

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

L.Y., a minor, by and through her
father as next friend, **F.Y.**,
Plaintiff,

v.

**Cherry Creek School District;
Cherry Creek School District
Board of Education; Christopher
Smith**, individually and in his
official capacity as Superintendent of
Cherry Creek School District; **Omar
Montgomery**, individually and in
his official capacity as Director of
Community Engagement in the
Department of Equity, Culture and
Community Engagement; **Lissa
Staal**, individually and in her official
capacity as Principal of Campus
Middle School; **Dan Hanson**,
individually and in his official
capacity as Assistant Principal of
Campus Middle School; **Aoi
Jackson**, individually and in her
official capacity as Assistant
Principal of Campus Middle School
Defendants.

Case No. 1:26-cv-1955

COMPLAINT

1. This case concerns Cherry Creek School District’s and Cherry Creek School District Board of Education’s (collectively, the “District” or “District Defendants”) egregious violation of a fourteen-year-old student’s constitutional rights. The District suspended the minor Plaintiff L.Y. for two months and

threatened her with expulsion for engaging in speech protected by the First Amendment. The District's discriminatory actions were motivated by race, and thus violated Plaintiff's right to equal protection of the law under the Fourteenth Amendment.

2. On or about November 24, 2023, during Thanksgiving break, Plaintiff recorded a video on her personal cell phone at an off-campus gathering that was not school-sponsored, in which two of her classmates, while visibly intoxicated, used racially offensive language. Plaintiff did not use any offensive language in the video. Plaintiff is Asian. A few days later, on or about November 27, 2023, at the request of a black classmate, M.J., Plaintiff shared the video via Apple AirDrop to that single classmate.

3. M.J. subsequently shared the video with her older sister, a student at Cherry Creek High School, who posted the video to Snapchat, tagging Plaintiff and the other two students, with additional racially charged commentary. M.J. also forwarded the video to her mother, who then contacted the Rocky Mountain NAACP. When combined, these actions resulted in the video going viral. It was the wider distribution by M.J. and her sister—not Plaintiff's limited sharing—that caused any alleged disruption to the school environment.

4. Despite this, the District shockingly suspended Plaintiff for approximately two months and initiated expulsion proceedings against her. Meanwhile, M.J. and her sister received no disciplinary consequences whatsoever.

5. Recordings reveal District administrators admitting they were ordered by high-level District officials not to discipline M.J., the party who widely shared and broadcast the video in question, because of her race and her family's connections to the District's Diversity, Equity, and Inclusion ("DEI") programs. This disparate treatment of punishing an Asian student harshly while declining to discipline a black student for substantially similar or worse conduct constitutes intentional race discrimination in violation of the Equal Protection Clause.

6. The District's actions have caused Plaintiff severe and lasting harm, including social isolation, bullying, threats to her safety, mental health deterioration, academic decline, and ongoing truancy issues. Plaintiff seeks declaratory and injunctive relief, compensatory and punitive damages, nominal damages, and attorneys' fees.

JURISDICTION AND VENUE

7. The Court has subject-matter jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. § 1343. Jurisdiction supporting Plaintiff's claims for attorney fees and costs is conferred by 42 U.S.C. § 1988.

8. Venue is proper because a substantial part of the events giving rise to the claims occurred in this judicial district. *See* 28 U.S.C. § 1391(b)(2).

PARTIES

9. Plaintiff L.Y. is a minor child, a resident of Englewood, Colorado, and a middle school student in Cherry Creek School District at all times relevant to her

claims. She brings this lawsuit through her next friend and father, F.Y., pursuant to Fed. R. Civ. P. 17(c).

10. Defendant Cherry Creek School District is a political subdivision of the State of Colorado, with its principal office located at 4700 S. Yosemite St., Greenwood Village, Colorado 80111.

11. Defendant Cherry Creek School District Board of Education is the governing body that oversees the Cherry Creek School District, with its principal office located at 4700 S. Yosemite St., Greenwood Village, Colorado 80111.

12. Defendant Christopher Smith is the former Superintendent of Cherry Creek School District and held the position at all times relevant to this complaint. He is named as a Defendant in this action. He is sued individually and in his official capacity (“Superintendent Smith”).

13. Defendant Omar Montgomery is the Director of Community Engagement in the Department of Equity, Culture, and Community Engagement of Cherry Creek School District and held the position at all times relevant to this complaint. He is named as a Defendant in this action. He is sued individually and in his official capacity (“Director Montgomery”).

14. Defendant Lissa Staal is the former Principal of Campus Middle School and held the position at all times relevant to this complaint. She is named as a Defendant in this action. She is sued individually and in her official capacity (“Principal Staal”).

15. Defendant Dan Hanson is the former Assistant Principal of Campus Middle School and held the position at all times relevant to this complaint. He is named as a Defendant in this action. He is sued individually and in his official capacity (“Assistant Principal Hanson”).

16. Defendant Aoi Jackson is the former Assistant Principal of Campus Middle School and held the position at all times relevant to this complaint. She is named as a Defendant in this action. She is sued individually and in her official capacity (“Assistant Principal Jackson”).

FACTUAL BACKGROUND

I. Plaintiff’s Background

17. At the time of the events described herein, Plaintiff was fourteen years old and in the eighth grade at Campus Middle School.

18. Campus Middle School is a school within the District.

19. Plaintiff is Asian.

20. Plaintiff is a child of divorced parents who have been engaged in a high-conflict custody battle since 2015. The protracted divorce proceedings have had a devastating impact on Plaintiff’s emotional and psychological well-being.

21. On September 28, 2023, just two months before the incident at issue, Plaintiff attempted suicide. She was found vomiting in the Campus Middle School bathroom after cutting herself and ingesting several pills. She was admitted to the hospital on a 72-hour mental health hold and subsequently transferred to an inpatient psychiatric unit, where she remained until October 8, 2023.

22. During her inpatient treatment, Plaintiff was diagnosed with major depressive disorder, recurrent, severe without psychotic features. Plaintiff's treatment team noted her "extremely challenging upbringing" and opined that she was "at an exceptionally high risk for another significant event" without a safe plan in place.

23. Following her discharge from the psychiatric hospital, Plaintiff participated in intensive outpatient therapeutic services.

24. Prior to the November 2023 incident, Plaintiff had a limited disciplinary history consisting of minor infractions typical of middle school students.

25. Notably, in December 2022, Plaintiff was the victim of racial harassment when another student told her, "shut up, chink." It is unclear whether the perpetrator of this racist statement directed at Plaintiff received any punishment.

II. The November 24, 2023 Incident

26. On or about November 24, 2023, Plaintiff attended an off-campus gathering at a classmate's house.

27. While at the gathering, two of Plaintiff's classmates consumed alcohol and became visibly intoxicated. While intoxicated, these two classmates repeatedly used the N-word and made other statements, including "I'm not racist," "please don't blackmail me," "I like black people," "he's not from Nicaragua," and "Snickers."

28. Plaintiff recorded a short video on her phone capturing some of this banter. The video did not identify the school or target a specific member of the school community, nor did it include any weapons.

29. In the video, Classmate 1 is white, and Classmate 2 is Hispanic.

30. The comments made by Classmates 1 & 2, while categorically inappropriate, appeared to be misguided attempts at humor by intoxicated minors.

31. Critically, Plaintiff herself did not use the N-word or any other derogatory or offensive language in the video.

III. The Video is Distributed Among Cherry Creek School District Students and Faculty

32. On or about November 27, 2023, Plaintiff returned to school at Campus Middle School after Thanksgiving Break.

33. During lunch period on that day, M.J., a black student, asked Plaintiff to share the video with her. Plaintiff complied with M.J.'s request and shared the video with her via Apple AirDrop, transmitting it to a single person on a private device.

34. Plaintiff shared the video with M.J. alone and did not share it more broadly or post it to social media.

35. M.J. then shared the video with her mother and older sister, who was a Senior at Cherry Creek High School.

36. Both M.J.'s mother and sister are also black.

37. M.J. also reported the video to Campus Middle School Security Specialist Lesly Singleton, who then reported it to the Dean's Office.

38. On or about November 27, 2023, M.J.'s sister posted the video to her public Snapchat story, tagging Plaintiff and Classmates 1 & 2, and stating, "This is why I don't fuck with white people."

39. The video then spread among the student population at both Campus Middle School and Cherry Creek High School, resulting in direct threats against Plaintiff.

40. As a result of these threats, Plaintiff feared for her safety and suffered emotional and psychological stress.

IV. The District's Investigation and Discipline of Plaintiff

41. On or about November 27, 2023, Plaintiff was subsequently called to the Dean's Office, where Deans Jeffrey Neises and Patrick Hogarty ("Deans") inquired why Plaintiff had sent the video to M.J.

42. The Deans instructed Plaintiff to write a statement regarding the video, and she complied.

43. The Deans also requested M.J. to write a statement, and she complied.

44. Digital copies of the video were voluntarily shared with the Dean's Office by Plaintiff and at least one other student.

45. On or about November 27, 2023, the Deans called Plaintiff's father, F.Y., informing him that Plaintiff was being suspended through the following day.

46. On or about November 28, 2023, school officials contacted F.Y. and informed him that Plaintiff's suspension was being extended through the rest of the week.

47. On November 30, 2023, Shelby Schneebeck, Assistant Principal, contacted F.Y. and informed him that the Rocky Mountain National Association for the Advancement of Colored People ("NAACP") had obtained the video, posted the video on its social media to make an example of Plaintiff, and, according to the social media post, would be issuing a press release on the video.

48. On information and belief, M.J.'s mother is the individual who shared the video with the Rocky Mountain NAACP, which was then picked up by several media outlets.

49. On December 1, 2023, Principal Staal called F.Y. and informed him that Plaintiff was suspended for 10 days and was being recommended for expulsion.

50. Also on December 1, 2023, Assistant Principal Hanson instructed school personnel not to address the matter in electronic communications due to concerns about public records requests and adverse publicity.

51. On or about December 5, 2023, Deputy Superintendent Jennifer Perry, on authority granted to her by Superintendent Smith, sent a letter to Plaintiff's parents notifying them that Plaintiff's suspension period would be extended for nine additional school days, through January 9, 2024, pending an expulsion review hearing.

52. Deputy Superintendent Perry’s letter specifically states that “the Board of Education authorizes the superintendent to extend the suspension period pending an expulsion review hearing for additional days to allow for completion of the process.”

53. On December 13, 2023, Superintendent Smith sent an email to the Cherry Creek Schools Community about “instances of students using hurtful and offensive language, including racial slurs.” In the email, Superintendent Smith states, “the use of hateful language, including the ‘N word,’ is unacceptable. Recently, we have had instances of racist videos that were created off-campus and caused disruption of the learning environment. Students engaging in this type of behavior have and will face consequences. These can range from restorative practices up to suspension and/or expulsion from school.”

54. An expulsion packet dated December 18, 2023, was prepared by Assistant Principal Hanson and the Deans for Plaintiff’s expulsion hearing.

55. On information and belief, Defendants Smith, Montgomery, Staal, Hanson, and Jackson all knowingly participated, to some degree, in the decision to discipline Plaintiff while protecting M.J. from discipline.

56. On information and belief, Defendants Smith, Montgomery, Staal, Hanson, and Jackson knew that taking such action was a violation of Plaintiff’s constitutional rights.

57. In total, Plaintiff was suspended from school for approximately a month and a half – from late November 2023 through mid-January 2024.

58. On January 10, 2024, Plaintiff's expulsion hearing was held.

59. The District charged Plaintiff with disrupting school operations and violating multiple policies, including: (a) Violation of the District's Violent and Aggressive Behavior Policy; (b) Engaging in verbal abuse; (c) Behavior detrimental to the welfare, safety or morals of other students or school personnel; (d) Engaging in discriminatory slurs; and (e) Cyberbullying.

60. The basis for the District's charges was that Plaintiff had "recorded and distributed" a video depicting other students using discriminatory slurs and that "the distribution of this video caused a significant disruption to the CMS learning environment."

V. Legal Representation and First Amendment Defense

61. On December 11, 2023, F.Y. retained counsel to represent Plaintiff in the expulsion proceedings, paying a \$5,000 retainer.

62. On December 20, 2023, Plaintiff's counsel sent a letter to the District arguing that the conduct at issue was protected by the First Amendment.

63. The letter emphasized that: (a) Plaintiff did not herself use the N-word or any other offensive language in the video; (b) Plaintiff shared the video with only a single person via private device at that person's request; (c) the video was recorded off-campus during Thanksgiving break; (d) there was no evidence that Plaintiff's limited act of sharing the video with one person caused substantial disruption to the school environment; and (e) to the extent there was any disruption, it was caused by M.J.'s sister publicly posting the video on Snapchat.

64. The District rejected the First Amendment argument and proceeded with the expulsion hearing despite full knowledge of these arguments.

VI. The District Votes Not to Expel Plaintiff

65. On January 19, 2024, Superintendent Smith sent a letter to Plaintiff's parents and informed them that Plaintiff would not be expelled from the Cherry Creek School District and that her suspension would be concluded upon the completion of re-entry agreements with Campus Middle School.

66. As of the filing of this suit, the suspension remains on Plaintiff's record.

67. As of the filing of this suit, neither M.J. nor her sister received any discipline, despite also sharing the video and despite the latter's distribution of the video on social media, which was the proximate cause of any "disruption" to school activities.

68. According to school officials, the reasons for not disciplining M.J. or her sister were due to such factors as the "whiteness of the school" and the need to view behavior by black students through a "culturally responsive lens" and make decisions on discipline with race and equity in mind.

69. On information and belief, Assistant Principal Jackson identified M.J. as a victim of the video's distribution and, accordingly, recommended that M.J. not be punished despite her similar behavior.

70. On information and belief, during a weekly leadership team meeting, Principal Staal stated that Director Montgomery would not permit disciplinary action against M.J. or her sister.

71. In a separate instance, Principal Staal admitted to a Campus Middle School administrator that she knew the unequal treatment was improper and that clearly the “race card” was driving the District’s actions.

72. On information and belief, District leadership, including but not limited to Director Montgomery, explicitly forbade the punishment of M.J. or her sister, despite engaging in substantially similar conduct, on account of race.

VII. The District’s Policies Regarding Student Behavior and Subsequent Disciplinary Actions

73. At all times relevant to this complaint, the District was overseen by Superintendent Smith, who was the Chief Executive Officer responsible for the overall management of the school district.

74. The Superintendent works closely with the District Leadership Team, which includes various assistant superintendents and directors overseeing specific areas such as educational operations, equity, culture, community engagement, finance, human resources, and more.

75. The District’s disciplinary manual, titled “Student Conduct and Discipline, Rights and Responsibilities,” set forth the rules and behavioral standards applicable to all District students. *See generally* Cherry Creek Sch. Dist. No. 5, *Student Conduct and Discipline, Rights and Responsibilities* (July 1, 2025), <https://perma.cc/VFQ8-5ESL>.

76. The District’s Violent and Aggressive Behavior Policy, otherwise known as Policy JICDB, notes that “incidents of violent and aggressive behavior against students and school personnel undermines an environment for learning, and can

result in significant safety risks. Students are especially vulnerable to the emotional injury associated with this type of conduct, and their performance in school can be adversely affected when violent and aggressive behavior of any kind is present.” Cherry Creek Sch. Dist. No. 5, *Policy JICDB Violent and Aggressive Behavior* (revised September 10, 2012), <https://go.boarddocs.com/co/chcr/Board.nsf/Public?open&id=AJ7JCW4C3346>.

77. The Violent and Aggressive Behavior Policy also states that “[c]ertain behaviors, if tolerated, would quickly destroy a positive, productive and safe learning environment to which students and staff of the district are entitled.” *Id.*

78. The District defines an “act of violence and aggression” as “any expression, direct or indirect, verbal or behavioral, of intent to inflict harm, injury or damage to persons or property.” *Id.*

79. Students violate the Violent and Aggressive Behavior Policy when they “inflict, threaten to inflict or attempt to inflict violence upon any other student or staff member while in school buildings, on school grounds, in school vehicles or during a school-sponsored activity, and in certain cases when the behavior occurs off of school property.” *Id.*

80. Behaviors that are prohibited under the Violent and Aggressive Behavior Policy include “discriminatory slurs,” which the District defines as “insulting, disparaging, or derogatory comments made directly or by innuendo regarding a person’s race, color, ancestry, creed, sex, sexual orientation, religion, national origin, disability or need for special education services.” *Id.*

81. The District also identifies “verbal abuse” as a violent and aggressive behavior and defines the phrase as “includes, but is not limited to, swearing, screaming, or obscene gestures.” *Id.*

82. Students who violate the Violent and Aggressive Behavior Policy “shall receive appropriate intervention to change behavior before a crisis occurs and shall be subject to disciplinary action up to and including suspension or expulsion when appropriate.” *Id.*

83. Under Suspendable and Expellable Offenses and Grounds for Suspension, Expulsion or Denial of Admission, otherwise known as Policy JICDA(I)(19) and Policy JKD-1-E, the District includes “[b]ehavior on or off school property that is detrimental to the welfare, safety, or morals of other students or District personnel, including behavior which creates a threat of physical harm to the student exhibiting the behavior or another student.” Cherry Creek Sch. Dist. No. 5, *Policy JICDA(I) Conduct and Discipline Code: Suspendable and Expellable Offenses* (revised February 13, 2023), <https://go.boarddocs.com/co/chcr/Board.nsf/Public?open&id=AJ7JCW4C3346#> (hereinafter, the “Morality Clause”).

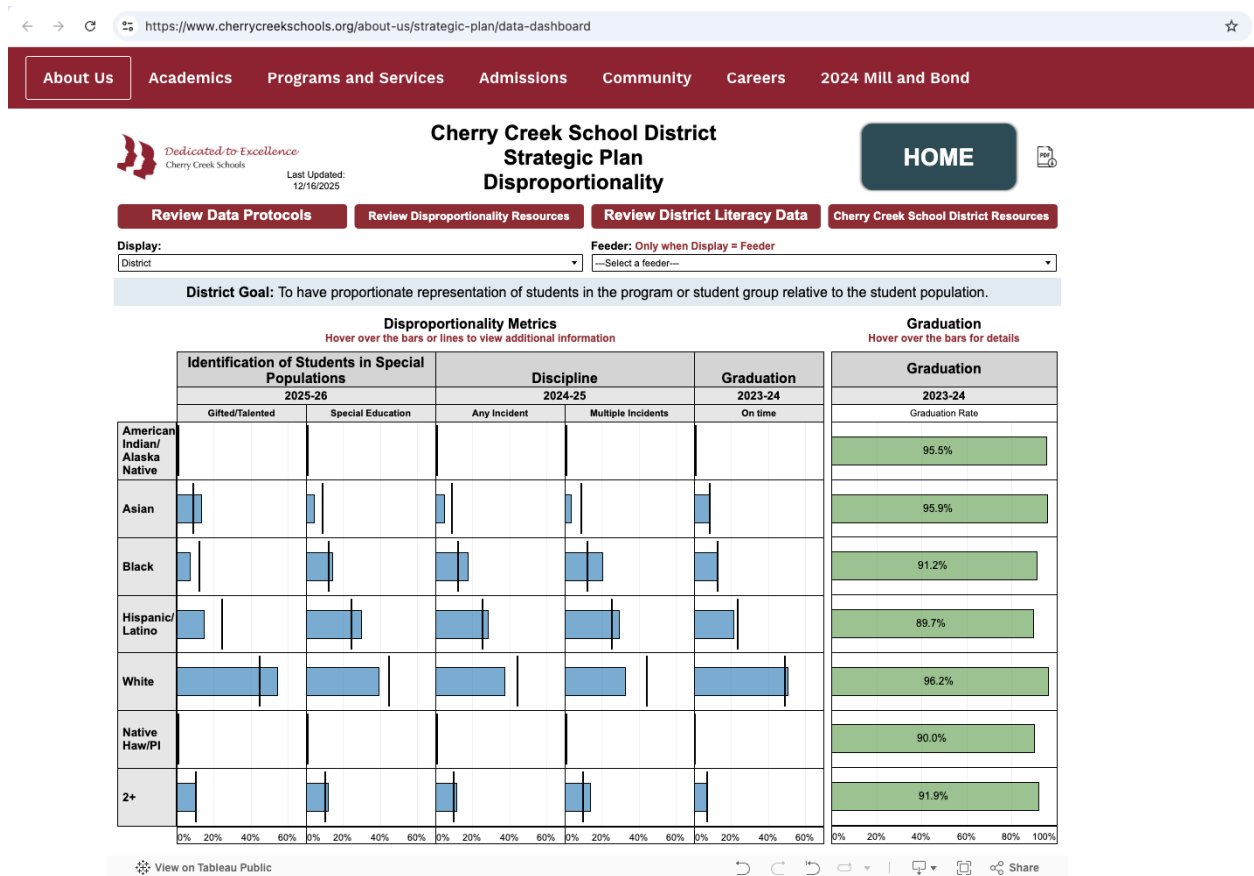
VIII. Discipline in the District Is Race-Driven.

84. The District, as evidenced by its own website, aims to “[r]educ[e] disproportionality in discipline data to reflect student demographics.” Cherry Creek Sch., *Disproportionality* (last visited April 15, 2026), <https://perma.cc/3N9H-L8BS>.

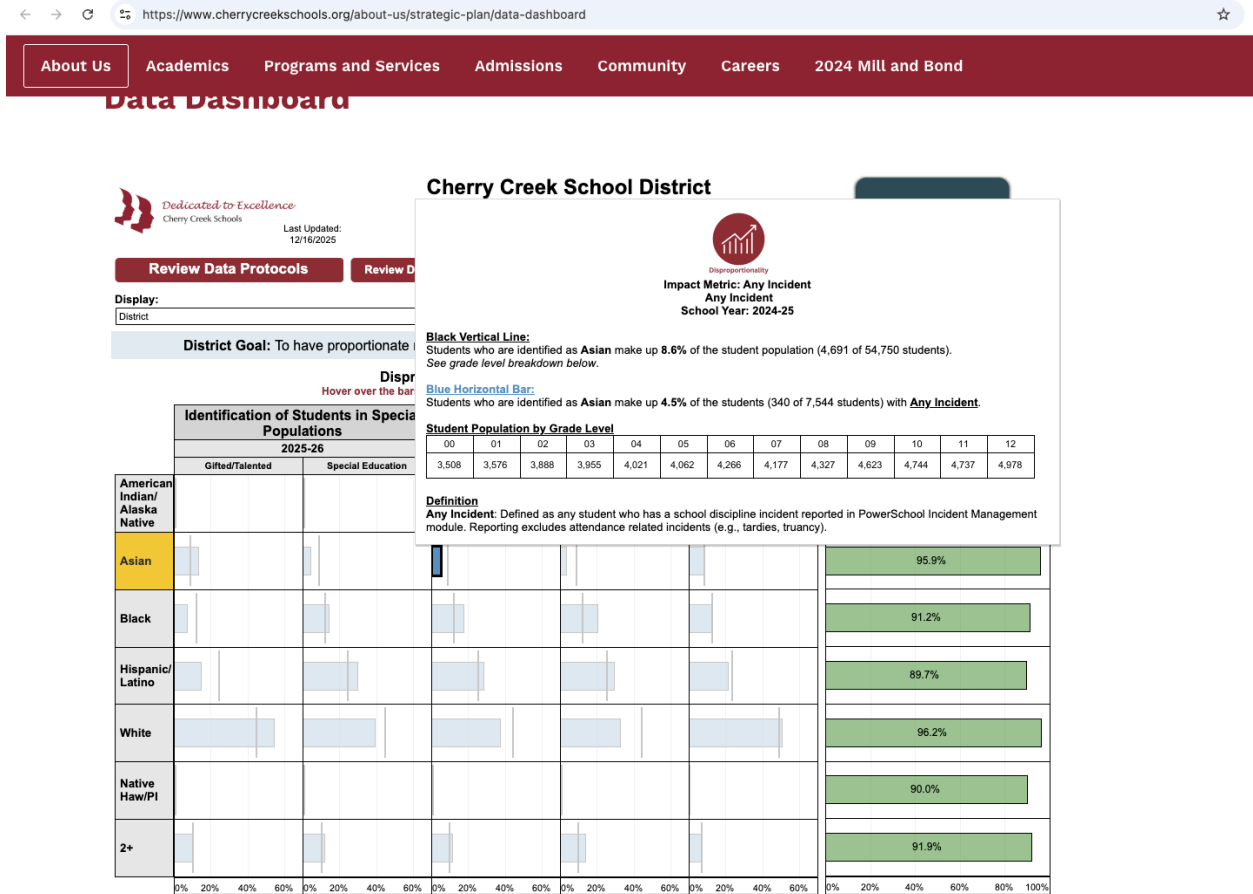
85. Specifically, the District’s goal is “[t]o have proportionate representation of students in the program or student group relative to the student population.” Cherry Creek Sch., *Data Dashboard: Disproportionality* (last visited April 15, 2026), <https://perma.cc/R3BZ-HUQ7>, attached as Exh. A.

86. The District defines “disproportionality” as “when one group of students has greater access to rigorous instruction, opportunity, and the supports necessary for students to find their unique Pathway of Purpose” and states that “greater disciplinary action, including in- and out-of-school suspensions and expulsions” is one such example of disproportionality. Cherry Creek Sch., *Data Dashboard: Disproportionality Resources*, (last visited April 15, 2026), <https://perma.cc/H38Y-ENCS>, attached as Exh. B.

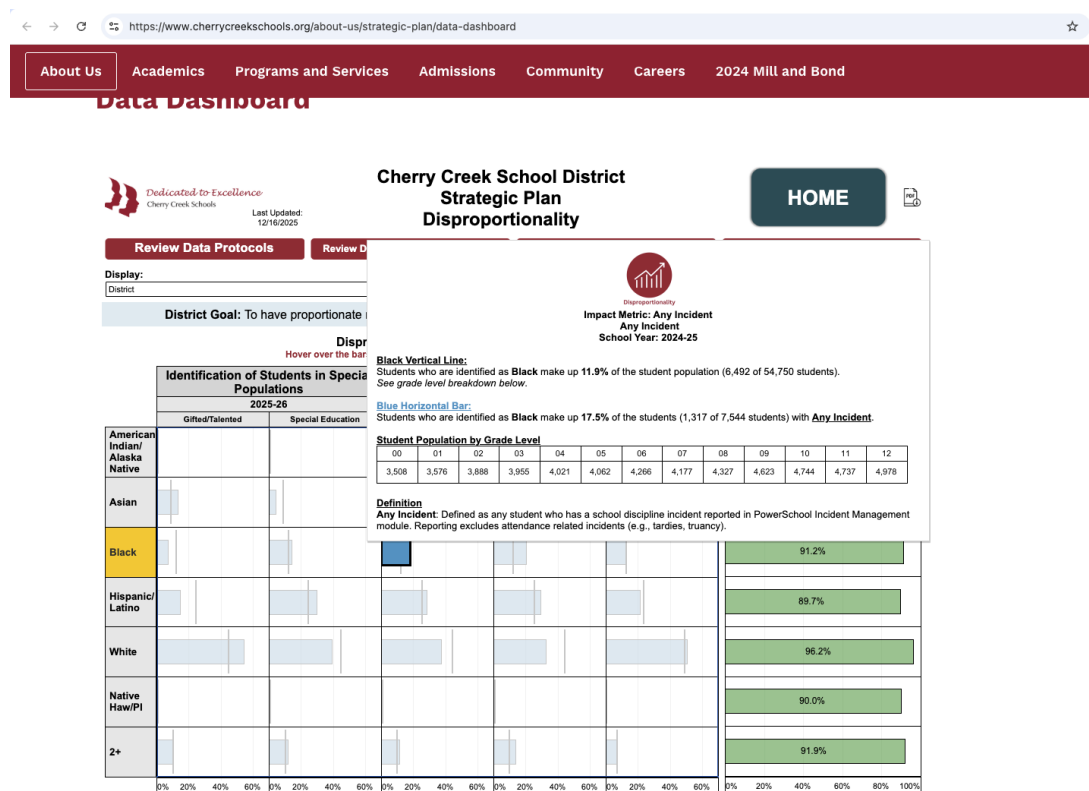
87. The District’s Data Dashboard provides information regarding the student body’s racial demographics as they relate to disciplinary action. *Data Dashboard: Disproportionality*, *supra* paragraph 85, attached as Exh. A.



88. According to the Data Dashboard, in the 2024-2025 school year, Asian students made up 8.6% of the student population and 4.5% of students with “Any Incident.” The District defines “Any Incident” as “any student who has a school discipline incident reported in PowerSchool Incident Management module. Reporting excludes attendance-related incidents (e.g., tardies, truancy).” *Data Dashboard: Disproportionality, supra* paragraph 85, attached as Exh. C.



89. According to the Data Dashboard, in the 2024-2025 school year, black students made up 11.9% of the student population and 17.5% of the students with “Any Incident.” *Data Dashboard: Disproportionality*, *supra* paragraph 85, attached as Exh. D.



90. Under the District's goal of achieving proportional representation between student group populations and disciplinary actions, Asian students are underrepresented in disciplinary measures, while black students are overrepresented.

91. The District's strategic plan and stated goals demonstrate an institutional commitment to achieving proportional representation in disciplinary outcomes based on race.

92. The District's application of discipline in this case—harshly punishing an Asian student while declining to discipline black students for substantially similar or worse conduct—reflects an unconstitutional policy or custom of considering race in disciplinary decisions to achieve desired demographic outcomes.

IX. Harm to Plaintiff

93. The District's actions have caused Plaintiff severe and lasting harm.

94. During her suspension, Plaintiff was isolated from her friends and the important social connections she enjoyed by attending school.

95. When Plaintiff returned to school in February 2024, Plaintiff faced continued bullying, harassment, and social ostracism.

96. Plaintiff was hated among the black student community because the incident had been "blown up" by media coverage and advocacy groups.

97. During and after the expulsion process, M.J. and her sister, along with her sister's friends, sent threatening text messages to Plaintiff via Snapchat.

98. Plaintiff had to eat lunch in her counselor's office every day to avoid encountering further harassment.

99. Plaintiff had to take an elective period sitting in the counselor's office rather than attending class to avoid further harassment.

100. School counselors expressed concerns for Plaintiff's safety, acknowledging that "half the school didn't like her."

101. The District required Plaintiff to enter into "no contact agreements" with approximately four to five students involved in the incident.

102. One of the two classmates depicted in the video enlisted her older sister to come to Campus Middle School to verbally harass and attempt to fight Plaintiff, circumventing the no-contact order.

103. Plaintiff reported this harassment to school officials.

104. Plaintiff has had to drop classes due to bullying and being placed in classes with students who knew about the incident and disliked her.

105. Plaintiff's academic performance has suffered significantly since the incident.

106. Plaintiff has struggled with truancy and has been in truancy court for failing to attend school regularly in the months following the incident.

107. Plaintiff has experienced an exacerbation of her mental health issues, including depression, as a direct result of the District's actions and the hostile school environment created thereby.

108. Moreover, the District knowingly acted as it did despite knowing Plaintiff's recent history of mental illness and psychological instability.

109. Plaintiff's treatment by the District has caused her emotional distress, humiliation, reputational harm, and damage to her educational opportunities.

X. The District's Policies Chill Plaintiff's Speech

110. Plaintiff anticipates and intends to engage in speech about race, religion and culture, and other controversial social and political topics at school and at off-campus gatherings with students, which may be defined by the District as swearing or "discriminatory slurs."

111. Speech about race, religion and culture, swearing, "discriminatory slurs," and other controversial social and political topics will violate Defendants' policies, as interpreted and applied by Defendants to Plaintiff's prior speech. *See* ¶¶ 58, 75–82, 133–34, 145–46, 165.

112. Speech about race, religion and culture, swearing, “discriminatory slurs,” and other controversial social and political topics would likely violate Defendants policies, as interpreted and applied by Defendants to Plaintiff’s prior speech, *see* ¶¶ 58, 75–82, 133–34, 145–46, 165, if third parties express offense or disagreement with the speech.

113. Speech about “discriminatory slurs” would almost certainly result in offense or disagreement from some students at the school.

114. Based on Defendants prior enforcement of their policies against protected speech activities, *see* ¶¶ 1–4, 129–35, 183–84, and the plain terms of Defendants policies and enforcement practices, *see* ¶¶ 58, 75–82, 133–34, 145–46, 165, speech about race, religion and culture, swearing, “discriminatory slurs,” and other controversial social and political topics would very likely result in punishment or enforcement of Defendants policies, up to and including suspension and expulsion.

115. Plaintiff fears Defendants future enforcement of the policies against any speech about race, religion and culture, swearing, “discriminatory slurs,” and other controversial social and political topics.

116. Plaintiff will self-censor and refrain from speaking about race, religion and culture, swearing, and “discriminatory slurs” based on Defendants’ likely enforcement of policies limiting such speech.

117. Plaintiff is a student with friends and social interactions that regularly include conversation with peer students about race and identity, including

exposure to peers speaking about race and identity, including some speech that would be considered “racial slurs.” Plaintiff desires to interact with peers and speak on these topics, including criticism and disagreement with peers who speak on these topics in ways that Plaintiff disagrees with or otherwise wishes to engage in conversation about these topics.

118. Plaintiff is an Asian student in a school where race, in particular, has become a dominant and unavoidable topic of conversation among students, particularly after the November 2023 incident and the media coverage it generated. She wishes to discuss her own experiences as an Asian student navigating racial dynamics in the school, including conversations with classmates about how different racial groups are treated by the administration as well as talking about how different racial groups face challenges in modern society. Plaintiff expects to be a participant in conversations about race that are the kinds of organic, daily interactions that a middle school student would naturally have, including ordinary social discourse of teenagers that touch on race, and she desires to be a full participant in these conversations.

119. Even if Plaintiff wanted, she could not avoid exposure to discussion of race, religion and politics, swearing, and the use of jocular or crass language that some peers would consider to be objectionable or offensive. Plaintiff desires to be a participant in these conversations, including for the purpose of expressing her own views and sharing life experiences and to offer disagreement or condemnation.

120. Plaintiff desires to use social media to share content about conversations she has with peer students, including when those conversations touch on race, including when students use “racial slurs” and other potentially disagreeable or controversial statements about race. Plaintiff intends to share such content on social media just as she would share about any other part of her life on social media. In particular, Plaintiff desires to share and criticize peers who make statements about race or use “racial slurs” in ways that Plaintiff finds offensive.

121. When videos about controversial topics are shared on social media, including videos that touch on race, those videos can and sometimes do “go viral” and are widely shared with others, without any control or intention by the person who originally shared the content on social media or with a third party.

122. Plaintiff expects and intends to participate in class discussions about controversial topics, including race and the use of “discriminatory slurs” as well as topics of religion, culture and politics that may be considered by others as controversial. Plaintiff is a student who will inevitably encounter classroom discussions about race, history, social justice, morality, religion, politics and other topics that Plaintiff fears will subject her to discipline for violating Defendants speech restricting policies, including the policies prohibitions on “discriminatory slurs,” speech “detrimental to the morals” of other students, and “verbal abuse.”

COUNT I
Violation of the First Amendment - Free Speech
(42 U.S.C. § 1983)
Against All Defendants

123. Plaintiff incorporates all of the foregoing paragraphs as though fully set

forth herein.

124. The First Amendment, applicable to the states and local municipalities via the Fourteenth Amendment, requires the District and its agents to respect and protect an individual’s “right to speak freely and the right to refrain from speaking at all.” *Wooley v. Maynard*, 430 U.S. 705, 714 (1977).

125. Students do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969).

126. School officials may not suppress student expression unless they can reasonably conclude that the expression will “materially and substantially disrupt the work and discipline of the school.” *Id.* at 513.

127. Schools have a heavier burden to justify regulating off-campus speech than on-campus speech. *Mahanoy Area Sch. Dist. v. B.L.*, 594 U.S. 180, 189–90 (2021).

128. Relevant factors in determining whether a school may regulate student speech include whether the speech occurred on or off campus, whether it was communicated on a personal or school-owned device, whether it was disseminated to a public or private audience, whether it targeted specific individuals, and whether it caused substantial disruption to school activities. *Id.* at 189–93; *C1.G. ex rel. C.G. v. Siegfried*, 38 F.4th 1270, 1277–78 (10th Cir. 2022).

129. Plaintiff’s conduct in recording an off-campus video during Thanksgiving break and sharing it privately with a single classmate who

requested it constitutes speech protected by the First Amendment.

130. The video was recorded off campus, during a holiday break, at a private residence, with no mention of Campus Middle School or its students.

131. Plaintiff did not use offensive language herself in the video; she merely recorded the speech of others and later shared that recording with one person.

132. Plaintiff shared the video through a personal cellphone via Apple AirDrop to a single person who requested it, not by posting it publicly to social media.

133. The video was not directed at any specific individual and did not constitute a true threat, fighting words, or obscenity.

134. Defendants disciplined Plaintiff for her recording and sharing of the video.

135. Plaintiff's sharing of the video did not cause a substantial disruption to the school environment.

136. To the extent there was any disruption to the school environment, it was caused by the subsequent actions of M.J. (sharing the video to her family) and her sister (publicly posting the video on Snapchat with inflammatory commentary), not by Plaintiff's private sharing.

137. By suspending Plaintiff for approximately two months and initiating expulsion proceedings against her for engaging in constitutionally protected speech, Defendants violated Plaintiff's First Amendment rights.

138. Defendants acted under color of state law in taking these actions.

139. Defendants’ actions were motivated by a desire to avoid controversy and to appease advocacy groups and public pressure, not by any legitimate pedagogical concern or substantial disruption to school activities.

140. Defendants were on notice that their actions in disciplining Plaintiff, including extending her suspension and putting her up for expulsion, violated the First Amendment, yet nevertheless chose to act unconstitutionally.

141. As a direct and proximate result of Defendants’ violation of her First Amendment rights, Plaintiff suffered damages including loss of educational opportunities, emotional distress, reputational harm, and other injuries.

COUNT II
Violation of the First Amendment - Overbreadth
(42 U.S.C. § 1983)
Against the District Defendants

142. Plaintiff incorporates all of the foregoing paragraphs as though fully set forth herein.

143. Under the First Amendment overbreadth doctrine, “a statute is facially invalid if it prohibits a substantial amount of protected speech.” *United States v. Williams*, 553 U.S. 285, 292 (2008).

144. The overbreadth doctrine is rooted in the concern that the threat of enforcement of an overbroad law may deter or “chill” constitutionally protected speech. *Virginia v. Hicks*, 539 U.S. 113, 119 (2003).

145. The District’s Student Conduct and Discipline, Rights and Responsibilities manual is overbroad in two separate provisions: the Violent and Aggressive Behavior Policy and the Morality Clause (hereinafter, the “Policies”).

146. The District’s Violent and Aggressive Behavior Policy, including its definition of “verbal abuse,” is overbroad and prohibits a substantial amount of protected speech.

147. The District’s definition of “verbal abuse” is not even a true definition; rather, it offers a non-exhaustive list of examples, including swearing, screaming, and making obscene gestures.

148. Because the list is non-exhaustive, it provides no meaningful boundary on the speech it prohibits.

149. Students are left to guess as to what additional forms of expression might qualify, creating an incentive to self-censor, which is precisely the kind of chilling effect the overbreadth doctrine prohibits.

150. Accordingly, the District’s Violent and Aggressive Behavior Policy is facially overbroad under the First Amendment.

151. In addition to or in the alternative, the District’s Violent and Aggressive Behavior Policy is overbroad as applied to Plaintiff under the First Amendment.

152. Similarly, the District’s Morality Clause is overbroad and prohibits a substantial amount of protected speech.

153. The phrase “[b]ehavior . . . which is detrimental to the . . . morals . . . of other students or District personnel” does not identify any specific category of conduct or expression that qualifies as harmful to morals.

154. The term “morals” is inherently subjective, as it is based on an individual’s culture, religion, and beliefs about what is and is not acceptable for

them to do.

155. The Morality Clause thus covers a vast range of constitutionally protected speech, including discussions of controversial social and political topics.

156. Students are left to guess which behaviors might qualify as detrimental to others' morals, creating an incentive to self-censor, which is precisely the kind of chilling effect the overbreadth doctrine prohibits.

157. Accordingly, the District's Morality Clause is facially overbroad under the First Amendment.

158. In addition to or in the alternative, the District's Morality Clause is unlawful as applied to Plaintiff under the First Amendment.

159. Moreover, as a result of the District's Policies, Plaintiff has refrained from speaking out of fear that her words or actions may violate the Policies and result in disciplinary action.

160. Further, when the Defendants disciplined Plaintiff for sharing the video under these substantially overbroad Policies, she suffered damages as set forth herein.

COUNT III
Violation of the Fourteenth Amendment - Vagueness
(42 U.S.C. § 1983)
Against the District Defendants

161. Plaintiff incorporates all of the foregoing paragraphs as though fully set forth herein.

162. Under due process principles, "laws which regulate persons or entities must give fair notice of conduct that is forbidden or required." *F.C.C. v. Fox*

Television Stations, Inc., 567 U.S. 239, 253 (2012) (citations omitted); *Smith v. Goguen*, 415 U.S. 566, 572–73 (1974).

163. “[T]he void-for-vagueness doctrine requires that a penal statute define the criminal offense with sufficient definiteness that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory enforcement.” *Kolender v. Lawson*, 461 U.S. 352, 357 (1983) (citations omitted); *see also Fox Television Stations*, 567 U.S. at 253).

164. “When speech is involved, rigorous adherence to those requirements is necessary to ensure that ambiguity does not chill protected speech.” *Fox Television Stations*, 567 U.S. at 253–54.

165. The District’s Student Conduct and Discipline, Rights and Responsibilities manual is vague in two separate provisions: the Violent and Aggressive Behavior Policy and the Morality Clause (hereinafter, the “Policies”).

166. The District’s Violent and Aggressive Behavior Policy, including its definition of “verbal abuse,” does not provide a person of ordinary intelligence fair notice of what is prohibited and encourages arbitrary and discriminatory enforcement.

167. The District’s definition of “verbal abuse” is not even a true definition; rather, it offers a non-exhaustive list of examples, including swearing, screaming, and making obscene gestures.

168. Because the list is non-exhaustive, it provides no meaningful clarity about which behaviors fall within its scope.

169. Thus, students are not given fair notice of conduct prohibited under this Policy.

170. Additionally, because the list is non-exhaustive, it fails to provide limiting principles to guide enforcement.

171. The inherent ambiguity of the Violent and Aggressive Behavior Policy encourages discriminatory enforcement, as enforcers are free to identify behaviors that fall within its scope.

172. The Violent and Aggressive Behavior Policy was enforced in a discriminatory manner against Plaintiff, in which her sharing of the video was deemed verbal abuse, but substantially similar sharing by others was not treated the same way.

173. The inherent ambiguity of the Violent and Aggressive Behavior Policy chills protected speech, as students are left to guess which behaviors might fall within its scope.

174. Accordingly, the District's Violent and Aggressive Behavior policy is unconstitutionally vague.

175. Similarly, the District's Morality Clause does not provide a person of ordinary intelligence fair notice of what is prohibited and encourages arbitrary and discriminatory enforcement.

176. The Morality Clause is unstandardized, as the District does not define "morals" or provide examples of conduct that would be detrimental to others' morals.

177. The term “morals” is inherently subjective, as it is based on an individual’s culture, religion, and beliefs about what is and is not acceptable for them to do.

178. Thus, students are not given fair notice of behavior prohibited under the Morality Clause.

179. Additionally, because the Morality Clause uses inherently subjective language, it fails to provide limiting principles to guide enforcement.

180. Without precision or guidance for enforcers to rely on, the District’s instruction to discipline based on moral detriment to others authorizes and encourages seriously discriminatory enforcement.

181. The Morality Clause was enforced in a discriminatory manner against Plaintiff, resulting in her suspension and an expulsion review hearing, but other students who shared the video in a substantially similar manner did not face similar consequences.

182. Accordingly, the District’s Morality Clause is unconstitutionally vague.

183. Moreover, as a result of the District’s policies, Plaintiff has refrained from speaking due to fear that her actions or words may violate the policies and result in disciplinary action.

184. Further, when the Defendants disciplined Plaintiff for sharing the video under these unconstitutionally vague Policies, she suffered damages, including loss of educational opportunities, emotional distress, reputational harm, and other injuries.

COUNT IV
Violation of the Fourteenth Amendment - Equal Protection
(42 U.S.C. § 1983)
Against All Defendants

185. Plaintiff incorporates all of the foregoing paragraphs as though fully set forth herein.

186. The Fourteenth Amendment to the United States Constitution guarantees all persons the equal protection of the laws.

187. The Equal Protection Clause prohibits racial discrimination by state or local government entities. *See Johnson v. California*, 543 U.S. 499, 510–11 (2005); *Shaw v. Hunt*, 517 U.S. 899, 907 (1996) (“Racial classifications are antithetical to the Fourteenth Amendment, whose central purpose was to eliminate racial discrimination emanating from official sources in the States.”) (internal quotation marks and citation omitted); *Palmore v. Sidoti*, 466 U.S. 429, 432 (1984) (“A core purpose of the Fourteenth Amendment was to do away with all governmentally imposed discrimination based on race.”).

188. Government actors violate the Equal Protection Clause when they intentionally treat individuals differently based on race without adequate justification.

189. Intentional discrimination on the basis of race is subject to strict scrutiny and is presumptively unconstitutional.

190. Defendants intentionally discriminated against Plaintiff on the basis of race by subjecting her to harsh discipline while declining to discipline M.J. and her sister, who are black, for substantially similar or worse conduct.

191. Plaintiff, who is Asian, was suspended for approximately two months and threatened with expulsion for privately sharing a video with one person who requested it.

192. Meanwhile, M.J., who requested the video and shared it with her family, received no discipline.

193. Similarly, M.J.'s sister, who publicly posted the video on Snapchat with inflammatory commentary and tagged Plaintiff's contact information, received no discipline.

194. M.J. and her sister's conduct was substantially similar to or worse than Plaintiff's conduct. Indeed, it was M.J.'s sister's public posting of the video—not Plaintiff's private sharing—that caused the video to go viral and resulted in any substantial disruption to the school environment.

195. The decision to punish Plaintiff while not disciplining M.J. or her sister was based on race, not on any neutral application of District policy or legitimate pedagogical concern.

196. School officials admitted to District leadership intervening to prevent the punishment of M.J. and her sister because of their race.

197. District administrators have expressed frustration with the unequal application of discipline, but felt powerless to discipline M.J. due to the District's intervention because of race.

198. The District's stated policy of reducing "disproportionality in discipline data to reflect student demographics" demonstrates an institutional commitment to considering race in disciplinary decisions.

199. The District's application of discipline in this case reflects a policy or custom of treating students differently based on race to achieve desired demographic outcomes in disciplinary statistics.

200. This constitutes intentional race discrimination in violation of the Equal Protection Clause.

201. Defendants' discriminatory conduct was motivated by racial animus and by a desire to achieve racial balance in disciplinary outcomes, neither of which constitutes a compelling government interest.

202. Even if Defendants' goals could be characterized as compelling, their means were not narrowly tailored to achieve those goals.

203. Punishing one student based on her race while protecting another student based on race is per se unconstitutional.

204. By intentionally discriminating against Plaintiff on the basis of race, Defendants violated her right to equal protection of the laws.

205. Defendants acted under color of state law in taking these actions.

206. As a direct and proximate result of Defendants' violation of her equal protection rights, Plaintiff has suffered damages, including loss of educational opportunities, emotional distress, reputational harm, and other injuries.

COUNT V
Municipal Liability Under *Monell*
(42 U.S.C. § 1983)
Against the District Defendants

207. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

208. The District Defendants are local governmental entities subject to suit under *Monell v. Department of Social Services of the City of New York*, 436 U.S. 658 (1978).

209. The District Defendants are liable under *Monell* for constitutional violations that result from: (a) an official policy or custom; (b) actions by officials with final policymaking authority; (c) inadequate training or supervision amounting to deliberate indifference; or (d) a failure to discipline employees, leading to a custom of constitutional violations.

210. The violations of Plaintiff's constitutional rights described herein were caused by the District's official policies, customs, and practices, including: (a) a policy or custom of considering race in disciplinary decisions to achieve proportional representation in disciplinary outcomes based on race; (b) a policy or custom of declining to discipline students based on their race; (c) a policy or custom of punishing students for engaging in constitutionally protected off-campus speech; (d) inadequate training and supervision of administrators regarding students' First Amendment rights and the constitutional prohibition on racial discrimination; and (e) a failure to discipline employees who engage in racially discriminatory conduct.

211. These policies and customs were established and maintained by officials with final policymaking authority, including Superintendent Christopher Smith, members of the District's Department of Equity, Culture, and Community Engagement, and other members of the District's senior leadership.

212. The District was deliberately indifferent to the constitutional rights of students by failing to adequately train and supervise its employees regarding First Amendment rights and equal protection requirements.

213. The District's policies and customs were the moving force behind the constitutional violations suffered by Plaintiff.

214. As a direct and proximate result of the District's policies and customs, Plaintiff suffered violations of her First Amendment and Fourteenth Amendment rights and has suffered damages, including loss of educational opportunities, emotional distress, reputational harm, and other injuries.

COUNT VI
Liability of Individual Defendants
(42 U.S.C. § 1983)
Against Defendants Smith, Montgomery, Staal, Hanson, and Jackson

215. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

216. Defendants Christopher Smith, Omar Montgomery, Lissa Staal, Dan Hanson, and Aoi Jackson (hereinafter, "Individual Defendants"), acting in their individual capacities, personally participated in violating Plaintiff's constitutional rights.

217. The Individual Defendants knew or should have known that suspending Plaintiff for approximately two months and initiating expulsion proceedings against her for engaging in off-campus speech that did not cause substantial disruption violated her clearly established First Amendment rights.

218. The law regarding students' First Amendment rights to off-campus speech was clearly established at the time of these events by *Tinker*, *Mahanoy*, *CLG.*, and other cases.

219. In fact, *CLG. ex rel. C.G. v. Siegfried*, 38 F.4th 1270 (10th Cir. 2022) affirmed that off-campus statements, even racist ones, are generally protected speech. Thus, at all times relevant to this case, the District was on notice that punishing such behavior would be improper. Moreover, the jury in *CLG.* returned its verdict in favor of the student on December 8, 2023, further emphasizing to the Individual Defendants that punishment for such a statement would be improper. Jury Verdict, *CLG. ex rel. C.G. v. Siegfried*, No. 1:19-CV-03346 (D. Colo. Dec. 8, 2023), ECF No. 119.

220. Despite this knowledge, Plaintiff's suspension was extended, and she was threatened with expulsion.

221. Furthermore, the Individual Defendants knew or should have known that intentionally discriminating against Plaintiff on the basis of race while declining to discipline similarly situated black students violated her clearly established right to equal protection of the laws.

222. The prohibition on intentional race discrimination by government actors has been clearly established for decades.

223. Despite this clearly established law, the Individual Defendants intentionally violated Plaintiff's constitutional rights.

224. The Individual Defendants are not entitled to qualified immunity because they violated clearly established constitutional rights of which a reasonable official would have known.

225. As a direct and proximate result of the Individual Defendants' violations of Plaintiff's constitutional rights, she has suffered damages, including loss of educational opportunities, emotional distress, reputational harm, and other injuries.

COUNT VII
Violation of Title VI - Race Discrimination
(42 U.S.C. § 1983 and Title VI's implied right of action)
Against the District Defendants

226. Plaintiff incorporates all of the foregoing paragraphs as though fully set forth herein.

227. Title VI of the Civil Rights Act of 1964 prohibits racial discrimination in any "program or activity" that receives federal funds. *See* 42 U.S.C. § 2000d ("No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.").

228. The District is an entity receiving federal financial assistance. Colorado Department of Education, *Cherry Creek 5 (0130)* (last visited April 15, 2026), <https://perma.cc/NB8Z-WWRN>.

229. The District Defendants are violating Title VI by intentionally discriminating against non-black and non-Latino students by intentionally establishing, maintaining, and using racially discriminatory standards to implement disciplinary action.

230. As a result of the District Defendants' conduct, Plaintiff suffered damages, including loss of educational opportunities, emotional distress, reputational harm, and other injuries.

DEMAND FOR RELIEF

231. Plaintiff respectfully requests that the court:

- a. Declare that the Defendants are violating 42 U.S.C. § 1983, the First Amendment, the Due Process Clause, the Equal Protection Clause, and Title VI by restricting students' speech and by implementing disciplinary action using racially discriminatory standards;
- b. Enter a permanent injunction requiring Defendants to:
 - i. Expunge from Plaintiff's educational records all references to the suspension and expulsion proceedings arising from the November 2023 incident;
 - ii. Cease the establishment, use, or maintenance of racially discriminatory disciplinary criteria;
 - iii. Cease the implementation of disciplinary action using racially discriminatory standards;

- iv. Implement constitutionally adequate policies and training prohibiting consideration of race in disciplinary decisions;
- c. Award Plaintiff nominal damages;
- d. Award Plaintiff compensatory damages in an amount to be proven at trial;
- e. Award Plaintiff punitive damages against the individual Defendants in an amount sufficient to punish and deter similar conduct;
- f. Award Plaintiff reasonable costs and attorneys' fees under 42 U.S.C. § 1988;
- g. A tax offset for any damages awarded;
- h. Award Plaintiff pre-judgment and post-judgment interest as allowed by law; and
- i. Award all other relief that the Court deems just, proper, or equitable.

DEMAND FOR JURY TRIAL

232. Plaintiff demands a trial by jury on all issues so triable.

Respectfully submitted.

/s/ Michael Francisco

Dated: May 6, 2026

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rachael.griffin@aflegal.org

*Counsel for Plaintiff L.Y., a minor, by and
through next friend, F.Y.*

EXHIBIT A

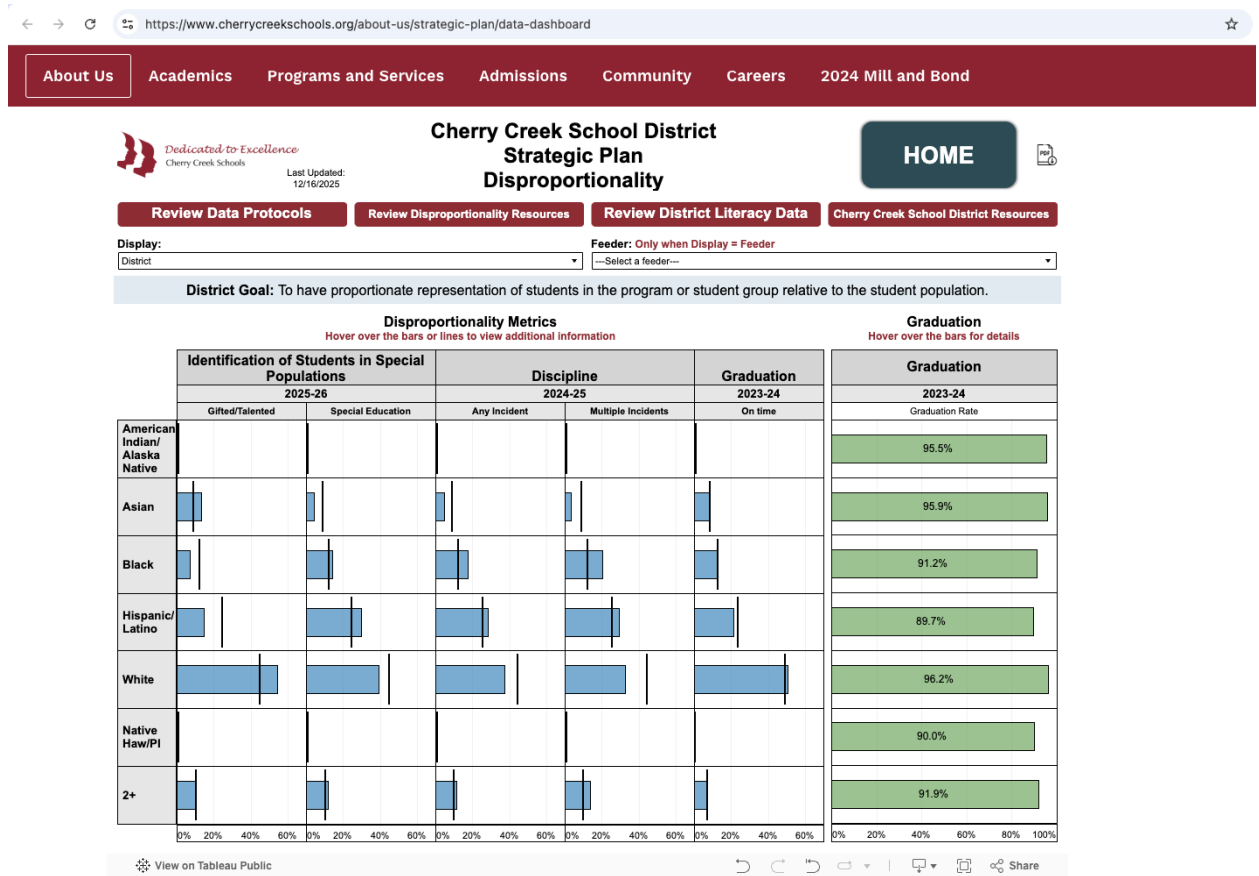


EXHIBIT B

https://www.cherrycreekschools.org/about-us/strategic-plan/data-dashboard

District Home

Our Schools

Translate

myCherryCreek

HOME / ABOUT US / STRATEGIC PLAN / DATA DASHBOARD

Data Dashboard



Dedicated to Excellence
Cherry Creek Schools
Last Updated:
12/16/2025

Cherry Creek School District Strategic Plan Disproportionality Resources

HOME



Review Data Protocols

Review District Disproportionality Data

Cherry Creek School District Resources

What is Disproportionality?

Disproportionality is when one group of students has greater access to rigorous instruction, opportunity, and the supports necessary for students to find their unique Pathway of Purpose.

Examples of disproportionality include:

- greater identification for special education, including within specific disability categories
- greater placement in more restrictive educational settings
- greater disciplinary actions, including in- and out-of-school suspensions and expulsions

Hypothetical Example to Understand Disproportionality

Hypothetical Statement: Students of Color have disproportionate access in identification for special education services.

Overall Student Population	Students Identified for Special Education	Disproportionate Result	Ideal Result *What you want to see*
30% of the district population are Students of Color White Students Students of Color	70% of the students identified for special education are Students of Color White Students Students of Color	Disproportionate Result Students of Color: 30% are Students of Color, 70% are identified for special education White: 30% are identified for special education, 70% are White	Ideal Result *What you want to see* Students of Color: 28% are identified for special education, 28% are identified for special education White: 68% are identified for special education, 68% are identified for special education

What student groups will you see in the data and how are they defined?

EXHIBIT C

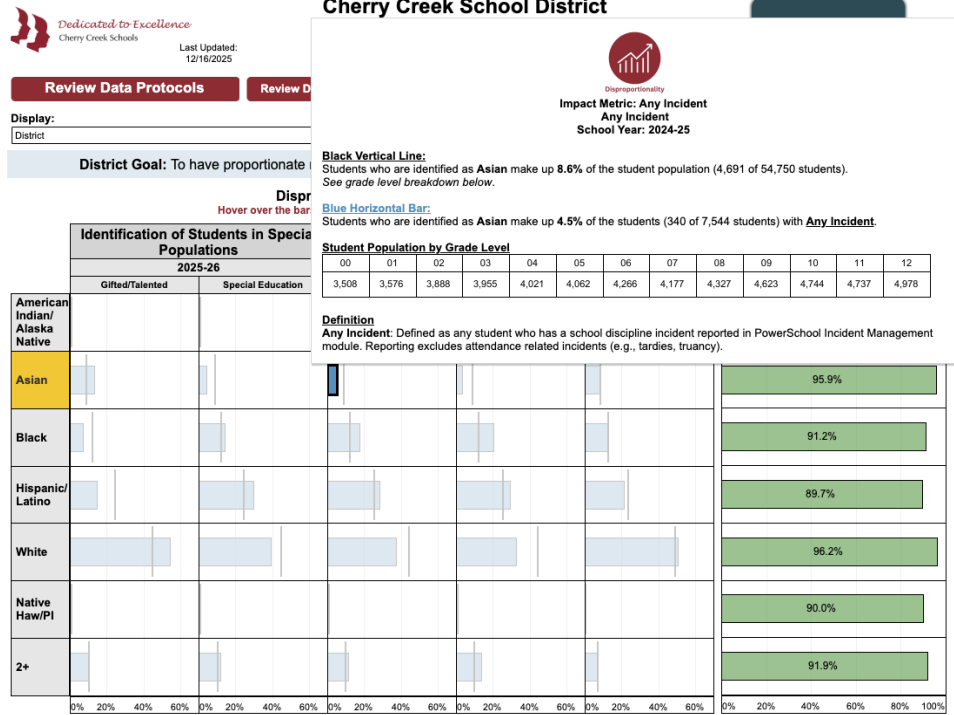
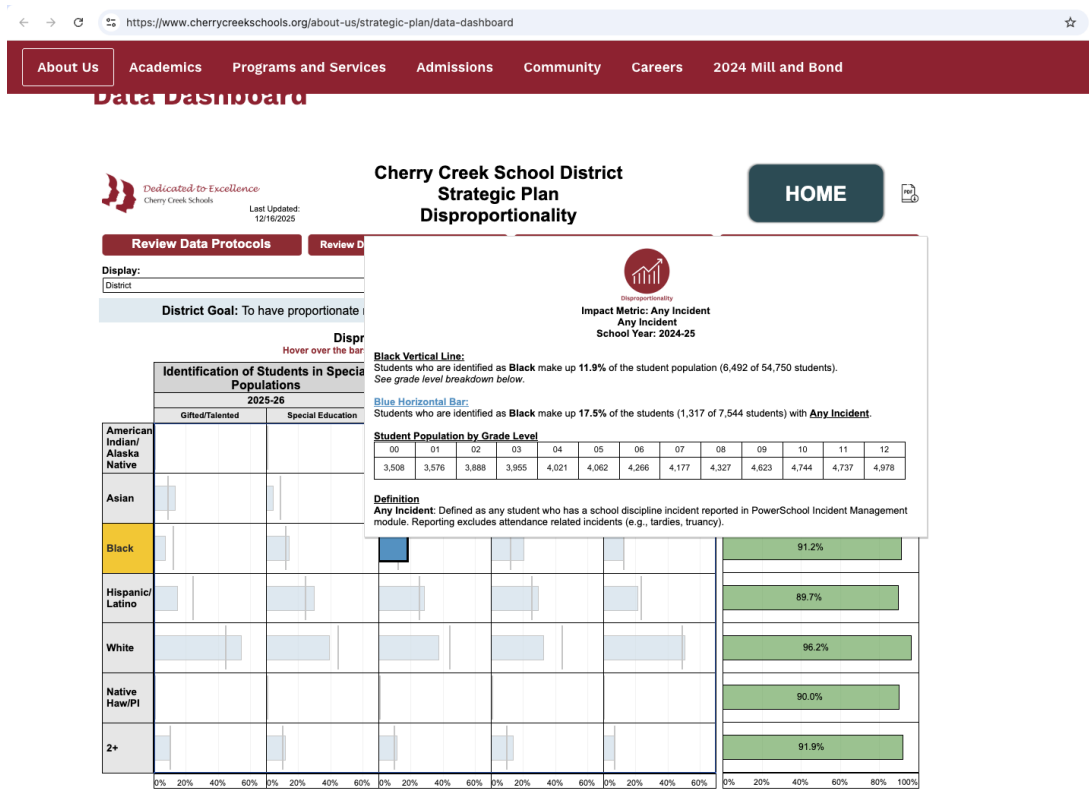


EXHIBIT D



JS 44 (Rev. 10/20) District of Colorado

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

L.Y., a minor, by and through her father as next friend,
F.Y.

(b) County of Residence of First Listed Plaintiff Arapahoe County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

(See Attachment)

DEFENDANTS

Cherry Creek School District, et al.

County of Residence of First Listed Defendant Arapahoe County
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☒ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 1983 and Title VI of the Civil Rights Act of 1964

☐ AP Docket

Brief description of cause:

Violation of free speech rights of middle school student and discrimination based on race for purposes of punishing student.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

May 6, 2026

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

ATTACHMENT TO CIVIL COVER SHEET

Counsel for Plaintiffs:

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rachael.griffin@aflegal.org

*Counsel for Plaintiff L.Y., a minor, by and
through next friend, F.Y.*

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Colorado

L.Y., a minor, by and through her father as
next friend, F.Y.,

Plaintiff(s)

Cherry Creek School District; Cherry Creek School District Board of Education;
Christopher Smith, individually and in his official capacity as Superintendent of Cherry
Creek School District; Omar Montgomery, individually and in his official capacity as
Director of Community Engagement in the Department of Equity, Culture and Community
Engagement; Lissa Staal, individually and in her official capacity as Principal of Campus
Middle School; Dan Hanson, individually and in his official capacity as Assistant
Principal of Campus Middle School; Aoi Jackson, individually and in her official capacity
as Assistant Principal of Campus Middle School

Defendant(s)

Civil Action No. 1:26-cv-1955

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Cherry Creek School District
4700 S. Yosemite St. Greenwood
Village, Colorado 80111

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael Francisco
FIRST AND FOURTEENTH PLLC
800 Connecticut Avenue, NW, Suite 300
Washington D.C. 20006
Phone: (202) 998-1978
Email: michael@first-fourteenth.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____ , a person of suitable age and discretion who resides there,
 on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Colorado

L.Y., a minor, by and through her father as
next friend, F.Y.,

Plaintiff(s)

Cherry Creek School District; Cherry Creek School District Board of Education;
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Middle School; Dan Hanson, individually and in his official capacity as Assistant
Principal of Campus Middle School; Aoi Jackson, individually and in her official capacity
as Assistant Principal of Campus Middle School

Defendant(s)

Civil Action No. 1:26-cv-1955

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Cherry Creek School District Board of Education
4700 S. Yosemite St.,
Greenwood Village, Colorado 80111

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael Francisco
FIRST AND FOURTEENTH PLLC
800 Connecticut Avenue, NW, Suite 300
Washington D.C. 20006
Phone: (202) 998-1978
Email: michael@first-fourteenth.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Colorado

L.Y., a minor, by and through her father as
next friend, F.Y.,

Plaintiff(s)

Cherry Creek School District; Cherry Creek School District Board of Education;
Christopher Smith, individually and in his official capacity as Superintendent of Cherry
Creek School District; Omar Montgomery, individually and in his official capacity as
Director of Community Engagement in the Department of Equity, Culture and Community
Engagement; Lissa Staal, individually and in her official capacity as Principal of Campus
Middle School; Dan Hanson, individually and in his official capacity as Assistant
Principal of Campus Middle School; Aoi Jackson, individually and in her official capacity
as Assistant Principal of Campus Middle School

Defendant(s)

Civil Action No. 1:26-cv-1955

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Christopher Smith
in his official capacity as the Superintendent of Cherry Creek School District
Cherry Creek School District
4700 S. Yosemite St.,
Greenwood Village, Colorado 80111

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael Francisco
FIRST AND FOURTEENTH PLLC
800 Connecticut Avenue, NW, Suite 300
Washington D.C. 20006
Phone: (202) 998-1978
Email: michael@first-fourteenth.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

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 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____ , a person of suitable age and discretion who resides there,
 on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
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Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Colorado

L.Y., a minor, by and through her father as
next friend, F.Y.,

Plaintiff(s)

Cherry Creek School District; Cherry Creek School District Board of Education;
Christopher Smith, individually and in his official capacity as Superintendent of Cherry
Creek School District; Omar Montgomery, individually and in his official capacity as
Director of Community Engagement in the Department of Equity, Culture and Community
Engagement; Lissa Staal, individually and in her official capacity as Principal of Campus
Middle School; Dan Hanson, individually and in his official capacity as Assistant
Principal of Campus Middle School; Aoi Jackson, individually and in her official capacity
as Assistant Principal of Campus Middle School

Defendant(s)

Civil Action No. 1:26-cv-1955

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Christopher Smith
8772 Redwing Ave
Littleton, CO 80126

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael Francisco
FIRST AND FOURTEENTH PLLC
800 Connecticut Avenue, NW, Suite 300
Washington D.C. 20006
Phone: (202) 998-1978
Email: michael@first-fourteenth.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

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on *(date)* _____ , and mailed a copy to the individual's last known address; or

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I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Colorado

L.Y., a minor, by and through her father as
next friend, F.Y.,

Plaintiff(s)

Cherry Creek School District; Cherry Creek School District Board of Education;
Christopher Smith, individually and in his official capacity as Superintendent of Cherry
Creek School District; Omar Montgomery, individually and in his official capacity as
Director of Community Engagement in the Department of Equity, Culture and Community
Engagement; Lissa Staal, individually and in her official capacity as Principal of Campus
Middle School; Dan Hanson, individually and in his official capacity as Assistant
Principal of Campus Middle School; Aoi Jackson, individually and in her official capacity
as Assistant Principal of Campus Middle School

Defendant(s)

Civil Action No. 1:26-cv-1955

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Omar Montgomery
in his official capacity as Director of Community Engagement in the Department of
Equity, Culture and Community Engagement
Cherry Creek School District
4700 S. Yosemite St.,
Greenwood Village, Colorado 80111

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael Francisco
FIRST AND FOURTEENTH PLLC
800 Connecticut Avenue, NW, Suite 300
Washington D.C. 20006
Phone: (202) 998-1978
Email: michael@first-fourteenth.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

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(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

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☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
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Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Colorado

L.Y., a minor, by and through her father as
next friend, F.Y.,

Plaintiff(s)

Cherry Creek School District; Cherry Creek School District Board of Education;
Christopher Smith, individually and in his official capacity as Superintendent of Cherry
Creek School District; Omar Montgomery, individually and in his official capacity as
Director of Community Engagement in the Department of Equity, Culture and Community
Engagement; Lissa Staal, individually and in her official capacity as Principal of Campus
Middle School; Dan Hanson, individually and in his official capacity as Assistant
Principal of Campus Middle School; Aoi Jackson, individually and in her official capacity
as Assistant Principal of Campus Middle School

Defendant(s)

Civil Action No. 1:26-cv-1955

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Omar Montgomery
16299 E Purdue Pl
Aurora, CO 80013

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael Francisco
FIRST AND FOURTEENTH PLLC
800 Connecticut Avenue, NW, Suite 300
Washington D.C. 20006
Phone: (202) 998-1978
Email: michael@first-fourteenth.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

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I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Colorado

L.Y., a minor, by and through her father as
next friend, F.Y.,

Plaintiff(s)

Cherry Creek School District; Cherry Creek School District Board of Education;
Christopher Smith, individually and in his official capacity as Superintendent of Cherry
Creek School District; Omar Montgomery, individually and in his official capacity as
Director of Community Engagement in the Department of Equity, Culture and Community
Engagement; Lissa Staal, individually and in her official capacity as Principal of Campus
Middle School; Dan Hanson, individually and in his official capacity as Assistant
Principal of Campus Middle School; Aoi Jackson, individually and in her official capacity
as Assistant Principal of Campus Middle School

Defendant(s)

Civil Action No. 1:26-cv-1955

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Lissa Staal
in her official capacity as Principal of Campus Middle
School Cherry Creek School District
4700 S. Yosemite St.,
Greenwood Village, Colorado 80111

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael Francisco
FIRST AND FOURTEENTH PLLC
800 Connecticut Avenue, NW, Suite 300
Washington D.C. 20006
Phone: (202) 998-1978
Email: michael@first-fourteenth.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

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I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Colorado

L.Y., a minor, by and through her father as
next friend, F.Y.,

Plaintiff(s)

Cherry Creek School District; Cherry Creek School District Board of Education;
Christopher Smith, individually and in his official capacity as Superintendent of Cherry
Creek School District; Omar Montgomery, individually and in his official capacity as
Director of Community Engagement in the Department of Equity, Culture and Community
Engagement; Lissa Staal, individually and in her official capacity as Principal of Campus
Middle School; Dan Hanson, individually and in his official capacity as Assistant
Principal of Campus Middle School; Aoi Jackson, individually and in her official capacity
as Assistant Principal of Campus Middle School

Defendant(s)

Civil Action No. 1:26-cv-1955

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Lissa Staal
7535 Soapstone Way
Castle Rock, CO 80108

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael Francisco
FIRST AND FOURTEENTH PLLC
800 Connecticut Avenue, NW, Suite 300
Washington D.C. 20006
Phone: (202) 998-1978
Email: michael@first-fourteenth.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

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_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
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I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Colorado

L.Y., a minor, by and through her father as
next friend, F.Y.,

Plaintiff(s)

Cherry Creek School District; Cherry Creek School District Board of Education;
Christopher Smith, individually and in his official capacity as Superintendent of Cherry
Creek School District; Omar Montgomery, individually and in his official capacity as
Director of Community Engagement in the Department of Equity, Culture and Community
Engagement; Lissa Staal, individually and in her official capacity as Principal of Campus
Middle School; Dan Hanson, individually and in his official capacity as Assistant
Principal of Campus Middle School; Aoi Jackson, individually and in her official capacity
as Assistant Principal of Campus Middle School

Defendant(s)

Civil Action No. 1:26-cv-1955

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Dan Hanson
in his official capacity as Assistant Principal of Campus Middle School
Cherry Creek School District
4700 S. Yosemite St.
Greenwood Village, Colorado 80111

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael Francisco
FIRST AND FOURTEENTH PLLC
800 Connecticut Avenue, NW, Suite 300
Washington D.C. 20006
Phone: (202) 998-1978
Email: michael@first-fourteenth.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

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on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
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_____ on *(date)* _____ ; or

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Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Colorado

L.Y., a minor, by and through her father as
next friend, F.Y.,

Plaintiff(s)

Cherry Creek School District; Cherry Creek School District Board of Education;
Christopher Smith, individually and in his official capacity as Superintendent of Cherry
Creek School District; Omar Montgomery, individually and in his official capacity as
Director of Community Engagement in the Department of Equity, Culture and Community
Engagement; Lissa Staal, individually and in her official capacity as Principal of Campus
Middle School; Dan Hanson, individually and in his official capacity as Assistant
Principal of Campus Middle School; Aoi Jackson, individually and in her official capacity
as Assistant Principal of Campus Middle School

Defendant(s)

Civil Action No. 1:26-cv-1955

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Dan Hanson
4141 S. Laredo Way
Aurora, CO 80013

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael Francisco
FIRST AND FOURTEENTH PLLC
800 Connecticut Avenue, NW, Suite 300
Washington D.C. 20006
Phone: (202) 998-1978
Email: michael@first-fourteenth.com

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CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

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on *(date)* _____, and mailed a copy to the individual's last known address; or

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Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Colorado

L.Y., a minor, by and through her father as
next friend, F.Y.,

Plaintiff(s)

Cherry Creek School District; Cherry Creek School District Board of Education;
Christopher Smith, individually and in his official capacity as Superintendent of Cherry
Creek School District; Omar Montgomery, individually and in his official capacity as
Director of Community Engagement in the Department of Equity, Culture and Community
Engagement; Lissa Staal, individually and in her official capacity as Principal of Campus
Middle School; Dan Hanson, individually and in his official capacity as Assistant
Principal of Campus Middle School; Aoi Jackson, individually and in her official capacity
as Assistant Principal of Campus Middle School

Defendant(s)

Civil Action No.1:26-cv-1955

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Aoi Jackson
in her official capacity as Assistant Principal of Campus Middle School
Cherry Creek School District
4700 S. Yosemite St.,
Greenwood Village, Colorado 80111

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael Francisco
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800 Connecticut Avenue, NW, Suite 300
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CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Colorado

L.Y., a minor, by and through her father as
next friend, F.Y.,

Plaintiff(s)

Cherry Creek School District; Cherry Creek School District Board of Education;
Christopher Smith, individually and in his official capacity as Superintendent of Cherry
Creek School District; Omar Montgomery, individually and in his official capacity as
Director of Community Engagement in the Department of Equity, Culture and Community
Engagement; Lissa Staal, individually and in her official capacity as Principal of Campus
Middle School; Dan Hanson, individually and in his official capacity as Assistant
Principal of Campus Middle School; Aoi Jackson, individually and in her official capacity
as Assistant Principal of Campus Middle School

Defendant(s)

Civil Action No. 1:26-cv-1955

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Aoi Jackson
4470 S Valdai Way
Aurora, CO 80015

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael Francisco
FIRST AND FOURTEENTH PLLC
800 Connecticut Avenue, NW, Suite 300
Washington D.C. 20006
Phone: (202) 998-1978
Email: michael@first-fourteenth.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

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Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: