

Judge Marsha J. Pechman

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

GREGORY REQUA, ADULT STUDENT	)	Case No.: C07-0759 MJP
	)	
Plaintiff,	)	
	)	
vs.	)	DEFENDANTS' ANSWER TO
	)	COMPLAINT AND AFFIRMATIVE
KENT SCHOOL DISTRICT No. 415;	)	DEFENSES
BARBARA GROHE, SUPERINTENDENT;	)	
AND MICHAEL ALBRECHT, PRINCIPAL	)	DEMAND FOR JURY TRIAL
	)	
Defendants	)	

COME NOW the Defendants, and in answer to the complaint filed in the above-entitled matter (hereinafter "Complaint"), admit, deny, and allege as follows:

**INTRODUCTION**

1. In answer to paragraph 1 of the Complaint, the Defendants admit that Plaintiff Gregory Requa is a senior at Kentridge High school in the Kent School District. The Defendants likewise admit that that Plaintiff was engaged in behavior that violated "other school policies." As to the remainder of the paragraph as set forth, the

1 Defendants deny the same.

- 2 2. In answer to paragraph 2 of the Complaint, the Defendants deny the same.
- 3 3. In answer to paragraph 3 of the Complaint, as previously set forth in the Defendants'
- 4 Memorandum, the Defendants ask this court to deny the request for a temporary
- 5 restraining order and deny any allegations implicit in this request (request denied by
- 6 order of the court dated May 22, 2007).
- 7

8 **JURISDICTION**

- 9 4. In answer to paragraph 4 of the Complaint, the Defendants deny violations of the
- 10 Plaintiff's federal rights. As to the Court's jurisdiction, the Defendants admit the
- 11 same.
- 12 5. In answer to paragraph 5 of the Complaint, the Defendants admit the same.

13 **VENUE**

- 14 6. In answer to paragraph 6 of the Complaint, the Defendants admit the same.

15 **PARTIES**

- 16 7. In answer to paragraph 7 of the Complaint, the Defendants admit that Plaintiff is an
- 17 adult student in his senior year attending Kentridge High School, part of the Kent
- 18 School District. As to the remainder of the facts set forth, the Defendants lack
- 19 sufficient information as to the truth or falsity thereof and therefore deny the same.
- 20
- 21 8. In answer to paragraph 8 of the Complaint, the Defendants admit the same.
- 22 9. In answer to paragraph 9 of the Complaint, the Defendants admit the same.
- 23 10. In answer to paragraph 10 of the Complaint, the Defendants admit the same.
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FACTS

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2 11. In answer to paragraph 11 of the Complaint, the Defendants admit that Ms. Mong was  
3 an English teacher at Kentridge High School during the 2005-2006 school year. As  
4 to the remainder of the allegations set forth in paragraph 11 of the Complaint, the  
5 Defendants lack sufficient information as to the truth or falsity thereof and therefore  
6 deny the same.

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8 12. In answer to paragraph 12 of the Complaint, the Defendants lack sufficient  
9 information as to the truth or falsity thereof and therefore deny the same.

10 13. In answer to paragraph 13 of the Complaint, the Defendants lack sufficient  
11 information as to the truth or falsity thereof and therefore deny the same.

12 14. In answer to paragraph 14, the Defendants deny the same.

13 15. In answer to paragraph 15, the Defendants admit that Kentridge High School  
14 computers are unable to access YouTube.com and MySpace.com. As to the  
15 remainder of the allegations set forth in paragraph 15, the Defendants lack sufficient  
16 information as to the truth or falsity thereof and therefore deny the same.

17 16. In answer to paragraph 16, the Defendants admit the same.

18 17. In answer to paragraph 17, the Defendants admit the same.

19 18. In answer to paragraph 18, the Defendants deny the same.

20 19. In answer to paragraph 19, the Defendants deny the same.

21 20. In answer to paragraph 20, the Defendants deny the same.

22 21. In answer to paragraph 21, the Defendants admit that the Plaintiff denied involvement  
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1 in the video. As to the remainder of the allegations set forth in paragraph 21 of the  
2 Complaint, the Defendants deny the same.

3 22. In answer to paragraph 22, the Defendants deny the same.

4 23. In answer to paragraph 23, the Defendants admit that the Plaintiff was disciplined by  
5 Mr. Albrecht for harassment of a staff member, electronic use violation, disciplinary  
6 behaviors, and defiance of school authority, the last basis rooted in the belief that the  
7 Plaintiff lied when asked directly by school authorities regarding his participation in  
8 the video. As to the remainder of the allegations set forth in paragraph 23, the  
9 Defendants deny the same.

10 24. In answer to paragraph 24, the Defendants deny the same.

11 25. In answer to paragraph 25, the Defendants admit that the Plaintiff appealed  
12 disciplinary action imposed by the school and that such discipline was stayed during  
13 his administrative hearings. As to the remainder of the allegations set forth in  
14 paragraph 25, the Defendants deny the same.

15 26. In answer to paragraph 26, the Defendants admit the same.

16 27. In answer to paragraph 27, the Defendants admit that Plaintiff appealed the decision  
17 of the hearing officer to the school district board of directors, who subsequently  
18 upheld the discipline and issued findings of fact and conclusions of law supporting  
19 the decision.

20 28. In answer to paragraph 28, the Defendants admit the same to be true at the time  
21 Plaintiff filed his complaint.

1 29. In answer to paragraph 29, the Defendants deny the same.

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3 **CLAIMS**

4 30. In answer to paragraph 30, the Defendants deny the same.

5 31. In answer to paragraph 31, the Defendants deny the same.

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7 **PRAYER FOR RELIEF**

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9 1. In answer to Plaintiff's first prayer for relief, the Defendants deny that Plaintiff is  
10 entitled to injunctive relief.

11 2. In answer to Plaintiff's second prayer for relief, the Defendants deny that Plaintiff is  
12 entitled to the relief requested.

13 3. In answer to Plaintiff's third prayer for relief, the Defendants deny that Plaintiff is  
14 entitled to attorney's fees and costs.

15 4. In answer to Plaintiff's fourth prayer for relief, the Defendants deny that Plaintiff is  
16 entitled to any other relief.

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18 BY WAY OF FURTHER ANSWER AND AFFIRMATIVE DEFENSES, the Defendants allege  
19 as follows:

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21 1. The actions of the Kent School District, Dr. Barbara Grohe, and Michael Albrecht in  
22 this matter were at all times a reasonable exercise of judgment and discretion by  
23 authorized public officials made in the exercise of governmental authority entrusted  
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1 to them by law, and are not actionable.

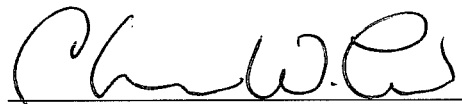
2 2. The Kent School District, Dr. Barbara Grohe, and Michael Albrecht each acted, at all  
3 times, in good faith in performance of their duties and are thus immune from suit for  
4 the claims alleged in the Plaintiff's Complaint.

5 3. Damages, if any, are barred insofar as Plaintiff failed to mitigate said damages.

6 4. The Defendants reserve the right to amend their answer to allege any and all  
7 affirmative defenses which may be asserted in answer to the allegations set forth in  
8 the Plaintiff's Complaint and/or to any facts or claims which may come to light  
9 during discovery or at time of trial.  
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11 WHEREFORE, having fully answered the allegations contained in Plaintiff's Complaint, the  
12 Defendants pray that said Complaint be dismissed with prejudice, that the costs of this  
13 proceeding be taxed against the Plaintiff, that the Defendants be afforded relief requested, and  
14 that the Defendants have such other and further relief as the Court deems just and equitable.  
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16 DATED THIS 7th day of June, 2007.

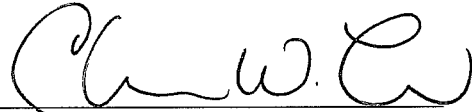
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19 Charles W. Lind WSBA No. 19974  
20 Counsel for defendants  
21 Kent School District, Barbara Grohe, and  
22 Michael Albrecht  
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**DEMAND FOR JURY TRIAL**

The Defendants hereby demand a jury trial.

DATED THIS 7th day of June, 2007.



Charles W. Lind WSBA No. 19974  
Counsel for defendants  
Kent School District, Barbara Grohe, and  
Michael Albrecht

**CERTIFICATE OF SERVICE**

I hereby certify that on June 7, 2007, I electronically filed the foregoing Answer, Affirmative Defenses, and Demand for Jury Trial with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Jeannette A. Cohen jeannette@isomedia.com

I hereby further certify that on this date I likewise served a copy of the foregoing via U.S. mail, postage prepaid, upon Counsel Jeannette A. Cohen at the following address: 17826 1<sup>st</sup> Avenue N.W., Shoreline, Washington, 98177-3405.



Colleen Kelly  
Legal Assistant