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07-CV-00759-CMP

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GREGORY REQUA, ADULT STUDENT
PLAINTIFF,
vs.
KENT SCHOOL DISTRICT No. 415;
BARBARA GROHE, SUPERINTENDENT;
AND MICHAEL ALBRECHT, PRINCIPAL
DEFENDANTS

Case No.: **C07-0759** MJP

COMPLAINT AND MOTION FOR
TEMPORARY RESTRAINING ORDER

INTRODUCTION

1. Plaintiff Gregory Requa, a senior at Kentridge High School, was subjected to a long-term suspension of forty (40) school days for allegedly posting a video on YouTube.com criticizing a teacher at the high school that the Defendants alleged harassed the teacher and violated other school policies.

Complaint - 1

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- 1 2. After exhausting his administrative remedies to no avail, Gregory is hereby filing this
2 Complaint with this Court alleging the Defendants violated his federal and state
3 constitutional rights of free speech, due process, as well as a deprivation of liberty and
4 property rights.
- 5 3. Gregory is also requesting from this Court a Temporary Restraining Order enjoining the
6 Defendants from enforcing the long-term suspension during the course of this suit and
7 ordering the Defendants to immediately re-instate Gregory at school with no penalty for
8 missed days/classes.

9

10 **JURISDICTION**

- 11 4. Plaintiff seeks redress for violations of his federal rights under 42 U.S.C. §1983. The
12 Court has subject matter jurisdiction pursuant to 28 U.S.C. §1331, federal question
13 jurisdiction; 28 U.S.C. §1343, civil rights jurisdiction; and 28 U.S.C. §1367,
14 supplemental jurisdiction over state law claims.
- 15 5. The Court has personal jurisdiction over the Defendants.

16

17 **VENUE**

- 18 6. Venue is proper in the district pursuant to 28 U.S.C. §1391(b).

19

20 **PARTIES**

- 21 7. PLAINTIFF Gregory Requa is an adult student in his senior year attending Kentridge
22 High School, part of the Kent School District. Gregory lives in his mother's home within
23 the boundaries of the Kent School District.

1 8. DEFENDANT Kent School District is a school district organized under the laws of the
2 state of Washington. Its primary place of business is in King County, Washington.

3 9. DEFENDANT Barbara Grohe is the Superintendent of the Kent School District and was
4 the Superintendent of the Kent School District during the time period of all alleged
5 actions leading to the discipline of the PLAINTIFF.

6 10. DEFENDANT Michael Albrecht is the Principal of Kentridge High School and was the
7 Principal during the time period of all alleged actions leading to the discipline of the
8 PLAINTIFF.

9
10 FACTS

11 11. During the last week of school in June of 2006, a student unobtrusively video-taped Ms.
12 Mong, an English teacher at Kentridge High School, for the purpose of creating a video
13 critical of this teacher and her teaching methods, to be posted on YouTube.com.

14 12. On or about June 26, 2006 the video was posted on YouTube.com entitled "Mongzilla".
15 YouTube.com is a free public site on the internet, or "World Wide Web", that allows
16 anyone in the general public to post a video for public viewing and/or view any of its
17 postings.

18 13. There was no discussion at school of this video in June of 2006 before school dismissed
19 for the summer.

20 14. Around the end of June of 2006, Gregory learned of the video, viewed it, thought it was
21 funny, and posted it as a link on his MySpace.com site.

22 15. In September of 2006 when school resumed there was no discussion of the video and no
23 students viewed the video on any school computers. The school computers are
24

1 configured in such a way as to prohibit the viewing of YouTube.com, MySpace, and
2 other like websites. This includes the administration and teacher computers.

3 16. Around February 12, 2007 KOMO 4 News, a local Seattle, Washington news channel
4 picked up on a national story reporting on videos posted to YouTube.com criticizing
5 teachers. KOMO 4 News reports searched YouTube.com for local videos and discovered
6 the video of Ms. Mong, among other local videos. The news reporter contacted officials
7 at Kentridge High School for comment and then interviewed several Kentridge High
8 School students for their comments. Then KOMO 4 News aired a news program about
9 this video and other videos on its news program the night of February 14, 2007 and
10 included a link to the news program on its website.

11 17. Mr. Albrecht, Kentridge High School principal, first became aware of the video when
12 KOMO 4 News contacted the school district for comments. Mr. Albrecht told Mrs.
13 Mong about the video after he was contacted and that was the first time Mrs. Mong ever
14 knew she was video-taped or this video existed.

15 18. When Gregory heard about the news program and the possibility that the video could be
16 viewed as harassment he removed the link to the video from his MySpace page.

17 19. Mr. Albrecht investigated and students told him they believed Gregory Requa was
18 involved in the production and posting of the video. Mr. Albrecht removed Gregory from
19 class and questioned him and Gregory told him he had no participation in any part or
20 posting of this video.

21 20. Mr. Albrecht removed other students from their classes to be questioned and eventually
22 another student, S.W., confessed to filming Mrs. Mong during his fifth period class.
23 S.W. told Mr. Albrecht Gregory was involved with the production and posting of the
24 video, but S.W. told Gregory Mr. Albrecht told him his consequence would be reduced if

1 he named another student, which is why he named Gregory. At the hearing Mr. Albrecht
2 stated he said something similar to S.W. but not exactly what S.W. reported he said.

3 21. Gregory, on a second interview, again denied any involvement in the video and told Mr.
4 Albrecht he believed the rumor of his involvement was due to his reputation at the school
5 of an excellent video editor and producer, someone teachers and students at the school
6 called on numerous times to produce videos for classes and to assist teachers.

7 22. Gregory had no disciplinary record at school, had never been in trouble before, carried a
8 2.97 grade point average, and was set to graduate with his class in June of 2007. Gregory
9 also had won the DECA¹ Competition and was set to compete at the state level with a
10 possibility of winning and then competing at the national level.

11 23. Mr. Albrecht concluded that Gregory produced and posted the video on YouTube.com
12 and disciplined him with a long-term suspension of forty (40) days for: harassment of a
13 staff member, electronic use violation, disciplinary behaviors, and defiance of school
14 authority. This last offense was based on Mr. Albrecht's belief that Gregory lied to him
15 when he denied any participation in the video, not that Gregory used disrespectful or
16 abusive language in any way.

17 24. Other than Mr. Albrecht removing students from their classes to question them, there has
18 been no disruption to the learning environment at the school or any school in the Kent
19 School District.

20 25. Gregory and his parents appealed the disciplinary action and the discipline was stayed
21 during the appeal. However, his ability to participate in the DECA competition was
22

23 ¹ DECA is a national organization of high school and college students dedicated to developing future leaders in
24 marketing, management, and entrepreneurship. The local competitions are sponsored by schools.

1 immediately revoked and he lost the opportunity to compete at the state level and at the
2 national level.

3 26. On March 8, 2007 an appeal was heard by a hearing officer who upheld the discipline of
4 Gregory, in its entirety, and produced a written report dated March 12 [2007](sic).

5 27. Gregory and his parents appealed the decision of the hearing officer to the school board.
6 On April 25, 2007 the school board heard Gregory's appeal. The school board
7 subsequently upheld the discipline of Gregory in its entirety and produced a written
8 report dated May 9, 2007.

9 28. The school district began Gregory's suspension on Tuesday May 8, 2007. Gregory is
10 currently out of school.

11 29. The injuries suffered by Gregory as a result of the Kent School District's actions and the
12 actions of Ms. Grohe and Mr. Albrecht cannot be fully compensated by monetary
13 damages. If the suspension is not enjoined, Gregory will suffer irreparable injury,
14 including but not limited to the chilling of his free speech rights, loss of his liberty and
15 property interests in his public school education, and the delaying of his graduation from
16 high school.

17
18 **CLAIMS**

19 **FIRST CAUSE OF ACTION: FREE SPEECH**

20 30. By punishing Gregory Requa for his purported participation in the creation of a critical
21 video of a teacher and the posting of that video onto the internet, the Kent School District
22 along with Ms. Grohe and Mr. Albrecht violated Gregory's free speech rights under the
23 First Amendment of the United States constitution, Article I §5 of the Washington State
24 Constitution, and other applicable law.

SECOND CAUSE OF ACTION: DUE PROCESS


31. By placing Gregory Requa on a long-term suspension the Kent School District along with Ms. Grohe and Mr. Albrecht deprive Gregory of liberty and property without due process of law in violation of the First Amendment of the United States Constitution, Article I §3 of the Washington State Constitution, and other applicable law. The long-term suspension also violated applicable regulations governing school discipline.

PRAYER FOR RELIEF

PLAINTIFF seeks the following relief:

1. Preliminary and permanent injunctive relief
2. Damages in an amount to be proven at trial
3. Attorney's fees and costs pursuant to 42 U.S.C. §1988
4. Such other relief as this Court deems proper.

Dated this 17th day of May, 2007


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