

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

JAMEY PETREE, Next Friend of  
JALA PETREE, a Minor,

Case No. 10  
Hon.

4815

NZ

Plaintiff,

-vs-

WARREN CONSOLIDATED SCHOOLS,

Defendant.

**FOSTER**  
**P28189**

\_\_\_\_\_  
SCOTT E COMBS P37554  
Attorney for Plaintiff  
27780 Novi Road, Suite 105  
Novi MI 48377  
248-380-5050  
\_\_\_\_\_

COMPLAINT & JURY DEMAND

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this complaint pending in this court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge, or do I know of any other civil action, not between these parties, arising out of the same transaction or occurrence as alleged in this complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after having been assigned to a judge in this court.

NOW COME Plaintiffs, by and through their attorney, SCOTT E. COMBS,  
and for their Complaint against the above-named defendant, state onto this  
Honorable Court as follows:

- 1) This is an action for intentional race discrimination, disparate treatment and/or outcome, racial harassment, hostile environment and

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retaliation pursuant to the Michigan Elliott-Larsen Civil Rights Act, MCL 37.2101 et seq., as well as intentional infliction of emotional distress, racial discrimination and racial harassment pursuant to MCL 37.2101 et seq., and retaliation for refusing to acquiesce in illegal, racially discriminatory acts, instructions, policies and practices.

2) At all times relevant to the facts of this action, Plaintiffs were residents of Macomb County, Michigan and at all times relevant hereto Jala was enrolled in defendant's public school system.

3) Defendant Warren Consolidated Schools is a Michigan school district operating in Macomb County, Michigan.

4) All significant events giving rise to this Complaint and cause of action occurred in Macomb County.

5) The amount in controversy exceeds \$25,000.00 as to Plaintiff against Defendant, exclusive of interest, costs and attorney fees.

#### **BACKGROUND FACTS**

6) Plaintiff incorporates by reference paragraphs 1 through 5 as though each were fully re-stated herein.

7) Plaintiff minor was a student in the 5<sup>th</sup> grade for the 2009 - 2010 school year at Margaret Black Elementary School. During that time frame, and more specifically in January, 2010, Jala's teacher chose to present literature to the class by reading aloud excerpts from a book by Julius Lester entitled *From Slave Ship to Freedom Road*.

- 8) The teacher read the below except to the class:

"Step right up! New shipment of niggers just in. These niggers are as black as Satan's thoughts, which means it don't matter how hot the sun gets, they will work like it's the cool of the day. However, they're so black, it's hard to see them in the dark. But don't worry. At night they bring out their banjos and drums. If you can't see 'em, in the dark, you'll sure hear 'em.

Nigger. They called us'n that from our first cry to our last breath. It ain't nothing but a word, some might say, but words hurt like whips and they leave scars you can't see and what don't never heal. You might think that what hurt us slaves the most was the beatings. But there's lot worse than getting whupped.

\* \* \*

My ol' massa thinks he knows me. But if he don't care to try and know what really hurts me, how can he ever know me?

Nine months after you buy one of these niggers, you will have a plantation full of nigger babies. These niggers are a bargain and I will start the bidding at a mere eight hundred dollars. Do I hear Eight Hundred? I have eight. Do I hear eight-fifty?"

- 9) As a direct and proximate cause of Defendants' actions, Plaintiff

has suffered the below damages:

- a) Intentional infliction of emotional distress on Plaintiff through outrageous statements to and about Plaintiff, relating to Plaintiff's race;
- b) Racial discrimination and harassment on Plaintiff, specifically toward Plaintiff because she is an African-American female, and other acts of racial discrimination intentionally done and disparately done solely because Plaintiff is an African-American;

### COUNT I

- 10) Plaintiff incorporates by reference paragraphs 1 through 10 as though each were fully re-stated herein.

11) At all material times, Plaintiff was a student, and Defendants were her school district; she was covered by and within the meaning of the Michigan Elliott-Larsen Civil Rights Act, MCL 37.2101 et seq.

12) The Plaintiff was racially harassed, discriminated against intentionally and disparately by Defendants and their agents and employees throughout the course of her schooling through the intentional and disparate treatment, discrimination based on race; Defendants are directly, vicariously or by way of respondeat superior responsible for the acts of each Defendant and their agents.

13) The racial harassment and intentional and/or disparate discrimination has included but is not limited to unwelcome racial comments and conduct of an offensive nature directed at Plaintiff, and intentional and disparate treatment and verbal actions taken towards Plaintiff in part because of her African-American race.

14) The actions of Defendants and their agents, representatives and employees were intentional; further, Plaintiff was treated intentionally and disparately different in her schooling due to the fact that she is African-American, and these actions set forth above have proximately affected the conditions of learning duties and the advantages of her further education, and seriously affected her mental and emotional well-being; past, present and future.

15) As a direct and proximate result of Defendants' unlawful actions against Plaintiff as described, Plaintiff has suffered injuries and damages,

including but not limited to mental and emotional distress, and the loss of the ordinary pleasures of life, as well as statutory costs and attorney fees.

**COUNT II**

16) Plaintiff incorporates by reference paragraphs 1 through 15 as though each were fully re-stated herein.

17) Defendants' actions were extreme and outrageous, done intentionally and/or recklessly, causing severe emotional distress.

18) As a direct and proximate result, Plaintiff has suffered and seeks compensation for pain, suffering and emotional distress, humiliation and embarrassment, as well as damages set forth herein and not yet manifested.

WHEREFORE, PLAINTIFF requests that this Court enter a judgment against Defendants, jointly and severally as follows:

- a) Compensatory damages in whatever amount above \$25,000.00 Plaintiff is found to be entitled;
- b) Exemplary damages in whatever amount above \$25,000.00 Plaintiff is found to be entitled, including any and all applicable non-economic damages allowable under common law, the Elliott-Larsen Civil Right Act and the intentional infliction of emotional distress imposed upon Plaintiff;
- c) An award of interest, costs and reasonable attorney fees as allowed by statute and the common law of this State.

DEMAND FOR JURY TRIAL

NOW COMES Plaintiff, JALA PETREE, by her Next Friend, JAMEY  
PETREE, through their attorney, SCOTT E. COMBS, and hereby demands a trial  
by jury in the above-captioned matter.

Respectfully Submitted,

LAW OFFICES OF SCOTT E. COMBS



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Date: 10/28/10

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