

**IN THE CIRCUIT COURT OF CRAWFORD COUNTY, ARKANSAS
CIVIL DIVISION**

**LIBERTY BOBLETT,
individually and as next friend of
LYDIA BOBLETT, a minor**

PLAINTIFF

V. CASE NO. _____

**MULBERRY/ PLEASANT VIEW
BI-COUNTY SCHOOL DISTRICT;
LONNIE MYERS, Superintendent, in
his official capacity;
BRAD WILLIAMS, Mulberry High School
Principal, in his official capacity;
LOGAN HAYES, Girls' Basketball Coach,
individually and in his official capacity;
ZACK ZAJICEK, Athletic Director, in his
official capacity; and
JOHN DOE DEFENDANTS 1 through 10**

DEFENDANTS

COMPLAINT

COMES NOW the Plaintiff, Liberty Boblett, individually and as next friend of Lydia Boblett, a minor, by and through her undersigned counsel, and for her Complaint against the above-named Defendants and John Doe Defendants, states and alleges as follows:

PARTIES

1. The Plaintiff is a citizen and resident of Crawford County, Arkansas. Plaintiff is the natural mother of Lydia Boblett (hereinafter "Lydia"), a minor, and brings this suit both individually and on behalf of Lydia pursuant to Rule 17(b) of the Arkansas Rules of Civil Procedure.

2. On information and belief, Separate Defendant Mulberry/Pleasant View Bi-County School District (hereinafter "Mulberry School District") is an Arkansas political subdivision located in Mulberry, Crawford County, Arkansas.
3. On information and belief, Separate Defendant Lonnie Myers (hereinafter "Dr. Myers") is the superintendent of Mulberry School District and had direct, intentional involvement, in the acts and omissions described herein.
4. On information and belief, Separate Defendant Brad Williams (hereinafter "Mr. Williams") is the Mulberry High School principal and had direct, intentional involvement, in the acts and omissions described herein.
5. On information and belief, Separate Defendant Logan Hayes (hereinafter "Coach Hayes") is the Mulberry Girls' Basketball Coach and had direct, intentional involvement, in the acts and omissions described herein.
6. On information and belief, Separate Defendant Zack Zajicek (hereinafter "Coach Z") is the Mulberry School District's athletic director and had direct, intentional involvement, in the acts and omissions described herein.
7. On information and belief, John Does 1 through 10 are individuals and/or entities, both individually and/or in their official capacity with Mulberry School District, who oversaw, approved, adopted, and/or otherwise ratified the use of an athletic punishment known as "Towel Drills" (described further herein), which use directly and proximately caused the injuries and damages to Plaintiff and Lydia. A "John Doe" affidavit as required by Ark. Code Ann. § 16-56-125 is attached hereto as **Exhibit A.**

JURISDICTION AND VENUE

8. The incident giving rise to this Complaint, along with all administrative decision making and/or approval of the use of Towel Drills occurred in Mulberry, Crawford County, Arkansas. The Mulberry School District's principal place of business is Mulberry, Crawford County, Arkansas. Jurisdiction and venue are proper herein.

SOVEREIGN IMMUNITY

9. Pursuant to Ark. Code Ann. 21-9-301, "school districts...shall be immune from liability and from suit for damages *except to the extent that they may be covered by liability insurance.*" (emphasis added).
10. On information and belief Mulberry School District has the following insurance policies in place, among others that may be found during the course of discovery:
- a. The Cincinnati Specialty Underwriters Insurance Company, Policy Number CSU0079674; and
 - b. QBE Insurance Corporation, Policy Number QEL01035-05.
11. In addition to any available insurance policies, sovereign immunity does not apply to a school district's and its agents' intentional acts, as described herein.

FACTS APPLICABLE TO ALL COUNTS HEREIN

12. Plaintiff adopts and incorporates by this reference all foregoing paragraphs of this Complaint.
13. In the fall semester of 2022, Lydia was in ninth grade at Mulberry School District, and she was a member of the Mulberry School District junior high girls'

basketball team, coached by Coach Hayes and overseen by athletic director, Coach Z.

14. On or about October 31, 2022, Coach Hayes forced Lydia to participate in corporal/physical punishment commonly known in the Mulberry School District as "Towel Drills."

15. On information and belief, Towel Drills consist of a minor female holding a towel against the floor, while bending forward in a sexually explicit and demeaning posture while pushing the towel up and down the basketball court in full view of her peers and male coaches.

16. On October 31, 2022, Coach Hayes threw a dirty towel at Lydia and instructed her to complete twenty (20) Towel Drills. On information and belief, that is the highest number of Towel Drills assigned to a team member known to Plaintiff and represents an extreme punishment not contemplated under any reasonable athletic practices used to motivate student athletes.

17. Notably, Coach Hayes purported to use the Towel Drills as a method of punishing Lydia for missing school on October 27 and 28, 2022 and for not playing in the October 28, 2022 basketball game. On October 27, 2022, Lydia missed school for a school-approved field trip. On October 28, 2022, Lydia missed school for a parent approved, excused absence.

18. Due to Lydia's excused absence on October 28, 2022, Mulberry School District's own policies and procedures prohibited her from playing in the basketball game. Additionally, the game was not on the original schedule provided to the parents at

the beginning of the school year, which is what led Plaintiff to plan a trip for her daughter and an excused absence on October 28, 2022.

19. Despite having violated no Mulberry School District policy, whether district-wide and/or athletic in nature, Lydia was forced to engage in the Towel Drills against her will.

20. While undertaking the Towel Drill punishment, Lydia fell countless times, causing severe and permanent injury to her knees and moderate injury to her hands. She left the practice bruised, permanently injured, humiliated, embarrassed, and ashamed. Additionally, the Towel Drills caused Lydia's shorts to ride up, exposing her buttocks. They also caused the back of Lydia's shirt to ride up, exposing her bra. Lydia was in full view of her teammates, Coach Hayes, and any other students passing through the gym. She was fifteen (15) years old at the time of the incident.

21. On information and belief, no administrator was present during the Towel Drills, in violation of Mulberry School District's own policies regarding student corporal punishment.

22. On information and belief, Lydia's parents did not consent to such punishment, also in violation of Mulberry School District's own policies regarding student corporal punishment.

23. Immediately upon learning of the inappropriate, sexually-demeaning, and injurious Towel Drill incident, Plaintiff notified Coach Z and then later Dr. Myers,

Mr. Williams, and Coach Hayes, along with high school counselor Lindsey Baskin.

24. Not only were the Defendants unapologetic about the Towel Drills, they removed Lydia from the basketball team, changed her schedule, and disclosed her name to other students in violation of Title IX and Mulberry School District policies. Such actions were retaliatory and done in an effort to dissuade the Plaintiff from taking any action to remedy this matter on her daughter's behalf.

25. Plaintiff made a Title IX claim and has exhausted those administrative remedies to no avail.

26. Although Plaintiff was promised that the Towel Drills would stop, on information and belief, Mulberry School District is still utilizing Towel Drills as a punishment for minor female athletes.

27. On information and belief, the named Defendants and John Doe Defendants engaged in an intentional pattern and practice of administering inappropriate, sexually-demeaning, physically injurious, and embarrassing athletic punishment to underage females, specifically to Lydia in this incident.

**COUNT I – OUTRAGE (INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)
(AS AGAINST ALL DEFENDANTS AND JOHN DOE DEFENDANTS)**

28. Plaintiffs adopt and incorporate by this reference all of the allegations contained in the foregoing paragraphs of this Complaint.

29. Plaintiff has sustained damages in the form of past and future medical bills incurred on behalf of her minor daughter.

30. Lydia has sustained damages in the form of permanent bodily injury, past and future pain and suffering, past and future mental and emotional distress, and past and future mental anguish.

31. The Defendants willfully and wantonly engaged in extreme and outrageous conduct by forcing Lydia to engage in the unwarranted, sexually-explicit, injurious, and demeaning Towel Drill punishment as described more specifically above.

32. Such conduct proximately caused damage to Plaintiff and Lydia as set forth in Paragraphs 29 and 30 above.

**COUNT II – NEGLIGENCE
(AS AGAINST ALL DEFENDANTS AND JOHN DOE DEFENDANTS)**

33. Plaintiff adopts and incorporates by this reference all of the allegations contained in the foregoing paragraphs of this Complaint.

34. The Defendants owed a duty of care to the Plaintiff and Lydia to use ordinary care in safeguarding Lydia's physical, mental, and emotional health while participating in athletic programs sponsored and administered by Mulberry School District.

35. The Defendants breached that duty of care in one or more of the following ways:

- a. administering corporal punishment to Lydia without parental consent and without an administrator present for oversight;
- b. administering an unreasonable number of Towel Drills to Lydia;
- c. adopting, implementing, approving, or otherwise ratifying the use of Towel Drills despite the sexually-demeaning posture and the foreseeable risk of bodily injury posed by such punishment scheme;

- d. administering corporal punishment to Lydia in the absence of any violation by her of Mulberry School District and/or athletic department policies;
- e. retaliating against Lydia for Plaintiff reporting the incident to school officials;
- f. failing to take reasonable steps to protect Lydia from further bodily injury when she fell countless times during the Towel Drills;
- g. failing to take reasonable steps to protect Lydia from the view of male district employees and/or Lydia's peers, which resulted in further embarrassment and mental and emotional distress; and
- h. other acts and omissions.

36. The Defendants' negligence proximately caused damage to Plaintiff and Lydia as set forth in Paragraphs 29 and 30 above.

**COUNT III – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(AS AGAINST ALL DEFENDANTS AND JOHN DOE DEFENDANTS)**

37. Plaintiff adopts and incorporates by this reference all of the allegations contained in the foregoing paragraphs of this Complaint.

38. The Defendants owed a duty of care to Lydia to use ordinary care in safeguarding Lydia's physical, mental, and emotional health while participating in athletic programs sponsored and administered by Mulberry School District.

39. The Defendants breached that duty of care in one or more of the following ways:

- a. administering corporal punishment to Lydia without parental consent and without an administrator present for oversight;
- b. administering an unreasonable number of Towel Drills to Lydia;

- c. adopting, implementing, approving, or otherwise ratifying the use of Towel Drills despite the sexually-demeaning posture and the foreseeable risk of bodily injury posed by such punishment scheme;
- d. administering corporal punishment to Lydia in the absence of any violation by her of Mulberry School District and/or athletic department policies;
- e. retaliating against Lydia for Plaintiff reporting the incident to school officials;
- f. failing to take reasonable steps to protect Lydia from further bodily injury when she fell countless times during the Towel Drills;
- g. failing to take reasonable steps to protect Lydia from the view of male district employees and/or Lydia's peers, which resulted in further embarrassment and mental and emotional distress; and
- h. other acts and omissions.

40. The Defendants' negligence proximately caused Lydia's damages by causing serious and permanent emotional distress, coupled with physical injury as required under Arkansas law. Additionally, the conduct of Coach Hayes was so egregious while acting in the course and scope of his employment with Mulberry School District that it amounts to willful and wanton behavior supporting a claim for negligent infliction of emotional distress. *See, e.g., FMC Corp., Inc. v. Helton*, 360 Ark. 465, 202 S.W.3d 490 (2005).

41. Lydia was damaged in the form of mental and emotional distress and mental anguish along with medical bills incurred by Plaintiff and reasonably certain to be

incurred in the future related to the treatment of that mental and emotional distress.

**COUNT IV – NEGLIGENT RETENTION/HIRING/TRAINING
(AS AGAINST MULBERRY SCHOOL DISTRICT)**

42. Plaintiff adopts and incorporates by this reference all of the allegations contained in the foregoing paragraphs of this Complaint.

43. The Plaintiff and Lydia Plaintiff and Lydia sustained damages as set forth in Paragraphs 29 and 30 above.

44. On information and belief, Mulberry School District knew, or in the exercise of reasonable care should have known, that Coach Hayes subjected students, specifically Lydia, to physical and mental/emotional injury by administering in the Towel Drill punishment in violation of Mulberry School District's own policies regarding corporal punishment administered to students.

45. Mulberry School District was negligent in hiring, supervising, training, and retaining Coach Hayes.

46. Mulberry School District's negligence in hiring, supervising, training, and retaining Coach Hayes was a proximate cause of the Plaintiff's damages.

IMPUTED LIABILITY AS BETWEEN INDIVIDUAL AND ENTITY DEFENDANTS

47. Plaintiffs adopt and incorporate by this reference all of the allegations contained in the foregoing paragraphs of this Complaint.

48. On information and belief, any named or unnamed individual was acting as an employee or agent of any named or unnamed Defendant and/or John Doe Defendant entity, and was acting in the course and scope of such employment or agency when he/she failed to do anything required of him/her. Thus, any

acts/omissions of individuals herein are imputed to the various Defendants and John Doe Defendants.

DAMAGES

49. The Plaintiff sustained the following damages:

- a. permanent physical injury to Lydia's knees;
- b. medical expenses incurred in the past;
- c. medical expenses reasonably certain to be incurred in the future;
- d. mental and emotional distress (past and future);
- e. mental anguish (past and future); and
- f. other damages.

50. Given the egregious, demeaning, and retaliatory actions of the named and unnamed Defendants, Plaintiff seeks punitive damages in an amount to be determined by a jury. Specifically, the Plaintiff states as follows:

- a. Defendants knew or ought to have known, in the light of the surrounding circumstances, that their conduct would naturally and probably result in injury and damage and that they continued such conduct with malice or in reckless disregard of the consequences from which malice may be inferred, specifically by administering, approving, or otherwise ratifying the use of Towel Drills for underaged female athletes.

51. PLAINTIFF DEMANDS TRIAL BY JURY.

WHEREFORE, the Plaintiff prays for judgment over and against the Separate Defendants and the John Doe Defendants, for punitive damages, for her costs, for pre- and post-judgment interest as allowed by law, and for all other just and proper relief to which she may be entitled.

Respectfully submitted,

LIBERTY BOBLETT,
Individually and as next friend of
LYDIA BOBLETT, a minor

Plaintiff

By:

/s/Jacqueline Mock 
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JOHN DOE AFFIDAVIT

Comes now the Affiant pursuant to Ark. Code Ann. § 16-56-125 and for her affidavit doth state, under oath, as follows:

1. On October 30, 2023 I caused to be filed a Complaint in Sebastian County District Court, Fort Smith District, Civil Division, styled as *Liberty Boblett, individually and as next friend of Lydia Boblett, a minor v. Mulberry / Pleasant View Bi-County School District, et al.*
2. In the referenced Complaint, I named as Defendants, John Does 1 through 10 described as: individuals and/or entities, both individually and/or in their official capacity with Mulberry School District, who oversaw, approved, adopted, and/or otherwise ratified the use of an athletic punishment known as "Towel Drills" (described further herein), which use directly and proximately caused the injuries and damages to Plaintiff and Lydia.
3. On October 30, 2023, the identity of John Does 1 through 10 were unknown to my client and to me.
4. This affidavit is filed in accordance with Ark. Code Ann. § 16-56-125 for the purposes of tolling the statute of limitations and for all other purposes and benefits available under Arkansas law.

FURTHER THE AFFIANT SAYETH NOT.



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Subscribed and sworn to before me this 30 day of October,
2023.

Bethanie Ann Starr
Notary Public

My commission expires:

2.16.23
(SEAL)

