super. Ct. 2012) • Settlement: \$1.35 million. • Harassment/Injuries: Anti-Semitic and anti-gay taunts; attempted suicide. • Single Plaintiff. • Basic Facts: Students used anti-Semitic and anti-gay taunts to harass a 14-year old classmate. While the administrators conducted an investigation, the student attempted suicide in the school bathroom. The victim suffered emotional distress and sued the school for failing to suspend the bullies under its zero-tolerance bullying policy. • Cause of Action: State tort claims. • Plaintiff's Attorney: David M. Ring, Los Angeles, CA. • More Information: Verdicts & Settlements, TRIAL, Dec. 2012, at 12.

5. Doe v. Roe School District, Confidential Dkt. No. (Riverside Cnty. Super. Ct. 2012) • Settlement: \$3 million. • Harassment/Injuries: Sexual assault of special needs student. • Single Plaintiff. 3 • Basic Facts: Students raped a 14-year-old special needs child over the course of several months near a bathroom located outside an enclosed area designed to keep the child safe at lunch. The child suffered severe emotional distress. • Cause of Action: State tort law for negligent security. • Plaintiff's Attorneys: David M. Ring, Los Angeles, CA; Chris Morey, Costa Mesa, CA. • More Information: Verdicts & Settlements, TRIAL, March 2013, at 10