

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

REAL NEWS, LLC d/b/a REAL NEWS	)	
MICHIANA and CLIFTON FRENCH,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CASE NO.
	)	
GOSHEN COMMUNITY SCHOOLS	)	
and STEVEN HOPE, in his official and	)	
individual capacity,	)	
	)	
Defendants.	)	

**COMPLAINT**

Plaintiffs, REAL News, LLC d/b/a REAL News Michiana, and Clifton French, by counsel, for his Complaint against Defendants Goshen Community Schools and Steven Hope, in his official and individual capacity, alleges as follows:

**Parties, Jurisdiction, and Venue**

1. Plaintiff REAL News, LLC d/b/a REAL News Michiana (“REAL News Michiana”) is a domestic limited liability company organized under the laws of the State of Indiana, with a primary location operating out of St. Joseph County, Indiana. Said company is a media company covering news stories throughout the Northern District of Indiana.

2. Plaintiff Clifton French is a resident of St. Joseph County, Indiana, and is a citizen of the State of Indiana by virtue of having his principal residence within the State of Indiana. Mr. French is a journalist for REAL News Michiana.

3. Clifton French has dedicated his life to family, country and community. He is an award-winning journalist with nearly 15 years of experience. Mr. French is also a highly decorated

veteran of the Iraq War where he received several accommodations, including a medal with Valor for "displaying unwavering courage in the midst of enemy fire." He is now being denied the rights he risked his life to preserve. He moved his family from Florida to northern Indiana to receive one of the best combinations of services and education for his young child who has Down syndrome.

3. Defendant Goshen Community Schools is a public school corporation that exists under the laws of the State of Indiana and is a governmental entity with its principal place of business located in the City of Goshen, Elkhart County, Indiana. Goshen Community Schools employed Dr. Steven Hope, Ph.D., as the Superintendent of the school corporation at all times material to the allegations set forth herein.

4. Defendant Dr. Steven Hope, Ph.D., is the Superintendent and an employee of Goshen Community Schools, and resides in Indiana and is a citizen of the State of Indiana.

5. This complaint asserts a claim under 42 U.S.C. Section 1983, based on a violation of the rights to freedom of speech and freedom of the press existing under the First Amendment to the United States Constitution, as well as the Equal Protection Clause of the Fourteenth Amendment. Therefore, jurisdiction exists under 28 U.S.C. Section 1331, based on the federal question raised by the complaint. Venue in the Northern District is proper since the parties are located within the Northern District and the events giving rise to the complaint occurred within the Northern District.

### **Background**

6. All across the United States, a growing legion of parents are awakening to the horrific impact that unchecked political correctness is having upon the educational theories and materials being taught to their children in schools.

7. The United States is a country founded on basic principles of liberty, freedom of speech, and tolerance. However, all around this nation modern parents and educators often engage in struggles over how certain ideas and educational concepts are being taught to children.

8. Parents across this country are presently starting to realize that various aspects of educational materials and concepts are becoming hot-ticket items for social and political debate.

9. In short, the culture wars are no longer just being played out on CNN and Fox News; now, various issues on topics such as race, sex, and gender studies have become highly politicized issues which are being argued before school boards. <sup>1</sup>

10. Stories from across the country tell a common story of parents and citizens with various concerns getting into highly politicized conflict with other parents and school board members over many of these issues. Grass roots civic organizations are popping up all over the country filled with parents and citizens who are deeply concerned about how many of these subjects are being taught to children. <sup>2</sup>

11. Angela Sailor presently serves as the Vice President of The Feulner Institute at the Heritage Foundation, and was formerly the Deputy Chief of Staff for the U.S. Department of Education. <sup>3</sup> While she would agree that subjects touching upon race and sex are important to education, she openly warns parents about the deeply radical ideas being taught to children. She

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<sup>1</sup> Strauss, Valerie. "The culture war over critical race theory looks like the one waged 50 years ago over sex education." *The Washington Post*. July 25, 2021. Found online for convenience at:

<https://www.washingtonpost.com/education/2021/07/25/critical-race-theory-sex-education-culture-wars/>

<sup>2</sup> Kingkade, Tyler; Zadrozny, Brandy; Collins, Ben. "Critical race theory battle invades school boards – with help from conservative groups." *NBCNews.com*. June 15, 2021. Found online for ease of access at:

<https://www.nbcnews.com/news/us-news/critical-race-theory-invades-school-boards-help-conservative-groups-n1270794>

<sup>3</sup> Sailor, Angela. "Schools Hiding Behind Diversity and Inclusion Rhetoric to Spew Critical Race Theory Vile." [www.heritage.org](http://www.heritage.org), July 7, 2021. Found online for ease of access at:

<https://www.heritage.org/education/commentary/schools-hiding-behind-diversity-and-inclusion-rhetoric-spew-critical-race>

cautions parents that many school boards are making open attempts to misrepresent the radical agendas that they are teaching to our children.

12. Michael Gonzalez, a senior fellow at The Heritage Foundation, argues that some school boards across the country are actively attempting to misrepresent and mislead parents in relation to the ideas being taught in schools.<sup>4</sup>

13. The problem is so widespread that whole books have been written on the subject.<sup>5</sup> Additionally, entire coalitions of lawyers have been formed into non-partisan organizations simply to assist in litigation for students and parents who encounter Constitutional concerns.<sup>6</sup>

14. Some of these issues are now heading towards litigation. For instance, a Rhode Island mother named Nicole Solas recently sought to utilize Freedom of Information Act requests to her local school board to determine what types of course materials involving critical race theory and gender studies were being taught in the schools.<sup>7</sup> In response, the National Education Association Rhode Island and the National Education Association South Kingstown have launched a lawsuit against the mother, seeking a temporary restraining order preventing her from seeing what sort of educational materials are being used by the public schools.

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<sup>4</sup> Gonzalez, Mike. "Is Your School Hiding Its Critical Race Theory Teaching? Here Are 5 Things to Ask About." [www.thedailysignal.com](http://www.thedailysignal.com), June 22, 2021. Found online for ease of access at: <https://www.dailysignal.com/2021/06/22/is-your-school-hiding-its-critical-race-theory-teaching-here-are-5-things-to-ask-about/>

<sup>5</sup> See, e.g., Dershowitz, Alan. "The Case Against the New Censorship: Protecting Free Speech From Big Tech, Progressives and Universities." Hot Books. April 20, 2021; Dershowitz, Alan. "Cancel Culture: The Latest Attack on Free Speech and Due Process." Hot Books. November 17, 2020; Kerrigan Snyder, Bonnie. "Undoctrinate: How Politicized Classrooms Harm Kids and Ruin Our Schools – And What We Can Do About It." Bombardier Books, September 14, 2021.

<sup>6</sup> See the FIRE (Foundation for Individual Rights in Education) Legal Network, and organization formed specifically to combat radical political indoctrination in education systems. Available online at: [www.thefire.org/about-us/history/](http://www.thefire.org/about-us/history/)

<sup>7</sup> Jacobsen, William A. "Court Filing: RI Mother Nicole Solas Demands "Compensatory and Punitive Damages Against Teachers Unions Under Anti-SLAPP Statute." [www.legalinsurrection.com](http://www.legalinsurrection.com), August 18, 2021. Available online at: [www.legalinsurrection.com/2021/08/court-filing-ri-mother-nicole-solas-demands-compensatory-and-punitive-damages-against-teachers-union-under-anti-slapp-statute/](http://www.legalinsurrection.com/2021/08/court-filing-ri-mother-nicole-solas-demands-compensatory-and-punitive-damages-against-teachers-union-under-anti-slapp-statute/)

15. This phenomenon is nationwide. In Madison, Wisconsin, litigation has ensued in relation to issues regarding gender educational materials.<sup>8</sup>

16. In the State of Oregon, even education about mathematics has found a method to become controversial.<sup>9 10</sup>

17. Regardless of what side of the political spectrum one lies on, it is clear that the education of our children has become a highly politically charged issue on several subjects. Accordingly, the manner in which these subjects are addressed by school boards has become a matter of important public concern to parents, educators, and citizens.

18. The right to freedom of speech, free association, and the right of a free press are therefore incredibly important to allow our society to sensibly and civilly engage in these hot-button, politically charged issues.

### **Factual Allegations**

19. Plaintiff Clifton French is a journalist for REAL News Michiana, covering a variety of news stories of interest throughout the Michiana area.

20. On July 16, 2021, Mr. French published a story he had researched which involved a local woman in Goshen who has a history of involvement in advocating publicly as it relates to various politically charged issues.<sup>11</sup>

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<sup>8</sup> Collins, Maureen. "Court Stops a Wisconsin School District From Lying to Parents." Alliance Defending Freedom, [adflegal.org](https://adflegal.org/blog/court-stops-wisconsin-school-district-lying-parents). September 29, 2020. Found online at: <https://adflegal.org/blog/court-stops-wisconsin-school-district-lying-parents>

<sup>9</sup> Oregon Department of Education. "A Pathway to Equitable Math Instruction: Dismantling Racism in Mathematics Instruction." May 2021, at p. 1. Found online at: [https://equitablemath.org/wp-content/uploads/sites/2/2020/11/1\\_STRIDE1.pdf](https://equitablemath.org/wp-content/uploads/sites/2/2020/11/1_STRIDE1.pdf)

<sup>10</sup> Graves, Lincoln. "Debate emerges over racism and white supremacy in Oregon math instruction." KATU2ABCnews, [www.katu.com](http://www.katu.com), February 26, 2021. Found online at: <https://katu.com/news/local/debate-emerges-over-racism-and-white-supremacy-in-math-instruction>

<sup>11</sup> French, Clifton. "Middle School Teacher Organized KIDS DRAG SHOW." REAL News Michiana. July 16, 2021. Found online at: <https://realnewsmichiana.com/2021/07/16/middle-school-teacher-organized-kids-drag-show/>

21. Documents obtained by Mr. French disclosed that a “Party With Youth Drag Show” event was scheduled to be held at a public park in Goshen, which was being promoted by the Goshen LGBTQ Pride organization. The event was to be held on Saturday, July 17, 2021, and listed as the organizer in charge of the children’s drag show a local Goshen women, who also happened to be employed as a 6<sup>th</sup> grade English Language Arts teacher at Goshen Jr. High School.

22. Shortly after the story was published, the drag show for kids was cancelled.

23. Mr. French sought comment from Goshen Community Schools Superintendent, Dr. Steven Hope, as to whether or not he was aware that one of his middle school teachers had organized a drag show for kids.<sup>12</sup> Mr. French provided the Superintendent with documents showing the teacher applied for the drag show for kids. Superintendent Hope did not respond to Mr. French’s request. However, a concerned citizen provided Mr. French with electronic communication he had with Mr. Hope in which Superintendent Hope said “I can unequivocally state that this story is simply not true. As I stated at the last board meeting, we are not interested in circumventing family values.”

24. On August 10, 2021, Goshen Community Schools conducted a contentious public meeting before the school board, headed by Superintendent Steven Hope, with numerous people in attendance planning to speak both for and against the issue of the 6<sup>th</sup> grade teacher involvement in planning the drag show for children.<sup>13</sup>

25. Mr. French appeared early at the public meeting in order to properly cover the story regarding the issue of a public-school teacher organizing a public drag show for children. As is

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<sup>12</sup> French, Clifton. “Superintendent Defends Teacher Who Organized Drag Show for Kids.” REAL News Michiana. August 5, 2021. Found online at: <https://realnewsmichiana.com/2021/08/05/superintendent-defends-teacher-who-organized-drag-show-for-kids/>

<sup>13</sup> French, Clifton. “NO MICS” – Goshen Supt. Prevents RNM From Recording Audio at Board Meeting, Took Feed Off of YouTube.” REAL News Michiana. August 10, 2021. Found online at: <https://realnewsmichiana.com/2021/08/10/no-mics-goshen-supt-prevents-rnm-from-recording-audio-at-board-meeting-took-feed-off-of-youtube/>

common for any member of the media, Mr. French sought to approach the area where the Superintendent or board members would be speaking, in order to set up an audio recording device in order to ensure that any notes or quotes within any news coverage Mr. French may produce about the event would be accurate. This was done prior to the start of the public meeting.

26. In response to his attempts to set up a recording device at the public meeting, Superintendent Hope explicitly informed Mr. French, “No Mics!” This denied and prevented Mr. French, the journalist who broke the story, from an opportunity to record the audio of the public meeting.

27. Other staff from Goshen Community Schools informed Mr. French that while he would not be allowed to record audio of the hearing, he could obtain audio from Goshen Community Schools’ YouTube account, where public meetings were posted.

28. Shortly after denying Mr. French an opportunity to record audio, Superintendent Hope made a statement to the room that appeared to pick a side on the issue of the drag show for kids, expressing support for the LGBTQ community.

29. Despite being told that video of the meeting would be placed on YouTube, the video was taken down. Only after Mr. French published a story noting that the public meeting had been taken down from the school’s YouTube feed did Goshen Community Schools reverse course and place an edited form of the video back on the YouTube feed.<sup>14</sup>

30. Goshen Community Schools maintains numerous official Bylaws and policies.<sup>15</sup>

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<sup>14</sup> French, Clifton. “Goshen Schools Puts Video of Board Meeting Back on Youtube Following RNM Story About Censorship.” REAL News Michiana. August 10, 2021. Found online at: <https://realnewsmichiana.com/2021/08/10/goshen-schools-puts-video-of-board-meeting-back-on-youtube-following-rnm-story-about-censorship/>

<sup>15</sup> Copies of said Bylaws and policies can be found for reference online at: <https://go.boarddocs.com/in/goshen/Board.nsf/Public#>

31. Bylaws Code 0160 addresses Meetings of the Goshen Community School Board. Code 0165 requires that public notice must be set forth in order to provide advance notice of school board meetings. Code 0167's "Voting" section requires that all regular and special meeting of the Board must be conducted in compliance with Indiana's Open Door Law, Ind. Code § 5-14-1.5 *et seq.*

32. Code 0167's "Public Participation at Board Meetings" section encourages the "value of public comment on educational issues[.]" The presiding officer for any Board meeting is endowed with authority to permit public participation "at the discretion of the presiding officer." This presiding officer may "prohibit public comments which are frivolous (sic) repetitive, or harassing[.]" It also provides him or her with discretion to interrupt or terminate a person's statement when the statement is "abusive, obscene, or irrelevant[.]" It also provides the presiding officer with discretion to "waive these rules."

33. Subsection F of this section reads as follows:

F. Tape or video recordings are permitted. The person operating the recorder should contact the Superintendent prior to the Board meeting to review possible placement of the equipment, and agrees to abide by the following conditions:

1. No obstructions are created between the Board and the audience.
2. No interviews are conducted during the Board meeting.
3. No commentary is made that would distract either the Board or members of the audience.

34. Plaintiff Clifton French fully complied with the school's policy regarding tape or video recordings, by contacting the Superintendent prior to the Board meeting to review placement of his equipment to record in a fashion that would create no obstruction between the Board and the audience.

35. Despite compliance with the recording policies of Goshen Community Schools, Superintendent Steven Hope intentionally violated the policy by denying Mr. French and REAL News Michiana and opportunity to record the School Board meeting.

36. Under Relations Code 3120A AG, the Superintendent is specifically designated to perform a function as the school system's communication representative with the news media, and is charged with maintaining "a progressive and coordinated program of public relations[.]"

37. That given the timing of the news story broken by Mr. French and REAL News Michiana, it can be inferred that the actions of Superintendent Steven Hope were specifically designed as a method of retaliating against a media organization for publishing news of general public interest that may be seen to have a conservative political viewpoint. In addition, the actions of Superintendent Hope were targeted against conservative media to serve as a method of restraining or inhibiting the Plaintiff's free and fair use of the rights of speech and the press.

38. Indiana is one of many states which has certain rules regarding public hearings, commonly referred to as Open Door Laws. Ind. Code § 5-14-1.5-1 *et seq.* The purpose behind such laws is support the public policy position that "this state and its political subdivisions exist only to aid in the conduct of the business of the people of this state." Ind. Code § 5-14-1.5-1. The intent of the law is to ensure that "the official action of public agencies be conducted and taken openly . . . in order that the people may be fully informed." *Id.* These laws are liberally construed to carry out this policy. *Id.*

39. With limited exceptions, this law requires that "all meetings of the governing bodies of public agencies must be open at all times for the purpose of permitting members of the public to **observe and record them.**" Ind. Code § 5-14-1.5-3. For violations of the Open Doors Law, civil

lawsuit may be filed to obtain declaratory judgment, or to enjoin any continuing or threatened future violations of the Open Doors Law. Ind. Code § 5-14-1.5-7(a).

40. The Defendants violated Indiana law and their own policies by refusing to permit the Plaintiffs proper access and an ability to record the public meeting held on August 10, 2021.

**Count 1: Declaratory and Injunctive Relief Pursuant to the Open Door Law**

41. Goshen Community Schools is a public agency and/or governing body as defined within the Open Doors Law, and the meeting held on August 10, 2021 by the Goshen Community Schools Board was a meeting as defined within the Open Doors Law. Ind. Code § 5-14-1.5-2.

42. That the meeting held on August 10, 2021 was a meeting involving public business as defined within the Open Doors Law. Ind. Code § 5-14-1.5-2.

43. That at the meeting involving public business held on August 10, 2021, Superintendent Steven Hope took official action as defined within the Open Door Law on behalf of the Board. Ind. Code § 5-14-1.5-2.

44. That the Open Doors Law specifically mandates that all meeting of governing bodies of public agencies must be open at all times for the purpose of “permitting members of the public to observe and record them.” Ind. Code § 5-14-1.5-3.

45. In addition, Goshen Community Schools’ own policies and procedures require that Superintendent Steven Hope oversee and conduct such meeting as occurred on August 10, 2021, in such a fashion that allows members of the public to tape or record such meetings.

46. On August 10, 2021, Superintendent Steven Hope acted in direct contravention to Indiana’s Open Door Law and Goshen Community Schools’ own policies by taking official action to deny Plaintiffs Clifton French and REAL News Michiana an opportunity to record the August 10, 2021 meeting.

47. That such an official action serves to act in direct contravention to the school's own policies, or establishes an unofficial policy to deny recording access to certain members of the media whose political viewpoints or coverage is disfavored.

48. Ind. Code § 5-14-1.5-7 provides Plaintiff Clifton French with an avenue to file legal action to seek a declaratory judgment that the actions of Superintendent Steven Hope and Goshen Community Schools are in violation of the Open Door Law. Plaintiffs bring this claim in order to seek such an order clarifying that the actions of the Defendants violated the laws of Indiana, and the policies of the school system itself.

49. Additionally, Plaintiffs seek for the Court to fashion an order granting injunctive relief in a fashion sufficient to remedy the violation. Plaintiffs request that the Court grant injunctive relief in the following manner:

- A) Enter an order enjoining Superintendent Steven Hope and Goshen Community Schools from any further attempts to restrict the recording access and rights to members of the public or media at public meetings subject to the Open Doors Law;
- B) To the extent Superintendent Steven Hope and Goshen Community Schools maintain any unofficial policy of refusing recording access and rights to members of the public or media that are disfavored, enter an order enjoining said Defendants from continued pursuit of such a policy of censorship or retaliation;
- C) To the extent that any such remedies above do not remedy the situation or should be necessary, enter a mandatory injunction requiring Superintendent Steven Hope and Goshen Community Schools to comply with their own policies, which specifically require the Superintendent to allow members of the public and media to record public school board meetings.

49. The Plaintiffs are of the belief that a declaratory judgment and injunctive order should be necessary and sufficient to remedy the illegal acts of the Defendants. However, to any extent that it may be necessary to “declare void any policy, decision, or final action” taken at the August 10, 2021 hearing, the Plaintiffs in the alternative request an entry of an order declaring such official action or policy void pursuant to Ind. Code § 5-14-1.5-7(a)(3).

**Count 2: 42 U.S.C. § 1983 Claims Against Steven Hope for**

**First Amendment Violations**

50. The laws and policies at issue created a right for the public and the media to record public meetings of the school board. Regardless of whether the First Amendment creates a specific right to record meetings, the laws and adopted policies did create such a right. Having created such a right, the school “assumed an obligation to justify its discrimination and exclusions under applicable constitutional norms.” *Widmar v. Vincent*, 454 U.S. 263, 267 (1981).

51. One of the mainstays of the First Amendment is the principle that any prior restraint or regulation of First Amendment rights must be precisely and narrowly drawn to vindicate the sovereign’s interest. *Cox v. Louisiana*, 379 U.S. 536, 556-58 (1965).

52. In enforcing this tenet, the Supreme Court has routinely torn down statutes which provide public officials with unfettered discretion to determine what expressions of points of view will or will not be permitted. *Id.* at 557. Such broad discretion panders to suppression of the communication of ideas, and permits a public functionary to act as a censor. *Id.* The power to grant or deny access based upon the content of such speech would undermine this nation’s commitment to the “equality of status in the field of ideas.” *Police Department of the City of Chicago v. Mosley*, 408 U.S. 92, 96 (1972).

53. The “government may not engage in a more invidious kind of content discrimination known as ‘viewpoint discrimination.’” *Am. Freedom Def. Initiative v. Suburban Mobility Auth. For Reg’l Transp.*, 978 F.3d 481, 491 (6th Cir. 2020)(quoting *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1985)). Impermissible viewpoint discrimination “does not neutrally treat an entire subject as off limits,” but rather “permits some private speech on the subject and only disfavors certain points of view.” *Am. Freedom Def. Initiative*, 978 F.3d at 498.

54. In short, government actors may not censor speech merely because it is “offensive to some,” or induces nods of approval from favored groups as opposed to moral outrage and condemnation. *Matal v. Tam*, --- U.S. ---, 137 S. Ct. 1744, 1763 (2017)(quoting *Street v. New York*, 394 U.S. 576, 592 (1969)).

55. At all times, the actions of Superintendent Steven Hope were official acts performed under the color of state law which sought to infringe upon the Plaintiffs’ constitutionally protected interests under the First Amendment, which protects against government intrusion upon freedom of speech and the press, and prevents conduct evidencing viewpoint-based discrimination.

56. The Plaintiffs allege that the actions of Steven Hope were at all times official acts performed in his role as a government employee acting under color of state law.

57. The Plaintiffs allege that the actions of Steven Hope in denying the Plaintiffs the opportunity to record the meeting was an intentional act that was solely intended to target, punish, and/or retaliate against the Plaintiffs for exercising their First Amendment rights on a highly charged political issue which is a matter of public contention. Regardless of whether the issue of school children performing a drag show is phrased as a political ‘pro’ or ‘anti’ LGBTQ rights, gender education, or sex education, these are all still obviously political issues that require coverage and discussions within a community.

58. The Plaintiffs allege that the actions of Steven Hope were intentionally targeted towards the Plaintiffs because of the Plaintiffs' conservative leanings on an issue impacting gender and education that Steven Hope and the Goshen Community Schools disfavors. That Steven Hope took actions to deny the Plaintiffs their rights, while simultaneously announcing broad *support* for LGBTQ rights and issues at the meeting, suggests that Steven Hope and Goshen Community Schools open favor one set of viewpoints, and took actions to punish and/or deny rights to the Plaintiffs solely because Steven Hope believes that the Plaintiffs viewpoint on the issues is disfavored.

59. That the Plaintiffs have suffered damages as a result of Steven Hope's blatant actions to violate the constitutional First Amendment rights belonging to the Plaintiffs. Said damage is in an amount as yet uncertain, yet by denying the Plaintiffs access and an ability to record, the Defendants have taken unconstitutional actions to harm the ability of a media company to cover, record, and publish news content on an issue of public importance.

60. Accordingly, the Plaintiffs are entitled to relief pursuant to 42. U.S.C. § 1983 for the violation of their civil rights.

61. The conduct of the Steven Hope was willful, malicious, oppressive and/or reckless, and was conducted with deliberate indifference to the Plaintiffs' rights in such a nature that punitive damages should be imposed in an amount commensurate with the wrongful acts alleged.

**Count 3: 42 U.S.C. § 1983 Claims Against Goshen Community Schools**

**for First Amendment Violations**

62. That all of the actions of Superintendent Steven Hope were taken on behalf of a governmental entity, Goshen Community Schools, and were taken under color of state law.

63. That Superintendent Steven Hope is the final policymaker for the school who is specifically delegated with the responsibility for handling media communications, and for allowing for open for the public and the media at all school board meetings in compliance with the Open Door Law.

64. That Steven Hope took actions to deprive the Plaintiffs of their rights while taking actions with final policymaking authority for Goshen Community Schools, and the Goshen Community School board ratified the actions of Steven Hope by approving (or otherwise failing to stop) his actions towards the Plaintiffs despite full knowledge that the formal policy for Goshen Community Schools is to allow the media and public to have the ability to record and participate in school meetings.

65. That Goshen Community Schools not only delegated the handling of media access and coordination of school board meetings to Steven Hope, but in fact in practice completely delegated all questions regarding the operation of school meetings and the coordination with media to Mr. Hope.

66. As a direct and proximate result of the violations of the Plaintiffs' constitutional rights by Goshen Community Schools, the Plaintiffs have suffered damages as alleged in this Complaint and they are entitled to relief pursuant to 42 U.S.C. § 1983.

### **Prayer for Relief**

Wherefore, the Plaintiffs respectfully request this Court to:

- a. Enter a judgment in favor of the Plaintiffs and against Defendants;
- b. Enter a declaratory judgment declaring the Defendants' misconduct to be illegal, unconstitutional, and impermissible viewpoint-based discrimination in violation of the First Amendment and Indiana's Open Doors Law;

- c. Award injunctive relief under the constitutional claims as well as the Open Door Law in a fashion sufficient to remediate the harm and prevent the Defendants from further discrimination in the future as it relates to access to school board meetings;
- d. Award the Plaintiffs compensatory damages for harms and damages they have suffered as a result of the violation of their constitutional rights, including pain and suffering, emotional distress, mental anguish, and expenses;
- e. Award punitive damages against the Defendants in order to encourage the Defendants from further discrimination in the future;
- f. Award attorney's fees and reasonable expenses incurred in this litigation, pursuant to Indiana's Open Doors Law;
- g. Award attorney's fees and reasonable expenses incurred in this litigation, pursuant to 42 U.S.C. § 1988;
- h. Grant any and all other further and general relief to which the Plaintiffs may be entitled;
- i. Award the costs of this action.

**Jury Demand**

With respect to the allegations set forth above, the Plaintiffs request a trial by jury.

Respectfully submitted,

s/ Michael P. Misch

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