

# THE END

CLERK OF THE DISTRICT COURT  
CHANDLER COUNTY, ALABAMA

V

## JURY TRIAL DEMANDED

and VICTOR ZIMMERMAN,  
Respondent in Discovery.

2 Following the findings of *Bonhomme v St James*, 2012 IL 112383 (Ill 2012),  
Endnote 1, Plaintiff hereby gives notice that she is preserving for appeal Counts VI, VIII, IX, X,  
XI, XII, XIII, XVI, XVII, and XVIII of the original Complaint

### Facts Common to All Allegations

1 The court has personal jurisdiction hereto and subject matter jurisdiction hereof

2 The court has jurisdiction pursuant to 735 ILCS 5/2-101 where one or more the defendants joined in good faith are residents of Champaign County, Illinois, and the transaction or some part thereof occurred in Champaign County, Illinois

### *Parties*

3 Plaintiff, JANE DOE-1, is a resident of Champaign County, Illinois

4 Defendant, St Joseph-Ogden Community High School District #305 Board of Education ("St Joseph-Ogden District") (originally misidentified as St Joseph-Ogden CHSD #305 Board of Directors), is a body corporate and politic with its center of governmental operations in Champaign County and which operates St Joseph-Ogden High School in St Joseph Champaign County Illinois

5 The St Joseph-Ogden District is in charge of providing a public education to students, including numerous minors such as JANE DOE-1, through (a) oversight and supervision of all school functions, school property and school student programs and (b) the hiring, supervision, management, assignment, control and regulation of individuals who serve as staff members, including but not limited to school teachers as well as the review and supervision of curricula developed by the district, schools and teachers

6 St Joseph-Ogden District was also in charge of and responsible for the enforcement of all policies, procedures and guidelines within the St Joseph-Ogden District. This charge and responsibility included supervision and discipline of teachers and administrators including but not limited to Jon A Jamison, Chad Uphoff, Brian Brooks, and James M Acklin

7 Defendant, Jon A Jamison ("Jamison"), is a resident of Champaign County, Illinois, and at all times relevant herein was employed as a teacher's aide, school bus driver, coach, and/or teacher by the St Joseph-Ogden District

8 Defendant, Chad Uphoff ("Uphoff"), is a resident of Will County, Illinois and during the 2006-2007 school year was employed by the St Joseph-Ogden District as the Principal of St Joseph-Ogden High School located in St Joseph, Champaign County, Illinois

9 Defendant, Brian Brooks ("Brooks"), is a resident of Champaign County, Illinois and during the 2007-2008 school year and at all subsequent times relevant herein was employed by the St Joseph-Ogden District as the Principal of St Joseph-Ogden High School located in St Joseph, Champaign County, Illinois

10 Defendant, James M Acklin ("Acklin"), is a resident of Champaign County, Illinois and during the 2007-2008 school year and at all subsequent times relevant herein was employed by the St Joseph-Ogden District as the Superintendent of the St Joseph-Ogden District located in St Joseph, Champaign County, Illinois

#### *Non-Party Identities*

11 Julie Doe-1 is the mother of JANE DOE-1

12 John Doe-1 is the father of JANE DOE-1

13 Terri Rein was a counselor at St Joseph-Ogden High School during the 2006-2007 school year

14 Respondent in Discovery, Victor Zimmerman ("Zimmerman"), is a resident of Piatt County, Illinois and during the 2006-2007 school year was employed by the St Joseph-Ogden District as the Superintendent of the St Joseph-Ogden District located in St Joseph, Champaign County, Illinois Zimmerman is properly named as Respondent in Discovery

pursuant to 735 ILCS 5/2-402 because, as former Superintendent of the St Joseph-Ogden District, Zimmerman possesses certain information essential to the determination of who should properly be named as additional defendants in the present action

15 Alicia Maxey is a Champaign County Resource Officer who was assigned to St Joseph-Ogden High School during the 2007-2008 school year

16 Jane Doe-2 was a minor female student at St Joseph-Ogden High School during the 2006-2007 school year

17 Jane Doe-3 was a student at St Joseph-Ogden High School during the 2006-2007 school year

18 Jane Doe-4 was a student at St Joseph-Ogden High School during the 2006-2007 school year

19 John Doe-5 was a student at St Joseph-Ogden High School during the 2006-2007 school year

20 Jane Doe-6 was a student at St Joseph-Ogden High School during the 2006-2007 school year

21 Jane Doe-7 was a student at St Joseph-Ogden High School during the 2007-2008 school year

22 Julie Doe-7 is the mother of Jane Doe-7

#### *Definitions*

23 Sexual Grooming "Sexual grooming" includes any and all verbal and/or physical acts that constitute the process of cultivating trust with a minor for the purpose of gradually introducing sexual abuse. Sexual grooming may include playing games and/or giving of food,



alcohol, gifts, prizes or treats; and/or designation for special treatment of a minor and/or doing favors for a minor<sup>1</sup>

24 Sexual Harassment "Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in which submission to or rejection of such conduct explicitly or implicitly affects an individual's work or school performance or creates an intimidating, hostile, or offensive work or school environment<sup>2</sup>

"Sexual harassment" also includes,<sup>3</sup>

- a Unwanted pressure for sexual favors
- b Unwanted deliberate touching, leaning over, cornering, or pinching
- c Unwanted sexual looks or gestures
- d Unwanted letters, telephone calls, or materials of a sexual nature
- e Unwanted pressure for dates
- f Unwanted sexual teasing, jokes, remarks, or questions
- g Sexual comments
- h Sexual innuendos or stories
- i Asking about sexual fantasies, preferences, or history
- j Personal questions about social or sexual life
- k Sexual comments about a person's clothing, anatomy, or looks
- l Kissing sounds, howling, and smacking lips
- m Telling lies or spreading rumors about a person's personal sex life

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<sup>1</sup> Adapted from McAulinden, Anne-Marie, "Setting 'Em Up' Personal, Familial and Institutional Grooming in the Sexual Abuse of Children," Social and Legal Studies, An International Journal, p 346

<sup>2</sup> Rape, Abuse & Incest National Network <http://www.rainn.org/get-information/types-of-sexual-assault/sexual-harassment> last visited 9/5/2012

<sup>3</sup> Adapted from U N Women Watch "What is Sexual Harassment" <http://www.un.org/womenwatch/osagi/pdf/whatissh.pdf> last visited 9/5/2012

- n Neck massage
- o Touching another's clothing, hair, or body
- p Giving personal gifts
- q Hanging around a person
- r Hugging, kissing, patting, or stroking
- s Standing close or brushing up against a person
- t Looking a person up and down (elevator eyes)
- u Staring at someone
- v Facial expressions, winking, throwing kisses, or licking lips

25 Childhood Sexual Abuse "Childhood Sexual Abuse" includes any and all verbal and/or physical acts of a sexual nature performed with a minor. "Sexual Abuse" includes but is not limited to sexual conduct and penetration as defined in Section 11-0.1 of the Criminal Code of 1961. "Sexual Abuse" also includes hugging or kissing of a minor for purposes of sexual gratification, describing sexual conduct to a minor, asking a minor to commit sexual conduct, and asking the minor about any sexual matter.

26 Ministerial Act "Ministerial act" refers to acts which a person performs on a given set of facts in a prescribed manner in obedience to a legal mandate without reference to discretion as to the propriety of the act.

27 Mandated Reporting "Mandated Reporting" refers to reporting required by the Illinois Abused and Neglected Child Reporting Act, 325 ILCS 5/4 ("ANCRA"), and includes the requirement to timely report child abuse or neglect, and suspected child abuse or neglect, and risk of child abuse or neglect, to the Illinois Department of Children and Family Services ("DCFS").

28     Board Policy 5 90 "Board Policy 5 90" refers to St Joseph-Ogden District's written policy 5 90 entitled Abused and Neglected Child Reporting, which prior to December 19, 2011 stated, in relevant part "Any District employee who *suspects* or *receives knowledge* that a student *may* be an abused or neglected child *shall immediately report* such a case to the Illinois Department of Children and Family Services" (Emphasis added )

*Facts Relating to JANE DOE-1*

29     During the 2007-2008, 2008-2009, 2009-2010, and 2010-2011 school years, JANE DOE-1 was a minor female student at St Joseph-Ogden High School in St Joseph, Illinois

30     During the 2007-2008 and 2008-2009 school years, and during the summers of 2007 and 2008, JANE DOE-1 was sexually harassed, sexually groomed, and sexually abused by Jon Jamison

31     Jamison's sexual harassment, sexual grooming, and sexual abuse caused JANE DOE-1 to suffer severe bodily injury and extreme emotional distress, including fright, anguish, shock, nervousness, anxiety, feelings of guilt, sleeplessness, nightmares, depression, loss of trust, inability to concentrate, difficulty studying, loss of appetite, headaches and stomach aches, all of which will continue into the future

32     The nature of suffering incurred by JANE DOE-1 has continued through adolescence and into adulthood, will continue as she encounters relationships with individuals such as teachers and administrators who should ordinarily be trusted, and will continue as she encounters relationships of an intimate, emotional and sensual nature

33 JANE DOE-1's severe bodily injury and extreme emotional distress required psychiatric and therapeutic treatment, resulting in her being prescribed Klonopin, and will continue to require psychiatric and therapeutic treatment into the future

34 As a result of Jon Jamison's sexual harassment, sexual grooming, and sexual abuse, JANE DOE-1 has suffered and continues to suffer educational harm in that she was unable to continue her studies at Southern Illinois University Edwardsville

#### *Facts Relating to Misconduct at St. Joseph-Ogden High School*

35 Jamison, Uphoff, Brooks, and Acklin were at all times relevant herein required to abide by the Board Policy 5 90

36 Jamison, Uphoff, Brooks, and Acklin were at all times relevant herein mandated reporters under ANCRA

37 Jamison, Uphoff, Brooks, and Acklin all had explicit knowledge and understanding of the terms of ANCRA and the terms of Board Policy 5 90

38 Mandated Reporting is a ministerial act and any failure to make a mandated report is a breach of duty in performance of a ministerial act

39 Dating from 2003 and at all times thereafter, Jamison was incompetent, unfit, and dangerous for employment as teacher's aide, coach, or school bus driver because of Jamison's prior sexual assault of a minor female student

#### *The Jane Doe-2 Allegations*

40 During the 2006-2007 school year, Jane Doe-3 and Jane Doe-4 informed Terri Rein of the following acts of sexual harassment and/or sexual grooming and/or sexual abuse by Jamison against Jane Doe-2



- a Jamison provided special favors for Jane Doe-2, allowing her to sit next to him on every road trip, allowing her to wear his hat, coat, and sunglasses,
- b Jamison held Jane Doe-2's hand while he drove the school bus,
- c Jamison fed cheese cake to Jane Doe-2,
- d Jamison often walked off alone with Jane Doe-2,
- e Jamison went off alone with Jane Doe-2 during a bonfire party at Jamison's house,
- f Jamison texted or telephoned Jane Doe-2 every night,
- g Jamison hugged Jane Doe-2 while they were alone at night on a school bus,
- h Jamison blew on Jane Doe-2's face "for good luck,"
- i Jamison provided unusual personal assistance to Jane Doe-2 during practices,
- j Jamison and Jane Doe-2 had each other's picture on their cell phones

41 On information and belief the Jane Doe-2 allegations were made known to Uphoff in October, 2006

42 Uphoff did not, as required by ANCRA and as required by Board Policy 5 90, make a report to DCFS that Jane Doe-2 may have been an abused child

43 Instead, Uphoff took it upon himself to investigate the Jane Doe-2 allegations by

- a Questioning Jane Doe-3, Jane Doe-4 and their mothers regarding the allegations, and
- b Questioning Jane Doe-2 regarding the allegations

44 Uphoff made contemporaneous written notes concerning his investigation of the Jane Doe-2 allegations

45 On information and belief, Jane Doe-4's mother reported to others that she felt "demeaned" by Uphoff's questioning

46 On information and belief, Uphoff had no special training in investigating suspected child sexual abuse

47 Uphoff was not competent to investigate suspected child sexual abuse

48 Uphoff was not authorized to investigate suspected child sexual abuse

49 According to Uphoff's notes, Jane Doe-2 denied many of the allegations, but

a Admitted that Jamison allowed her to sit next to him on road trips,

b Admitted that Jamison allowed her to wear his sunglasses,

c Admitted that Jamison telephoned her weekly,

d Admitted that Jamison hugged her while they were alone at night on a school bus,

e Admitted that Jamison provided unusual personal assistance to her during practices

50 As a result of the foregoing allegations and admissions, Uphoff had actual knowledge of Jamison's sexual harassment and/or sexual grooming and/or sexual abuse of Jane Doe-2

51 Even after Jane Doe-2's admissions, Uphoff did not, as required by ANCRA and as required by Board Policy '5 90, make a report to DCFS that Jane Doe-2 may have been an abused child

52 On information and belief, Uphoff's written notes were made available to Brooks when Brooks replaced Uphoff as Principal in August, 2007

53 As a result of the aforementioned notes, Brooks had actual knowledge of Jamison's sexual harassment and/or sexual grooming and/or sexual abuse of Jane Doe-2

54 Brooks did not, as required by ANCRA and as required by Board Policy '5 90, make a report to DCFS that Jane Doe-2 may have been an abused child

55 Uphoff's written notes were made available to Acklin when Acklin replaced Zimmerman as Superintendent in August, 2007

56 As a result of the aforementioned notes, Acklin had actual knowledge of Jamison's sexual harassment and/or sexual grooming and/or sexual abuse of Jane Doe-2

57 Acklin did not, as required by ANCRA and as required by Board Policy 5 90, make a report to DCFS that Jane Doe-2 may have been an abused child

58 Following the report of the Jane Doe-2 allegations, Uphoff, Brooks and Acklin agreed that they would not make any reports under ANCRA or under the Board Policy 5 90

59 Simultaneously, Uphoff, Brooks and Acklin maintained the report concerning Jane Doe-2 in confidence and did not file any report of the conduct with law enforcement or DCFS

60 Following the report of the Jane Doe-2 allegations, neither Uphoff nor Brooks nor Acklin caused the reflection of the reports and any circumstances of investigation to be reflected in any files within the St Joseph Ogden District

61 Uphoff, Brooks, and Acklin concealed reports of Jamison's sexual harassment and/or sexual grooming and/or sexual abuse of Jane Doe-2 from parents and students including, but not limited to, JANE DOE-1 and her parents

62 Following the report of the Jane Doe-2 allegations, Uphoff, Brooks, and Acklin as well as the St Joseph Ogden District

- a Were deliberately indifferent to the safety, security and comfort of minor female students who might have been coached by or have come into contact with Jamison subsequent to the 2006-2007 school year; including, but not limited to JANE DOE-1,
- b Willfully and wantonly continued to allow minor female students, including JANE DOE-1, to come into contact with Jamison subsequent to the 2006-2007 school year,

- c Willfully and wantonly concealed Jamison's employee-on-student sexual harassment and/or sexual grooming and/or sexual abuse of minor female students prior to the 2007-2008 school year,
- d Willfully and wantonly refused and failed, under District Policy 5 90 and ANCR, to report the acts of Jamison that constituted employee-on-student sexual harassment and/or sexual grooming and/or sexual abuse,
- e Willfully and wantonly ignored the rights, duties and abilities of the parents of JANE DOE-1 to engage in parental efforts and actions to assist their child, and
- f Willfully and wantonly prevented JANE DOE-1 from receiving an education without a condition of such education being sexual harassment and/or sexual grooming and/or sexual abuse

63 Uphoff, Brooks, and Acklin all had actual knowledge of Jamison's employee-on-student sexual harassment and/or sexual grooming and/or sexual abuse of Jane Doe-2

64 Despite their express knowledge of Jamison's conduct during the 2006-2007 school year, as reported by Jane Doe-3, Jane Doe-4 and their mothers, Uphoff, Brooks, and Acklin refused and failed to record the reports of Jane Doe-3, Jane Doe-4 and their mothers in the personnel file for Jamison or to cause sufficient information to be placed with the human resources personnel for the St Joseph Ogden District so that this conduct could be placed of record

65 Dating from October 2006 and at all times thereafter, Jamison was incompetent, unfit, and dangerous for employment as teacher's aide, coach, or school bus driver because of

- a Jamison's prior sexual harassment and/or sexual grooming and/or sexual abuse of a minor female students, including Jane Doe-2,
- b Jamison's prior sexual assault of a minor female student

66 Jamison remained employed by St Joseph Ogden District through the remainder of the 2006-2007 school year



67 In August, 2007 Jamison was again hired, as a teacher's aide, coach, and school bus driver by St Joseph-Ogden District. At no time in the process of re-hiring Jamison did the St Joseph Ogden District consider the reports of Jane Doe-3, Jane Doe-4 and their mothers.

68 Despite their express knowledge of Jamison's conduct in the 2006-2007 school year, as reported by Jane Doe-3, Jane Doe-4 and their mothers, Uphoff, Brooks, and Acklin

- a did not advise, and they refused and failed to advise, other administrators, staff members, lunch room and recess supervisors, janitors and visiting student teachers of any of the allegations concerning Jane Doe-2, or of the need for communication of any circumstances from which one might conclude continuing behavior by Jamison that was consistent with the reports concerning Jane Doe-2,
- b allowed minor female students to be coached by and to come into contact with Jamison

69 At no time until 2012 did Julie Doe-1 or John Doe-1 have any communication, information or understanding concerning the reports of Jane Doe-3, Jane Doe-4, and their mothers or concerning Jamison's conduct in the 2006-2007 school year involving sexual harassment and/or sexual grooming and/or sexual abuse of minor female students including but not limited to Jane Doe-2.

70 At all times from and after the reports of Jane Doe-3, Jane Doe-4 and their mothers regarding Jane Doe-2, through the time of Jamison's arrest, Uphoff, Brooks, and Acklin were deliberately indifferent to JANE DOE-1's safety and to her learning environment.

*The JANE DOE-1 Allegations*

71 During the summer of 2007 Jamison began to flirt with JANE DOE-1.

72 During the 2007-2008 school year Jamison committed the following acts of sexual harassment and/or sexual grooming and/or sexual abuse against JANE DOE-1

- a Jamison flirted with her,
- b Jamison sent sexually suggestive texts to her,

- c Jamison made sexually suggestive telephone calls to her,
- d Jamison used an electronic social media site ("MySpace") to send her pictures of his bare chest, asking if she "liked it,"
- e On more than one occasion Jamison kissed her briefly,
- f On more than one occasion Jamison kissed her passionately,
- g Jamison attempted to shove his tongue into her mouth,
- h Jamison hugged her,
- i On more than one occasion Jamison provided her and other minor female students with alcohol,
- j On more than one occasion Jamison drank alcohol with her,
- k On more than one occasion Jamison rubbed her thigh,
- l Jamison suggested that she accompany him alone to a private house,
- m Jamison suggested that she dance provocatively for him,
- n On more than one occasion Jamison rubbed her back sensuously

73 On February 4, 2008, Julie Doe-7 informed Brooks that her daughter, Jane Doe-7, reported the following acts of sexual harassment and/or sexual grooming and/or sexual abuse by Jamison against minor female students, including JANE DOE-1

- a Jamison used MySpace to "friend" minor female students,
- b Jamison had a telephone conversation with JANE DOE-1 while JANE DOE-1 was in her bathroom,
- c Jamison "flirted" with minor female students in the lunchroom

74 As a result of the foregoing allegations, Brooks had actual knowledge of Jamison's sexual harassment and/or sexual grooming and/or sexual abuse of JANE DOE-1

75 Brooks did not, as required by ANCRA and as required by Board Policy 5 90, make a report to DCFS that JANE DOE-1 may have been an abused child

76 Instead, Brooks took it upon himself to investigate the JANE DOE-1 allegations

77 On information and belief, Brooks had no special training in investigating suspected child sexual abuse

78 Brooks was not competent to investigate suspected child sexual abuse

79 Brooks was not authorized to investigate suspected child sexual abuse

80 Brooks made contemporaneous written notes concerning his investigation of the JANE DOE-1 allegations

81 On February 4, 2008, Brooks directed Alicia Maxey to investigate Jamison's MySpace activity

82 On February 5, 2008, Brooks interviewed Jane Doe-7 about the JANE DOE-1 allegations

83 According to Brooks' notes, Jane Doe-7 communicated her belief that

- a Jamison used MySpace to "friend" minor female students,
- b Jamison had a telephone conversation with JANE DOE-1 while JANE DOE-1 was in her bathroom,

84 As a result of the foregoing JANE DOE-1 allegations and information provided by Jane Doe-7, Brooks had actual knowledge of Jamison's sexual harassment and/or sexual grooming and/or sexual abuse of JANE DOE-1

85 Even after Brooks received the foregoing additional information from Jane Doe-7, he did not, as required by ANCRA and as required by Board Policy 5 90, make a report to DCFS that JANE DOE-1 may have been an abused child

86 On February 6, 2008, Brooks confronted then 15-year-old JANE DOE-1 about Julie Doe-7's allegations

- a JANE DOE-1 was summoned out of class to the Principal's office
- b JANE DOE-1's parents were not present during Brooks' interrogation

c JANE DOE-1 was embarrassed that all of her classmates knew she had been summoned to the Principal's office

d She had never before in her life been called to the Principal's office

e She could not think of what she might have done wrong

f During the interrogation, Brooks sat in his executive chair behind his desk

g JANE DOE-1 she sat opposite the desk in a wooden chair

h Brooks' tone was stern

i Brooks' demeanor was accusatory

j Brooks repeatedly badgered JANE DOE-1 with the question, "Do you know why you're here?"

k JANE DOE-1 felt intimidated

l She was "terrified" and "really scared "

m Her mind "went blank "

n Brooks told her, "There are rumors that you are behaving inappropriately with Coach Jamison "

o JANE DOE-1 became afraid that she was about to be expelled or suspended

p She just wanted Brooks' interrogation to end

q Knowing that she and Jamison were heavily involved in sexual activity often involving alcohol, and thinking that she was sure to be punished, JANE DOE-1 instinctively denied any wrongdoing

r Tears welled up in her eyes

s Brooks told her to return to her class

t JANE DOE-1 cried on her way back to class

u By the time she returned to class, her eyes were red, and it was obvious that she had been crying

v JANE DOE-1 was embarrassed as classmates asked, "What happened?"

w She began to cry in class



87 In his interrogation of JANE DOE-1, Brooks

- a Did not treat her like a victim of child sexual abuse,
- b Treated her like a perpetrator,
- c Bullied her,
- d Behaved in an insensitive, unkind and uncaring manner,
- e Showed total disregard for and complete indifference to the physical, mental, and educational health, safety, and well-being of JANE DOE-1

88 On February 6, 2008 Brooks and Acklin questioned Jamison concerning the JANE DOE-1 allegations. During that meeting Brooks and Acklin

- a Instructed Jamison to remove all students from his MySpace page,
- b Instructed Jamison not to allow any more students access to his MySpace page,
- c Informed Jamison that his conduct was not in his best interest,
- d Informed Jamison that "if anything else came up regarding this circumstance or similar to these issues," he would be dismissed

89 Jamison informed JANE DOE-1 of his meeting with Brooks and Acklin, and informed JANE DOE-1 that they needed to "cool things down" for a while

90 On approximately February 6, 2008 Brooks' written notes were made available to Acklin

91 As a result of the aforementioned notes, and as a result of his participation in the aforementioned meeting with Jamison, Acklin had actual knowledge of Jamison's sexual harassment and/or sexual grooming and/or sexual abuse of JANE DOE-1

92 Acklin did not, as required by ANCRA and as required by Board Policy 590, make a report to DCFS that JANE DOE-1 may have been an abused child

93 Following the report of the JANE DOE-1 allegations, Brooks, and Acklin agreed that they would not make any reports under ANCRA or under the Board Policy 590

94 Simultaneously, Brooks and Acklin maintained the report concerning JANE DOE-1 in confidence and did not file any report of the conduct with law enforcement or DCFS

95 Following the report of the JANE DOE-1 allegations, neither Brooks nor Acklin caused the reflection of the reports and any circumstances of investigation to be reflected in any files within the St Joseph Ogden District

96 Brooks, and Acklin concealed reports of Jamison's sexual harassment and/or sexual grooming and/or sexual abuse of JANE DOE-1 from parents and students including, but not limited to the parents of JANE DOE-1

97 Following the report of the JANE DOE-1 allegations, Brooks, and Acklin as well as the St Joseph Ogden District

- a Were deliberately indifferent to the safety, security and comfort of minor female students who might have been coached by or have come into contact with Jamison subsequent to February 6, 2008, including but not limited to JANE DOE-1,
- b Willfully and wantonly left Jane Doe-2 in contact with Jamison during the 2007-2008 school year and continued to allow other minor female students, including JANE DOE-1, to come into contact with Jamison subsequent to the 2007-2008 school year,
- c Willfully and wantonly concealed Jamison's employee-on-student sexual harassment and/or sexual grooming and/or sexual abuse of minor female students that occurred during and prior to the 2007-2008 school year,
- d Willfully and wantonly refused and failed, under District Policy 5 90 and ANCRA, to report the acts of Jamison against JANE DOE-1 that constituted employee-on-student sexual harassment and/or sexual grooming and/or sexual abuse,
- e Willfully and wantonly ignored the rights, duties and abilities of the parents of JANE DOE-1 to engage in parental efforts and actions to assist their daughter, JANE DOE-1, and
- f Willfully and wantonly prevented JANE DOE-1 from receiving an education without a condition of such education being sexual harassment and/or sexual grooming and/or sexual abuse

98 Brooks and Acklin each had actual knowledge of Jamison's employee-on-student sexual harassment and/or sexual grooming and/or sexual abuse of JANE DOE-1

99 Despite their express knowledge of Jamison's conduct during the 2007-2008 school year, as reported by Julie Doe-7 and Jane Doe-7, Brooks and Acklin refused and failed to record the reports of Julie Doe-7 and Jane Doe-7 in the personnel file for Jamison or to cause sufficient information to be placed with the human resources personnel for the St Joseph Ogden District so that this conduct could be placed of record

100 Dating from February 4, 2008 and at all times thereafter, Jamison was incompetent, unfit, and dangerous for employment as teacher's aide, coach, or school bus driver because of

a Jamison's prior sexual harassment and/or sexual grooming and/or sexual abuse of a minor female students, including Jane Doe-2 and JANE DOE-1,

b Jamison's prior sexual assault of a minor female student

101 Jamison remained employed by St Joseph Ogden District through the remainder of the 2007-2008 school year

102 In August, 2008, Jamison was again hired as a teacher's aide, coach, and school bus driver by St Joseph-Ogden District

103 At no time in the August, 2008 process of re-hiring Jamison did the St Joseph Ogden District consider the reports of Jane Doe-3, Jane Doe-4 and their mothers regarding Jane Doe-2, nor the reports of Julie Doe-7 and Jane Doe-7 regarding JANE DOE-1

104 In August, 2009 Jamison was again hired as a coach and school bus driver by St Joseph-Ogden District



105 At no time in the August, 2009 process of re-hiring Jamison did the St. Joseph Ogden District consider the reports of Jane Doe-3, Jane Doe-4 and their mothers regarding Jane Doe-2, nor the reports of Julie Doe-7 and Jane Doe-7 regarding JANE DOE-1

106 In August, 2010 Jamison was again hired as a teacher's aide, coach, and school bus driver by St. Joseph-Ogden District

107 At no time in the August, 2010 process of re-hiring Jamison did the St. Joseph Ogden District consider the reports of Jane Doe-3, Jane Doe-4 and their mothers regarding Jane Doe-2, nor the reports of Julie Doe-7 and Jane Doe-7 regarding JANE DOE-1

108 During the summer of 2008 and during the 2008-2009, 2009-2010, and 2010-2011 school years, Jamison committed the following acts of sexual harassment and/or sexual grooming and/or sexual abuse against JANE DOE-1

- a Jamison flirted with her,
- b Jamison asked her to go into the girl's locker room with him,
- c Jamison kissed her

109 Despite their express knowledge of Jamison's conduct in the 2007-2008 school year as reported by Julie Doe-7 and Jane Doe-7 regarding JANE DOE-1, Brooks, and Acklin

- a did not advise, and they refused and failed to advise, other administrators, staff members, lunch room and recess supervisors, janitors and visiting student teachers of any of the allegations concerning JANE DOE-1, or of the need for communication of any circumstances from which one might conclude continuing behavior by Jamison that was consistent with the reports concerning JANE DOE-1,
- b allowed minor female students to be coached by and to come into contact with Jamison

110 At no time until 2012 did Julie Doe-1 or John Doe-1 have any communication, information or understanding concerning the reports of Jane Doe-3, Jane Doe-4 and their mothers or concerning Jamison's conduct in the 2007-2008 school year involving sexual



sexual grooming and/or sexual abuse of minor female students including but not limited to JANE DOE-1

111 At all times from and after the reports of Julie Doe-7 and Jane Doe-7 regarding JANE DOE-1, through Jamison's arrest, Brooks, and Acklin were deliberately indifferent to JANE DOE-1's safety and to her learning environment

112 Uphoff, Brooks, and Acklin aided and abetted Jamison in his sexual grooming, sexual harassment and sexual abuse of JANE DOE-1

113 On February 7, 2012, Jamison was charged with Criminal Sexual Assault (720 ILCS 5/12-13(a)(4)) of minor female student at St. Joseph-Ogden High School as a result of incidents that occurred in 2003 and 2006

114 Jamison continued to sexually harass and/or sexually groom and/or sexually abuse minor female students, including JANE DOE-1, until his arrest on February 7, 2012

115 Uphoff, Brooks, and Acklin aided and abetted Jamison in his sexual grooming, sexual harassment and sexual abuse of JANE DOE-1

COUNT 1  
Battery  
(JANE DOE-1 v. Jamison)

Plaintiff, JANE DOE-1, by and through her attorney pleads this Count 1 against the Defendant Jon A. Jamison, in the alternative to all other Counts contained herein, as follows

1-115 Plaintiff incorporates by reference paragraphs 1 through 115 and all sub-parts of  
Facts Common to All Allegations previously stated herein

116 At all relevant times Jamison acted with intent to make physical contact of an insulting or provoking nature with JANE DOE-1

117 Between summer 2008 and fall 2009, Jamison made physical contact of an insulting or provoking nature with JANE DOE-1 by hugging, kissing, and caressing her

118 Jamison's batteries of JANE DOE-1 were done with deliberate violence and oppression and were willful, wanton and malicious and were part of a pattern of ongoing and escalating misconduct

119 Jamison's batteries of JANE DOE-1 used his power and authority as her coach and school bus driver

120 Jamison's batteries of JANE DOE-1 were committed on the premises of St. Joseph-Ogden High School, St. Joseph, Illinois and/or while attending official school functions

121 Jamison's batteries against JANE DOE-1 caused JANE DOE-1 to suffer ongoing injury and severe emotional distress and educational harm that will continue into the future

WHEREFORE, Plaintiff respectfully prays this Court enter judgment in favor of Plaintiff, JANE DOE-1, and against Defendant Jon A. Jamison for compensatory damages in excess of \$50,000.00, and for other such relief as this Court deems just and proper

COUNT II-  
Illinois Hate Crime, 720 ILCS 5/12-7.1  
(JANE DOE-1 v. Jamison)

Plaintiff, JANE DOE-1, by and through her attorney pleads this Count II against the Defendant Jon A. Jamison, in the alternative to all other Counts contained herein, as follows

1-115 Plaintiff incorporates by reference paragraphs 1 through 115 and all sub-parts of Facts Common to All Allegations previously stated herein

122 Between summer 2008 and fall 2010, Jamison made physical contact of an insulting or provoking nature with JANE DOE-1 by hugging, kissing, and caressing her

123 Jamison's batteries against JANE DOE-1 were hate crimes in that

124 They were motivated in whole or in part by JANE DOE-1's gender, and,

125 They used his power and authority as her coach and school bus driver

126 Jamison's hate crimes of JANE DOE-1 were committed on the premises of St Joseph-Ogden High School, St Joseph, Illinois and/or while attending official school functions

127 720 ILCS 5/12-7.1 allows JANE DOE-1 a private right of action against Jamison for actual damages, including damages for emotional distress, or punitive damages, plus attorney's fees and costs

128 Jamison's hate crimes against JANE DOE-1 caused JANE DOE-1 to suffer ongoing injury and severe emotional distress and educational harm that will continue into the future

WHEREFORE, Plaintiff respectfully prays this Court enter Judgment in favor of Plaintiff, JANE DOE-1, and against Defendant Jon A. Jamison for compensatory damages in excess of \$50,000.00, and for other such relief as this Court deems just and proper

**COUNT III**  
**Illinois Hate Crime, 720 ILCS 5/12-7.1**  
**(JANE DOE-1 v St. Joseph-Ogden District (Respondent Superior))**  
**(Dismissed with Prejudice by the Court)**

**COUNT IV**  
**Intentional Infliction of Emotional Distress**  
**(JANE DOE-1 v Uphoff, Brooks, and Acklin)**

Plaintiff, JANE DOE-1, by and through her attorney pleads this Count IV against the Defendants Chad Uphoff, Brian Brooks, and James M Acklin, in the alternative to all other Counts contained herein, as follows

1-115 Plaintiff incorporates by reference paragraphs 1 through 115 and all sub-parts of Facts Common to All Allegations previously stated herein

129 After October 2006, Uphoff, Brooks, and Acklin committed the following extreme and outrageous acts against JANE DOE-1

- a Uphoff, Brooks, and Acklin all agreed to conceal and avoid disclosure of the reports and incidents involving Jamison and Jane Doe-2 and JANE DOE-1
- b Uphoff, Brooks, and Acklin acted as alleged above,
- c Uphoff, Brooks, and Acklin proceeded, without complying with St Joseph-Ogden District policies and procedures, to continue Jamison in his position as a teacher's aide, coach, and school bus driver under circumstances where Jamison was unsupervised and beyond even the most basic observation during times of practice, school-sponsored events, and gym Yet these individuals promoted the safety and security of Jamison's coaching and supervisory abilities and actions while allowing minor female students to be coached by him and to come into contact with him,
- d Uphoff, Brooks, and Acklin furthered their agreement and understanding to bury the Jamison history of sexual harassment, sexual abuse and sexual grooming of minor female students by failing and refusing to communicate these circumstances to other teachers and staff members throughout the St Joseph-Ogden District so that they were aware of the risk posed to minor female students by Jamison, and by failing and refusing to coordinate internal school communications among staff,



teachers and counselors as well as parents concerning minor female coached by Jamison or in contact with Jamison, and

- e. Uphoff, Brooks, and Acklin intentionally acted to defer that date on which minor female students who were coached by or who came into contact with Jamison, including JANE DOE-1, would obtain information sufficient to allow them to communicate with their parents concerning Jamison's sexual harassment, sexual abuse and sexual grooming and to seek treatment, counseling or other assistance, and
- f. Uphoff, Brooks, and Acklin intentionally acted to defer that date on which law enforcement authorities or DCFS might conduct investigations of a criminal, quasi-criminal, or civil nature

130 The acts and omissions of Uphoff, Brooks, and Acklin were done willfully, maliciously, outrageously, deliberately and purposefully with intention and the result was the infliction of severe emotional distress upon JANE DOE-1

131 These acts and omissions were carried out with reckless disregard and indifference of the high probability of causing JANE DOE-1 severe emotional distress

132 The acts and omissions of Uphoff, Brooks, and Acklin did, in fact, result in severe emotional distress to JANE DOE-1

133 As a direct and proximate result of the acts and omissions of Uphoff, Brooks, and Acklin, JANE DOE-1 was caused to suffer severe bodily injury and extreme emotional distress, including fright, anguish, shock, nervousness, anxiety, feelings of guilt, sleeplessness, nightmares, depression, loss of trust, inability to concentrate, difficulty studying, loss of appetite, headaches and stomach aches, all of which will continue into the future, as well as educational harm in that she was unable to continue her studies at Southern Illinois University Edwardsville

134 The nature of suffering incurred by JANE DOE-1 has continued through adolescence and into adulthood, will continue as she encounters relationships with individuals such as teachers and administrators who should ordinarily be trusted, and will continue as she encounters relationships of an intimate, emotional and sensual nature

135 JANE DOE-1's severe bodily injury and extreme emotional distress required psychiatric and therapeutic treatment, resulting in her being prescribed Klonopin, and will continue to require psychiatric and therapeutic treatment into the future

WHEREFORE, Plaintiff respectfully pray this Court enter Judgment in favor of Plaintiff, JANE DOE-1, and against Defendants Chad Uphoff, Brian Brooks, and James M Acklin, for compensatory damages in excess of \$50,000 00, and for other such relief as this Court deems just and proper

**COUNT V.**  
**Intentional Infliction of Emotional Distress**  
**(JANE DOE-1 v St. Joseph-Ogden District (Respondeat Superior))**

Plaintiff, JANE DOE-1, by and through her attorney pleads this Count V against the Defendant St Joseph-Ogden CHSD #305 Board of Education, in the alternative, to all other Counts contained herein, as follows

1-115 Plaintiff incorporates by reference paragraphs 1 through 115 and all sub-parts of Facts Common to All Allegations previously stated herein

136 Uphoff's, Brooks's, and Acklin's extreme and outrageous conduct towards JANE DOE-1, as set forth in Count IV above, was done within the scopes of their employments and in the service of the St Joseph-Ogden District

137 The St Joseph-Ogden District, through the actions and omissions of its agents and representatives who were policy makers in their respective positions (namely, Acklin) authorized and ratified the conduct of Uphoff and Brooks

138 St Joseph-Ogden District is liable for the Jamison's, Uphoff's, Brooks's, and Acklin's extreme and outrageous conduct under the doctrine of *respondeat superior*

COUNT VI.  
Negligent Hiring (Ministerial Act Regarding Prior Complaints of Jamison's Conduct)  
(JANE DOE-1 v. St. Joseph-Ogden District)  
(Dismissed with Prejudice by the Court)

COUNT VII  
Willful and Wanton Negligent Supervision  
(JANE DOE-1 v. St. Joseph-Ogden District)

Plaintiff, JANE DOE-1, by and through her attorney pleads this Count VIII against the Defendant St. Joseph-Ogden CHSD #305 Board of Education, in the alternative to all other Counts contained herein, as follows

1-115 Plaintiff incorporates by reference paragraphs 1 through 115 and all sub-parts of Facts Common to All Allegations previously stated herein

139 At all relevant times, St. Joseph-Ogden District acted through its agents and employees

140 At all relevant times, St. Joseph-Ogden District owed a duty of to supervise Jamison when he was dealing with students. Specifically, St. Joseph-Ogden District had a duty to JANE DOE-1 to supervise Jamison to ensure the safety of JANE DOE-1 from the injury that Jamison inflicted on JANE DOE-1 as described above

141 St. Joseph-Ogden District breached its duty of supervision over Jamison by not supervising Jamison adequately, in that



female students, including JANE DOE-1,

i Jamison was permitted to provide alcohol to female students,  
including JANE DOE-1,

j Jamison was permitted to drink alcohol with female students,  
including JANE DOE-1,

k Jamison was permitted to sexually harass and/or sexually groom  
and/or sexually abuse female students, including JANE DOE-1

142 St Joseph-Ogden District's omission and/or poor performances of the ministerial  
acts of reporting to DCFS and seeking further information concerning prior complaints of  
Jamison's conduct caused JANE DOE-1 to suffer sexual harassment and/or sexual grooming  
and/or sexual abuse

143 St Joseph-Ogden District's breach of its supervisory duty to JANE DOE-1 caused  
JANE DOE-1 to suffer severe bodily harm and emotional distress and educational harm, all of  
which will continue into the future



Edwardsville

146 The nature of suffering incurred by JANE DOE-1 has continued through adolescence and into adulthood, will continue as she encounters relationships with individuals such as teachers and administrators who should ordinarily be trusted, and will continue as she encounters relationships of an intimate, emotional and sensual nature

147 JANE DOE-1's severe bodily injury and extreme emotional distress required psychiatric and therapeutic treatment, resulting in her being prescribed Klonopin, and will continue to require psychiatric and therapeutic treatment into the future

148 The actions and inactions in breach of St Joseph-Ogden District's duties as referenced above were in conscious disregard for and utter indifference to the safety and well-being of minor female students, including JANE DOE-1

149 The actions and inactions of St Joseph-Ogden District were willful and wanton and in violation of the duties noted in the above paragraphs, and proximately caused the injuries to JANE DOE-1

WHEREFORE, Plaintiff respectfully prays this Court enter Judgment in favor of Plaintiff, JANE DOE-1, and against Defendant St Joseph-Ogden CHSD #305 Board of Directors for compensatory damages in excess of \$50,000 00, and for other such relief as this Court deems just and proper

COUNT VIII.

Negligent Retention

(JANE DOE-1 v. St Joseph-Ogden District)  
(Dismissed with Prejudice by the Court)

COUNT IX.

Premises Liability

(JANE DOE-1 v St Joseph-Ogden District)  
(Dismissed with Prejudice by the Court)

COUNT X.

Negligence- Ministerial Act Mandated Reporting

(JANE DOE-1 v. Uphoff, Brooks, and Acklin)  
(Dismissed with Prejudice by the Court)

COUNT XI.

Negligence- Ministerial Act Mandated Reporting

(JANE DOE-1 v St Joseph-Ogden District (Respondeat Superior))  
(Dismissed with Prejudice by the Court)

COUNT XII.

Willful and Wanton Mandated Reporting Failures

(JANE DOE-1 v. Uphoff, Brooks, and Acklin)  
(Dismissed with Prejudice by the Court)

COUNT XIII.

Willful and Wanton Mandated Reporting Failures

(JANE DOE-1 v St Joseph-Ogden District (Respondeat Superior))  
(Dismissed with Prejudice by the Court)



**COUNT XIV**  
**Willful and Wanton Indifference to Known Sexual Harassment**  
**(JANE DOE-1 v Uphoff, Brooks, and Acklin)**

Plaintiff, JANE DOE-1, by and through her attorney pleads this Count XIV against the Defendants Chad Uphoff, Brian Brooks, and James M Acklin, in the alternative to all other Counts contained herein, as follows

1-115 Plaintiff incorporates by reference paragraphs 1 through 115 and all sub-parts of Facts Common to All Allegations previously stated herein

150 At all relevant times, Uphoff, Brooks, and Acklin had a duty of reasonable care towards JANE DOE-1 and other female minor students

151 At all relevant times, St Joseph-Ogden District had actual notice of sexual harassment and/or sexual grooming and/or sexual abuse suffered by JANE DOE-1 St Joseph-Ogden District's actual notice includes, but is not limited to

- a The 2006-2007 school year reports by JANE DOE-3 and JANE DOE-4 of sexual harassment and/or sexual grooming and/or sexual abuse by Jamison against JANE DOE-2,
- b The February 2008 report by JANE DOE-8 and JANE DOE-7 of sexual harassment and/or sexual grooming and/or sexual abuse by Jamison against minor female students, including JANE DOE-1

152 Uphoff, Brooks, and Acklin were indifferent to their actual knowledge of Jamison's sexual harassment and/or sexual grooming and/or sexual abuse

153 Uphoff, Brooks, and Acklin failed to report or investigate Jamison's sexual harassment and/or sexual grooming and/or sexual abuse

154 Uphoff's, Brooks', and Acklin's indifference to actual knowledge of Jannson's sexual harassment and/or sexual grooming and/or sexual abuse caused JANE DOE-1 to suffer further and additional sexual harassment and/or sexual grooming and/or sexual abuse.

155 Uphoff's, Brooks', and Acklin's indifference to actual knowledge of Jannson's sexual harassment and/or sexual grooming and/or sexual abuse was done in reckless disregard of JANE DOE-1's and other minor female students' safety.

156 At all times relevant, it was reasonably foreseeable that Uphoff's, Brooks', and Acklin's indifference to actual knowledge of Jannson's sexual harassment and/or sexual grooming and/or sexual abuse would cause harm to minor female students, including JANE DOE-1.

157 Uphoff's, Brooks', and Acklin's misconduct caused JANE DOE-1 to suffer severe bodily harm and emotional distress and educational harm, all of which will continue into the future.

158 Uphoff's, Brooks', and Acklin's actions and omissions were willful and wanton behavior, with complete and gross disregard for and utter indifference to JANE DOE-1's safety and well-being.

WHEREFORE, Plaintiff respectfully prays this Court enter Judgment in favor of Plaintiff, JANE DOE-1, and against Defendants Chad Uphoff, Brian Brooks, and James M Acklin, for compensatory damages in excess of \$50,000.00, and for other such relief as this Court deems just and proper.



**COUNT XV**  
**Willful and Wanton Indifference to Known Sexual Harassment**  
**(JANE DOE-1 v St Joseph-Ogden District (Respondeat Superior))**

Plaintiff, JANE DOE-1, by and through her attorney pleads this Count XV against the Defendant St Joseph-Ogden CHSD #305 Board of Education, in the alternative to all other Counts contained herein, as follows:

1-115 Plaintiff incorporates by reference paragraphs 1 through 115, and all sub-parts of Facts Common to All Allegations previously stated herein

159 Uphoff's, Brooks's, and Acklin's willful and wanton indifference to actual knowledge of Jamison's sexual harassment and/or sexual grooming and/or sexual abuse of JANE DOE-1 as set forth in Count XIV above was done within the scopes of their employments and in the service of St Joseph-Ogden District

160 St Joseph-Ogden District, is liable for Uphoff's, Brooks's, and Acklin's willful and wanton indifference to known sexual harassment under the doctrine of *respondeat superior*

WHEREFORE, Plaintiff respectfully prays this Court enter Judgment in favor of Plaintiff, JANE DOE-1, and against Defendant St Joseph-Ogden CHSD #305 Board of Education for compensatory damages in excess of \$50,000.00 and for other such relief as this Court deems just and proper

**COUNT XVI**  
**Conspiracy to Violate Mandated Reporting Act**  
**(JANE DOE-1 v Uphoff and Acklin)**  
**(Dismissed with Prejudice by the Court)**

**COUNT XVII**  
**Conspiracy to Violate Mandated Reporting Act**  
**(JANE DOE-1 v Brooks, and Acklin)**  
**(Dismissed with Prejudice by the Court)**

COUNT XVIII.  
Conspiracy to Violate Mandated Reporting Act  
(JANE DOE-1 v. St. Joseph-Ogden District (Respondeat Superior))  
(Dismissed with Prejudice by the Court)

COUNT XIX  
State-Created Danger  
(JANE DOE-1 v. St. Joseph-Ogden District)  
(Dismissed with Prejudice by the Court)

Respectfully submitted

JANE DOE-1, Plaintiff,

By Thomas A. Bruno and Associates

A handwritten signature in black ink, appearing to read 'Thomas Bruno', written over a horizontal line.

Thomas Bruno  
Attorney for Plaintiff

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