



IN THE DISTRICT COURT OF CANADIAN COUNTY
STATE OF OKLAHOMA

FILED
JANICE COLEMAN - FIRST COURT CLERK
CANADIAN COUNTY, OKLAHOMA

DEBRA WRIGHT, Individually and as)
Parent and Next Friend of K.A., a minor;)
and DANA SOUPENE, Individually and)
as Parent and Next Friend of S.E., a minor,)

Plaintiffs,)

v.)

INDEPENDENT SCHOOL DISTRICT)
NO. 27 OF CANADIAN COUNTY,)
OKLAHOMA a/k/a Yukon Public School)
District,)

Defendant.)

NOV 02 2012

BY Debra Wright
DEPUTY

Case No. CS 2012-824

CASE ASSIGNED TO:
GARY E. MILLER
JUDGE: _____

PETITION

COME NOW, Debra Wright, Individually and as Parent and Next Friend of K.A., a minor, and Dana Soupene, Individually and as Parent and Next Friend of S.E., a minor, and for their causes of action against Defendant, Independent School District No. 27 of Canadian County a/k/a Yukon Public School District (hereinafter "District" or "Defendant") allege and state the following:

1. Debra Wright is a resident of Canadian County, Oklahoma and the mother of K.A., a minor. K.A. was a student at Yukon Public Schools during the 2010-2011 school year. K.A. is seventeen years of age and is currently attending her senior year of high school at Perry High School in Perry, Oklahoma.
2. Dana Soupene is a resident of Canadian County, Oklahoma and the mother of S.E., a minor. S.E. is seventeen years of age and is currently attending her senior year at Yukon High School and has at all times relevant hereto attended Yukon Public Schools.
3. Defendant Independent School District No. 27 of Canadian County, also known as Yukon

Public School District, is a political subdivision of the State of Oklahoma. Its principal office is located in Yukon, Canadian County, Oklahoma.

4. Plaintiffs' claims arose and venue is properly laid within Canadian County, Oklahoma.
5. District Courts of the State of Oklahoma exercise unlimited jurisdiction of all justiciable matters, except as otherwise provided by the Constitution. *Powers v. District Court of Tulsa County*, 2009 OK 91, ¶ 16; citing with approval *Jernigan v. Jernigan*, 2006 OK 2, n. 16, 138 P.3d 539, 545.

STATEMENT OF FACTS

6. S.E. is a student at Yukon High School and K.A. was a former student of Yukon High School, where both girls were active members of Yukon's Vocational Agriculture program and were enrolled in vocational agriculture classes.
7. During the 2010-2011 school year, while attending their sophomore year of high school, egregious and fraudulent misconduct was detected by the parents of K.A. and S.E., specifically by Randy Wright, Debra Wright and Dana Soupene. The aforementioned individuals had reason to believe Vo-Ag faculty for the Yukon District had engaged in unlawful "up-charging" or "skimming" (defined herein as the unlawful conversion of money), discussed more fully below.
8. The suspicions of Randy Wright, Debra Wright and Dana Soupene regarding fraudulent "skimming" led to an investigation which confirmed egregious misconduct and mishandling of funds in the Vo-Ag department for the Yukon District. The egregious misconduct and behavior of agents of the District further led to the resignation of Vo-Ag teacher Jason Bow and is the basis of a lawsuit pending in this Court. (*Devilbiss v. Wright*, Case No. CJ-2011-

850, Canadian County, State of Okla.).

9. The fact that the inquiries which led to the investigation (and ultimately confirmed an abundance of misconduct in the Yukon Vo-Ag department and resulted in the resignation of one Vo-Ag instructor) originated from Randy Wright, Debra Wright and Dana Soupene became well known among faculty, parents and students participating in the Vo-Ag program. As a result, K.A. and S.E. were the victims of severe and abusive harassment, bullying, isolation, criticism, mocking, and discrimination.
10. The events that led up to the investigation into, inter alia, the alleged “skimming” or up-charging for the sale of livestock to Vo-Ag students, includes the following:
 - a. In June 2010, K.A. desired to show a steer. Her mother and step father, the Wrights, consulted Vo-Ag teacher Jason Bow regarding the purchase of a steer. Bow informed the Wrights the price of a quality steer would be between \$6,000.00 and \$8,000.00. The Wrights gave Bow, as the Vo-Ag instructor for Yukon Schools, permission to look for a quality steer for K.A.
 - b. Thereafter, Bow contacted Debra Wright and advised her that he had purchased a quality show steer for K.A. and requested a check in the amount of \$7,000.00. Wright paid for the show steer as instructed by Bow and the check was hand-delivered to the breeder, Hammer Farms by former Vo-Ag teacher, Mac DeVilbiss.
 - c. In February 2011, Plaintiffs began to suspect the Vo-Ag instructors had been “skimming” from Vo-Ag students. Plaintiffs suspected the Wrights had been “skimmed” due to the physical qualities and characteristics of the show steer they had purchased for K.A. for the purchase price of \$7,000.00.

- d. K.A.'s step-father, Randy Wright, informed Yukon Superintendent, Bill Denton, they suspected they had been "skimmed" and advised they were attempting to obtain the sales receipt from the breeder for the purchase of the show steer. Superintendent, Denton, advised Randy Wright that if he obtained and produced evidence of "skimming", he would take care of the matter immediately.
 - e. S.E.'s mother, Dana Soupene, obtained a receipt from Hammer Farms, for the cattle purchase by Jason Bow and Mac DeVilbiss. The receipt confirmed Vo-Ag faculty (and/or former faculty) up-charged students for the purchase of livestock and paid breeders significantly less than the amounts received from parents of Vo-Ag students.
 - f. The Wrights learned they had been "skimmed" and defrauded in the amount of \$4,250.00 by representatives of the Yukon Vo-Ag department.
11. Prior to the Wrights acquiring documentation evincing the fraudulent conduct, both DeVilbiss and Bow separately approached the Wrights, admitting they had overcharged for the steer. Both DeVilbiss and Bow untruthfully stated the amount "skimmed" was \$2,500.00, and offered to pay the Wrights \$2,500.00 to keep the matter quiet. The Wrights did not accept the offer of DeVilbiss nor Bow.
 12. The Wrights later learned Superintendent, Bill Denton, sent DeVilbiss to Randy Wright's office to speak with him regarding the matter.
 13. Plaintiffs also discovered during the course of their investigations that current Vo-Ag teacher, Tim Herren, defrauded the Wrights in the amount of \$2,750.00 by depositing a check for a Berk pig into a personal account rather than into a Yukon school activity account. Despite the improper handling of funds, Tim Herren continues to teach Vo-Ag at Yukon

District resulting in continued harassment, bullying, discrimination, isolation and criticism towards K.A. and S.E.

14. Plaintiffs were improperly urged by agents of Yukon District as well as parents of other Vo-Ag students to keep the allegations of "skimming" quiet. When Plaintiff, Wright, attended a Vo-Ag parents' meeting in February, 2011, she was approached by another parent and told the allegations of potential skimming should be kept in-house and kept quiet to protect the students and the program.
15. After Plaintiffs obtained the receipt demonstrating fraudulent skimming on the purchase of livestock, Randy Wright, Debra Wright and Dana Soupene went to see Superintendent, Bill Denton, on or around March 22, 2011. During this meeting, they discussed their concerns about being harassed in the Vo-Ag barn as a result of their uncovering the situation. Denton advised them not to be concerned about being harassed and further stated DeVilbiss would be banned from the Vo-Ag barn.
16. Superintendent, Denton, had knowledge of skimming and other improper handling of funds within the Vo-Ag department. During his conversation with Plaintiffs in March, 2011, Denton advised that DeVilbiss had been forced to retire because of skimming and further stated he had previously instructed the Vo-Ag faculty to close personal accounts which were being used for Vo-Ag funds.
17. Thereafter, Denton hired an investigator to conduct an investigative audit into the concerns raised by the Wrights and Soupene. On April 12, 2011, Denton introduced the investigator to the Vo-Ag booster club and advised he would be conducting an audit of the Booster Club account.

18. On or around April 25, 2011, Jason Bow resigned as a teacher at Yukon Public Schools and the School Board accepted his resignation on May 2, 2011.
19. In May, 2011, when it became apparent that no further action would be taken by Superintendent, Denton, regarding the fraud, Randy Wright contacted the Yukon Police Department and filed an official report concerning the fraud.
20. Following the School District's refusal to produce a copy of the investigative report concerning the allegations, the Wrights were forced to file a lawsuit seeking an injunction to obtain the report. The court entered an order compelling production of the investigative reports, which revealed and confirmed, inter alia, substantial misconduct in the handling of Vo-Ag funds.
21. Faculty, students and parents involved in the Vo-Ag program became aware that the parents of K.A. and S.E., specifically Debra Wright and Dana Soupene, were responsible for prompting the investigation, which revealed substantial misconduct and ultimately triggered the resignation of Vo-Ag faculty, Jason Bow. Accordingly, K.A. and S.E. were severely harassed, bullied, discriminated against, intimidated, mocked, and criticized such that it interfered with their ability to attend school and participate in Vo-Ag.
22. Students at the Vo-Ag barn bullied and harassed K.A. and S.E. as a result of the inquiries and resulting investigation discussed above. Students called K.A.'s mother derogatory names to intentionally and purposefully upset K.A.
23. K.A. was further bullied and harassed by DeVilbiss and Bow while at the Tulsa State Fair, whereby DeVilbiss and Bow made derogatory and upsetting comments purposefully loud enough for K.A. to hear regarding K.A.'s mother and the situation regarding the misconduct

of the program. DeVilbiss and Bow made said derogatory comments while K.A. was in the show arena showing her animals. The comments were intended to, and in fact did, upset and harm K.A.

24. In March, 2011, untruthful accusations were made and circulated around the Vo-Ag program regarding K.A.'s mother, Debra Wright, punching former Ag teacher DeVilbiss in the stomach. The accusations were intended to, and in fact did, upset and harm K.A. Months later, Superintendent Denton affirmatively solicited support from faculty, students, parents and other individuals in the Vo-Ag program to build a case against K.A.'s mother regarding the incident, thereby making the incident widespread and subjecting K.A. to additional, unnecessary harassment.
25. Despite Denton's assurance that DeVilbiss would be banned from the Ag barn (in response to concerns of harassment), DeVilbiss was permitted to be at the Ag barn and purposefully and intentionally confronted K.A.'s mother, Debra Wright, regarding the allegations of skimming.
26. In March, 2011, K.A. sent a text message to Bow stating he "screwed up her life", that the one thing she loved has now turned into a bad thing that she never wants to do again, and that her "life is ruined" among other things.
27. Yukon District failed to suspend Mr. Bow or Mr. Herren upon the allegations of criminal conduct and the production of evidence of unlawful and fraudulent conduct in March, 2011. Mr. Bow was permitted to remain a faculty teacher for several months after the accusations and Mr. Herren still remains a faculty teacher after the investigative audit confirmed the misconduct. The continued presence of Bow and Herren caused substantial bullying and

- harassment for K.A. and S.E. who were treated as whistleblowers and were subjected to harassing comments regarding their parents.
28. As a result of bullying, harassment, and the continued presence of Bow and Herren, K.A. was not elected as an FFA Officer. Further, S.E. was not re-elected as an FFA Officer, being the only junior officer not to be re-elected during her senior year.
 29. When meeting with Yukon High School Principal, Mark Melton, in May, 2011 to discuss the harassment and bullying she was receiving, K.A. expressed feeling that she was taking most of the "blame" from the Vo-Ag students regarding Mr. Bow's resignation and further expressed she felt she was being "targeted" because of her mother's involvement in the investigation.
 30. In August, 2011, the Wrights were informed that some of the supporters of DeVilbiss were going to try and harass and agitate K.A.'s mother, Debra Wright, at the upcoming Canadian County Free Fair. As such, the Wrights hired private detectives to be with her during the show. Students and students' parents mocked, harassed and bullied K.A. and S.E. because of the situation.
 31. On September 13, 2011, Debra Wright encountered Denton in the parking lot following a Vo-Ag Booster club meeting. Wright started crying as she described the effect her efforts to "stand up for what is right" were having on K.A. Denton stated he didn't have to listen to "this" and left in his vehicle. K.A. witnessed the encounter and witnessed her mother crying. K.A. was also crying during the encounter.
 32. On September 17, 2011, K.A.'s mother was accused of taking photographs of an overweight steer on the scale. Debra Wright offered to show the Vo-Ag instructor her camera to prove

she did not, but he declined to do so. Rumors and derogatory comments circulated amongst students, family and faculty regarding K.A.'s mother and the untruthful allegation regarding her taking photographs of the scale.

33. Knowing of K.A.'s complaints of being bullied, K.A. was placed in an unsafe and vulnerable position by the Yukon District when the District improperly banned K.A.'s mother from the school premises and from attending school activities.
 - a. Superintendent, Bill Denton banned K.A.'s mother, Debra Wright, following her multiple requests for copies of the investigative audits.
 - b. Denton affirmatively sought support from faculty, students, and parents to support the ban, thereby stirring up rumors regarding her and subjecting K.A. to substantial and harassing criticism regarding her mother.
 - c. Denton stated the ban was partially because of the accusations from the State Fair regarding her photographing a scale, but admitted the ban was actually based upon her actions in making open records requests, sending emails to the State Department of Education, and sending emails to the State FFA.
 - d. On September 22, 2011 when K.A. went to the Vo-Ag barn, Yukon District had a police officer present to enforce the ban. K.A. was extremely upset and embarrassed by the situation.
34. On October 7, 2011, K.A. showed the Grand Champion Futurity Heifer at the Tulsa State Fair, a once in a lifetime event. Her mother was not able to attend because of the ban.
35. While K.A.'s mother was banned, K.A. met with school faculty and discussed how upset she was regarding the situation and how difficult she felt the school year would be for her

knowing her mother could not take part in her Vo-Ag activities. She further discussed moving to live with her dad because of the difficulties caused by the situation with the Vo-Ag program. When meeting with faculty, K.A. specifically stated she felt she was being bullied and harassed, specifically identifying DeVilbiss and Bow. In response, K.A. was advised that "her perception was her reality."

36. When meeting with faculty, K.A. stated she felt ostracized from her classmates and that she felt all alone. K.A. expressed she felt this was a ramification from what transpired with her family and the Yukon Vo-Ag program.
37. Yukon District counselors encouraged K.A. on multiple occasions that it would be best for her to transfer schools.
38. S.E. was similarly bullied and harassed by students and faculty regarding her mother's involvement in the investigation into the Vo-Ag program.
39. In March, 2011, DeVilbiss approached S.E.'s mother in the Vo-Ag barn and confronted her about the accusations of skimming, stating "you're the only one who can stop this shit and you know it."
40. During the 2011-2012 school year, S.E. was purposefully and intentionally excluded from events for the FFA Officers. In January, 2012, S.E. was excluded from the planning and execution of a breakfast held for visiting state officers.
41. Thereafter, in approximately February, 2012, S.E. was misinformed regarding the location for an FFA officer lunch meeting. Students informed S.E. that a meeting would be conducted at CiCi's Pizza, but thereafter held the meeting at Pizza Hut. None of the FFA Officers nor the faculty sponsor informed S.E. of the proper location for the meeting.

42. In approximately March, 2012, FFA officers excluded S.E. by attending a Yukon Community Coffee together and advising her to drive herself.
43. S.E. has been bullied and harassed by parents of Vo-Ag students during Vo-Ag shows while preparing for and attending shows and also while in the show ring showing animals.
44. On May 9, 2012, Vo-Ag teacher Tim Herren sent S.E. on an errand to pick up deposit slips. Upon returning, S.E. was locked out of the Ag office by other Vo-Ag students. S.E. knocked on the door and the window, but was ignored by three students in the office.
45. During the course of K.A.'s and S.E.'s time at Yukon High School, multiple bullying reports have been completed and meetings have occurred regarding the situation in the Vo-Ag department, yet no action was taken to protect K.A. or S.E.
46. The bullying reports written by K.A. and S.E. describe other Vo-Ag students cursing at them and calling K.A.'s mother derogatory names while K.A. was crying and clearly upset.
47. Both K.A. and S.E. experienced severe anxiety from the events transpiring in the Vo-Ag department and the resulting harassment and bullying they endured. Both K.A. and S.E. sought counseling and medical attention and further missed substantial school as a result of being bullied and harassed in the Vo-Ag department.
48. Superintendent Denton unlawfully forwarded emails from Debra Wright regarding K.A. being bullied and harassed to a former school board member and public citizen,
49. As a result of the stress and anxiety caused from severe and abusive harassment, bullying, isolation, criticism, mocking, and discrimination, K.A. moved to Perry, Oklahoma, to reside with her father and transfer out of the Yukon District.
50. S.E. does not have the option to transfer out of the Yukon District and has requested and

looked into attending alternative school as a result of the abusive harassment, bullying, isolation, criticism, mocking, and discrimination in the Vo-Ag program.

**PLAINTIFFS' FIRST CAUSE OF ACTION:
NEGLIGENCE**

51. Plaintiffs adopt and incorporate paragraphs 1 through 50 above and in support of their First Cause of Action against Defendant, Yukon Public School District, allege and state the following:
52. The District owed a duty to K.A. and S.E. to provide a safe educational environment for its students. The District acted *in loco parentis* for K.A. and S.E.
53. The District breached its duty to provide a safe educational environment for K.A. and S.E. and protect them from harm from harassment and bullying they endured from fellow students and faculty.
54. As a result of the negligence of agents and employees of the Defendant District, K.A. and S.E. suffered actual damages.

**PLAINTIFFS' SECOND CAUSE OF ACTION:
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

55. Plaintiffs adopt and incorporate paragraphs 1 through 54 above and in support of their Second Cause of Action against Defendant, Yukon Public School District, allege and state the following:
56. The agents and employees of Defendant District, by intentionally refusing to protect K.A. and S.E. from harassment, intimidation, discrimination, and bullying by fellow students and faculty, engaged in actions that are shocking to the conscience.
57. The agents and employees of Defendant District, specifically Superintendent Bill Denton,

by intentionally refusing to promptly suspend faculty alleged to be engaged in criminal conduct, failed to protect K.A. and S.E. from harassment, intimidation and discrimination and bullying, which occurred from approximately March 2011 to present. Said conduct is shocking to the conscience.

58. As a result of these actions, K.A. and S.E. have suffered actual damages.
59. Defendant acted with malice, and K.A. and S.E. are requesting an award of actual and punitive damages.

**PLAINTIFFS' THIRD CAUSE OF ACTION:
BREACH OF CONTRACT**

60. Plaintiffs adopt and incorporate paragraphs 1 through 59 above and in support of their Third Cause of Action against Defendant, Yukon Public School District, allege and state the following:
 61. The policies, procedures, and student handbook of District are an implied contract between District and its students, including K.A. and S.E.
 62. District has breached the terms and conditions of its policies, procedures, and handbook, and K.A. and S.E. have suffered damages as a result of the breach of an implied contract with the District.
 63. K.A. and S.E. are entitled to actual damages as a result of the breach.

**PLAINTIFFS' FOURTH CAUSE OF ACTION:
RETALIATION**

64. Plaintiffs adopt and incorporate paragraphs 1 through 63 above and in support of their Fourth Cause of Action against Defendant, Yukon Public School District, allege and state the following:

65. Defendant has a duty to not retaliate against students and/or parents of students who report misconduct, bullying, harassment, or discrimination.
66. Defendant District retaliated against Debra Wright and Dana Soupene for their involvement and participation in uncovering the unlawful skimming and other misconduct in the Yukon Vo-Ag program. Defendant District further discriminated against K.A. and S.E., by and through its agent and employees, as a result of Wright and Soupene's involvement in uncovering misconduct in the Vo-Ag program.
67. Plaintiffs have suffered actual damages as a result of the action of the District.
68. Plaintiffs are entitled to an award of punitive damages against District because of the malicious actions of the agents and employees of the District.

**PLAINTIFFS' FIFTH CAUSE OF ACTION:
SUBSTANTIVE DUE PROCESS CLAIM - DANGER CREATION THEORY**

69. Plaintiffs adopt and incorporate paragraphs 1 through 68 above and in support of their Fifth Cause of Action against Defendant, Yukon Public School District, allege and state the following:
70. This cause of action arises pursuant to the Due Process Clause of the Fourteenth Amendment to the United States Constitution. Plaintiffs possess constitutionally protected property and liberty interests.
71. Defendant created a danger or increased K.A.'s and S.E.'s vulnerability to the danger of harassment, intimidation, and bullying by fellow students and Defendant's conduct put them at substantial risk of serious, immediate and proximate harm.
72. The risk was obvious or known by Defendant.

73. Defendant acted recklessly in conscious disregard of that risk, and the conduct, when viewed altogether, shocks the conscience.
74. K.A. and S.E. have suffered actual damages as a result of the actions of Defendant.
75. Plaintiffs are entitled to an award of punitive damages against Defendant because of the malicious actions of its agents and employees.

**PLAINTIFFS' SIXTH CAUSE OF ACTION:
EQUAL PROTECTION CLAIM**

76. Plaintiffs adopt and incorporate paragraphs 1 through 75 above and in support of their Sixth Cause of Action against Defendant, Yukon Public School District, allege and state the following:
77. This Cause of Action arises pursuant to the Equal Protection Clause of the Fourteen Amendment to the United States Constitution. Plaintiffs have constitutionally protected property and liberty interests.
78. Defendant District had a custom of failure to receive, investigate, or act on complaints of bullying in the Vo-Ag department. There is continuing, widespread, and persistent pattern of misconduct by the District, a deliberate indifference to or tacit authorization of the conduct by policy-making officials after notice of the conduct, and a resulting injury to Plaintiffs.
79. Superintendent Denton received notice of the pattern of violations of Plaintiffs' right to be free from harassment, bullying, and intimidation by faculty, students, and parents. Denton and other District agents and employees displayed deliberate indifference to or tacitly authorized the unconstitutional acts and failed to take proper remedial steps.
80. The failure of the agents and employees of Defendant District to take proper remedial steps

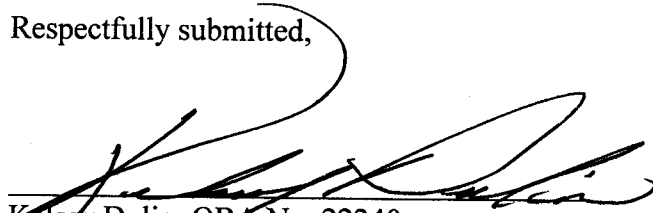
resulted in Plaintiffs' injuries. As a result, Plaintiffs endured severe emotional distress.

81. Plaintiffs have suffered actual damages as a result of the actions of the agents and employees of Defendant.

PRAYER FOR RELIEF

WHEREFORE, premises considered, Plaintiffs pray for judgment against Defendant for actual, compensatory, and punitive damages in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00); for attorney's fees and costs; all interest allowed by law; and for such other and further relief which this Court may deem equitable, just and proper.

Respectfully submitted,



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**ATTORNEY'S LIEN CLAIMED
JURY TRIAL DEMANDED**