

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

FILED-2  
2007 MAY 11 PM 4:08  
DOROTHY SHOWN  
CLERK OF CIRCUIT COURT  
LAW DIVISION

JESSICA TURNER, a minor, by her )  
grandparents and guardians, )  
KENNETH RICHARDSON and )  
LAVERNE RICHARDSON, )

Plaintiff, )

v. )

CHICAGO BOARD OF EDUCATION, )  
CHICAGO SCHOOL DISTRICT 299, )  
JEWEL A. DIAZ, and MS. BUFORD, )

Defendants. )

No. 2007L004941  
CALENDAR BOOK 2  
FILE 60603  
Tort - International

Jury Demand

COMPLAINT AT LAW

NOW COMES Plaintiff, JESSICA TURNER ("Jessica"), a minor, by her grandparents and guardians, KENNETH RICHARDSON ("Kenneth") and LAVERNE RICHARDSON ("Grandparents") and complaining against Defendants, the CHICAGO BOARD OF EDUCATION ("Board"), CHICAGO SCHOOL DISTRICT 299 ("District 299"), JEWEL A. DIAZ ("Principal Diaz"), individually and professionally, and MS. BUFORD, individually and professionally, states as follows:

PARTIES

1. Jessica Turner ("Jessica") is a 12 year-old minor who resides in Chicago, Illinois. At the times alleged herein, she was an eighth grade student at Ashburn Community Elementary School ("Ashburn Elementary"), 8300 S. Saint Louis Ave., Chicago, IL 60652. This action is brought on Jessica's behalf by her grandparents and legal guardians who are also residents of Chicago, Illinois.
2. Defendant Chicago Board of Education ("Board"), 125 South Clark Street, Chicago, Illinois, 60603, County of Cook, is an Illinois municipal quasi

corporation organized under the laws of the State of Illinois. At all times alleged herein, the Board's administrators and teachers of Ashburn Elementary were acting within the scope of their employment with District 299 which is a district within the control of the Board which administers the Chicago Public School System.

3. At all times alleged herein, Defendant Chicago School District 299, 125 South Clark Street, Chicago, Illinois, 60603, County of Cook, is an Illinois municipal quasi corporation affiliated with the Chicago Public Schools and managed by the Chicago Board of Education. District 299 controls over 620 schools in Chicago including Ashburn Elementary.
4. At all times alleged herein, Defendant Principal Diaz was the principal of Ashburn Elementary, and was acting under color of state law and in her capacity as principal of Ashburn Elementary. Defendant Principal Diaz is named in both her individual and official capacity.
5. At all times alleged herein, Defendant Ms. Buford was a substitute teacher at Ashburn Elementary, 8300 S. Saint Louis Ave., Chicago, IL 60652, who was assigned to teach Jessica Turner's class on or about May 26, 2006, and was acting under color of state law and in her capacity as teacher of Jessica Turner at the Ashburn Elementary. Defendant Buford is named in both her individual and official capacity.

#### **FACTUAL BACKGROUND**

6. On or about May 26, 2006, District 299 of the Chicago Public School system, through the approval of Principal Diaz, employed Ms. Buford as a substitute teacher for Jessica's 8<sup>th</sup> grade class at Ashburn Elementary.
7. Jessica arrived for class on May 26, 2006 and sat in her seat as she had normally.

Jessica then noticed that her regular teacher was absent and Ms. Buford was substituting.

9. Shortly after all of the students were seated, Ms. Buford made a brief announcement to the class, identifying herself.
10. Ms. Buford then announced, "remember, what happens in Ms. Buford's class stays in Ms. Buford's class."
11. Ms. Buford then asked a male student to get up and close the door.
12. Ms. Buford announced that the class would be watching a motion picture called, "Brokeback Mountain."
13. Brokeback Mountain is "R" rated for strong language and explicit sexual content. More descriptively, it depicts graphically, an intimate homosexual affair between two cowboys who were shepherding in Wyoming.
14. The Motion Picture Association of America's ("MPAA") rating system defines an "R" rating to serve as a warning that all persons under the age of 17 should not view an "R" rated picture without being accompanied by a parent or guardian.
15. Ms. Buford ignored the MPAA rating and screened the movie to a group of 12 year-olds in an elementary school classroom without seeking permission from the students' parents or guardians.
16. The Defendants knew or should have known that Ms. Buford intended to inflict intentional harm to Jessica and her class because Ms. Buford deliberately screened only the sexual segments of "Brokeback Mountain."
17. At the end of the day, Jessica who normally plays with her friends immediately after school, hurried home distraught and in a panic.
18. Jessica, without delay, explained to her grandparents that Ms. Buford made her class watch a movie where two men were having sex.
19. Kenneth angrily asked his granddaughter why she did not leave the classroom.
20. Jessica responded that she could not leave because the door was closed and she feared getting in trouble after hearing Ms. Buford's announcement.
21. Kenneth then proceeded to Ashburn Elementary to confront Principal Diaz and Ms. Buford about the inappropriate screening of "Brokeback Mountain."

22. Kenneth entered Principal Diaz's office in the late afternoon of May 26, 2006 and told Principal Diaz about the film shown in his granddaughter's class.
23. According to Kenneth, Principal Diaz already knew about the screening of "Brokeback Mountain" in Ms. Buford's class.
24. Kenneth requested that Principal Diaz allow him to speak to Ms. Buford and to ask why she would show such a film to his granddaughter.
25. Principal Diaz told Kenneth that he could not speak to Ms. Buford without Ms. Buford's union representative present.
26. Kenneth then explained that if he could not speak to Ms. Buford without her union representative present, he would have to hire an attorney to find out what was going on at his granddaughter's school.
27. According to Kenneth, after he professed to Principal Diaz that he would have to hire an attorney, Principal Diaz grabbed his arm and shut the door so Kenneth could not leave.
28. Principal Diaz then agreed to take Kenneth down to see Ms. Buford who was still in the building after the end of the school day.
29. Ms. Buford refused to speak to Kenneth without her union representative present.
30. Kenneth then left the school confused and angry.
31. The Defendants knew or should have known at the time these violations were committed that Jessica, a 12 year-old elementary school student, was particularly susceptible to emotional distress.
32. Due to the actions by the Defendants, Jessica has suffered and continues to suffer from severe emotional distress.
33. Due to suffering from such emotional distress, Jessica has had to seek psychological treatment and counseling.
34. Upon information and belief, Ms. Buford still teaches within District 299 and the Chicago Public School system.

**COUNT I - NEGLIGENT ENTRUSTMENT**

35. The Plaintiff restates, realleges and incorporates herein by reference, paragraphs 1-33 as if set forth fully in this count.
36. At all times alleged herein, Jessica was under the care and responsibility of Chicago Public Schools, School District 299, Ashburn Elementary, Principal Diaz, and Ms. Buford.
37. Ms. Buford was under the direct control of District 299 and employed to act as a substitute teacher for Jessica's class on or around May 26, 2006 by Principal Diaz.
38. The Board and Principal Diaz knew or should have known that Ms. Buford was incompetent and posed a foreseeable risk of harm to Ashburn Elementary students.
39. At all times alleged herein, Defendants' actions were willful and wanton.
40. As a result of the Board's hiring of Ms. Buford, whom it knew was incompetent, inexperienced, and reckless, Plaintiff was proximately injured.

WHEREFORE, the Plaintiff, Jessica Turner, by and through her grandparents and guardians, Kenneth and Laverne Richardson, pray this honorable Court grant against the Chicago Board of Education in an amount in excess of FIFTY THOUSAND AND 00/100 dollars plus costs, and any other relief this Court deems appropriate and just under the circumstances.

#### COUNT II - NEGLIGENT HIRING

41. The Plaintiff restates, realleges and incorporates herein by reference, paragraphs 1-39 as if set forth fully in this count.
42. At all times alleged herein, Jessica was under the care and responsibility of Chicago Public Schools, School District 299, Ashburn Elementary, and Principal Diaz, all of whom breached their duty to use due care in selecting and retaining only safe and competent employees.
43. At all time alleged herein, Jessica was under the care and responsibility of an employee, Ms. Buford, who the employer, Chicago Public Schools, had reason to

know was incompetent and posed a foreseeable risk of harm to Ashburn Elementary students.

44. At all times alleged herein, Chicago Public Schools, is the employer of Ms. Buford.
45. At all times alleged herein, the Board of the Chicago Public Schools hired Ms. Buford even though she was unqualified and her lack of qualification was known or should have been known at the time of Ms. Buford's hiring.
46. At all times alleged herein, Defendants' actions were willful and wanton.
47. As a result of Ms. Buford's unfitness and lack of qualifications, and the Board's and Principal Diaz's decision to hire Ms. Buford as a substitute teacher in Jessica's class, Jessica was proximately injured.

WHEREFORE, the Plaintiff, Jessica Turner, by and through her grandparents and guardians, Kenneth and Laverne Richardson, pray this honorable Court grant against Chicago Board of Education in an amount in excess of FIFTY THOUSAND AND 00/100 dollars plus costs, and any other relief this Court deems appropriate and just under the circumstances.

**COUNT III - RESPONDEAT SUPERIOR**  
**FALSE IMPRISONMENT**

48. The Plaintiff restates, realleges and incorporates herein by reference, paragraphs 1-33 as if set forth fully in this count.
49. At all times alleged herein, Ms. Buford was employed by District 299 of the Chicago Public School System and Principal Diaz as a substitute teacher for Jessica's class on or around May 26, 2006.
50. At all times alleged herein, Principal Diaz was employed by the Chicago Public Schools System as the principal for Ashburn Elementary.
51. At all times alleged herein, Ashburn Elementary was Jessica's school.
52. On or around May 26, 2006 Ms. Buford, while acting under express authority from the Board and Principal Diaz, taught Jessica's eight grade class, and told

said class that, "whatever happens in Ms. Buford's class, stays in Ms. Buford's class."

53. Shortly after Ms. Buford's announcement she closed the door and screened "Brokeback Mountain."
54. "Brokeback Mountain" is an "R" rated motion picture with vulgar language and strong homosexual content.
55. Jessica was confined to her seat for the duration of the film and later told her grandfather Kenneth that she was afraid and could not leave the room.
56. As a result of the Board's and Principal Diaz's granting Ms. Buford the ability to act as a substitute teacher, while they knew or should have known Ms. Buford was not qualified and posed a foreseeable harm to the students, Jessica was proximately caused to experience unlawful restraint of her personal liberty and experienced severe emotional distress.

WHEREFORE, the Plaintiff, Jessica Turner, by and through her grandparents and guardians, Kenneth and Laverne Richardson, pray this honorable Court grant against The Chicago Board of Education in an amount in excess of ONE HUNDRED THOUSAND AND 00/100 dollars plus costs, and any other relief this Court deems appropriate and just under the circumstances.

**COUNT IV - RESPONDEAT SUPERIOR**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

57. The Plaintiff restates, realleges and incorporates herein by reference, paragraphs 1-33 as if set forth fully in this count.
58. At all times alleged herein, Ms. Buford was employed by the Chicago Public School System and Principal Diaz as a substitute teacher for Jessica's class on or around May 26, 2006.
59. At all times alleged herein, Principal Diaz was employed by the Chicago Public School System as the principal for Ashburn Elementary.
60. At all times alleged herein, Ashburn Elementary was the school Jessica attended.

61. On or around May 26, 2006 Ms. Buford, while acting under express authority from the Board and Principal Diaz, taught Jessica's eighth grade class, and told said class that, "whatever happens in Ms. Buford's class, stays in Ms. Buford's class."
62. Shortly after Ms. Buford's announcement she closed the door and screened "Brokeback Mountain."
63. "Brokeback Mountain" is an "R" rated motion picture with vulgar language and strong homosexual content which was both extreme and outrageous.
64. The Defendants knew or should have known that Ms. Buford intended to inflict intentional harm to Jessica and her class because Ms. Buford deliberately screened only the sexual segments of "Brokeback Mountain."
65. The Defendants, at all times alleged herein, intended to inflict or knew that that their conduct would inflict severe emotional distress upon Jessica, a twelve year-old girl.
66. Defendant's actions in subjecting Jessica to view an "R" rated movie with adult themes and strong homosexual content was extreme and outrageous, thereby proximately causing Jessica to suffer severe emotional distress.
67. As a result of the Defendants' creation of a situation in which Jessica was forced to choose between obeying the instructions of her substitute teacher to not inform anyone of the movie she was shown or responding to her guardians' inquiries as to what happened in school that day, Jessica was caused to suffer severe emotional distress.
68. Defendants knew or should have known at the time these violations were committed that Jessica, a 12 year-old elementary school student, was particularly susceptible to emotional distress.
69. Defendants consciously disregarded the harm caused by screening "Brokeback Mountain" to a 12 year-old girl, proximately causing her to suffer emotional distress, later requiring psychological treatment.

WHEREFORE, the Plaintiff, Jessica Turner, by and through her grandparents and guardians, Kenneth and Laverne Richardson, pray this honorable Court grant against

the Chicago Board of Education in an amount in excess of ONE HUNDRED THOUSAND AND 00/100 dollars plus costs, and any other relief this Court deems appropriate and just under the circumstances.

**COUNT V – INTENTIONAL INFLICTION**  
**OF EMOTIONAL DISTRESS AGAINST MS. BUFORD**

70. The Plaintiff restates, realleges and incorporates herein by reference, paragraphs 1-33 as if set forth fully in this count.
71. At all times alleged herein, Ms. Buford was employed by the Chicago Public School System and Principal Diaz as a substitute teacher for Jessica's class on or around May 26, 2006.
72. At all times alleged herein, Ashburn Elementary was the school Jessica attended.
73. On or around May 26, 2006 Ms. Buford, while acting under apparent authority from the Board and Principal Diaz, taught Jessica's eighth grade class, and told said class that, "whatever happens in Ms. Buford's class, stays in Ms. Buford's class."
74. Shortly after Ms. Buford's announcement she closed the door and screened "Brokeback Mountain."
75. "Brokeback Mountain" is an "R" rated motion picture with vulgar language and strong homosexual content which was both extreme and outrageous.
76. The Defendant, at all times alleged herein, intended to inflict or knew that that her conduct would inflict severe emotional distress upon Jessica, a twelve year-old girl.
77. Ms. Buford intended to inflict intentional harm to Jessica and her class because Ms. Buford deliberately screened only the sexual segments of "Brokeback Mountain."
78. As a result of Defendant's actions in subjecting Jessica to view an "R" rated movie with adult themes and strong homosexual content which was extreme and outrageous, Jessica was proximately caused to suffer severe emotional distress.

79. As a result of Ms. Buford's creation of a situation in which Jessica was forced to choose between obeying the instructions of her teacher to not inform anyone of the movie she was shown or responding to her guardians' inquiries as to what happened in school that day, Jessica was proximately caused to suffer severe emotional distress.
80. Ms. Buford knew or should have known at the time these violations were committed that Jessica, a 12 year-old elementary school student, was particularly susceptible to emotional distress.
81. Ms. Buford consciously disregarded the harm caused by screening "Brokeback Mountain" to a 12 year-old girl, proximately causing her to suffer emotional distress, later requiring psychological treatment.

WHEREFORE, the Plaintiff, Jessica Turner, by and through her grandparents and guardians, Kenneth and Laverne Richardson, pray this honorable Court grant against Ms. Buford in an amount in excess of ONE HUNDRED THOUSAND AND 00/100 dollars plus costs, and any other relief this Court deems appropriate and just under the circumstances.

**COUNT VI -**  
**FALSE IMPRISONMENT AGAINST MS. BUFORD**

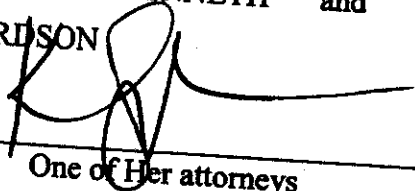
82. The Plaintiff restates, realleges and incorporates herein by reference, paragraphs 1-33 as if set forth fully in this count.
83. At all times alleged herein, Ms. Buford was employed by the Chicago Public School System and Principal Diaz as a substitute teacher for Jessica's class on or around May 26, 2006.
84. At all times alleged herein, Ashburn Elementary was Jessica's school.
85. On or around May 26, 2006 Ms. Buford, while acting under express authority from the Board and Principal Diaz, taught Jessica's eight grade class, and told said class that, "whatever happens in Ms. Buford's class, stays in Ms. Buford's class."

86. Shortly after Ms. Buford's announcement she closed the door and screened "Brokeback Mountain."
87. "Brokeback Mountain" is an "R" rated motion picture with vulgar language and strong homosexual content.
88. Jessica was confined to her seat against her will for the duration of the film and later told her grandfather Kenneth that she was afraid and could not leave the room because of Ms. Buford's announcement.
89. As a result of Ms. Buford's confinement of Jessica against her will, Jessica was proximately caused to experience unlawful restraint of her personal liberty and experienced severe emotional distress.

WHEREFORE, the Plaintiff, Jessica Turner, by and through her grandparents and guardians, Kenneth and Laverne Richardson, pray this honorable Court grant against the Ms. Buford in an amount in excess of ONE HUNDRED THOUSAND AND 00/100 dollars plus costs, and any other relief this Court deems appropriate and just under the circumstances.

Respectfully submitted,  
JESSICA TURNER, by and through her  
grandparents, KENNETH and LAVERNE  
RICHARDSON

By: \_\_\_\_\_

  
One of Her attorneys

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