

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
YVONNE DRAIN and RONALD DRAIN, individually
and as parents and legal guardians of plaintiff,
JAZMIN DRAIN.

Plaintiffs,

Docket No.: CV-14-1959

-against-

FREEPORT UNION FREE SCHOOL DISTRICT,
FREEPORT HIGH SCHOOL, JOSEPH MILLE,
individually and in his official capacity, PEGGY
BECKETT, individually and in her official capacity,
KHATORA WATSON, and "JOHN" WATSON and
"JANE" WATSON, as parents and legal guardians of
KHATORA WATSON.

COMPLAINT
JURY TRIAL DEMANDED

Defendants.

-----X
Plaintiffs, YVONNE and RONALD DRAIN, individually and as the parents and legal
guardians of JAZMIN DRAIN, by and through their attorneys, The Law Offices of Frederick K.
Brewington, state and allege the following claims against the above-named Defendants as follows:

PRELIMINARY STATEMENT

1. This is a civil action seeking compensatory damages, punitive and monetary relief for Defendants FREEPORT HIGH SCHOOL, FREEPORT UNION FREE SCHOOL DISTRICT, PEGGY BECKETT and JOSEPH MILLE's failure to prevent the brutal attack and slashing of Plaintiff JAZMIN DRAIN, failure to properly advise JAZMIN's parents, Plaintiffs YVONNE and RONALD DRAIN, of the circumstances surrounding their child's injury, failure to notify the appropriate local law enforcement agency or any law enforcement agency of the attack, failure to expeditiously conduct an investigation into how a FREEPORT HIGH SCHOOL student was slashed and stabbed while on school grounds and misrepresentation of the events leading up to the attack

in the main lobby of FREEPORT HIGH SCHOOL.

2. Ms. Drain was stabbed, slashed across her face and endured pain, suffering, discomfort and summary punishment, as a direct result of Defendants' cruel, unusual, inhumane and unjustified treatment without reasonable justification.

3. On May 21, 2013, Defendants FREEPORT HIGH SCHOOL, FREEPORT UNION FREE SCHOOL DISTRICT, PEGGY BECKETT (hereinafter "BECKETT ") and JOSEPH MILLE's (hereinafter "MILLE") failure to meet their obligation to safeguard and supervise students in their charge led to an assault on, and disfigurement of, JAZMIN DRAIN as she exited FREEPORT HIGH SCHOOL.

4. Defendants MILLE, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT failed to properly act when Plaintiff JAZMIN DRAIN made them aware of specific threats against her by a known identifiable student with a propensity for violence, negligently failed to provide proper supervision and safety in the school environment and failed to adequately prevent and respond to violence by and between students.

5. Furthermore, Defendant MILLE failed to inform the appropriate local law enforcement agency of the slashing and stabbing, thereby implicitly condoning the assault in question and putting Plaintiff JAZMIN DRAIN at further risk of harm by Defendant KHATORA WATSON, failed to follow the rules and regulations of FREEPORT UNION FREE SCHOOL DISTRICT and intentionally and/or willfully misrepresented the facts and circumstances surrounding the incident in an effort to thwart the police's investigation and prevent Plaintiffs from seeking justice (criminally) against Defendant KHATORA WATSON (hereinafter "WATSON").

6. As the parents of Plaintiff JAZMIN DRAIN, YVONNE and RONALD DRAIN suffered psychological injuries including, severe and continuing emotional distress from seeing

Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT take no actions to protect their daughter. Plaintiffs YVONNE and RONALD DRAIN further suffered expenses and damages associated with the medical care of their daughter as a direct result of the attack by Defendant WATSON.

7. Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT willfully, intentionally, wantonly, recklessly, carelessly, knowingly, and purposefully sought to dehumanize Ms. Drain by failing to meet their obligation to safeguard students under their control and follow rules and regulations- all in violation of Plaintiff JAZMIN DRAIN's constitutional and civil rights.

8. Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT's unlawful, violative, inappropriate, abusive, unauthorized, and/or negligent actions constitute civil rights and constitutional violations. Included in these rights is protection from summary punishment.

JURISDICTION AND VENUE

9. This action is brought pursuant to 42 U.S.C. §1983 and the Fourteenth Amendment to the United States Constitution. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1343 and the aforementioned statutory and constitutional provisions. Plaintiff further invokes the pendent jurisdiction of this Court, pursuant to 28 U.S.C. §1367, to hear and decide any and all claims arising under state law.

10. Prior hereto and within the proper time allotted by statute, Plaintiff filed a Notice of Claim in compliance with General Municipal Law § 50 et seq. and CPLR 215, as against each municipal defendant, on July 8, 2013. Defendant FREEPORT UNION FREE SCHOOL DISTRICT

exercised its right to conduct a hearing pursuant to General Municipal Law § 50-h on December 10, 2013. More than 30 days have elapsed and Defendants have failed and refused to pay or adjust same.

11. Venue is appropriate in the Eastern District of New York, as the entity defendants (FREEPORT UNION FREE SCHOOL DISTRICT and FREEPORT HIGH SCHOOL) and the plaintiffs in question are located in Nassau County. Upon information and belief, the other Defendants also reside in the Eastern District of New York and the situs of the incident giving rise to these claims occurred in the Eastern District of New York.

PARTIES

12. Plaintiffs YVONNE and RONALD DRAIN (hereinafter “Mr. & Mrs. DRAIN” or “the DRAIN Parents”), parents and natural guardians of Plaintiff JAZMIN DRAIN, are African-American citizens of the United States and residents of the State of New York, County of Nassau.

13. Plaintiff JAZMIN DRAIN is a resident of the State of New York, County of Nassau. JAZMIN DRAIN (hereinafter “JAZMIN” or “Ms. Drain”) was a minor at the time of the events that are the subject of the within lawsuit and is currently of majority age. At all times relevant to this complaint, JAZMIN DRAIN is an African-American citizen of the United States and was a student at FREEPORT HIGH SCHOOL, within the FREEPORT UNION FREE SCHOOL DISTRICT.

14. Defendant FREEPORT UNION FREE SCHOOL DISTRICT is a school district comprised of several schools including, FREEPORT HIGH SCHOOL, exists and operates by virtue of the laws of New York State and is governed by the laws of the State of New York and the United States. FREEPORT HIGH SCHOOL was located at 50 So. Brookside Avenue, Freeport, New York 11520 at all relevant times.

15. Defendant MILLE is an Assistant Principal within FREEPORT HIGH SCHOOL, and as such, had a duty of care to oversee the safety, well-being and security of the students including,

Plaintiff JAZMIN DRAIN. Defendant MILLE is being sued herein in his individual and official capacities.

16. PEGGY BECKETT is a safety officer employed by Defendant FREEPORT UNION FREE SCHOOL DISTRICT , and as such, had a duty of care to oversee the safety, well-being and security of the FREEPORT HIGH SCHOOL students including, Plaintiff JAZMIN DRAIN. Defendant BECKETT is being sued herein in her individual and official capacities.

17. Defendant WATSON was a student at the FREEPORT HIGH SCHOOL at the time of the events in question. Upon information and belief, WATSON was a minor at the time of the events in question, and is currently of majority age.

18. Upon information and belief, Defendants WATSON and her parents and natural guardians, "JOHN" and "JANE" WATSON, are and were residents of the State of New York and County of Nassau. "JOHN" and "JANE" WATSON were responsible for the actions of their then minor daughter.

FACTUAL ALLEGATIONS

19. JAZMIN DRAIN, who at the time was a seventeen-year-old girl, was brutally attacked, beaten, stabbed and slashed by Defendant WATSON, another FREEPORT HIGH SCHOOL student, on May 21, 2013 as she walked through the main lobby to exit FREEPORT HIGH SCHOOL.

20. Up until the time of this attack, Ms. Drain was employed as a model in pursuit of her dream to become a professional actress and model.

21. Plaintiff JAZMIN DRAIN was a high school student with a disability and has an individualized education program (IEP).

22. As a result of JAZMIN's special needs, FREEPORT UNION FREE SCHOOL DISTRICT's Committee on Special Education and Committee on Preschool Special Education (hereinafter "CSE/CPSE") directed JAZMIN to notify Defendant MILLE of any threats to Plaintiff JAZMIN DRAIN's safety, welfare, and security.

23. Consequently, Defendant MILLE was designated as JAZMIN's "go-to" person from her matriculation to FREEPORT HIGH SCHOOL until her graduation.

24. However, no additions were made to Plaintiff JAZMIN DRAIN's IEP or other plans in order to ensure her safety and help her deal with the continuous dangers she faced at FREEPORT HIGH SCHOOL.

25. Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT were aware and had knowledge that several FREEPORT HIGH SCHOOL students including, Jada Sherille and Defendant WATSON, had threatened Plaintiff JAZMIN DRAIN's safety, welfare, and security since June 8, 2011.

26. Plaintiff YVONNE DRAIN emailed Assistant Principal JOSEPH MILLE and Principal Ernest Kight, employees and designees of the FREEPORT UNION FREE SCHOOL DISTRICT, on June 8, 2011 to inform them that Jada Sherille was attempting to fight Plaintiff JAZMIN DRAIN once she encountered JAZMIN at FREEPORT HIGH SCHOOL.

27. Due to these threats to Plaintiff JAZMIN DRAIN's safety, welfare, and security, Plaintiff YVONNE DRAIN met with Assistant Principal Wendy Haise, an employee and designee of the FREEPORT UNION FREE SCHOOL DISTRICT, and arranged for JAZMIN DRAIN to take her final examinations for the 2010 - 2011 school year in Assistant Principal Haise's office.

28. Plaintiff YVONNE DRAIN emailed Matthew Fliegel, JAZMIN's English teacher and an employee or designee of the FREEPORT UNION FREE SCHOOL DISTRICT, on June 21,

2011 to request that JAZMIN DRAIN take the examination he was administering in Assistant Principal Wendy Haise's office, as per the aforementioned agreement.

29. Principal Kight finalized this alternate testing arrangement and Plaintiff JAZMIN DRAIN was able to take her final examinations without incident.

30. Plaintiff YVONNE DRAIN emailed Defendant MILLE on Sunday, October 23, 2011 to inform him that yet another student at FREEPORT HIGH SCHOOL, Keisha, had called, bullied and threatened Plaintiff JAZMIN DRAIN throughout the weekend.

31. Plaintiff YVONNE DRAIN also informed Defendant MILLE that Keisha was attempting to fight Plaintiff JAZMIN DRAIN once she encountered JAZMIN at FREEPORT HIGH SCHOOL and Plaintiff YVONNE DRAIN would be keeping JAZMIN home the following day to avoid any issues.

32. On November 7, 2011, Plaintiff JAZMIN DRAIN was accosted by a fellow student at FREEPORT HIGH SCHOOL who proceeded to spit on the right side of JAZMIN's face. Employees of the FREEPORT UNION FREE SCHOOL DISTRICT were present and aware of the bullying and harassment.

33. Plaintiff YVONNE DRAIN also informed Defendants FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT that she reported the incident to the Freeport Police Department.

34. Plaintiff YVONNE DRAIN emailed Defendant MILLE on November 29, 2011 to inform him that Jada Sherille and another student at FREEPORT HIGH SCHOOL, Shaunakaye, attacked Plaintiff JAZMIN DRAIN.

35. While Plaintiff YVONNE DRAIN had already informed the Freeport Police Department, she expressed her concern for JAZMIN's safety because Shaunakaye and JAZMIN shared a class at FREEPORT HIGH SCHOOL.

36. Plaintiff YVONNE DRAIN also forwarded this email to Glenn Clark, FREEPORT HIGH SCHOOL's School Psychologist and a designee of the FREEPORT UNION FREE SCHOOL DISTRICT, on November 30, 2011.

37. Defendant MILLE emailed Plaintiff YVONNE DRAIN on November 30, 2011 stating, "I got your message, no worries, I got your back."

38. In addition to assuring her that he had received her correspondence regarding the threats to Plaintiff JAZMIN DRAIN's safety, welfare, and security, Defendant MILLE promised to coordinate with Glenn Clark to change JAZMIN's and/or other FREEPORT HIGH SCHOOL students' class schedules.

39. Plaintiff YVONNE DRAIN emailed Defendant MILLE on December 13, 2011 to inform him that Jada Sherille, her older sister and her mother were attempting to attack Plaintiff JAZMIN DRAIN once they encountered JAZMIN at FREEPORT HIGH SCHOOL.

40. On December 15, 2011, two female students at FREEPORT HIGH SCHOOL bullied and harassed Plaintiff JAZMIN DRAIN throughout the day.

41. Plaintiffs YVONNE and JAZMIN DRAIN reported the incident to Defendants FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT as well as the Freeport Police Department.

42. On January 6, 2012, Plaintiff JAZMIN DRAIN was accosted by Jada Sherille in a FREEPORT HIGH SCHOOL hallway and a brawl ensued.

43. JAZMIN was suspended for five (5) days and the DRAIN parents were informed by Kishore Kuncham, Superintendent of FREEPORT UNION FREE SCHOOL DISTRICT, that the FREEPORT UNION FREE SCHOOL DISTRICT was considering disciplinary action against JAZMIN in a hearing on January 11, 2012.

44. Although JAZMIN is a student with a disability and entitled to home tutoring when Defendant FREEPORT UNION FREE SCHOOL DISTRICT is considering disciplinary action against her, she was not provided any educational assistance and was prohibited from entering FREEPORT HIGH SCHOOL property until both the Superintendent's hearing and CSE/CPSE's determinations had concluded.

45. Mr. and Mrs. Drain were forced to admonish Kishore Kuncham (hereinafter "Superintendent Kuncham") and Pamela Taylor, CSE Chairperson, of Defendant FREEPORT UNION FREE SCHOOL DISTRICT's duty to provide home tutoring for Plaintiff JAZMIN DRAIN during this extended absence in a letter dated January 9, 2012.

46. Furthermore, the DRAIN Parents made it unequivocally clear that they did not "believe that the Freeport Public School District can keep Jazmin safe" after enduring months of JAZMIN being bullied, harassed and attacked both within and outside FREEPORT HIGH SCHOOL.

47. In the aforementioned January 9, 2012 letter, Mr. and Mrs. Drain attempted to remove JAZMIN from the treacherous conditions at FREEPORT HIGH SCHOOL by respectfully requesting that JAZMIN's educational packets be sent to "neighboring school districts and to the Bellmore-Merrick School District's Alternative Placement Program."

48. Instead of assisting the DRAIN Parents in their efforts to provide a safe and productive educational environment, FREEPORT UNION FREE SCHOOL DISTRICT's

CSE/CPSE “discussed and agreed to move towards a Declassification [of JAZMIN as a student with a disability and an IEP]” on January 11, 2012.

49. FREEPORT UNION FREE SCHOOL DISTRICT’s attempts to declassify JAZMIN as a student with a disability just to avoid sending her educational packets to neighboring school districts was a contravention of the determination by the Board of Education and FREEPORT UNION FREE SCHOOL DISTRICT’s Subcommittee on Special Education that Plaintiff JAZMIN DRAIN was to remain classified as a student with a disability and continue to receive special education services on May 5, 2011.

50. While the Committee did determine that JAZMIN would be “on home instruction for the remainder of [the 2011-2012] school year,” they refused to grant Mr. and Mrs. DRAIN’s request to transfer JAZMIN to a safer educational environment outside of FREEPORT UNION FREE SCHOOL DISTRICT.

51. Furthermore, CSE/CPSE informed the DRAIN parents that the January 11th meeting was informal and the Committee would meet again “at the end of April to review and finalize a plan.”

52. As a result of Defendant FREEPORT UNION FREE SCHOOL DISTRICT’s clear disregard for Plaintiff JAZMIN DRAIN’s needs as a student with a disability who was tormented and bullied for 6 months, DRAIN Parents wrote another letter to Superintendent Kuncham and Pamela Taylor on January 23, 2012. Mr. and Mrs. DRAIN reminded Ms. Taylor of their previous discussions of sending JAZMIN’s educational packets to other school districts and provided detailed information about initiating this process with the Bellmore-Merrick School District, Sewanhaka Central High School District and The Village School.

53. Defendant FREEPORT UNION FREE SCHOOL DISTRICT continued to disregard the DRAIN Parents' requests to send Plaintiff JAZMIN DRAIN's educational packets to other school districts and instead, in a letter dated February 8, 2012, scheduled a disciplinary hearing on February 16, 2012.

54. On February 16, 2012, the DRAIN parents and JAZMIN DRAIN met with Michael Singleton, hearing officer designated by Superintendent Kuncham, Pamela Taylor, Alicia Brenneis, FREEPORT HIGH SCHOOL social worker, Glenn Clark and Defendant MILLE in the Administration Building of the FREEPORT UNION FREE SCHOOL DISTRICT to discuss JAZMIN's circumstances at FREEPORT HIGH SCHOOL.

55. Throughout this meeting, Defendant MILLE and Pamela Taylor refused to acquiesce to Mr. and Mrs. DRAIN's pleas to forward JAZMIN's educational packets to a safer and more constructive educational environment in another school district.

56. Plaintiff YVONNE DRAIN candidly referred Pamela Taylor and Defendant MILLE to Defendants MILLE and FREEPORT UNION FREE SCHOOL DISTRICT's failure to intervene and protect JAZMIN during the months of aforementioned bullying and violence she was forced to endure at FREEPORT HIGH SCHOOL.

57. Nevertheless, Defendant MILLE and Pamela Taylor asserted that Defendant MILLE was fully capable of keeping Plaintiff JAZMIN DRAIN safe and JAZMIN's educational needs can be fully met at FREEPORT HIGH SCHOOL.

58. On February 16, 2012, Defendant FREEPORT UNION FREE SCHOOL DISTRICT and Drain Parents agreed to a Stipulation of Settlement and Defendant FREEPORT UNION FREE SCHOOL DISTRICT withdrew the Superintendent's Hearing.

59. As per the Stipulation of Settlement, Defendant MILLE was designated as JAZMIN's "go-to" person when she returned to FREEPORT HIGH SCHOOL for the 2012-2013 school year in an effort to provide Plaintiffs JAZMIN DRAIN and DRAIN parents with a "procedure to inform the Administrators of any threat to [JAZMIN]'s health and well-being."

60. On September 6, 2012, Plaintiff YVONNE DRAIN emailed Defendant MILLE to inform him that Jada Sherille and Plaintiff JAZMIN DRAIN shared a class at FREEPORT HIGH SCHOOL.

61. Given Jada Sherille's history of continuously bullying and attacking Plaintiff JAZMIN DRAIN, Plaintiff YVONNE DRAIN expressed her concern for JAZMIN's safety and ability to graduate at the conclusion of the 2012-2013 school year if this class schedule was not changed.

62. On or around September 23, 2012, Plaintiff JAZMIN DRAIN was attacked by five girls while celebrating homecoming at FREEPORT HIGH SCHOOL.

63. The assailants stole JAZMIN's necklace and Eileen Shultis, Business Education teacher and employee or designee of the FREEPORT UNION FREE SCHOOL DISTRICT, locked JAZMIN in her car to protect her from further harm.

64. On September 25, 2012, Plaintiff YVONNE DRAIN emailed Eileen Shultis to thank her for intervening on JAZMIN's behalf.

65. Danielle Smith and Samyra Hayes, two of the aforementioned assailants who attacked JAZMIN at homecoming, attempted to recruit a third individual to help them attack JAZMIN on February 24, 2013.

66. Plaintiffs RONALD and JAZMIN DRAIN reported the incident to Defendants FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT as well as the Freeport Police Department.

67. Although Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT were well aware of the continuous bullying, attacks and threats to Plaintiff JAZMIN DRAIN's safety, welfare, and security that spanned several years, Defendant MILLE informed Police Officer Margiotta, the Freeport Police Department officer investigating recurring turbulence at FREEPORT HIGH SCHOOL, that FREEPORT UNION FREE SCHOOL DISTRICT did not intend to have the parents meet with school officials to eliminate the violence surrounding FREEPORT HIGH SCHOOL and its students.

68. Defendant WATSON was well aware that Jada Sherille had threatened JAZMIN DRAIN's safety, welfare, and security, both within and outside FREEPORT HIGH SCHOOL, since June 8, 2011.

69. Defendant WATSON attempted to instigate yet another fight between JAZMIN and Jada, as the students walked in a FREEPORT HIGH SCHOOL hallway, approximately 3 days prior to WATSON attacking JAZMIN DRAIN.

70. Defendant WATSON also spread rumors to other FREEPORT HIGH SCHOOL students in an effort to incite violent attacks on Ms. Drain within the days leading up to the attack on May 21, 2013.

71. In light of Defendant WATSON's continued efforts to instigate additional violence upon Plaintiff JAZMIN DRAIN, Ms. Drain and her friends discontinued their practice of sitting at the same lunch table as Defendant WATSON on May 21, 2013.

72. Defendant WATSON became irate with JAZMIN, subsequently berated her as she left the cafeteria for moving from the table and threatened to assault her before she left FREEPORT HIGH SCHOOL on May 21, 2013.

73. Plaintiff JAZMIN DRAIN reported these specific threats by Defendant WATSON to Defendant MILLE, in person, at the conclusion of 8th period on May 21, 2013. This was in accordance with Defendant MILLE's instructions and Defendant FREEPORT UNION FREE SCHOOL DISTRICT's established procedure to inform the Administrators of any threat to JAZMIN's health and well-being.

74. Defendant MILLE was given detailed information regarding Defendant WATSON's continuous and explicit threats to JAZMIN DRAIN's safety, welfare, and security by instigating another fight with Jada Sherille, spreading rumors, and threatening to assault JAZMIN as she left the cafeteria.

75. Defendants MILLE, BECKETT, FREEPORT UNION FREE SCHOOL DISTRICT, "JOHN" and "JANE" WATSON were all aware of Defendant KHATORA WATSON's propensity for violence and had sufficient specific notice or knowledge of Defendant WATSON attacking FREEPORT HIGH SCHOOL students due to the fact that Defendant WATSON was suspended earlier in the 2012-2013 school year for fighting.

76. Defendant MILLE failed to adequately ensure Plaintiff JAZMIN DRAIN's safety on May 21, 2013 and instead rushed JAZMIN to her 9th period class and informed her that he was "going to handle it."

77. Despite Defendant MILLE's ongoing and instant knowledge of an immediate threat to JAZMIN's safety and well-being prior to or at the conclusion of her 9th period class, Defendants

MILLE, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT failed to escort Ms. Drain to her bus upon dismissal.

78. Despite Defendant MILLE's ongoing and instant knowledge of an immediate threat to JAZMIN's safety and well-being prior to or at the conclusion of her 9th period class, Defendants MILLE, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT failed to notify any law enforcement agency when they became aware of the threats.

79. Despite Defendant MILLE's ongoing and instant knowledge of an immediate threat to JAZMIN's safety and well-being prior to or at the conclusion of her 9th period class, Defendants MILLE, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT failed to alert the safety officers within FREEPORT HIGH SCHOOL of the situation.

80. Despite Defendant MILLE's ongoing and instant knowledge of an immediate threat to JAZMIN's safety and well-being prior to or at the conclusion of her 9th period class, Defendants MILLE, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT failed to call DRAIN Parents so that they may pick up JAZMIN from FREEPORT HIGH SCHOOL and otherwise failed to take proper and reasonable steps to protect, care for and safeguard JAZMIN, as was their obligation.

81. Despite Defendant MILLE's ongoing and instant knowledge of an immediate threat to JAZMIN's safety and well-being prior to or at the conclusion of her 9th period class, Defendants MILLE, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT failed to contain, supervise, instruct, restrain, limit, secure or otherwise prevent Defendant WATSON from having access to Plaintiff JAZMIN DRAIN at the conclusion of her 9th period class.

82. As a result of the failures and inaction of Defendants MILLE, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT, Defendant WATSON waited for JAZMIN upon dismissal on May 21, 2013.

83. Once Plaintiff JAZMIN DRAIN exited her classroom and turned left at the end of the hallway, Defendant WATSON intercepted Plaintiff JAZMIN DRAIN's exit as she crossed the main lobby.

84. Defendant WATSON blocked Plaintiff JAZMIN DRAIN's path to the front door when she attempted to quickly exit FREEPORT HIGH SCHOOL and head towards her bus.

85. Defendant WATSON lambasted JAZMIN for "telling Mr. Mille" about WATSON's threats earlier in the day and began belligerently cursing at Ms. Drain in the main lobby.

86. PEGGY BECKETT, a safety officer within FREEPORT HIGH SCHOOL, was posted at a metal table near the FREEPORT HIGH SCHOOL main doors and witnessed Defendant WATSON berating Plaintiff JAZMIN DRAIN.

87. PEGGY BECKETT failed to restrain the volatile Defendant WATSON but made JAZMIN the focus of her actions and guided Plaintiff JAZMIN away from Defendant WATSON without properly protecting JAZMIN.

88. Due to Defendant BECKETT's failure properly diffuse the situation by physically removing Defendant WATSON, the aggressor, from the main lobby, Defendant WATSON reached over PEGGY BECKETT's shoulder and violently slashed Plaintiff JAZMIN DRAIN across her face with a blade Defendant WATSON stored in her cell phone case.

89. Defendant WATSON proceeded to stab JAZMIN in the leg and punch JAZMIN about the face in the brutal assault. Defendant BECKETT failed to take timely, effective and appropriate action to prevent this attack.

90. Defendant MILLE arrived on the scene shortly after and personally observed Plaintiff JAZMIN DRAIN's injuries, which included a nasal fracture, deep laceration across her face and a stab wound in JAZMIN's right leg.

91. Although Defendant WATSON possessed a weapon and used it to attack a FREEPORT HIGH SCHOOL student and seriously injure her on school grounds, Defendant MILLE failed to notify the appropriate local law enforcement agency of Defendant WATSON's criminal actions and clear violations of FREEPORT UNION FREE SCHOOL DISTRICT's code of conduct.

92. Defendant MILLE's failure to adhere to Defendant FREEPORT UNION FREE SCHOOL DISTRICT's code of conduct. thereby implicitly condoned the assault in question and placed Plaintiff JAZMIN DRAIN at further risk of harm by Defendant WATSON.

93. According to FREEPORT UNION FREE SCHOOL DISTRICT's code of conduct, Defendant MILLE, was obligated to "notify the appropriate local law enforcement agency of [FREEPORT UNION FREE SCHOOL DISTRICT code violations where a student possesses a weapon, alcohol or illegal substance] , including but not limited to incidents of harassment, bullying and/or discrimination, which may constitute a crime, and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the building principal or his/her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification **must identify the student and explain the conduct that violated the code of conduct and constituted a crime.**" (Emphasis added).

94. When Defendant MILLE informed Plaintiff RONALD DRAIN that his daughter was injured, he failed to disclose the severity of the injury and provided no justification as to why he failed to notify an ambulance, the Freeport Police Department or any other law enforcement agency.

95. Defendant MILLE also misrepresented the nature of Plaintiff JAZMIN DRAIN's injuries and the circumstances surrounding the attack to Plaintiff RONALD DRAIN when he informed Mr. Drain that his daughter was injured.

96. On May 21, 2013 and the days that followed, Defendant MILLE made material misrepresentations and claimed that Plaintiff JAZMIN DRAIN exited FREEPORT HIGH SCHOOL and then reentered to the main lobby through the front doors in order to provoke Defendant WATSON and instigate the brutal attack.

97. Upon arriving at FREEPORT HIGH SCHOOL on May 21, 2013, Plaintiff RONALD DRAIN rushed JAZMIN DRAIN to Nassau University Medical Center where she was diagnosed with a "laceration to face, [right] leg and nasal fracture."

98. Upon obtaining the proper medical treatment, Plaintiffs YVONNE and JAZMIN DRAIN promptly reported the incident to the Freeport Police Department on May 21, 2013, which had not been done by Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL or FREEPORT UNION FREE SCHOOL DISTRICT.

99. Thereafter, Defendant WATSON was arrested and charged with assault in the third degree and possession of a dangerous weapon. Defendant WATSON's criminal matter is currently pending.

100. In light of Defendant MILLE's, false claims, failure to protect JAZMIN, failure to call the police and other failures and misrepresentations, Plaintiff RONALD DRAIN demanded a full investigation of what transpired on May 21, 2013 in the days following the attack on his daughter.

101. Defendant MILLE failed to provide Plaintiff RONALD DRAIN with any report documenting FREEPORT UNION FREE SCHOOL DISTRICT's investigation of the vicious attack on Plaintiff JAZMIN DRAIN within FREEPORT HIGH SCHOOL.

102. Plaintiff RONALD DRAIN was forced to procure incident report forms himself from FREEPORT HIGH SCHOOL on May 24, 2013 and provide them to JAZMIN and Destiny Dukes, a witness to the attack, due to Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT's willful failure to collect written statements of what transpired.

103. To date, despite their requests, DRAIN Parents have not received the full details of what transpired from the defendants as to the beating, slashing and stabbing of their daughter.

104. That, by reason of the foregoing, the intentional, recklessness, callous disregard, misrepresentations, negligence and culpable conduct of Defendants WATSON, MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT, Plaintiff JAZMIN DRAIN will permanently suffer from the effects of her aforesaid injuries and will be caused to suffer permanent embarrassment and continuous pain and inconvenience.

105. That, by reason of the foregoing, Plaintiff JAZMIN DRAIN was compelled and did necessarily require emergency and other medical aid and attention and DRAIN Parents did necessarily pay and become liable therefore for costs associated with Plaintiff JAZMIN DRAIN's treatment, medicines and similar expenses.

106. As the parents of Plaintiff JAZMIN DRAIN, YVONNE and RONALD DRAIN suffered from the attack by Defendant WATSON and by being misrepresented to, willfully under and misinformed of the facts, and seeing that Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT failed to discharge their duty and

promise to secure and protect their daughter of a known and obvious threat to her safety and well-being.

107. DRAIN Parents further suffered expenses and damages, associated with the medical care of their daughter, along with psychological injuries including, severe and continuing emotional distress from seeing Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT take no actions to protect their daughter from the brutal attack by Defendant WATSON and then mislead them about the incident and facts relating thereto.

AS AND FOR A FIRST CAUSE OF ACTION
42 U.S.C. § 1983- NEGLIGENCE SUPERVISION / FAILURE TO SUPERVISE

108. Plaintiffs repeat, reiterate and reallege each and every allegation contained in paragraphs 1 through 107 of this Complaint with the same force and effect as though fully set forth herein.

109. At all times relevant to the claims in this matter, Defendant MILLE, as a state actor and Assistant Principal, had a duty to protect Plaintiff JAZMIN DRAIN and provide an environment of care and safety in which to attend the public school and safely travel throughout the premises including, but not limited to walking the hallways to exit the school, in light of his ongoing awareness of complaints and concerns raised to him and others by JAZMIN and DRAIN Parents.

110. At all times relevant to the claims in this matter, Defendant BECKETT was an employee and designee of Defendant FREEPORT UNION FREE SCHOOL DISTRICT and maintained, as a result of that official status, a special relationship with Plaintiff JAZMIN DRAIN.

111. Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT were also required under the Due Process Clause of the

Fourteenth Amendment to the United States Constitution to provide reasonable safety and care of students in their control and custody, especially JAZMIN DRAIN.

112. As per the procedure established by FREEPORT UNION FREE SCHOOL DISTRICT, Plaintiff JAZMIN DRAIN notified Defendant MILLE of Defendant WATSON's threats, in person, at the conclusion of 8th period on May 21, 2013.

113. Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT failed to supervise Defendant WATSON, a known identifiable student with a propensity for violence, despite ongoing and instant knowledge of Defendant WATSON's threats to Plaintiff JAZMIN DRAIN's safety, welfare, and security.

114. Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT were negligent, careless and / or reckless, in failing to properly supervise their students, and failing to properly train teachers and staff as to methods of supervision.

115. Said recklessness and/or negligence thus provided the "opening" and/or opportunity for Defendant WATSON to lie in wait when JAZMIN exited her classroom and ultimately and foreseeably attack plaintiff, JAZMIN DRAIN.

116. At all time relevant to the claims in this case, Plaintiff JAZMIN DRAIN was under the protection, control, direction and care of Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT.

117. Plaintiffs JAZMIN and DRAIN Parents relied on Defendant MILLE's misrepresentation that he would ensure JAZMIN's safety and properly address Defendant WATSON's threats.

118. Plaintiff JAZMIN DRAIN had a right to be free in her person from assault, battery and beating and had a constitutional right to bodily integrity. Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT were aware of specific threats against Ms. Drain's safety, welfare, and security by other students and specifically Defendant WATSON, a known identifiable student, and/or WATSON's propensity for violence. The duty of Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT to secure and protect this right was clearly established.

119. Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT's failure to secure, protect and provide these rights to proper supervision and safety in the school environment in addition to their failure to adequately prevent and respond to violence by and between students amounted to a deliberate indifference to the clearly established rights of JAZMIN DRAIN.

120. By their recklessness, disregard, inaction and failures, Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT failed to provide reasonable conditions of safety and bodily integrity that rose to the level of deliberate indifference for the harm and violations visited on JAZMIN DRAIN.

121. As a consequence of Defendants' wrongful actions, failures, intentional, negligent and reckless behavior, and violations of state laws, federal laws and Defendants' own rules, Plaintiff JAZMIN DRAIN was deprived of her freedom, was seriously injured, was subjected to great fear, terror, personal humiliation and degradation, and suffered and continues to suffer physical pain and impairment, mental and emotional distress, as a result of the aforesaid unlawful conduct of Defendants.

122. That by reason of the foregoing, Plaintiff JAZMIN DRAIN suffers and continues to suffer irreparable injury and monetary damages in excess of THREE MILLION (\$3,000,000.00) DOLLARS as well as punitive damages, costs and attorney's fees, and any other relief this Court may find just and proper.

AS AND FOR THE SECOND CAUSE OF ACTION
42 U.S.C. § 1983- FAILURE TO PROTECT

123. Plaintiffs repeat, reiterate and reallege each and every allegation contained in paragraphs 1 through 122 of this Complaint with the same force and effect as though fully set forth herein.

124. Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT failed to protect Plaintiff JAZMIN DRAIN, despite their ongoing and instant knowledge of Defendant WATSON's threats to Plaintiff JAZMIN DRAIN's safety, welfare, and security.

125. At all times relevant to the claims in this matter, Defendant MILLE, as a state actor and Assistant Principal, had a duty to protect Plaintiff JAZMIN DRAIN and provide an environment of care and safety in which to attend the public school and safely travel throughout the premises including, but not limited to walking the hallways to exit the school, in light of his ongoing awareness of complaints and concerns raised to him and others by JAZMIN and DRAIN Parents.

126. At all times relevant to the claims in this matter, Defendant BECKETT was an employee and designee of Defendant FREEPORT UNION FREE SCHOOL DISTRICT and maintained, as a result of that official status, a special relationship with Plaintiff JAZMIN DRAIN.

127. Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT were also required under the Due Process Clause of the

Fourteenth Amendment to the United States Constitution to provide reasonable safety and care of students in their control and custody, especially JAZMIN DRAIN.

128. Defendants MILLE, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT's heightened their duty to protect Plaintiff JAZMIN DRAIN when they thwarted DRAIN Parents' efforts to transfer JAZMIN out of FREEPORT UNION FREE SCHOOL DISTRICT and into a safer and more productive district while insisting that Defendant FREEPORT UNION FREE SCHOOL DISTRICT can provide Plaintiffs JAZMIN DRAIN and DRAIN parents with a "procedure to inform the Administrators of any threat to [JAZMIN]'s health and well-being" if Defendant MILLE served as JAZMIN's "go to" person.

129. As per the procedure established by FREEPORT UNION FREE SCHOOL DISTRICT, JAZMIN notified Defendant MILLE of Defendant WATSON's threats, in person, at the conclusion of 8th period on May 21, 2013.

130. Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT were negligent, careless and / or reckless, in failing to provide proper and sufficient security measures throughout FREEPORT HIGH SCHOOL, failing to escort Ms. Drain to her bus upon dismissal, failed to notify any law enforcement agency when he became aware of the threats, failing to alert the safety officers within FREEPORT HIGH SCHOOL of the situation and failing to call DRAIN Parents so that they may pick up JAZMIN.

131. Despite Defendant MILLE's ongoing and instant knowledge of an immediate threat to JAZMIN's safety and well-being prior to or at the conclusion of her 9th period class, Defendants MILLE, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT failed to contain, supervise, instruct, restrain, limit, secure or otherwise prevent Defendant WATSON from having access to Plaintiff JAZMIN DRAIN at the conclusion of her 9th period class.

132. Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT further breached their duty of care to the students within FREEPORT HIGH SCHOOL, including Plaintiff JAZMIN DRAIN, by failing to hold any assembly with respect to the attack and failing to communicate to the student body that bullying and violence, especially with the use of weapons such as the attack against JAZMIN DRAIN, would not be tolerated, before or after this vicious attack.

133. At all time relevant to the claims in this case, Plaintiff JAZMIN DRAIN was under the protection, control, direction and care of Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT.

134. Plaintiffs JAZMIN and DRAIN Parents relied on Defendant MILLE's misrepresentation that he would ensure JAZMIN's safety and properly address Defendant WATSON's threats.

135. Plaintiff JAZMIN DRAIN had a right to be free in her person from assault, battery and beating and had a constitutional right to bodily integrity. Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT were aware of specific threats against Ms. Drain's safety, welfare, and security by other students and specifically Defendant WATSON, a known identifiable student, and/or WATSON's propensity for violence. The duty of Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT to secure and protect this right was clearly established.

136. Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT's failure to secure, protect and provide these rights to proper supervision and safety in the school environment, in addition to their failure to adequately prevent

and respond to violence by and between students, amounted to a deliberate indifference to the clearly established rights of JAZMIN DRAIN.

137. By their inaction and failures, Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT neglected to provide reasonable conditions of safety and bodily integrity that rose to the level of deliberate indifference for the harm and violations visited on JAZMIN DRAIN.

138. As a consequence of Defendants' wrongful actions, failures, intentional, negligent and reckless behavior, and violations of state and federal laws, Plaintiff JAZMIN DRAIN was deprived of her freedom, was seriously injured, was subjected to great fear, terror, personal humiliation and degradation, and suffered and continues to suffer physical pain and impairment, mental and emotional distress, as a result of the aforesaid unlawful conduct of Defendants.

139. That by reason of the foregoing, Plaintiff JAZMIN DRAIN suffers and continues to suffer irreparable injury and monetary damages in excess of THREE MILLION (\$3,000,000.00) DOLLARS as well as punitive damages, costs and attorney's fees, and any other relief this Court may find just and proper.

AS AND FOR THE THIRD CAUSE OF ACTION
42 U.S.C. § 1983- FAILURE TO ADHERE TO ESTABLISHED POLICY

140. Plaintiffs repeat, reiterate and reallege each and every allegation contained in paragraphs 1 through 139 of this Complaint with the same force and effect as though fully set forth herein.

141. Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT failed to protect Plaintiff JAZMIN DRAIN, despite their

ongoing and instant knowledge of Defendant WATSON's threats to Plaintiff JAZMIN DRAIN's safety, welfare, and security.

142. At all times relevant to the claims in this matter, Defendant MILLE, as a state actor and Assistant Principal, had a duty to protect Plaintiff JAZMIN DRAIN and provide an environment of care and safety in which to attend the public school and safely travel throughout the premises including, but not limited to walking the hallways to exit the school, in light of his ongoing awareness of complaints and concerns raised to him and others by JAZMIN and DRAIN Parents.

143. At all times relevant to the claims in this matter, Defendant BECKETT was an employee and designee of Defendant FREEPORT UNION FREE SCHOOL DISTRICT and maintained, as a result of that official status, a special relationship with Plaintiff JAZMIN DRAIN.

144. Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT were also required under FREEPORT UNION FREE SCHOOL DISTRICT's code of conduct, along with the Due Process Clause of the Fourteenth Amendment to the United States Constitution, to notify the appropriate local law enforcement agency of Defendant WATSON's criminal actions, properly advise DRAIN Parents of the circumstances surrounding their child's injury and expeditiously conduct an investigation into how a FREEPORT HIGH SCHOOL student was attacked with a weapon while on school grounds.

145. Defendant WATSON violated FREEPORT UNION FREE SCHOOL DISTRICT code by possessing a weapon and using it to attack and seriously injure JAZMIN, a FREEPORT HIGH SCHOOL student, while on school grounds.

146. Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT breached their duty to notify the appropriate local law

enforcement agency of Defendant WATSON's violation **“no later than the close of business the day the building principal or his/her designee learns of the violation.”** (Emphasis added).

147. When Defendant MILLE informed Plaintiff RONALD DRAIN that his daughter was injured, he failed to inform RONALD DRAIN of the seriousness of the injury or incident and he provided no justification as to why he failed to notify an ambulance, the Freeport Police Department or any other law enforcement agency.

148. After obtaining medical treatment for Plaintiff JAZMIN DRAIN on May 21, 2013, it was Plaintiffs DRAIN Parents who notified the Freeport Police Department of Defendant WATSON's attack on JAZMIN.

149. Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT's failure to Defendant FREEPORT UNION FREE SCHOOL DISTRICT's code of conduct and notify the appropriate local law enforcement agency of Defendant WATSON's criminal actions and clear violations of FREEPORT UNION FREE SCHOOL DISTRICT's code of conduct thereby implicitly condoned the assault in question and placed Plaintiff JAZMIN DRAIN at further risk of harm by Defendant WATSON.

150. Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT were also required to veraciously notify DRAIN Parents of their daughter's injury under FREEPORT UNION FREE SCHOOL DISTRICT's code of conduct, along with the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

151. Defendants MILLE breached his duty to accurately relay the extent and circumstances of Plaintiff JAZMIN DRAIN's injuries to DRAIN Parents by failing to disclose the severity of the slashing, beating and stabbing JAZMIN endured when he notified Plaintiff RONALD DRAIN that his daughter was injured.

152. Defendants MILLE breached his duty to accurately relay the extent and circumstances of Plaintiff JAZMIN DRAIN's injuries to DRAIN Parents by making material misrepresentations and claiming that Plaintiff JAZMIN DRAIN exited FREEPORT HIGH SCHOOL on May 21, 2013 and then reentered the main lobby through the front doors in order to provoke Defendant WATSON and instigate the brutal attack.

153. Furthermore, Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT were required under FREEPORT UNION FREE SCHOOL DISTRICT's code of conduct, along with the Due Process Clause of the Fourteenth Amendment to the United States Constitution, to expeditiously conduct an investigation into how Plaintiff JAZMIN DRAIN, a FREEPORT HIGH SCHOOL student, was attacked with a weapon while on school grounds.

154. Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT breached their duty to expeditiously conduct an investigation into the brutal beating, slashing, and stabbing that transpired in the FREEPORT HIGH SCHOOL main lobby on May 21, 2013 by failing to provide Plaintiff RONALD DRAIN with any documentation of the investigation when he continuously requested a report after the attack.

155. Plaintiff RONALD DRAIN was forced to initiate the investigation and obtain incident report forms himself from FREEPORT HIGH SCHOOL on May 24, 2013.

156. Plaintiff RONALD DRAIN then provided these incident report forms to JAZMIN and Destiny Dukes, a witness to the attack, in order to due to collect written statements of what transpired.

157. To date, despite their requests, DRAIN Parents have not received the full details of what transpired from the defendants as to the beating, slashing and stabbing of their daughter on May 21, 2013.

158. Furthermore, Defendants MILLE, BECKETT, FREEPORT UNION FREE SCHOOL DISTRICT and FREEPORT HIGH SCHOOL failed to adhere to established FREEPORT UNION FREE SCHOOL DISTRICT, state and federal laws by refusing to notify the appropriate local law enforcement agency of Defendant WATSON's criminal actions, properly advise DRAIN Parents of the circumstances surrounding their child's injury and expeditiously conduct an investigation into how a FREEPORT HIGH SCHOOL student was attacked while on school grounds, all in an effort to thwart the police's investigation and prevent Plaintiffs from seeking justice (criminally) against Defendant WATSON with deliberate indifference.

159. At all time relevant to the claims in this case, Plaintiff JAZMIN DRAIN was under the protection, control, direction and care of Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT.

160. Plaintiffs JAZMIN and DRAIN Parents relied on Defendant MILLE's misrepresentation that he would ensure JAZMIN's safety and properly address Defendant WATSON's threats.

161. Plaintiff JAZMIN DRAIN had a right to be free in her person from assault, battery and beating and had a constitutional right to bodily integrity. Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT were aware of specific threats against Ms. Drain's safety, welfare, and security by other students and specifically Defendant WATSON, a known identifiable student, and/or WATSON's propensity for violence. The

duty of Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT to secure and protect this right was clearly established.

162. Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT's failure to secure, protect and provide these rights to proper supervision and safety in the school environment in addition to their failure to adequately prevent and respond to violence by and between students amounted to a deliberate indifference to the clearly established rights of JAZMIN DRAIN.

163. By their inaction and failures, Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT failed to provide reasonable conditions of safety and bodily integrity that rose to the level of deliberate indifference for the harm and violations visited on JAZMIN DRAIN.

164. As a consequence of Defendants' wrongful actions, failures, intentional, negligent and reckless behavior, and violations of state and federal laws, Plaintiff JAZMIN DRAIN was deprived of her freedom, was seriously injured, was subjected to great fear, terror, personal humiliation and degradation, and suffered and continues to suffer physical pain and impairment, mental and emotional distress, as a result of the aforesaid unlawful conduct of Defendants.

165. That by reason of the foregoing, Plaintiff JAZMIN DRAIN suffers and continues to suffer irreparable injury and monetary damages in excess of THREE MILLION (\$3,000,000.00) DOLLARS as well as punitive damages, costs and attorney's fees, and any other relief this Court may find just and proper.

AS AND FOR THE FOURTH CAUSE OF ACTION
NEGLIGENCE/ GROSS NEGLIGENCE

166. Plaintiffs repeat, reiterate and reallege each and every allegation contained in paragraphs 1 through 165 of this Complaint with the same force and effect as though fully set forth herein.

167. At all times relevant to the claims in this matter, Defendant MILLE was an employee and designee of Defendant FREEPORT UNION FREE SCHOOL DISTRICT and maintained, as a result of that official status, a special relationship with Plaintiff JAZMIN DRAIN.

168. That Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT had physical custody of and control over FREEPORT HIGH SCHOOL students at all times relevant to this complaint.

169. Defendant MILLE, as a state actor and Assistant Principal, had a duty to protect Plaintiff JAZMIN DRAIN and provide an environment of care and safety in which to attend the public school and safely travel throughout the premises including, but not limited to walking the hallways to exit the school, in light of his ongoing awareness of complaints and concerns raised to him and others by JAZMIN and DRAIN Parents.

170. Defendants MILLE, BECKETT, FREEPORT HIGH SCHOOL and FREEPORT UNION FREE SCHOOL DISTRICT's heightened their duty to protect Plaintiff JAZMIN DRAIN when they thwarted DRAIN Parents' efforts to transfer JAZMIN out of FREEPORT UNION FREE SCHOOL DISTRICT and into a safer and more productive district while insisting insistence that Defendant FREEPORT UNION FREE SCHOOL DISTRICT can provide Plaintiffs JAZMIN DRAIN and DRAIN parents with a "procedure to inform the Administrators of any threat to [JAZMIN]'s health and well-being" if Defendant MILLE served as JAZMIN's "go to" person.

171. Despite his ongoing and instant knowledge of an immediate threat to JAZMIN's safety and well-being, Defendant MILLE breached his duty to protect Plaintiff JAZMIN DRAIN and failed to escort Ms. Drain to her bus upon dismissal, failed to notify any law enforcement agency when he became aware of the threats, failed to alert the safety officers within FREEPORT HIGH SCHOOL of the situation and failed to call DRAIN Parents so that they may pick up JAZMIN.

172. Defendant BECKETT, as a safety officer within FREEPORT HIGH SCHOOL, was posted at a metal table near the FREEPORT HIGH SCHOOL main doors on May 21, 2013 in order to maintain order within FREEPORT HIGH SCHOOL.

173. Defendant BECKETT had a duty to adequately prevent and respond to violence by and between FREEPORT HIGH SCHOOL students.

174. Defendant BECKETT witnessed Defendant WATSON intercepted Plaintiff JAZMIN DRAIN's path and proceed to berate and belligerently curse at Plaintiff JAZMIN DRAIN in the FREEPORT HIGH SCHOOL main lobby.

175. Defendant BECKETT breached her duty by failing to restrain the volatile Defendant WATSON and instead made JAZMIN the focus of her actions.

176. In attempting to guide Plaintiff JAZMIN away from Defendant WATSON, without properly protecting JAZMIN, Defendant BECKETT negligently and or recklessly failed to physically removing Defendant WATSON, the aggressor, from the main lobby.

177. Defendant BECKETT's recklessness and/or negligence provided the "opening" and/or opportunity for Defendant WATSON to reached over Defendant BECKETT's shoulder and violently slashed Plaintiff JAZMIN DRAIN across her face.

178. Defendant WATSON proceeded to stab JAZMIN in the leg and punch JAZMIN about the face in the brutal assault. Defendant BECKETT failed to take any action to prevent this attack.

179. Additionally, Defendant MILLE breached his duty to protect Plaintiff JAZMIN DRAIN by intentionally and/or willfully misrepresented the facts and circumstances surrounding the attack on Plaintiff JAZMIN DRAIN in an effort to thwart the police's investigation and prevent Plaintiffs from seeking justice (criminally) against Defendant WATSON with deliberate indifference.

180. Furthermore, Defendants MILLE, BECKETT, FREEPORT UNION FREE SCHOOL DISTRICT and FREEPORT HIGH SCHOOL breached their duty to protect Plaintiff JAZMIN DRAIN and provide an environment of care and safety in which to attend the public school and safely travel throughout the premises by failing to notify any law enforcement agency of Defendant WATSON's criminal actions and clear violations of FREEPORT UNION FREE SCHOOL DISTRICT's code of conduct after the brutal slashing and stabbing of Plaintiff JAZMIN DRAIN, failing to take action about the weapon possession by Defendant WATSON and otherwise failing to take proper and reasonable steps to protect, care for and safeguard JAZMIN, as was their obligation.

181. That the negligence and/or recklessness of the Defendants MILLE, BECKETT, FREEPORT UNION FREE SCHOOL DISTRICT, FREEPORT HIGH SCHOOL, "JOHN" and "JANE" WATSON were the proximate cause of the injuries suffered by JAZMIN DRAIN, without any negligence and/or recklessness on the part of JAZMIN DRAIN, contributing thereto.

182. That Defendant FREEPORT UNION FREE SCHOOL DISTRICT, its agents, servants, and/or employees, allowed and/or permitted the abovementioned attack and slashing of JAZMIN DRAIN by Defendant WATSON to occur.

183. Defendants MILLE, BECKETT, FREEPORT UNION FREE SCHOOL DISTRICT, FREEPORT HIGH SCHOOL, "JOHN" and "JANE" WATSON were aware of specific threats against Ms. Drain's safety, welfare, and security by Defendant WATSON, a known identifiable student, and/or Defendant WATSON's propensity for violence, yet negligently failed to provide proper

supervision and safety in the school environment and failed to adequately prevent and respond to violence by and between students.

184. That the Defendant FREEPORT UNION FREE SCHOOL DISTRICT, its agents, servants, and/or employees, negligently failed to prevent and/or mitigate the abovementioned attack and slashing of JAZMIN DRAIN by Defendant WATSON to occur.

185. That the Defendant FREEPORT UNION FREE SCHOOL DISTRICT, its agents, servants, and/or employees, were reckless in their failure to prevent and/or mitigate the abovementioned attack and slashing of JAZMIN DRAIN by Defendant WATSON to occur.

186. That the Defendant FREEPORT UNION FREE SCHOOL DISTRICT, its agents, servants, and/or employees, failed to take any steps and/or measures to prevent the abovementioned attack and/or slashing of Plaintiff JAZMIN DRAIN by Defendant WATSON to occur.

187. As a consequence of Defendants' wrongful actions, failures, intentional, negligent and reckless behavior, and violations of state and federal laws, Plaintiff JAZMIN DRAIN was deprived of her freedom, was seriously injured, was subjected to great fear, terror, personal humiliation and degradation, and suffered and continues to suffer physical pain and impairment, mental and emotional distress, as a result of the aforesaid unlawful conduct of Defendants.

188. That by reason of the foregoing, Plaintiff JAZMIN DRAIN suffers and continues to suffer irreparable injury and monetary damages in excess of THREE MILLION (\$3,000,000.00) DOLLARS as well as punitive damages, costs and attorney's fees, and any other relief this Court may find just and proper.

AS AND FOR A FIFTH CAUSE OF ACTION
ASSAULT & BATTERY

189. Plaintiffs repeat, reiterate and reallege each and every allegation contained in paragraphs 1 through 188 of this Complaint with the same force and effect as though fully set forth herein.

190. That Defendant WATSON intentionally placed JAZMIN DRAIN in apprehension of imminent harmful or offensive contact by engaging in menacing acts, making menacing gestures, and threats, all in a way that caused Ms. Drain to believe that a harmful and/or offensive bodily contact was about to occur.

191. That said injuries suffered by JAZMIN DRAIN were the direct result of Defendant WATSON who unlawfully beat, battered, disfigured and abused Plaintiff JAZMIN DRAIN.

192. That Defendant WATSON wrongfully used physical force upon Plaintiff JAZMIN DRAIN without permission to batter or abuse her at anytime.

193. That the actions of Defendant WATSON were intentional, negligent and resulted in Plaintiff JAZMIN DRAIN's great pain and humiliation.

194. As a consequence of Defendants' wrongful actions, failures, intentional, negligent and reckless behavior, and violations of state and federal laws, Plaintiff JAZMIN DRAIN was deprived of her freedom, was seriously injured, was subjected to great fear, terror, personal humiliation and degradation, and suffered and continues to suffer physical pain and impairment, mental and emotional distress, as a result of the aforesaid unlawful conduct of Defendants.

195. That by reason of the foregoing, Plaintiff JAZMIN DRAIN suffers and continues to suffer irreparable injury and monetary damages in excess of THREE MILLION (\$3,000,000.00)

DOLLARS as well as punitive damages, costs and attorney's fees, and any other relief this Court may find just and proper.

**AS AND FOR A SIXTH CAUSE OF ACTION
LOSS OF CONSORTIUM AND SERVICES**

196. Plaintiffs repeat, reiterate and reallege each and every allegation contained in paragraphs 1 through 195 of this Complaint with the same force and effect as though fully set forth herein.

197. That Plaintiffs, YVONNE and RONALD DRAIN, parents of Plaintiff JAZMIN DRAIN, were entitled to their daughter's love, services, affection, support and companionship and, as parents, are obligated for their daughter's welfare and medical expenses.

198. Plaintiffs DRAIN Parents sustained damages and injuries individually including, but not limited to extreme mental and emotional harm and stress, loss of comfort, support and companionship, and other injuries not yet fully ascertained.

199. As a consequence of Defendants' wrongful actions, failures, intentional, negligent and reckless behavior, and violations of state and federal laws, Plaintiff JAZMIN DRAIN was deprived of her freedom, was seriously injured, was subjected to great fear, terror, personal humiliation and degradation, and suffered and continues to suffer physical pain and impairment, mental and emotional distress, as a result of the aforesaid unlawful conduct of Defendants.

200. That by reason of the foregoing, Plaintiff JAZMIN DRAIN suffers and continues to suffer irreparable injury and monetary damages in excess of THREE MILLION (\$3,000,000.00) DOLLARS as well as punitive damages, costs and attorney's fees, and any other relief this Court may find just and proper.

WHEREFORE, Plaintiffs demand judgment against Defendants:

- a. On the First Count in the sum of THREE MILLION (\$3,000,000.00) DOLLARS;
- b. On the Second Count in the sum of THREE MILLION (\$3,000,000.00) DOLLARS;
- c. On the Third Count in the sum of THREE MILLION (\$3,000,000.00) DOLLARS;
- d. On the Fourth Count in the sum of THREE MILLION (\$3,000,000.00) DOLLARS;
- e. On the Fifth Count in the sum of THREE MILLION (\$3,000,000.00) DOLLARS;
- f. On the Sixth Count in the sum of THREE MILLION (\$3,000,000.00) DOLLARS;
- g. Punitive damages in the amount of THREE MILLION (\$3,000,000.00) DOLLARS;
- h. Declaratory judgment that Defendants willfully violated Plaintiffs' rights secured by federal and state law as alleged herein;
- i. Award such other and further relief as this Court may deem appropriate.

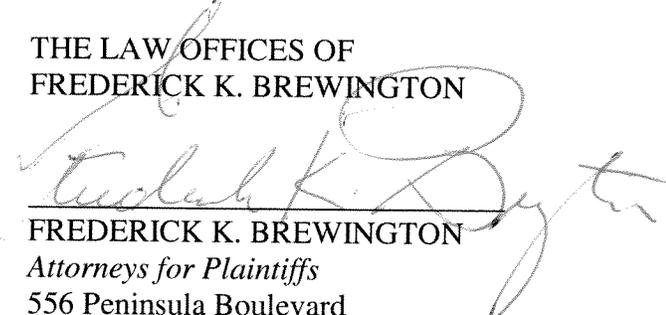
A JURY TRIAL IS HEREBY DEMANDED

Dated: Hempstead, New York
March 25, 2014

Respectfully Submitted,

THE LAW OFFICES OF
FREDERICK K. BREWINGTON

By:


FREDERICK K. BREWINGTON
Attorneys for Plaintiffs
556 Peninsula Boulevard
Hempstead, New York 11550
(516) 489-6959