

3.06601196 (RUC)

JS 44 (Rev. 11/04)

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 THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Jeffrey Spanierman

(b) County of Residence of First Listed Plaintiff: Osceola County, Florida (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number): John R. Williams, Esq., 51 Elm Street, Suite 409, New Haven, CT 06510

DEFENDANTS

FILED

Abigail L. Hughes, Anne Druzolowski and Lisa Hylwa

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

NOTE: IN U.S. DISTRICT COURT CASES, THE LOCATION OF THE LAND INVOLVED: NEW HAVEN, CT

Attorneys (If Known)

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

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 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)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business in This State, Incorporated and Principal Place of Business in Another State, Foreign Nation

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

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, SOCIAL SECURITY, FEDERAL TAX SUITS, BANKRUPTCY, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Real Property, etc.

V. ORIGIN

- 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, 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

28 U.S.C. 1331, 1332, 1333, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 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2991, 2992, 2993, 2994, 2995, 2996, 2997, 2998, 2999, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 315

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2006 AUG -2 A 10: 11

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT
U.S. DISTRICT COURT
NEW HAVEN, CT

JEFFREY SPANIERMAN

VS.

ABIGAIL L. HUGHES,
ANNE DRUZOLOWSKI and
LISA HYLWA

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CIVIL ACTION NO.

306CV01196

JULY 31, 2006

RNC

COMPLAINT

1. This is an action to redress the deprivation of rights secured to the plaintiff by the Constitution and laws of the United States and the State of Connecticut.

2. Jurisdiction of this court is invoked under the provisions of Sections 1331, 1332, 1343(3) and 1367(a) of Title 28 and Sections 1983 and 1988 of Title 42 of the United States Code.

3. The plaintiff is an adult citizen of the United States who resides in Kissimmee, Florida.

4. All of the defendants are residents of the State of Connecticut. The defendant Hughes is the Superintendent of the Connecticut Technical High School System; the defendant Druzolowski is the Assistant Superintendent of the Connecticut Technical High School System; the defendant Hylwa is the Principal of

Emmett O'Brien Connecticut Technical High School. The defendants are sued only in their individual capacities for compensatory and punitive damages and only in their official capacities for prospective non-economic injunctive relief.

5. During all times mentioned in this Complaint, the defendants were acting under color of law, that is, under color of the constitution, statutes, laws, rules, regulations, customs and usages of the State of Connecticut.

6. At all times mentioned in this Complaint, the defendants acted jointly and in concert with each other. Each defendant had the duty and the opportunity to protect the plaintiff from the unlawful actions of the other defendants but each defendant failed and refused to perform such duty, thereby proximately causing the injuries herein complained of.

7. The amount of money damages involved in this action is more than \$75,000 exclusive of interest and costs.

8. The plaintiff is a teacher licensed and certified by the State of Connecticut. He was employed as an English teacher and drama coach at the aforesaid Emmett O'Brien Connecticut Technical High School and, until the events hereinafter described, always received excellent evaluations as a teacher.

9. Beginning in or about the late spring of 2005, the plaintiff utilized the website myspace.com to communicate with friends and acquaintances. Because that website is very popular with people under the age of thirty, he also exchanged

communications thereon with former, and some then current, students. All of his communications were entirely appropriate and professional.

10. Based solely upon the fact that the plaintiff used myspace.com as a communications medium:

A. Defendant Hylwa, on November 28, 2005, suspended the plaintiff from all teaching and placed him on administrative leave for the duration of the school year;

B. Defendant Hylwa, on March 30, 2006, reprimanded the plaintiff in writing for using the said website;

C. Defendant Druzolowski on March 30, 2006, terminated the plaintiff's aforesaid employment as of the end of that school year;

D. Defendant Hughes on April 28, 2006, affirmed the aforesaid termination of the plaintiff's employment.

11. As a result, the plaintiff has suffered ongoing economic loss, severe injury to his ability to earn a living in the future, and associated emotional distress.

12. The conduct of the defendants described above was outrageously arbitrary and shocking to the conscience, and constituted a deprivation of substantive due process of law in violation of the Fourteenth Amendment to the United States Constitution as enforced through Sections 1983 and 1988 of Title 42 of the United States Code.

13. The conduct of the defendants described above constituted a denial of procedural due process of law in violation of the Fourteenth Amendment to the United States Constitution as enforced through Sections 1983 and 1988 of Title 42 of the United States Code.

14. The conduct of the defendants described above constituted a denial of the plaintiff's right to freedom of speech and expression in violation of the First Amendment to the United States Constitution as enforced through Sections 1983 and 1988 of Title 42 of the United States Code.

15. The conduct of the defendants described above constituted a denial of the plaintiff's right to freedom of association in violation of the First Amendment to the United States Constitution as enforced through Sections 1983 and 1988 of Title 42 of the United States Code.

16. No other teacher in the Connecticut Technical High School System has suffered adverse employment action simply because of his or her choice of a particular website for lawful electronic communications. Accordingly, the actions of the defendants described above constituted an intentional and irrational denial of the plaintiff's right to equal protection of the laws in violation of the Fourteenth Amendment to the United States Constitution as enforced through Sections 1983 and 1988 of Title 42 of the United States Code.

WHEREFORE, the plaintiff claims judgment against the defendants and each of them, jointly and severally, for compensatory damages, punitive damages, attorney fees and costs, and further claims such injunctive relief as this court may consider to be fair and equitable.

The plaintiff claims trial by jury.

THE PLAINTIFF

BY: 

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