

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

<b>BRIAN HILL AND CAREY ANNE HILL</b>	)	
<b>O/B/O K.H., A MINOR,</b>	)	
	)	
<b>PLAINTIFFS</b>	)	
	)	<b>CIVIL No. 2:16-cv-162-DBH</b>
<b>v.</b>	)	
	)	
<b>REGIONAL SCHOOL DISTRICT 21,</b>	)	
	)	
<b>DEFENDANT</b>		

**ORDER ON MOTION TO DISMISS**

The defendant’s motion to dismiss is **DENIED**. Under the pleading standards of Ashcroft v. Iqbal, 556 U.S. 662 (1999) and Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007), the Complaint contains sufficient factual matter “plausible on its face,” Iqbal, 556 U.S. at 678, to state a claim of severe, pervasive, and objectively offensive gender-based harassment; that the defendant school unit had notice of it and was deliberately indifferent to it; and that the harassment prevented access to an educational opportunity or benefit. See Davis v. Monroe Cty. Bd. of Educ., 526 U.S. 629 (1999); Frazier v. Fairhaven Sch. Comm., 276 F.3d 52 (1st Cir. 2002); Doe v. Sch. Admin. Dist. No. 19, 66 F. Supp. 2d 57 (D. Me. 1999).<sup>1</sup>

**SO ORDERED.**

**DATED THIS 1<sup>ST</sup> DAY OF JUNE, 2016**

/s/D. BROCK HORNBY  
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**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**

<sup>1</sup> I have also consulted the very recent case of Morgan v. Town of Lexington, No. 15-2174, 2016 WL 2962187 at \*5-6 (1st Cir. May 23, 2016).